

## **ARTICLE II WORD TERMS AND DEFINITIONS**

### **SECTION**

**200**            **Word Terms**

**201**            **Word Definitions**

### **SECTION 200 - WORD TERMS**

- A. For the purposes of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:
1. The word (person) includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
  2. Words used in the present tense include the future tense. The singular includes the plural.
  3. The words (shall) and (must) are mandatory, not discretionary.
  4. The words (used) or (occupied) as applied to land and/or buildings shall be construed to include the words (intended, designed, or arranged to be used or occupied).
  5. The word (lot) includes the words (plot) or (parcel).

### **SECTION 201 - WORD DEFINITIONS**

- A. For the purposes of this Ordinance, the following word definitions shall apply. Definitions are listed in alphabetical order.
1. **ACCESS** - A way or means of approach to provide physical entrance to a property.
  2. **ACCESSORY BUILDING OR STRUCTURE** - A subordinate building or structure on the same lot as the principle building or structure which is operated and maintained primarily for the benefit or convenience of the occupants of the principle building or structure. (*Rev. 10/21/2014*)
  3. **ACCESSORY USE** - A subordinate use on the same lot as the principle use.
  4. **ADULT BOOK STORE, ADULT VIDEO STORE AND ADULT NOVELTY STORE** - A public or private establishment having a substantial or significant portion of its stock-in-trade books, magazines, marital aids or novelties, films for sale/rent or viewing on premises by use of motion picture devices or any other coin-operated means, and other periodicals or materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specific sexual activities or specific anatomical areas; or an establishment with a segment or section devoted to the sale, rental or display of such material.
  5. **ADULT ENTERTAINMENT CABARET** - A public or private establishment which is licensed to serve food and/or alcoholic and/or nonalcoholic beverages, and which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

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6. **ADULT MINI-MOTION PICTURE THEATER** - A public or private establishment in an enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas for observation by patrons therein.
7. **ADULT MOTION PICTURE THEATER** - A public or private establishment in an enclosed building with a capacity of fifty (50) or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas for observation by patrons therein.
8. **ADULT BUSINESS** - For the purposes of this Ordinance, this term shall include, but shall not be limited to, Adult Bookstore, Adult Video Store, Adult Novelty Store, Adult Entertainment Cabaret, Adult Mini-Motion Picture Theater, Adult Motion Picture Theater, and other similar sexually-oriented public or private establishments.
9. **AGRICULTURE** - The use of land for farming purposes including tilling of the soil, dairying, pasture, arboriculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing and storing of produce, provided that the operation of such accessory uses shall be secondary to that of normal farming activities.
10. **AGRI-BUSINESS** - A business engaged in performing agriculture, animal husbandry, or horticultural services on a fee or contract basis, including corn shelling, hay baling and thrashing, sorting, grading and packing fruits and vegetables for the grower, agricultural produce, milling and processing, horticultural services, crop spraying, fruit picking, grain cleaning, land grading, harvesting and plowing.
11. **AGRICULTURAL STRUCTURE** - For the purposes of this Ordinance, this term shall mean any building or structure used or intended to be used to house customary farm animals or uses associated with customary farm operations. This term shall not include structures housing domestic pets or structures associated with riding stables, arenas or tracks.
12. **AIR SUPPORTED STRUCTURE** – A structure wherein the shape of the structure is attained by air pressure, and occupants of the structure are within the elevated pressure area. *(Rev. 6/19/2007)*
13. **AIRPORT** - Any area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.
14. **ALTERATION** - Any change, addition, rearrangement or modification in construction or occupancy of an existing building or structure.
15. **ALTERNATIVE ENERGY SYSTEM (SOLAR POWERED)** - PRIVATE - Structures, equipment, devices or construction techniques that use solar energy to produce electricity, heat, light, cooling, or other forms of energy primarily for use on site. Solar powered systems may be attached to or separate from the principal structure. This term shall include solar panels, solar collectors, solar heat pumps, and other similar devices. *(Rev 11/16/2010; Rev 11/20/2012)*

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16. ALTERNATIVE ENERGY SYSTEM (SOLAR POWERED) - UTILITY SCALE - A commercial electricity-generating facility (PV or CSP) whose primary purpose is to produce electrical energy for off-site usage. This consists of one or more solar arrays and other accessory structures and buildings including substations, electric infrastructure, generators, transmission lines, and other additional structures and/or facilities. Also referred to as a large scale industrial Solar Energy Facility. *(New 2020)*
17. ALTERNATIVE ENERGY SYSTEM (WIND ENERGY CONVERSION SYSTEM, WECS) – Private - Structures, equipment, devices or construction techniques that use naturally-occurring wind to produce electricity, heat, light, cooling, or other forms of energy primarily for use on site. Wind powered systems shall not be attached to principal or accessory structures. This term shall include windmills, turbines, and other similar devices. *(rev 06/19/2007; rev 11/16/2010; Rev 11/20/2012)*
18. ANIMAL HOSPITAL - A business which provides medical services and care to sick or disabled animals and houses them on the premises overnight or for extended periods of time for treatment.
19. APPLICANT – The owner of record of the property or his legally appointed representative.
20. APPURTENANT ACTIVITIES - All on-site operations, except excavation, involved in the treatment, processing or further fabrication of soil, sand, gravel, rock, consolidated or unconsolidated materials, or natural deposits, including washing, sedimentation ponds, grading, sorting, grinding, crushing, batching plants and aggregate.
21. BENCHMARK - A surveyors mark on a fixed and enduring object (as on an outcropping of rock or a concrete post set in the ground) indicating a particular elevation and used as a point of reference from which measurements of any sort may be made.
22. BERM - Earth materials that are placed so as to create an elevated area on any parcel of land for the purpose of providing a visual or sound barrier.
23. BLAST AREA - The area in which explosives, loading and blasting operations are being conducted.
24. BLASTER - The person or persons authorized and licensed by the State of New York to use explosives for blasting purposes.
25. BLASTING OPERATIONS - Any activity or conduct carried on or conducted within the Town of Clarendon in which explosives are used.
26. BUFFER – A physical separation established to protect one type of land use from another land use that is incompatible. A buffer shall also serve to reduce the negative effects of noise, glare, dust, unsightliness and other factors. *(Rev. 6/19/2007)*
27. BUILDING - Any structure or accessory structure whether permanently affixed to the land or not, with walls and a roof that is intended for the shelter, housing or enclosure of persons, property and/or animals.

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28. **BUILDING CODE OF NEW YORK STATE** - For the purposes of this Ordinance, this term shall denote the International Building Code as adopted by the State of New York and the Town of Clarendon.
29. **BUILDING HEIGHT** - A vertical distance measured from the main level of the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, mechanical penthouse, towers, tanks and similar projections.
30. **BUSINESS, RETAIL** - A commercial enterprise which primarily sells products to the general public, but also provides occasional service incidental to the products sold.
31. **BUSINESS, SERVICE** - A commercial enterprise which primarily provides service(s) to the general public, rather than selling products.
32. **CAMPGROUND** - A parcel of land intended to be used, let or rented for occupancy by campers, travel trailers, tents, moveable or temporary dwellings, rooms, or sleeping quarters of any kind.
33. **CANOPY** – A structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is open without sidewalls or drops on 75 percent or more of the perimeter. *(Rev. 6/19/2007)*
34. **CARPORT** - A roofed structure, without enclosing walls, used for the storage of one or more motor vehicles.
35. **CERTIFICATE** - A written authorization issued by the Code Enforcement Officer which certifies that construction has been completed, the building or structure is in compliance with all requirements of the International Building Code, and that no violations of the applicable code provisions have been observed during the course of construction.
36. **CERTIFICATE OF COMPLIANCE** - A written authorization that must be issued by the Code Enforcement Officer before use of a non-habitable structure can occur.
37. **CERTIFICATE OF NON-CONFORMANCE** - A written certificate or document issued by the Code Enforcement Officer detailing conditions that exist prior to adoption of any Town of Clarendon ordinance, regulation or law affecting such properties or uses.
38. **CERTIFICATE OF OCCUPANCY** - A written authorization that must be issued by the Code Enforcement Officer before use and occupancy of a habitable structure can occur.
39. **CHURCH** – SEE PLACE OF WORSHIP. *(Rev. 10/21/2014)*
40. **CLUB** - An organization of persons for social, educational or recreational purposes but not primarily for profit or to render a service that is primarily carried on as a business.
41. **CODE ENFORCEMENT OFFICER** - The administrative official charged with enforcement of this Ordinance, the International Building Code, and all other pertinent local laws and regulations.

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42. **COLD STORAGE FACILITY** - A building or group of buildings used for the storage of food products in a refrigerated or frozen state and sold off premises.
43. **COMMUNICATION STRUCTURE** - Any structure, other than an amateur radio support structure, which has a primary purpose of housing or supporting any portion of a communication system.
44. **CONDOMINIUM** - An ownership arrangement in which the interior of a housing unit is individually owned, while the exterior, including land and facilities (common elements), is owned in common by all homeowners in the development. The owner has title to the interior individual dwelling and a shared interest in the common elements.
45. **CONSOLIDATED MATERIALS** - This term shall include, but shall not be limited to, minerals such as limestone, dolostone, sandstone, marble, slate, flagstone, curbing, dimension stone, riprap, abrasives, gypsum, iron, talc, titanium or other metallic or non-metallic minerals.
46. **CONSTRUCTION EQUIPMENT** – This term shall include, but is not limited to, dozers, excavators, loaders, graders, ditchers, trenchers, compactors, rollers, skid steer loaders forklifts or backhoes. *(rev 11/16/2010)*
47. **COSMETIC PRODUCTION FACILITY** - A building or group of buildings used in the making of cosmetic products to be sold off premises.
48. **COTTAGE INDUSTRY** - Any occupation, profession, business, industry, activity or use performed in a residential dwelling unit or accessory building, which is clearly an incidental and secondary use of the dwelling unit as a residence, and whose labor force consists primarily of a family unit working at home with their own equipment.
49. **DAY CARE** - Care, supervision and guidance provided for children or adults/elderly persons away from their homes or places of residence for less than 24 hours per day. For the purposes of this Ordinance, day care facilities for children shall comply with all requirements of New York State Social Services Law and shall be appropriately regulated as either a Child Day Care Center or In-Home Day Care Center.
50. **DAY CARE CENTER (ADULT)** - Any facility where day care is provided for three or more adults/elderly persons. Adult Day Care Centers shall be subject to all applicable New York State licensing requirements and any other applicable local, state and federal rules and regulations.
51. **DAY CARE CENTER (CHILD)** - This term shall mean (a) Any facility, other than an In-Home Day Care Center, where day care is provided for three or more children; or (b) Any facility, including an occupied residence, where day care is provided for seven or more children. Child Day Care Centers shall be subject to the licensing requirements set forth in New York State Social Services Law (Section 390) and any other applicable local, state and federal rules and regulations.
52. **DAY CARE CENTER (IN-HOME)** - An occupied residence in which the owner or a member of the owner's immediate family provides care for six or fewer children other than his/her own children or the children of relatives within the second degree.

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53. **DOMESTIC HOUSEHOLD PET** - An animal that is customarily kept for personal use and enjoyment within a dwelling unit. This term includes, but shall not be limited to, dogs, cats, birds, fish, rodents, amphibians and reptiles.
54. **DEVELOPMENT** - Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, excluding normal maintenance to farm roads.
55. **DRIVEWAY** - A pathway or road intended for the passage of personal motor vehicles between a garage, house, or turn-a-round area and the street.
56. **DWELLING** - A building or any portion thereof, including a mobile/manufactured home, which is used or intended to be used as a residence or sleeping place for one or more persons.
57. **DWELLING (MULTI-FAMILY)** - A building containing three (3) or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided. This term shall also include those uses commonly referred to as apartments, condominiums and townhouses.
58. **DWELLING (ONE FAMILY)** - A building containing one (1) dwelling unit which is designed for occupancy by one (1) family.
59. **DWELLING (TWO FAMILY)** - A building containing two (2) dwelling units which is designed for occupancy by not more than two (2) families.
60. **DWELLING UNIT** - One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family.
61. **EXCAVATION** - A parcel of land or part thereof used for the extraction of stone, sand, gravel, soil, topsoil, rock or other natural deposits on an industrial or commercial basis by stripping, grading, digging or other means but not including the process of grading a lot preparatory to the construction of building for which an approved building permit has been issued.
62. **EXCAVATION, ACTIVE AREA** - Only that area within the permit term limits imposed by the New York State Department of Environmental Conservation that is required for mining during such term.
63. **EXCAVATION OPERATION** - Any excavation which is conducted for commercial or industrial purposes.
64. **EXCAVATION (REGULATED)** - An excavation which is subject to a permit under the New York State Mined Land Reclamation Act (Subchapter D of Title 27, Article 23 of Environmental Conservation Law) and/or under the Town of Clarendon special permit requirements.
65. **EXCAVATION SITE** - A parcel of land used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial or commercial operation.

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66. **EXPLOSIVES** - This term shall include black powder, guncotton, giant powder, dynamite, nitroglycerin, fulminate of mercury or any other substance, compound, mixture or article having properties of such a character that alone or in combination or contiguity with other substances or compounds may decompose suddenly and generate sufficient heat, gas or pressure to produce rapid flaming, combustion or administer a destructive blow to persons or property.
67. **EXTERIOR SOLID FUEL HEATING DEVICE(s)** – Any contrivance, apparatus or part thereof, including a boiler, fire box, exchanger, grate fuel gun, fuel nozzle, chimney, smoke pipe, exhaust conduit and like devices used for the burning of combustible fuels for the creation of heat or energy from an exterior location into an interior location. *(Rev. 8/19/2008)*
68. **FAMILY** - One or more persons related to each other by blood, marriage, or adoption, and living together as a single housekeeping unit. For the purposes of this Ordinance, this term shall also include up to three (3) unrelated individuals living together as a single housekeeping unit.
69. **FARM** - Any parcel of land that is used on a commercial basis for the production of agricultural crops and/or the raising of livestock and poultry and their related byproducts (meat, milk, eggs, etc).
70. **FARM ANIMAL** - An animal that is generally kept, bred or raised on a farm. This term includes, but shall not be limited to, horses, cattle, sheep, goats, swine, mules and miniature horses.
71. **FARM FOOD PRODUCT** – Any agricultural, horticultural, forest, or other product of the soil or water, including but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, flowers, firewood and Christmas trees. *(New 2020)*
72. **FARM & GARDEN IMPLEMENT STORE** - A commercial establishment which displays and sells equipment and products primarily used in the agricultural trade (such as tractors, combines, plows), but also provides occasional service incidental to the products and equipment sold.
73. **FARM/MARKET** – Any building, structure or place, used by farm producers for the direct sale of a diversity of farm and food products to consumers. Such markets may also include other businesses which reasonably serve the public or make the market more convenient, efficient, profitable or successful, including, but not limited to, food service, baking and non-food retailing. *(New 2020)*
74. **FARM STAND** – A privately owned permanent or semi-permanent structure located on or near a farm designed to sell fruits and vegetables directly produced by the farm. *(New 2020)*
75. **FARM WORKER HOUSING** - Dwelling units located on an active farm located in a State Certified Agricultural District which are accessory to the agricultural use and are occupied by employees of the farm or members of the farm household and their guests. Farm worker housing may consist of single or two family dwellings or buildings, including single or double-wide trailers and mobile homes, and/or apartments. *(Rev. 8/19/2008)*

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76. FENCE - A vertical barrier of sufficient height, depth, and construction to deter the passage of humans or animals from one area to another.
77. FILL MATERIAL – Rock, Gravel, Sand, Concrete, Asphalt, Brick, Uncontaminated Soil. (*Rev. 4/19/2011*)
78. FIREWOOD – Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.  
(*Rev. 8/19/2008*)
79. FLOOR AREA (GROSS) - This term shall mean the total floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for displays or sale merchandising. It shall not include areas used principally for non-public purposes such as storage, incidental repair, restrooms, fitting rooms, alteration rooms, general maintenance areas or enclosed pedestrian malls or corridors.
80. FLOOR AREA (HABITABLE) - The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business.
81. FOOD PROCESSING/BOTTLING FACILITY - A building or group of buildings used in the processing, bottling or packaging of liquid or solid food products to be sold off premises.
82. GARAGE (PRIVATE) B Any attached structure or unattached accessory structure used in conjunction with a principal building, primarily intended for the storage of personal motor vehicles and/or other household items.
83. GERATRIC CARE FACILITY – A building or group of buildings that is arranged, intended or designed to provide people with a transition from the home environment to a residential care setting. These facilities provide an array of care services such as adult day service, assisted living facilities, hospice care, skilled nursing facilities, home health care and specialized care services such as geriatric care management. This term shall also include those uses commonly referred to as group homes, managed care facilities, assisted living facilities, congregate housing facilities and life care facilities. (*rev 11/16/2010*)
84. GROUP HOME - A building, or group of buildings, that is arranged, intended or designed for the housing of elderly persons. This term shall also include those uses commonly referred to as elderly housing, geriatric care facilities, managed care facilities, assisted living facilities, independent living facilities, congregate housing facilities and life care facilities.
85. HOME OCCUPATION - An occupation, profession, activity or use performed in a residential dwelling unit or accessory building, which is clearly an incidental and secondary use of the dwelling unit as a residence, undertaken by one or more persons for supplemental income purposes and whose labor force consists primarily of a family unit working at home with their own equipment.



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86. HOTEL - A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public. This term shall include auto courts, motor lodges, tourist courts, motels and similar terms.
87. INCENTIVE ZONING – New York Consolidated Laws, Municipal Home Rule Law – MHR Section 10 grants local government the power to adopt or amend zoning regulations if they feel that the end result provides a public benefit to the community as a whole. *(New 2020)*
88. JUNK - This term shall include all items ordinarily and generally associated with said term whether animal, vegetable or mineral, including but not limited to scrap metal and iron, whether broken down or a component part such as a discarded automobile, machine, etc.; papers of any kind and in any form; cloth material of any kind; and any other item which has ceased to be used for the purpose for which it was intended, and all discarded substances of a solid and combustible nature.
89. KENNEL COMMERCIAL - A facility housing dogs, cats or other household animals and where grooming, breeding, boarding, training or selling of animals is conducted as a business. *(Rev. 10/11/2005; 6/19/2007)*
90. LIGHT INDUSTRY - An establishment primarily engaged in the storage, assembly or fabrication of finished products or parts, including the packaging and distribution of such products.
91. LOT - A parcel or area of land, the dimensions and extent of which are determined by the latest official records or recordings.
92. LOT (CORNER) - A lot at the junction of and fronting on two or more intersecting streets, roads or highways. The sides of the lot that face the streets shall be considered front yards. One of the remaining sides shall be considered a rear yard, and the other a side yard.
93. LOT (THROUGH) - An interior lot having frontage on two parallel or approximately parallel streets, roads or highways.
94. LOT (DEPTH) - The mean distance from the center of the road to its opposite rear line, measured in the general direction of the side lines of the lot.
95. LOT (FRONTAGE) - That portion of a lot which abuts a road, street or highway. Frontage measurement shall be the distance between the side lot lines as measured at the centerline of the road. For the purposes of determining frontage requirements on corner lots and through lots, any side of a lot abutting a road shall be considered frontage.
96. LOT (LINE) - A boundary line of a lot.
97. LOT (FLAG) - An approved lot having less lot frontage on the access road or private drive than otherwise normally required for the zoning district. The portion of the lot that provides access to the interior portion of the lot shall not be less than thirty (30) feet in width, shall not be built upon, and shall not be used in the calculation of the minimum lot area requirements for the zoning district. The interior portion of the lot shall meet the minimum lot area requirements for the zoning district.

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98. LOT (NON-RESIDENTIAL) - Any lot that does not contain a residence.
99. LOT (RESIDENTIAL) - Any lot that contains a residence.
100. MINE - Any pits, depressions or underground workings from which any mineral is produced for sale, exchange or commercial, industrial or municipal use and all slopes or inclines leading thereto, including all equipment above, on or below the surface of the ground used in connection with such pits, depressions or workings.
101. MINED LAND USE PLAN - The applicant=s proposal for the mining and reclamation of the affected land. The mined land use plan shall consist of a mining plan and reclamation plan which shall include maps and other documents as required to describe and illustrate environmental, physiographic, cultural and surface conditions at and surrounding the mine as well as the applicant's proposed mining and reclamation methods.
102. MINING - The use of an area of land to remove minerals, metals or other items of value from the ground for a profit, including gas and oil wells.
103. MIXED USE OCCUPANCY – A building or site that contains a combination of two or more different land uses, which may include residential, office, commercial/retail, restaurant, institutional or other uses as permitted within the underlying zoning district. *(New 2020)*
104. MOBILE/MANUFACTURED HOME - A portable structure having linear steel frame construction, designed to be transported on its own wheels which is used, designed to be used and capable of being used as a detached single family residence and which is intended to be occupied as a permanent living quarters containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment of outside systems. The definition of a mobile/manufactured home includes all additions made subsequent to the installation of the principal structure. This definition does not include modular housing placed on a steel foundation for travel.
105. MOBILE/MANUFACTURED HOME PARK - Any site, lot, field, plot, parcel or tract of land upon which two (2) or more mobile/manufactured homes are located and for which said premises and/or the mobile/manufactured homes thereon are offered to the public or any person for a fee.
106. MODULAR HOME - A housing unit constructed off site, consisting of one or more segments and designed to be permanently anchored or affixed to a foundation. A modular house shall be designed to become a fixed part of the real estate, and shall meet all applicable requirements of the International Building Code. For the purposes of this Ordinance, Modular Homes shall be regulated as a Dwelling.
107. MOTEL - A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public. This term shall include auto courts, motor lodges, tourist courts, hotels and similar terms.
108. MOTOR VEHICLE - Any vehicle designed to be propelled or drawn by power other than muscle power. This term shall include, but shall not be limited to, automobiles, trucks, buses, motorcycles, tractor trailers, motor homes, snowmobiles and all-terrain vehicles.

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109. **MOTOR VEHICLE REPAIR SHOP** - A building or portion of a building, arranged, intended, or designed to be used for repairing and/or maintaining motor vehicles. This term shall include body shops, collision shops, paint shops, customizing shops, detailing shops, restoration shops, motor vehicle inspection stations, and uses similar in nature.
110. **MOTOR VEHICLE SALES** - A lot, including related buildings, that is arranged, intended, or designed to be used for the display, sale, leasing or rental of new and/or used motor vehicles.
111. **NON-CONFORMING LOT, BUILDING OR STRUCTURE** - A lot, building or structure existing at the time of enactment of this Ordinance, or any amendment thereto, which does not conform to the area regulations of the zoning district in which it is situated. This term is commonly known as grandfathering.
112. **NON-CONFORMING USE** - A use of land existing at the time of enactment of this Ordinance, or any amendment thereto, which does not conform to the regulations of the zoning district in which it is situated. This term is commonly known as grandfathering.
113. **NURSERY/GARDEN CENTER** - A lot, and related buildings, that is arranged, intended or designed to be used for the growing, display and/or sale of trees, shrubs, plants, flowers and related gardening products and materials.
114. **OPEN STORAGE OF A MOTOR VEHICLE** - The maintaining, storage or location of a motor vehicle or vehicles other than in a completely enclosed structure.
115. **OUTDOOR STORAGE** - The keeping of goods, products, materials, equipment or merchandise in an unroofed area and in the same place for more than 14 continuous days. This does not preclude an outdoor area used for the display of merchandise or goods available for purchase from a permitted business located on the same lot or parcel of land. This outdoor display area shall be considered an accessory use to the primary use of the business. *(Rev 2020)*
116. **OVERBURDEN** - Soil and all other natural material other than vegetation and topsoil overlying the material to be excavated.
117. **PARKING SPACE** - A berth for the parking of one motor vehicle which has an area of not less than 200 square feet (10' x 20') exclusive of passageways and driveways giving access thereto.
118. **PEAK PARTICLE VELOCITY** - The rate of movement in inches per second on any single component of motion: longitudinal (horizontal motion along the line between the blast and the seismograph location), transverse (horizontal motion at right angles to the longitudinal) or vertical. For the purposes of this Ordinance, measurements of particle velocity shall be made on the ground adjacent to the nearest public building, school, church, residential building, commercial building or institutional building nearest the blast area and shall be measured with a three-component portable seismograph yielding a direct recording of particle velocity.

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119. **PERFORMANCE STANDARDS** - Criterion established to control noise, odor, dust, dirt, vibration, noxious gases, glare, smoke, water pollution, explosive hazards, or visual pollution generated by or inherent in the use of land or buildings.
120. **PERMIT** - A written authorization issued by the Code Enforcement Officer and/or governing body sanctioning a specific use or activity.
121. **PERMIT (BUILDING)** - A permit which is required for the construction or alteration of any building or part thereof.
122. **PERMIT (BLASTING)** - A permit which is required for any activity involving the use of explosives.
123. **PERMIT (OPERATING)** – A permit which is required before conducting specific activities within certain Zoning Districts. *(Rev. 6/19/2007)*
124. **PERMIT (SPECIAL)** - A special permit which is required before specific land uses may be established within certain zoning districts.
125. **PERMIT (ZONING)** – A permit which is required for any permitted use or permitted accessory use in their respective zoning districts that is not governed by the issuance of a Building Permit, Special Permit or Operating Permit. *(New 12/19/2017)*
126. **PERMIT (STOVE/FIREPLACE)** - A permit which is required to install a wood burning stove or fireplace.
127. **PERMITTED USE** - Those particular land uses which are specifically allowed, authorized and/or permitted in a given zoning district when all of the criteria enumerated in this Ordinance are complied with in full.
128. **PLACE OF WORSHIP** – Any church, synagogue, temple, mosque or similar structure used for worship or religious instruction including social and administrative rooms accessory thereto. *(Rev. 10/21/2014)*
129. **PORTABLE STORAGE CONTAINERS** – Any portable container designed for use as a temporary storage facility for materials or household goods. *(Rev. 6/19/2007)*
130. **POSITIVE DRAINAGE** - Shall refer to the finished elevations of the unconsolidated material excavation sites and require the grading of the site to be such that it conveys all surface water, including water falling on, entering onto and/or running through the site, to points of lower elevation which are part of existing drainage facilities beyond the excavated area. The conveyance specified above shall be by natural means without the aid or use of mechanical or siphoning equipment or machinery.
131. **POULTRY** - Birds or fowl that are generally kept, bred or raised on a farm. This term includes, but shall not be limited to, chickens, turkeys, geese, ducks, quail, hens and pheasants.
132. **PRINCIPAL BUILDING OR STRUCTURE** - The main or primary building or structure on a lot.

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133. **PRINCIPAL USE** - The main or primary use on a lot.
134. **PRODUCT ASSEMBLY FACILITY** - A building or group of buildings used in the assembly of previously prepared materials into finished products to be sold off premises.
135. **PRODUCT FABRICATION FACILITY** - A building or group of buildings used in the fabrication of materials or products predominately from extracted or raw materials, and sold off premises.
136. **PROFESSIONAL OFFICE** - A building or portion of a building where services are performed primarily involving administrative, professional or clerical operations. This use shall not involve the on-site sale of goods or the keeping of stock in trade.
137. **PROGRESSIVE RECLAMATION** - Progressive Reclamation involves the development and landscaping of the site simultaneously with the extraction of the resource.
138. **PUBLIC FACILITIES** - Facilities that are open and available for use by the general public. This term shall include, but shall not be limited to, the following public uses: places of worship, cemeteries, parks, playgrounds, nursery schools, elementary schools, high schools, colleges, universities, golf courses, country clubs, libraries, museums, fire/ambulance buildings, public safety buildings, proprietary and not-for-profit hospitals, recreational facilities (whether for profit or not-for-profit) such as swimming pools, tennis courts, bowling alleys, hockey rinks, ice skating rinks, skateboard/in-line skate parks, or other indoor and outdoor sports.
139. **PUBLIC UTILITIES (ESSENTIAL SERVICES)** - Utility services such as natural gas, electricity, telephone, cable television, and similar services that are available to the community and are essential for public health, safety and general welfare. This term shall include telephone/cable equipment centers, telecommunication facilities, utility substations, telecommunication facilities, water and sewer treatment facilities, water and sewer storage facilities, pumping stations, and facilities similar in nature.
140. **RECLAMATION** - The restoration to an acceptable natural state, in accordance with the standards provided herein, of an area which has undergone physical change due to excavation and related activities.
141. **RECLAMATION LAND (Fill)** – Any act in which fill material is deposited or placed from one location to another location by a landowner for the purpose of changing the natural character of land or property. *(Rev 4/19/2011)*
142. **RECLAMATION PLAN** - The applicant=s proposal for reclaiming the affected land, including a graphic and written description of the proposed use of all affected land, the method of reclamation and a schedule for performing reclamation.
143. **RECREATIONAL CENTER** - Any land or structure designed to be used for recreational purposes.
144. **RESIDENCE** - A building or structure used for human habitation.
145. **RESTAURANT** - Any establishment, however designated, where food is sold for consumption to patrons at tables provided in or adjacent to a building, in a vehicle, or elsewhere.

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146. **RETAIL FUEL OUTLET** - Any establishment that sells gasoline, diesel, kerosene, propane, natural gas or similar fuels to the public. This term shall include service stations, convenience stores, car washes and any other establishment that sells these or similar fuels.
147. **RIDING STABLE, BOARDING, TRACK OR ARENA** – An equestrian facility created and maintained for the purpose of accommodating, training or competing horses. May include commercial operations such as boarding, farriers, tack shops or equipment repair . *(Re 11/1/2021 )*
148. **RIGHT OF WAY** - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or other special use.
149. **ROADSIDE STAND** - A temporary building or structure utilized for the sale of fruits, vegetables or other agricultural products grown or produced on the premises.
150. **SAND AND GRAVEL EXCAVATIONS** - See EXCAVATIONS.
151. **SCIENTIFIC RESEARCH FACILITY** - A building or group of buildings used for scientific research, investigation, testing, or experimentation of products or materials.
152. **SETBACK (FRONT)** - The required open unoccupied space measured from the center line of the road to the foundation wall or exterior building wall of the principle or accessory structure. Note: Corner lots shall use the front setback dimensional requirement for all sides facing a street. *(Rev 2020)*
153. **SETBACK (REAR)** - The required open unoccupied space measured from the rear lot line to the nearest foundation wall or exterior building wall of the principle or accessory structure. *(Rev 2020)*
154. **SETBACK (SIDE)** - The required open unoccupied space measured from the side lot lines to the foundation wall or exterior building wall of the principle or accessory structure. *(Rev 2020)*
155. **SIGN** - A structure or device designed or intended to convey information to the public in written or pictorial form.
156. **SIGN AREA** - The area within the confines of all edges of a sign. Where there is no geometric frame edge of a sign, the area shall be defined by a projected, enclosed, four sided (straight sided) geometric shape which most closely resembles the said sign.
157. **SITE PLAN** - A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.
158. **SITE PLAN REVIEW** - A review and an approval process, conducted by the Planning Board, whereby site plans are reviewed utilizing the criteria contained in this Ordinance.
159. **SPECIAL PERMIT** - A permit issued by the Planning Board to use a lot and/or building in a manner

## ARTICLE II WORD TERMS AND DEFINITIONS

specifically outlined in Article VII of this Ordinance. All special permits require site plan review and approval, shall be of one (1) year duration, and shall be renewable by the Planning Board provided all conditions of the original permit are complied with in full.

160. **SPECIAL PERMIT USE** - A particular use which is allowed in a given zoning district only after specific conditions and criteria enumerated in this Ordinance are met in full and a special permit is issued by the Planning Board.
161. **SPECIFIC ANATOMICAL AREAS** - For the purposes of this Ordinance, this term shall include: less than completely and opaquely covered human genitals, pubic region, or female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
162. **SPECIFIC SEXUAL ACTIVITIES** - For the purposes of this Ordinance, this term shall include: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
163. **STACK or CHIMNEY** – Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof. (*Rev. 8/19/2008*)
164. **STORAGE FACILITY** - A building or group of buildings, other than a private garage, which is operated for gain and available on a rental basis for the storage of motor vehicles, recreational vehicles, boats or other tangible personal property. This term shall also include mini-storage or self-storage type facilities.
165. **STREET** - A public or private thoroughfare which affords access to abutting properties.
166. **STRUCTURE** - A building or anything constructed or erected which requires temporary or permanent location on, or the support of, the soil or which is attached to any structure. The word structure shall include but is not limited to pools, barns, sheds, decks, porches and garages. (*Rev 10/21/2014*)
167. **STRUCTURE DRAWING** - A design drawing of any structure to be erected in its entirety. Design drawings pertaining to structures for human occupation shall be affixed with certification by a person licensed as a Professional Engineer or Architect by the State of New York that the design meets the International Building Code for this area.
168. **SUBDIVISION** – The division of any parcel of land into a number of lots, blocks or sites as specified in a law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term subdivision, may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the County Clerk or Register of the County in which such plat is located. Subdivisions have been defined by Local Law (Subdivision Regulations) as either “major”, “minor” or “exempt” with the review procedures and criteria for each set forth in such Local Law.
169. **SURVEYORS MAP** - Defines the size and shape of a piece of property and locates it in relations to

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bench marks, road and other pieces of property.

170. **SWIMMING POOL** B Any structure, regardless of dimensions or construction, intended for swimming, recreational bathing or wading that contains water over twenty four (24) inches (610mm) deep and/or requires the use of electricity to power a pump, air blower, heater, lights, controls or sanitizer generators. This includes, but is not limited to, in-ground, above-ground and on-ground pools, hot tubs, spas and fixed in place wading pools.
171. **TAPE MAP** - Defines the size and shape of structures and locates it on a piece of property. The size and shape of the property is also defined.
172. **TAVERN** - An establishment that is licensed by the State of New York in which the principal business is the sale of alcoholic beverages to the public for consumption on premises.
173. **TELECOMMUNICATION FACILITY** B Any commercial equipment used in connection with the provisions of wireless communications services, including cellular telephone services, personal communication services, radio and television broadcast communications and private radio communications services and is regulated by the Federal Communications Commission, both in accordance with the Telecommunications Act of 1996 and other Federal Laws. A telecommunication facility shall include monopole, guyed, or latticework tower(s) as well as antenna(s), switching stations, principle and accessory telecommunication equipment and supporting masts, wires, structures and buildings.
174. **TELEVISION DISC ANTENNA** - A parabolic or hemispherical device (commonly referred to as a satellite dish) or any similar antenna or device, which is arranged, intended or designed to receive television, radio, microwave, or other electrical signals. This term shall not include conventional dipole television and radio antennae.
175. **TEMPORARY USE** - A use or activity conducted for a limited period of time, generally not exceeding six (6) months.
176. **TENT** – A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects. *(Rev. 6/17/2007)*
177. **TOPSOIL** - The layer of surface material which is substantially free of rock and is capable of nurturing general vegetation.
178. **TOWN** - For the purposes of this Ordinance, this term shall denote the Town of Clarendon, Orleans County, New York.
179. **TOWN BOARD** - For the purposes of this Ordinance, this term shall denote the Town Board of the Town of Clarendon, Orleans County, New York.
180. **TOWN CLERK** - For the purposes of this Ordinance, this term shall denote the Town Clerk of the Town of Clarendon, Orleans County, New York.
181. **TOWN PLANNING BOARD (PB)** - For the purposes of this Ordinance, this term shall denote the



## **ARTICLE II WORD TERMS AND DEFINITIONS**

Planning Board of the Town of Clarendon, Orleans County, New York.

182. TOWN ZONING BOARD OF APPEALS (ZBA) - For the purposes of this Ordinance, this term shall denote the Zoning Board of Appeals of the Town of Clarendon, Orleans County, New York.
183. TRAILER, TRAVEL/CAMPER/RECREATIONAL VEHICLE - Any portable vehicle designed to be transported on its own wheels by a towing vehicle or any motorized vehicle which is intended for temporary living quarters for travel, recreation, or vacation purposes.
184. TRAILER, SEMI - Any trailer having wheels only in the rear; the front is supported by a towing vehicle and is designed for the storage or transport of materials, parts or goods. This term shall include, but is not limited to, flatbeds, flatbeds designed to transport portable containers, dumps, enclosed, and refrigerated trailers.
185. TRAILER, UTILITY - Any portable vehicle designed to be transported on its own wheels by a towing vehicle and intended for the transport of materials, parts or goods, or for the transport of boats, snowmobiles, ATVs or similar personal vehicles.
186. TRUCK UNIT - A truck, trailer and piece of construction equipment carried on the trailer; a tractor trailer rig; or any large truck that requires a Commercial Driver's License.
187. TURNOUT AREA – An area consisting of pens, runs, corrals and paddocks, oftentimes attached to shelters, allowing for exercise, socialization and stress relief of animals. *(Rev 11/1/2021)*
188. UNCONSOLIDATED MATERIALS - Shall include but not be limited to such minerals as topsoil, fill, peat, humus, sand or gravel.
189. UNLICENSED MOTOR VEHICLE - Any motor vehicle which does not have a valid legal license to operate in the State of New York.
190. UNTREATED LUMBER – Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.*(Rev. 8/19/2008)*
191. USE - The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.
192. VARIANCE - Permission granted by the Zoning Board of Appeals so that property may be used in a manner not generally allowed by the Zoning Ordinance.
193. VARIANCE (AREA) - An authorization by the Zoning Board of Appeals for the use of land in a manner which is not in strict conformance with the dimensional or physical requirements of the applicable zoning regulations.
194. VARIANCE (USE) - An authorization by the Zoning Board of Appeals for the use of land in a manner which is otherwise not allowed or is prohibited by the applicable zoning regulations.

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**WORD TERMS AND DEFINITIONS**

195. **WAREHOUSE/DISTRIBUTION FACILITY** - A building or group of buildings used for the storage and distribution of parts, products, supplies or equipment, but does not include the bulk storage of hazardous, flammable or explosive materials or chemicals.
196. **WIND MEASUREMENT TOWER** – Any tower used for the measurement and collection of meteorological data such as temperature, wind speed, wind direction, etc. *(Rev. 6/19/2007)*
197. **YARD** - An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except otherwise provided herein.
198. **YARD (FRONT)** - The space within and extending the full width of the lot from the front lot line to the part of the building which is nearest to such front lot line.
199. **YARD (REAR)** - An open space extending across the entire width of the lot between the rear wall of the building and the rear line of the lot, and unoccupied except for accessory buildings and open porches.
200. **YARD (SIDE)** - An open space on the same lot extending from the side wall of the building to the side line of the lot, between the front yard and the rear yard.
201. **YARD SALE** - The temporary displaying of household items and clothing for sale on a yard, porch or in a barn or garage. This term shall include garage sales, barn sales, porch sales and sales similar in nature.
202. **ZONING DISTRICT** - A fixed section of the Town which has been designated for a specific purpose or purposes.