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| Title: | Town of Gardiner Zoning Definitions & Word Use Ordinance |
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Abstract

This law provides the definition of terms used in Gardiner's zoning laws. Some of the definitions listed include: wetland, dwelling, central sewage system, commercial excavation, development, impervious surface, junkyard, kennel, farm operation, floor area, lot, mobile home, principle use or structure, substantial improvement, and watercourse.

Resource

Town of Gardiner NY Definitions and Word Use
Code of the town of Gardiner NY
Chapter 220: Zoning
General Code
ARTICLE XIII Definitions and Word Use

§ 220-76. Usage.

A. For the purpose of this chapter, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this article.

B. Generally.

- (1) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "chapter" and the word "regulations" mean the regulations of this chapter; and the words "this chapter" shall mean "this chapter and the maps included herein as enacted or subsequently amended."

- (2) A "person" includes a corporation, a partnership, and an unincorporated association of persons such as a club; "shall" is always mandatory; a "lot" includes a "plot" or "parcel"; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (3) The "Town" is the Town of Gardiner in the County of Ulster, State of New York; the "Town Board," "Zoning Board of Appeals," and "Planning Board" are respectively the Town Board, Zoning Board of Appeals, and Planning Board of the Town.

§ 220-77. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires, the following words shall have the meanings indicated:

ACCESSORY USE OR STRUCTURE — Any use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

AUTOMOBILE SERVICE STATION — Any use of land, including any building or structure thereon, that is used for the supply of gasoline or other fuel for the propulsion of vehicles, including any area, building, or structure used for polishing, greasing, washing, spraying, cleaning, servicing or repairing of motor vehicles; notwithstanding outside storage of vehicles to be repaired shall be limited to two weeks in any district.

BUILDING HEIGHT — The vertical distance measured from the average finished grade of all corners of a building to the highest point of the roof. [Added 1-10-2006 by L.L. No. 1-2006]

BUILDING PERMIT — A written authorization issued by the Building Inspector to an applicant to perform certain work or improvements in compliance with this chapter and other applicable provisions of the Town of Gardiner Municipal Code.

CENTRAL SEWAGE SYSTEM — A publically or privately owned system of pipes or other conveyances or appurtenances to collect sewage or other liquid waste for treatment at a sewage disposal facility. [Added 9-13-2004 by L.L. No. 6-2004]

CENTRAL WATER SYSTEM — Synonymous with the term "public water system" as that term is defined in the New York State Sanitary Code at 10 NYCRR § 5-1.1. [Added 9-13-2004 by L.L. No. 6-2004]

CERTIFICATE OF OCCUPANCY — A certificate issued by the Building Inspector after completion of construction showing that said construction is safe in regard to the structure itself and electrical, plumbing, sewage and heating facilities within the structure; that the structure meets all requirements of applicable building codes; that the structure and lot meet all requirements of this chapter as modified according to this chapter by the Planning Board and/or the Zoning Board of Appeals and/or Town Board. A new certificate of occupancy is required whenever work requiring a building permit is completed and whenever the property changes hands; modifications of requirements made under procedures established by this chapter will not have to be remade but new requirements of the appropriate codes will have to be met.

COMMERCIAL EXCAVATION — The removal of stone, sand, minerals or other natural materials, except topsoil incident to an approved site plan or subdivision, for the purpose of sale or any other commercial purpose, other than incidental to excavation or regrading in connection with building development pursuant to a building permit. Commercial excavation also includes deposit in any fashion of fill material of any type for monetary or commercial consideration.

CONVENTIONAL SUBDIVISION — A subdivision of land or other land development that complies with the bulk requirements in Attachment F and is not an open space development. [Added 1-10-2006 by L.L. No. 1-2006]

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 located within the special flood hazard areas.

DWELLING, MULTIPLE FAMILY — A residential building designed for or occupied by three or more families with the number of families not exceeding the number of dwelling units. Entry to the separate dwelling units in a multiple dwelling may be either directly from outside the building or indirectly through a common entryway with individual dwelling unit access from inside hallways.

DWELLING, SINGLE-FAMILY — A detached residential building containing one dwelling unit and no other principal use. [Added 9-13-2004 by L.L. No. 6-2004]

DWELLING, TWO-FAMILY — A residential building containing two dwelling units, designed for occupancy by not more than two families.

DWELLING UNIT — One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease, and physically separated from other rooms or dwelling units which may be in the same

structure.

FAMILY — One or more persons occupying a dwelling unit as a single nonprofit housekeeping group; provided, however, that unless all members of the group are related by blood or marriage or adoption, no such housekeeping unit shall have more than one nonrelated resident for each designed bedroom.

FARM — A parcel of land greater than five acres in area used mainly for the purpose of producing agricultural, horticultural, and floricultural, vegetable and fruit products of the soil, horses, livestock and meats, poultry, eggs, dairy products, nuts, honey, wool, and hides.

FARM OPERATION — Land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other. [Added 1-10-2006 by L.L. No. 1-2006]

FLOOR AREA — The sum of the areas of habitable, potentially habitable, or commercially usable space on all floors of a structure, including the interior floor area of all rooms (including bathrooms and kitchens), closets, pantries, hallways that are part of a dwelling unit or inside a commercial building, walk-out basements, attics with sufficient ceiling height to be used for habitation, excluding cellars or unfinished basements where less than four feet of the interior basement height is above grade level on all sides. Floor area shall be measured from exterior wall to exterior wall. [Added 1-10-2006 by L.L. No. 1-2006]

HOME OCCUPATION — A profession or other occupation which is conducted as an accessory use on a residential lot by one or more members of the family residing on the premises, and which conforms to the following additional restrictions:

- A. The profession or other occupation shall be carried on wholly within a permitted building.
- B. Not more than 50% of the ground floor area of the principal building or its equivalent elsewhere shall be so used.
- C. There shall be no exterior display or exterior sign except as permitted in the Index of Use Requirements for the appropriate district, no exterior storage of materials or equipment, and no other exterior indication of such home occupation or variation from the residential character of the principal building.

- D. Not more than two persons other than members of the family shall be occupied in connection with such home occupation at the same time.

IMPERVIOUS SURFACE — Any structure, pavement, building rooftop, solid decking, or other material that does not allow penetration of water into the ground, including unpaved roads, driveways, parking areas, and other unpaved surfaces consisting of compacted soil, but not including grass or lawn areas. [Added 1-10-2006 by L.L. No. 1-2006]

IMPERVIOUS SURFACE COVERAGE — The ratio between impervious surface and total land area of a lot expressed as the percentage of land covered by impervious surfaces. Land which is naturally impervious, such as rock outcroppings, shall be entirely excluded from the calculation of impervious surface coverage, i.e., it shall not be counted as either an impervious surface or as a part of the lot area for purposes of this definition. [Added 1-10-2006 by L.L. No. 1-2006]

JUNKYARD — Any place of storage or deposit, whether in connection with another use or not, where a person, corporation or other entity collects, buys, sells, trades, processes, dismantles, separates, stores or otherwise handles used metals, machinery, parts, paper, clothing, glass or plastic in quantities in excess of ordinary household use. This includes more than two wrecked, broken down, abandoned, or unlicensed, uninspected vehicles or portions thereof, on any premises for a period of two or more weeks, excepting a duly permitted establishment for processing iron, steel or nonferrous metal scrap for sale for remelting purposes only, or storage of farm machinery and equipment on a bona fide, functioning farm.

KENNEL, COMMERCIAL — Any location within the Town of Gardiner wherein five or more dogs over four months of age are kept or maintained for any commercial purpose, including but not limited to boarding, breeding, grooming, letting for hire, training for a fee or selling. [Added 4-13-2004 by L.L. No. 3-2004]

- A. Exemptions: Notwithstanding the foregoing, the following facilities shall not be deemed commercial kennels: town animal shelter; veterinary hospitals, unless engaged in commercial boarding; and groomers, unless engaged in commercial boarding and/or breeding.

KENNEL, NONCOMMERCIAL — Any location within the Town of Gardiner wherein quantifies of five or more dogs which are over four months of age are kept or otherwise are allowed to reside. The sole purpose or outcome of keeping said animals shall provide personal recreation, enjoyment or use by the owner not resulting in direct or indirect compensation, profit or gains. A kennel under such definition must be licensed, fee waived. This term does not include an animal hospital. [Added 4-13-2004 by L.L. No. 3-2004]

2004]

LOT — One or more contiguous parcels of land under single ownership or control, designated by its owner, at the time of filing an application for a building permit, as a tract to be used, developed, or built upon as a unit.

LOT AREA — The total horizontal area included within property lines of a lot. Not more than 25% of any required lot area can be constituted by land under water (refer to Chapter 188, Subdivision of Land). [Amended 8-12-2003 by L.L. No. 3-2003]

LOT, CORNER — A lot whose lot lines form an interior angle of less than 135° at the intersection of two street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°. A limited access highway shall not be considered an abutting street for the purposes of this definition.

LOT FRONTAGE — The minimum horizontal distance, measured along the full length of the street line abutting the lot, and maintained to the building line or front setback line.

LOT LINE — A boundary line of a lot.

LOT LINE, FRONT — The line of a street on which a lot fronts or abuts.

LOT LINE, REAR — Any lot line, other than a street line which is parallel to the front lot line or within 45° of being parallel to the front lot line. When two or more such lot lines meet, that line the center of which is farthest from the center of the front lot line shall be designated the rear lot line, and the other lot line or lines shall be designated a side lot line or lines.

LOT LINE, SIDE — Any lot line not a front lot line or a rear lot line, including a lot line of an offset portion of a lot.

LOT WIDTH — The minimum horizontal distance between the side lines of a lot, beginning at the front setback line, continuously to the rear setback line. Where because of reduced frontage or flag lot configuration, the lot has no front setback line measured from the street line, the front setback line shall be established parallel to the front line (street line) where the minimum horizontal distance continuously exceeds the minimum lot width. On lots where the reestablished front setback line is located more than 500 feet from the street, the front setback line need not be parallel to the street line.

LOW-IMPACT RECREATION — Any recreational activities that do not involve buildings or motorized vehicles, with limited facilities such as trails, boardwalks, lean-tos, tents,

gazebos, and other temporary camping facilities. [Added 1-10-2006 by L.L. No. 1-2006]

MOBILE HOME — A movable or portable dwelling constructed to be transported on its own chassis or on a flatbed tractor-trailer and designed without a permanent foundation, whether or not a permanent foundation is subsequently provided, which includes one or more components that can be retracted for transporting purposes and subsequently expanded for additional capacity, or two or more units separately transportable but designed to be joined into an integral unit, as well as a portable dwelling composed of a single unit.

MOBILE HOME DEVELOPMENT — A development containing one or more lots, each lot a space for a mobile home.

OPEN SPACE DEVELOPMENT — A subdivision or other land development that permanently preserves substantial amounts of open space land, as provided in §§ 220-12 and 220-12.1. [Added 1-10-2006 by L.L. No. 1-2006]

PRINCIPAL USE OR STRUCTURE — The use of land or building(s) identified in § 220-8, Section I of the Use Index, requiring the greater setback, larger area or greater yard and buffer, among the uses on the lot. Each such principal use or structure shall comply in all respects to the requirements of § 220-10, Bulk Table, for each such use.

PROFESSIONAL OFFICES — Any gainful service occupation that does not change the character of a residential area with a maximum of one square foot of gross floor area for each 25 square feet of lot area. Permissible professional offices include but are not limited to the following offices: a clergyman, lawyer, physician, dentist, architect, engineer, accountant, real estate broker or providing instruction in the same.

RECREATIONAL CAMPS AND FACILITIES — Recreational uses that may involve seasonal cabins and other permanent seasonal structures, including but not limited to seasonal transient lodging, information kiosks, clubhouses, pools, tennis courts, exercise facilities, basketball courts, and other recreational structures, excluding golf courses, hotels, resorts, and facilities for travel trailers, campers, and other motorized camping vehicles. [Added 1-10-2006 by L.L. No. 1-2006]

SETBACK — The minimum distance between a principal building, structure or use and the property line of a lot, or where a buffer is required, between the principal building, structure or use and any part of the buffer. (Refer to Attachment G.)

SETBACK, FRONT — The setback to the street or front lot line.

SETBACK, REAR — The setback to the rear lot line.

SETBACK, SIDE — The setback to any property line other than a front or rear lot line or buffer.

SEWAGE DISPOSAL FACILITY — A structure, other than a structure serving a single lot, with the primary purpose being the treatment and/or disposal of sewage or other liquid waste which has been collected through a central sewage system from multiple lots or multiple dwelling units. [Added 9-13-2004 by L.L. No. 6-2004]

SIGN — Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- B. Flags and insignia of any government except when displayed in connection with commercial promotion.
- C. Legal notices; identification, informational, or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

SIGN AREA — The area which results by multiplying the outside dimensions of a sign, not including the vertical, horizontal, or diagonal supports which may attach the sign to the ground or structure or building. Where the sign consists of individual letters or symbols attached to, or printed on, a building, the area shall be considered to be that of the smallest rectangle which encompasses all the letters or symbols.

SIGN, BUSINESS — A sign which directs attention to a business, commodity, service, entertainment, or attraction conducted, sold, or offered upon the same lot where such sign is displayed. A "For Sale" or "To Let" sign related to the lot on which it is displayed shall be deemed to be a business sign. Billboards, signs on wheels, skids, vehicles, or in other ways movable and similar signs shall be included in the term "business signs."

SIGN, DIRECTIONAL — A sign indicating the direction or route to an establishment.

SIGN, WALL AREA — The area of a building wall fronting on a street, excluding windows and doors and excluding any part of such wall area outside a dwelling unit.

STREET LINE — The right-of-way line of a street or a minimum of 25 feet from the center line of the travelway.

STRUCTURE — Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. In the HR District, a fence in excess of three feet in height located between the building and the street line; or greater than six feet in height if located elsewhere on the lot is deemed a structure for purposes of setback and yard requirements.

SUBDIVISION REGULATIONS — Chapter 188 of the Code of the Town of Gardiner, entitled "Subdivision of Land." [Added 1-10-2006 by L.L. No. 1-2006]

SUBSTANTIAL IMPROVEMENT

- A. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:
 - B. Before the improvement or repair is started; or
 - C. If the structure has been damaged and is being restored as before the damage occurred.
- D. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - E. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - F. Any alteration of a structure listed on the National Register of Historic Places.

TRAVEL TRAILER — A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, and having a body width not exceeding 8.5 feet. [Amended 8-12-2003 by L.L. No. 3-2003]

WATERCOURSE — Any stream, pond, lake, reservoir, vernal pool, drainage channel, or other area of land that is normally or seasonally filled with water. [Added 1-10-2006 by L.L. No. 1-2006]

WATER SUPPLY FACILITY — A structure or facility, other than a well serving a single lot, with the primary purpose being the collection, treatment or storage of water for human consumption to be supplied through a central water system to multiple lots or multiple dwelling units. [Added 9-13-2004 by L.L. No. 6-2004]

WETLAND — An area of land that is characterized by hydrophytic vegetation, saturated soils or periodic inundation, and which meets the definitions of wetlands in 6 NYCRR 664, including wetlands shown on the final freshwater wetlands map promulgated pursuant to § 24-0301 of the Environmental Conservation Law. [Added 1-10-2006 by L.L. No. 1-2006]

YARD, REQUIRED — A required open space unoccupied and unobstructed by any structure or portion of a structure, extending inward from a lot line the distance specified in the Table of General Bulk Regulations for the district in which the lot is located; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, REQUIRED FRONT — A required yard extending along the full length of the front lot line between the side lot lines.

YARD, REQUIRED REAR — A required yard extending along the full length of the rear lot line between the side lot lines.

YARD, REQUIRED SIDE — A required yard extending along a side lot line from the required front yard to the required rear yard (or to the rear lot line if there is no required yard.)