

LAND USE

105 Attachment 4

Town of Colton

Appendix D

Definitions

[Amended 7-14-2021 by L.L. No. 2-2021]

1. For the purpose of this chapter, certain words and terms used herein shall be interpreted or defined as follows:
 - A. Unless otherwise defined herein, words and terms used in this chapter shall be interpreted to have their customary meanings.
 - B. Further, words used in the present tense include the future tense; the singular includes the plural; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot" or "parcel"; the word "shall" is always mandatory; and the word "used" or "occupied" as applied to any land or building shall be construed to include "intended, arranged or designed to be used or occupied."
 - C. Upon application, the precise meaning and application of any word or term used in this chapter shall be as determined by the Board of Appeals as provided for under its powers of interpretation. The interpretation of certain words and terms under this chapter shall include the following:

AGRICULTURAL USE — The management and use of land for the production of crops, livestock and livestock products as defined in § 301 of the Agriculture and Markets Law. The term includes the necessary buildings and appurtenant construction such as barns and silos; and the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

ANCILLARY WATER/WATERFRONT STRUCTURE — A boathouse, dock, swimming float, guide, buoy or like water-related facility designed to relate and be secondary to a permitted principal use.

APPLIANCE SALES — The sale of equipment that is used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, stoves, microwaves, dishwashers, vacuum cleaners, televisions, toasters, etc.

APPURTENANT FACILITY/SYSTEM — An installation, improvement or use associated with and ancillary to the principal building or use, such as a water supply or sewage disposal system, off-street parking or loading area and such other support facilities or systems related to the principal building or use governed by the requirements of this chapter.

AREA VARIANCE — An authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of applicable zoning regulations.

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BANK/FINANCIAL INSTITUTION — A building with or without a drive-up window, for the custody, loan or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

BED-AND-BREAKFAST — A tourist accommodation located within a single-family dwelling or multiple-family dwelling. A bed-and-breakfast shall be considered an accessory use and not a tourist accommodation if the following criteria are met:

- (1) The guest rooms are located within a structure that has been used as a single-family dwelling for a period of five years or more prior to conversion to a bed-and-breakfast;
- (2) The single-family dwelling is the owner's primary residence and at least one bedroom is reserved for the owner's exclusive personal use;
- (3) No meals (except breakfast) are served to paying guests and no meals are served to the general public;
- (4) In a structure containing more than three existing bedrooms, no more than 50% of the bedrooms and no more than five bedrooms total are available for paying lodgers;
- (5) The use also meets all the criteria of accessory use as defined in 9 NYCRR 570.3(b), except that no accessory structure or guest cottage shall be used as a bed-and-breakfast.

BOATHOUSE — A covered structure with direct access to a navigable body of water which:

- (1) Is used only for the storage of boats and associated equipment;
- (2) Does not contain bathroom facilities, sanitary plumbing, or sanitary drains of any kind;
- (3) Does not contain kitchen facilities of any kind;
- (4) Does not contain a heating system of any kind;
- (5) Does not contain beds or sleeping quarters of any kind;
- (6) Does not exceed a single story in that the roof rafters rest on the top plate of the first floor wall, and all rigid roof surfaces have a minimum pitch of four on 12, or, alternatively, one flat roof covers the entire structure; and
- (7) Has a footprint of 1,200 square feet or less measured at the exterior walls (or in the absence of exterior walls, at the perimeter of the roof), and a height of 15 feet or less. For the purpose of this definition, the height of a boathouse shall be measured from the surface of the floor serving the boat berths to the highest point of the structure.

BOUNDARY LINE ADJUSTMENT — A mutually agreed upon relocation of a property line between two adjacent property owners, which may or may not involve the transfer of money,

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and is not for the purpose of creating a new lot. The property being transferred shall not constitute a lot division and will be absorbed into the transferee's original plat of land. At the conclusion of the boundary line adjustment, the two new property descriptions of the parcels must be recorded in the County Clerk's office.

BUILDING — Any roofed structure intended for the shelter, housing or enclosure of person, animals or property.

BUILDING AREA — The total ground-floor area of a principal building and accessory buildings exclusive of uncovered porches, steps and terraces.

BUILDING FRONT — That side of any building facing a public roadway or shoreline as designated on any application for a permit by the applicant; provided, however, that any building shall have only one designated front for the purpose of computing and applying any applicable requirement or standard under this chapter.

BUILDING HEIGHT — The vertical distance measured from the average level of the proposed finished grade across each face of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gambrel or peaked roofs. Also referred to as "structure height" in the Adirondack Park.

BUILDING LINE — A line parallel with the front, side and rear lot lines, respectively, beyond which a principal building or use may not extend as determined by this chapter.

BUILDING, ACCESSORY — Any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development and that customarily accompanies or is associated with such principal land use or development, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single-family dwelling, and structures less than 100 square feet in the Shoreline District. Also referred to as "accessory structure" in the Adirondack Park.

BUILDING, PRINCIPAL —

- (1) Means any one of the following:
 - (a) A single-family dwelling or mobile home constitutes one principal building;
 - (b) A tourist cabin or similar structure for rent or hire involving 300 square feet or more of floor space constitutes one principal building;
 - (c) Each dwelling unit of a multiple-family dwelling, including each separate dwelling unit used on a time-sharing, leased time or other similar basis whereby more than one person, group of persons or family has a legal right of occupancy at differing times, constitutes one principal building;
 - (d) Each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or

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hire involving less than 300 square feet of floor space constitutes 1/10 of a principal building;

- (e) Each commercial use structure and each industrial use structure in excess of 300 square feet constitutes one principal building, except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each 11,000 square feet of floor space or portion thereof of such commercial use structure constitutes one principal building;
- (f) All agricultural use structures and single-family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families will together constitute and count as one principal building;
- (g) Any other structure which exceeds 1,250 square feet of floor space constitutes one principal building;
- (h) A structure containing a commercial use which is also used as a single-family dwelling constitutes one principal building.

- (2) An accessory structure does not constitute a principal building.

BUILDING/USE PERMIT — The instrument of authorization as required under the provisions of this chapter prior to the initiation of any action requiring such authorization and subject to the requirements and procedures specified for the action under consideration.

BUSINESS, SMALL OPERATION — See "small business operation" below.

BUSINESS/PROFESSIONAL OFFICE — An office in which is conducted a professional or business occupation of a service character and not involving the sale of merchandise or stock in-trade nor the storage of vehicles, equipment or materials.

CELLAR — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground.

CEMETERY — An area set apart for or containing graves, tombs, or funeral urns, especially one that is not a churchyard.

CERTIFICATE OF COMPLIANCE/OCCUPANCY — The instrument of verification as required under the provisions of this chapter, subsequent to the completion of any project for which a building/use permit was required and prior to the use or occupancy of the land or building to which the permit pertained, or as otherwise required.

CERTIFICATE OF FILING — The instrument of notation which shall be completed by all persons filing property located in the Town of Colton with the office of the County Clerk, which instrument will certify compliance with the Subdivision Regulations of this chapter where required.

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CERTIFICATE OF SUBMISSION — The instrument which shall be issued by the Town Clerk to certify that a subdivision plat was submitted in accord with the requirements of this chapter and that, the Planning Board having failed to act within the stipulated time, the subdivider is entitled to file such certificate with the county in lieu of an approved plat by the Town.

CHARITABLE INSTITUTION — An organization described in Section 501(c)(3) of the Code (or any corresponding provision of a future United States Internal Revenue Law) which is exempt from income taxation under Section 501(a) thereof.

CLUB — Buildings and property owned or operated by an organization, association, corporation, person or persons for a social, educational, or recreational purpose, to which membership is required for participation, and which is not primarily operated for profit or to render a service that is generally provided by a business.

COMMERCIAL EXCAVATION — A parcel or part thereof used for the purpose of extracting stone, sand, gravel or topsoil as a commercial product and exclusive of the process of site improvement or alteration preparatory to the location of a building or use for which a building/use permit has been issued.

CONDITIONAL USE — A use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location or relation to the neighborhood, may be permitted in certain zoning districts if specific provision for such conditional use is made in the Zoning Regulations of this chapter according to the standards and process therein required.

DEVELOPMENT CONSIDERATIONS — Those factors pertinent to the evaluation of projects and uses as called for in the respective portions of this chapter and as set forth in Appendix C.

DOCK — Outside the Adirondack Park, a structure that is built over or floats on water and is used as a landing place for boats or other marine transport, as well as a place for fishing, swimming, and other recreational activities.

DWELLING UNIT — A building or portion thereof providing complete housekeeping facilities for one family, including living, sleeping, cooking and sanitary facilities, and constructed in accord with the applicable standards of the New York State Uniform Fire Prevention and Building Code.

DWELLING, GROUP — A building or portion thereof designed primarily for residential purposes for year-round or seasonal occupancy by more than three persons not constituting a family, with or without common dining facilities, constituting one or more complete dwelling units.

DWELLING, MULTIPLE-FAMILY — Attached dwelling units designed for year-round or seasonal occupancy by three or more families living independently of each other and constructed in accord with the applicable standards of the New York State Uniform Fire Prevention and Building Code. This definition does not include "tourist accommodation," "mobile home court" or "recreational campsite."

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DWELLING, ONE-FAMILY — A detached dwelling unit designed for year-round or seasonal occupancy by one family only and constructed in accord with the applicable standards of the New York State Uniform Fire Prevention and Building Code. The minimum horizontal dimension of each such unit shall be not less than 20 feet, and the dwelling unit shall be located on a permanent foundation. Also referred to as a "single-family dwelling" in the Adirondack Park.

DWELLING, TWO-FAMILY — Attached dwelling units designed for year-round or seasonal occupancy by two families living independently of each other and constructed in accord with the applicable standards of the New York State Uniform Fire Prevention and Building Code. The minimum horizontal dimension of each such unit shall be not less than 24 feet where the units are joined one above the other (upstairs and down) and 30 feet where the units are joined one beside the other (side by side), and these dwelling units shall be located on a permanent foundation. Two-family dwellings constitute multiple-family dwellings in the Adirondack Park.

EASEMENT — A legal and binding assignment of interest by deed or contract for the specified use of a designated portion of property to other than the landowner.

EATING, DRINKING ESTABLISHMENT — A business or commercial activity designed primarily for the preparation and distribution or consumption of food and/or beverage, whether or not consumption is on the premises.

ENFORCEMENT OFFICER — The duly designated official responsible for enforcing this chapter as prescribed herein.

EXEMPT BUILDING/USE — Such minor and inconsequential use or construction as a play or tree house, play equipment, outdoor barbecue, dog or bird house, wood pile or rack and like facilities common to and generally not affecting the use of the premises in any significant manner. Such use or construction shall not require a permit under this chapter and shall be exempt from all provisions relating to the allowable number of, area to be occupied by and the location or placement of buildings and uses. In addition, structures less than 100 square feet in the Shoreline District, and agricultural and forest practices not involving a structure, clear cutting, road building or major site alteration and individual utility service connections shall not require a permit under this chapter.

EXTRACTION, COMMERCIAL SAND AND GRAVEL — Any extraction from land in the Adirondack Park of more than 50 cubic yards in any two-year period of sand, gravel or topsoil:

- (1) For the purpose of sale or use by persons other than the owner of the land; or
- (2) For the purpose of use by any municipality.

EXTRACTION, MINERAL — Any extraction, other than specimens or samples, from land in the Adirondack Park of stone, coal, salt, ore, talc, granite, petroleum products or other materials, except for commercial sand, gravel or topsoil extractions; including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps and mine drainage.

FAMILY — One or more persons, related by blood, adoption or marriage, living and cooking

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together as a single housekeeping unit, or not more than three persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage.

FENCE — An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FINAL PLAT/PLAN — The final map or drawing and supplementary information as required in Appendix B of this chapter, including that plan of major subdivision presented to the Planning Board for final consideration.

FIRE STATION — A fire station (also called a "fire house," "fire hall," "firemen's hall," or "engine house") is a structure or other area for storing firefighting apparatus such as fire engines and related vehicles, personal protective equipment, fire hoses and other specialized equipment.

FISHING/HUNTING CLUB — Land and necessary appurtenant facilities for use by a membership club or organization and permitted guests for fishing and/or hunting purposes. Such land and buildings need not have frontage on or public access to a public highway or body of water.

FLOOD — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers or other inland areas of water.

FLOOD HAZARD AREA — A land area adjoining a river, stream, watercourse or lake which is likely to be flooded during a 100-year flood as depicted by the U.S. Department of Housing and Urban Development.

FLOODPLAIN MANAGEMENT — The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and land use and control measures.

FLOOD PROTECTION ELEVATION — The 100-year flood elevation.

FLOOD, 100-YEAR — The highest level of flood that, on the average, is likely to occur once every 100 years, i.e., a 1% chance of occurring each year.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

FLOODWAY — The channel of a river or other watercourse and the adjacent land area required to carry and discharge a flood of a given magnitude.

FLOOR AREA — The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings.

FORESTRY USE — Any management, including logging, of a forest, woodland or plantation

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and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings, fences and forest drainage systems.

FOREST/RURAL INDUSTRY — Commercial and industrial uses of a nonintensive nature that are related to the natural mineral and wood resources of the Town and consistent with the rural character and setting of the specific area in which they are proposed to be located. Such uses include lumbering, pulping, sawmills, woodcraft shops, welding or small machine or equipment repair, agricultural and forest equipment facilities.

FUEL SALES AND SERVICE — A tank for the bulk storage of petroleum, gasoline, fuel, oil, gas or flammable liquid or fluid sold and distributed at retail or wholesale.

FUNERAL HOME — A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

GARAGE, SERVICE — A building or part thereof operated for gain and used for the storage, selling, renting, servicing, washing or painting and major repair of motor-driven vehicles.

GASOLINE STATION — Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term "gasoline station" shall be deemed to include "filling station" and "service station."

HABITABLE SPACE — The space within a dwelling unit occupied for living, sleeping, bathing, eating and cooking purposes and exclusive of a cellar, attic or such other portions of the dwelling unit not generally occupied by the residents of the dwelling unit.

HARDWARE/LUMBER STORE — A facility primarily engaged in the retail sale of tools, building material, plumbing and electrical supplies, paint and glass, garden supplies, houseware, and appliances.

HOME OCCUPATION — An occupation, home craft or profession which is carried on primarily in a dwelling unit or in a building or other structure accessory to a dwelling unit, is carried on by a member or members of the family residing in the dwelling unit, and is clearly incidental and secondary to the dwelling unit for residential purposes and does not change the residential character thereof. No such home occupation shall employ or engage more than one person other than residential members of the family.

INSTITUTION, PUBLIC AND SEMIPUBLIC — A facility established to serve an educational, medical, social or religious purpose, such as a hospital, clinic, library, museum, school, university or church.

JUNKYARD — A lot, land or structure or part thereof used for the collecting, storage or sales of wastepaper, rags, scrap metals, used or salvaged building or other discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles. It shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unlicensed, old or secondhand motor vehicles, no longer in condition for legal use on the

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public highway, are held, whether for the purpose of resale or used parts or materials therefrom or not. Such use shall include any place or storage or deposit for any such purpose of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles.

KENNEL, ANIMAL SHELTER, ANIMAL HOSPITAL —

- (1) Any lot or premises where three or more animals, six months of any age or older, primarily but not necessarily limited to dogs and/or cats, are kept, boarded, bred, trained or treated for commercial gain.
- (2) Any lot or premises where three or more animals, six months of age or older, when owned by another person, are kept or boarded for a period of over 14 days, even if not for commercial gain.

LIBRARY — A building or room containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow, or refer to.

LOT — A single and contiguous parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings and uses united by a common use or interest and responsibility therefor. Any lot created or established after the effective date of this chapter shall provide for the required minimum lot width as defined following on a roadway or shoreline; or, alternatively, where no such frontage exists or can be feasibly provided, such lot shall be subject to the review and approval of the Planning Board according to the site plan review process of the Zoning Regulations.

LOT AREA — The total area included within front, side and rear lot lines.

LOT LINE — Any line dividing one lot from another or from an established right-of-way or the shoreline.

LOT LINE, FRONT — The lot line adjoining and separating the lot from any road or highway right-of-way or shoreline; or where there is not direct frontage on either for any lot established after the effective date of the chapter, as designated and approved by the Planning Board.

LOT OF RECORD — A parcel of land described and filed as distinct and separate real property on the latest adopted county tax roll in the office of the St. Lawrence County Clerk on, or in conformity with the requirements herein set forth subsequent to, the effective date of this chapter.

LOT WIDTH — The distance between side lot lines measured parallel to the front lot line where such parallel line is a straight line, or the chord of such parallel line where it is curvilinear, at a distance from the front lot line equal to the minimum required front yard specified for the district, except for shoreline lots. See the definition of "shoreline lot width."

LOT, UNIMPROVED — A lot on which no building or structure has been constructed or located and on which no excavation, improved driveway or the installation of water supply or

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sewage disposal systems has been initiated with the intent to serve a building or use allowed for under the provisions of this chapter and for which a permit is required.

MAJOR LANDFORM, ALTERATION OF — The manipulation or movement, whether by dumping, filling or extracting, of an amount of earthen material to a differential of two feet from the natural contour of the landform over an area in excess of 2,500 square feet or 100 linear feet.

MANUFACTURED HOME — A moveable or portable unit designed and constructed to be towed on its own chassis, composed of frame and wheels. "Manufactured home" shall mean a unit designed to be used for year-round residential purposes without a permanent foundation. A unit may contain two or more components designed to be joined into one integral unit, capable of being again separated into the components for repeated towing.

MANUFACTURED HOME COURT — A parcel of land which is designed and improved for the placement of five or more manufactured homes for dwelling purposes and which manufactured homes are located on sites rented or leased to the occupants of the manufactured homes. The term shall include "manufactured home park" or other area designed and improved for the location and rent of five or more manufactured home sites.

MANUFACTURED HOME, CLASS A — A new or used manufactured home certified as meeting either the U.S. Department of Housing and Urban Development standards or the New York State Uniform Fire Prevention and Building Code, effective January 15, 1974, or Underwriters Laboratory approved and found on inspection by the Town Code Enforcement Officer to be in good condition and safe for residential occupancy. Such a manufactured home shall also have the following characteristics:

- (1) The manufactured home must be of "double-wide" design (i.e., transported to the site in two or more sections) and be a minimum of 20 feet in width.
- (2) The exterior material of the manufactured home shall be similar to that customarily used in site-built residential structures. Siding materials shall be nonreflective in nature.
- (3) The manufactured home shall have a sloping roof with eave projections. The roof shall be constructed with composition shingles or other materials customarily used in site-built residential structures. Such a roof shall be nonreflective in nature.

MANUFACTURED HOME, CLASS B — A manufactured home that does not meet the definition of a Class A manufactured home but has been certified as meeting either the U.S. Department of Housing and Urban Development standards or the New York State Uniform Fire Prevention and Building Code, effective January 15, 1974, or Underwriters Laboratory approved and found on inspection by the Town Code Enforcement Officer to be in good condition and safe for residential occupancy.

MANUFACTURED HOME, CLASS C — A manufactured home not certified as meeting the U.S. Department of Housing and Urban Development or New York State Codes.

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MANUFACTURING, LIGHT — An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products from previously prepared materials, and does not include the processing or manufacturing of raw materials.

MINOR PLAT — The map or drawing and supplementary information as required in Appendix B of this chapter, including that plan of minor subdivision presented to the Planning Board for consideration and action thereon.

MIXED COMMERCIAL-RESIDENTIAL USE — A building that contains two or more different uses, and is often arranged as a ground-floor commercial business with upper floor residence.

MODULAR HOME — A new or used manufactured dwelling designed and constructed to be transported to a building site and placed on a permanent foundation. "Modular home" shall mean a dwelling unit which is approved by the New York State Building Codes Council and bears an insignia of such approval. Modular homes are considered equivalent to site-built one-family dwellings for zoning purposes.

MOTEL/CABINS — A building or group of buildings where overnight transient guests are lodged for remuneration and primarily to accommodate the motoring public. This includes but is not limited to the terms "tourist cabins," "motor hotel," "tourist court."

NONCONFORMING LOT — A lot which does not conform with the minimum area and/or dimensions required for a specified use in the zoning district in which it is situated and where the owner of said lot does not own any adjoining, unimproved property, the subdivision of which could create one or more conforming lots.

NONCONFORMING SITUATION — Any lot, building, use or other action regulated under the provisions of this chapter which does not comply with the requirements therefor, but which situation existed legally on the effective date of the applicable provisions of this chapter.

NONCONFORMING USE — Use of a building or of land that does not comply with the standard and conditional use regulations for the zoning district in which it is situated, and where such use existed legally on the effective date of this chapter or its applicable amendment.

NURSERY SCHOOL — A school for children between the ages of three and five years, staffed by suitably qualified and other professionals who encourage and supervise educational play.

OPEN SPACE RECREATION — A recreation activity particularly oriented to and utilizing the natural landscape and outdoor character of an area, including hiking, equestrian and recreational vehicle trail; ski and golf facilities; park, picnic or beach area; and similar outdoor nonintensive structures and uses.

OPERATING PERMIT — The instrument required annually for junkyards, mobile home courts and recreational campsites to determine their compliance with the provisions of the New York State Fire Code with respect to such installations, and annual or triennial inspections.

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ORGANIZED GROUP CAMP — Land and the use thereof for seasonal or temporary housing and accompanying recreational or educational use, including all accompanying facilities and structures thereon; and including such private and semipublic facilities as boy or girl scout camps, fraternal, service or religious lodge, university conference center and nature or conservation center or club.

PERSONAL SERVICE — A business or commercial activity involving primarily the application of a technical skill or trade in the attention to one's person or personal effects, as differentiated from a profession or business office, and not involving primarily the sale of merchandise or stock-in-trade.

PRELIMINARY PLAT/PLAN — The preliminary drawing or drawings and supplementary information as required in Appendix B of this chapter, including that plan of major subdivision presented to the Planning Board for preliminary consideration.

PUBLIC, MUNICIPAL FACILITY — A structure, use or land designed and maintained as a public or municipal facility for education, recreation, transportation, fire and police protection, and like not-for-profit public and municipal functions.

PUBLIC, PRIVATE UTILITY SERVICE FACILITY — A structure, use or land designed and maintained as a public or private utility service facility in the provision of electric, telephone, radio, television, water and sewer services.

RECREATIONAL CAMPSITE — A parcel of land designed to accommodate 20 or more recreational living units or other accommodation for seasonal or other more or less temporary or transitory living arrangements, including buildings and facilities thereon.

RECREATIONAL LIVING UNIT — A transportable recreational housekeeping unit, including travel trailer, pickup camper, converted bus, tent-trailer, or camper trailer.

REGIONAL PROJECT — Any Class A or Class B Regional Project as defined by the Adirondack Park Agency Act and set forth in Appendix E of this chapter.

RELIGIOUS INSTITUTION — Includes a church, temple, parish house, convent, seminary, or retreat house.

RESORT LODGE — A premises with facilities thereon for temporary or seasonal housing and associated accommodation, including recreational, educational, conference or convention activities of groups, membership clubs or individuals, including sleeping, eating and other related services. Such term does not include motel or tourist cabins designed primarily for overnight sleeping accommodations of the motoring public.

RETAIL TRADE — A business or commercial activity primarily involving the sale of merchandise or stock-in-trade to the public, which business or commercial activity shall be conducted from within a permanently situated building.

ROADWAY — A public or private way for vehicular traffic, including the following:

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- (1) Arterial roadways are those principal through-traffic arteries.
- (2) Collector roads are those that interconnect and carry traffic between local residential and arterial highways.
- (3) Local roadways are those which are used primarily for access to abutting residential properties. A "cul-de-sac" is a minor roadway with only one outlet and having a turning loop at the closed end.
- (4) Frontage or access roads are generally parallel with and adjacent to an arterial highway designed to provide access to abutting properties and protection from through traffic.

SECURITY DEPOSIT — A performance bond, certified check or other acceptable security to cover the full cost of any required improvements, the amount of which shall be established upon recommendation of the Planning Board, and which shall be further certified to as to form, sufficiency, manner of execution and surety by the Town Attorney.

SEMIPUBLIC FACILITY, INSTITUTION — A quasi-public, not-for-profit, educational, health, historic, cultural, religious, recreational or philanthropic facility or institution.

SERVICE FACILITY — An accessory use of the premises related to the supply of water, telephone, electric or gas services; sanitary sewage and stormwater removal and like utilitarian provisions.

SEWAGE DISPOSAL SYSTEM — An approved method and installation for the proper accommodation and disposal of sanitary wastes. Such a system may include connection to an approved public, community or individual disposal system as provided for in this chapter.

SHOPPING CENTER/PLAZA — A mixture of commercial uses often configured as a straight line strip that offer convenience shopping, personal services and/or food services to the surrounding neighborhood, and typically feature an anchor business such as a grocery store or pharmacy.

SHORELINE — The point at which land and water meet as determined by the mean high-water mark of a navigable body of water.

SHORELINE LOT WIDTH — The linear distance of that straight line connecting the side lot lines at their first point of intersection with the shoreline. Minimum lot width as stipulated in Attachment 6 of the Zoning Regulations in this chapter shall apply to the shoreline of all shoreline lots.

SIGN — Any graphic device erected or represented upon or as part of a building, structure or use of land which directs attention or conveys a message pertaining to an object, product, place, activity, person, institution, organization or business and is visible from the public right-of-way or the exterior of the building, structure or use. Each such graphic display surface shall be considered to be a sign.

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SIGN, ACCESSORY — A secondary and supplemental sign relating to and consistent with a principal sign located upon the same premises where such secondary sign is permitted.

SIGN, ADVERTISING — A sign which announces and directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located.

SIGN AREA — The area determined by circumscribing the exterior sign structure with the appropriate geometric form connecting all extreme points. The structure supporting a sign is not included in determining the sign area unless the structure is designed in a way to form an integral background for the display. Only one face of a double-face sign is to be considered in determining the area of a sign.

SIGN, BUSINESS — A sign which directs attention to a business or profession conducted, or a commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

SIGN DIRECTORY — A panel, booth or similar structure identifying and giving directions to business, civic, recreational or other attractions in the Town.

SIGN, DOUBLE-FACE — Any sign designed to be viewed from two directions and which at one point is wider than three feet measured from the exterior surface of each face and the two faces of the sign are either parallel or the angle between them is 30° or less.

SIGN ERECTION — To build, construct, attach, hang, place, suspend, affix or paint a sign.

SIGN, EXEMPT — A sign which may be placed without a permit, but which shall otherwise comply with the applicable provisions of this chapter. Such signs shall include official traffic signs, posting or trespass notices, official notices of hazard or safety precaution, personal identification signs identifying the residents of the premises or a permitted home occupation not to exceed 1 1/2 square feet, temporary signs and any official flag, emblem or insignia of a nation, state, municipality or school not in connection with a commercial use.

SIGN, FLASHING — Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this chapter, any revolving, illuminated sign shall be considered a "flashing sign."

SIGN, FREESTANDING — A sign which is supported by one or more uprights, poles or braces, or by a base of wood, stone or concrete in or upon the ground. This definition shall not include portable signs.

SIGN, ILLUMINATED — Any sign lighted by an exterior or interior light source other than the natural light of day.

SIGN, MOBILE — A sign attached to or suspended from any type of vehicle which is capable of being moved from place to place, whether actually moved or not, either under its own power or by attachment to any vehicle and intended primarily for the display of such sign. Such sign shall not include lettering or other graphics painted or attached flush to the side or body of

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service, delivery or other such vehicles.

SIGN, NONCONFORMING — A sign which was legally installed prior to the effective date of this chapter, but which is in conflict with the provisions thereof.

SIGN, PORTABLE — A sign that is designed to be movable and is not permanently attached to the ground, a building, a structure or any other sign. A portable sign shall not be deemed to include a mobile sign.

SIGN, PRINCIPAL — A primary or main sign on which is depicted the central message or identification pertaining to the purpose for which such sign was erected.

SIGN, ROOF — A sign located between the eaves or projection of the juncture of the ceiling of the uppermost floor and the roof of a building and the roofline.

SIGN STRUCTURE — The standards, supports, uprights, braces and framework of the sign.

SIGN, TEMPORARY — A poster, handbill, flyer or sign erected for a nonpermanent purpose such as to announce a forthcoming event or for the purpose of sale, rent or project notification, which sign shall be designed to be removed upon completion or termination of the purpose for which it was temporarily placed.

SIGN, WALL — Any sign attached to, painted upon or erected against the wall, a building or structure and not extending more than 1 1/2 feet beyond the building face.

SIGN, WINDOW — A sign maintained in or painted upon a window which is clearly visible to the general public from an out-of-doors position, but not including the customary display of merchandise.

SITE ALTERATION/IMPROVEMENT — The excavation or significant alteration of the site so as to affect surface drainage, removal of significant tree or soil cover or the provision for new or altered access to; but not to include landscaping, minor site work or improvements, filling the land for agricultural purposes or normal forest management practices.

SKETCH PLAN — A conceptual plan indicating salient existing features of a tract or parcel and its surroundings, the general layout of the proposed subdivision and such additional information as required in Appendix B of this chapter, including that plan of subdivision presented to the Planning Board for preliminary informational consideration.

SMALL BUSINESS OPERATION — A retail or personal service business of a limited size with a total of four employees (including the business owner) such as the following: small grocery stores, gift or craft shops, antique sales, insurance, real estate, legal, medical or dental offices, barbershops, shoe repair shops, etc., which may involve the sale of merchandise or stock-in-trade to the public.

STORAGE/WAREHOUSE — A building or group of buildings containing separate storage spaces, which may be of various sizes, that are leased or rented on an individual basis.

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STRUCTURE — Any building, assembly or installation in conjunction with the principal or accessory use of a lot, other than an exempt building/use, including a fence, building, sign, platform, ski-tow or jump, storage tank, boat dock, and such similarly constructed or assembled objects affecting the principal or accessory use of the property so as to require a permit under the respective provisions of this chapter.

SUBDIVIDER — Any person, firm, corporation, partnership or association having title to the property who shall lay out or otherwise create any subdivision of that property or part thereof, as defined herein, either for himself or others.

SUBDIVISION — Any division of a lot, parcel or tract of land into two or more lots, parcels, tracts or other divisions of land for sale, lease or development.

SUBDIVISION, MAJOR — A subdivision of five or more lots, blocks or sites and any subdivision involving a new road or the location or extension of municipal utility services.

SUBDIVISION, MINOR — A subdivision of less than five lots, blocks or sites and not involving a new road or the location or extension of municipal utility services.

SWIMMING POOL — A private, outdoor pool designed and built for swimming purposes as an accessory use on the same parcel as the principal use or one contiguous thereto, for use primarily by the occupants or tenants of said property. All pools must be constructed/installed in accordance with the New York State Uniform Fire Prevention and Building Code.

TILE FIELD — An approved absorption or drainage field which is connected to and part of a septic tank or other approved disposal process and which is located and constructed in accord with the requirements of the Building and Sanitary Regulations of Part 2 of this chapter.

TOURIST ACCOMMODATION — Any hotel, motel, tourist cabin or similar facility designed to house the general public. Excludes resorts.

TOWN ENGINEER — A licensed professional engineer or other individual duly designated by the Town Board to carry out his duties in overseeing construction and maintenance of the Town highway system and operation of the public water supply and sewage disposal system.

TOWN PLAN — A comprehensive plan prepared for and by the Town of Colton, setting forth the objectives and policies with regard to that general physical development of the Town, and including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

TOWN, INSTRUMENT OF — The duly appointed or delegated official or body responsible for the administration of this chapter or applicable portions thereof, including the Enforcement Officer, Planning Board, Board of Appeals, Town Attorney and Town Board.

USE — The specific purpose for which a building, structure or land is designed, arranged, intended or for which it is or may be occupied or maintained.

USE, ACCESSORY — A use customarily incidental and subordinate to the principal use or

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building and consistent in use with the permitted principal use.

USE, PRINCIPAL — The main or primary purpose or activity conducted on the lot.

USE VARIANCE — An authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by applicable zoning regulations.

VARIANCE — An authorized departure by the Board of Appeals from the terms of this chapter 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 Code would result in practical difficulty or unnecessary hardship.

VEHICLE/EQUIPMENT SALES, SERVICE — A business or commercial activity involving the display, sale or service of automobile, truck, recreational living units, heavy or farm equipment, boat, mobile home and like vehicular or transport mechanism.

VEHICLE, RECREATIONAL — A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle.

WAIVER OF NONAPPLICABILITY — The instrument of authorization by which the Planning Board may waive all or stipulated portions of the Subdivision Regulations after application and consideration according to the specific provisions for such process as are set forth in Part 1 of this chapter.

WATER SUPPLY SYSTEM — An approved source and connecting supply system for the provision of water for any use required to have such a system. Such a system may include water derived from approved spring, well, lake or river sources as part of an approved public, community or individual system as provided for in Part 2 of this chapter.

WATER, NAVIGABLE BODY OF — A lake, river, reservoir, channel, pond, stream or other natural or man-made configuration encompassing a quantity and depth of water which make it navigable under normal conditions by canoe or other like small watercraft.

YARD DIMENSION, MINIMUM — The required minimum horizontal distance between the road center line, shoreline and side and rear lot lines, respectively, and the principal building line as specified in Attachment 6 of the Zoning Regulations and as elsewhere referred to in this chapter. All shoreline lots shall observe the minimum required front-yard dimension from the shoreline to the principal building or use.

YARD, FRONT — The open space on the same lot with a building or use between the front line of the building or use and the front lot line, extending the full width of the lot.

YARD, REAR — The open space on the same lot with a building or use between the back or rear line of the building or use and the rear lot line, extending the full width of the lot.

YARD, SIDE — The open space on the same lot with the building or use between the side of the building or use and the side lot line, extending from the front yard to the rear yard.