

ZONING

400 Attachment 1

Town of Saratoga

Appendix A

Definitions

The following definitions shall be used in the administration of Chapter 400:

ACCESSORY BUILDING APARTMENT — A one-family dwelling unit located in a detached accessory building on a lot. The septic and well requirements of § 400-16.3 must be met. **[Added 7-13-2015 by L.L. No. 1-2015]**

ADDITIONAL ONE-FAMILY DWELLING UNIT — A one-family dwelling unit (other than an accessory building apartment) located on a lot containing an existing one-family dwelling unit. **[Added 7-13-2015 by L.L. No. 1-2015]**

AGRIBUSINESS — A commercial facility selling products and services normally associated with agriculture, including, but not limited to, farm equipment and its repair, agriculture production supplies and fuel for agricultural use. Agribusiness shall also include commercial greenhouses, garden shops and other business normally associated with the care of lawns and gardens.

AGRICULTURAL PURSUITS — Any parcel of land containing at least 10 acres which is used primarily for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes any accessory buildings and uses normally associated with the conduct of commercial agricultural activity. It excludes stable and riding academies, kennels and the raising of fur-bearing animals.

ALTERATION — As applied to a building or structure, means a change or rearrangement in the structural parts of the existing facility, or an enlargement, whether by extending on a side or by increase in height, or the moving from one location or position to another.

ANIMAL HOSPITAL OR CLINIC — An establishment devoted principally to the diagnosis, treatment and/or other care of ailments of domestic and/or farm animals.

ANTIQUÉ SHOP — An establishment devoted principally to the sale of antiques.

APPAREL, MANUFACTURING OF — An establishment producing clothing and fabricated products by cutting and sewing purchased woven or knit textile fabrics and related materials such as leather, rubberized fabrics, plastics and furs.

AUTOMOBILE BODY SHOP — An establishment primarily engaged in the repair of automobile and truck bodies and/or the inspection of automobiles and trucks.

AUTOMOBILE SALES AND SERVICE — An establishment including open areas and/or showrooms enclosed within a building used for the display or sale of new or used automobiles,

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trucks, cargo trailers, recreational vehicles, motorcycles, snowmobiles and/or boats, and/or the general repair of such vehicles.

AUTOMOBILE JUNKYARD — Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose or reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts of waste materials from motor vehicles which, taken together, equal in bulk to two or more such vehicles; provided, however, the term "junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron, steel or nonferrous scrap for sale for remelting purposes only. **[Amended 7-14-1986 by L.L. No. 2-1986]**

BANK — An establishment chartered by the state and federal government to conduct financial transactions, including deposit and withdrawal of funds, cashing checks, making loans, and maintaining depositories.

BASEMENT — A story partly underground.

BED-AND-BREAKFAST — A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, but such use is secondary to the occupancy of the dwelling by a family. **[Amended 8-13-2007 by L.L. No. 4-2007]**

BOAT, RECREATIONAL VEHICLE (RV) and MOTOR VEHICLE STORAGE — A structure which allows for the storage of boats, boat trailers, recreational vehicles and campers (including self-contained and pull-behind models which contain sleeping/cooking facilities), and motor vehicles (including automobiles, trucks, vans and motorcycles) indoors for a fee, either on a seasonal or year-round basis. Such structure may include facilities for washing. **[Added 11-16-2005 by L.L. No. 4-2005; amended 7-10-2006 by 5-2006; 10-14-2015 by L.L. No. 4-2015]**

BUILDING — Any structure having a roof supported by columns or big walls and intended for shelter, housing, or enclosure of persons, animals or chattel.

BUILDING, FRONT LINE OF — The base line of a vertical plan, parallel to the street line, and extending from one lot line to another, beyond which no portion of a building shall extend into the front yard. Side and rear building lines shall be determined in a comparative manner.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the grade at the front of the building, but not less than 12 inches from the top of the foundation, to the highest point of the structure, excluding chimneys. **[Amended 5-12-2014 by L.L. No. 1-2014]**

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which the building is located.

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CEMETERY — Licensed human burial grounds.

CONVERSION — The changing of use of a building by alteration or by other reorganization.

CUSTOMARY ACCESSORY USE — A use customarily incidental and subordinate to the main or principal use or building and located on the same lot with such principal use or building.

DECK — An exterior floor, having no roof, supported on at least two opposing sides by an adjacent structure and/or posts, piers, or other independent supports. **[Added 8-8-2016 by L.L. No. 7-2016]**

DUMP — See "sanitary landfill."

DWELLING UNIT — Any building or structure, or part thereof, providing housekeeping facilities for one family, including mobile, modular or manufactured homes.

DWELLING UNIT, ONE-FAMILY DETACHED — A building, or portion thereof, having no party wall in common with another building and designed and used for occupancy by one family; includes a mobile home and modular home.

DWELLING UNIT, TWO-FAMILY — A building, or portion thereof, containing two separate and distinct dwelling units designed and used for occupancy of two families living independently of each other.

DWELLING, MULTIFAMILY — A building, or portion thereof, containing three or more dwelling units designed and used for occupancy by three or more families living independently of each other. Any such building shall contain no more than four dwelling units. **[Amended 7-19-2004 by L.L. No. 6-2004]**

DWELLING, ROW — See "townhouse."

ELECTRICAL MACHINERY, MANUFACTURING OF — An establishment engaged in manufacturing machinery, apparatus, and supplies for the generation, transmission, transformation, and utilization of electrical energy; the manufacturing of communication equipment, household appliances, motors and generators, electric lighting and wiring equipment and miscellaneous electric machinery, equipment and supplies.

FABRICATED METAL PRODUCTS, MANUFACTURING OF — An establishment engaged in fabricated metal cans, tinware, hand tools, cutlery, general hardware, non-electric heating apparatus, fabricated structural metal products, metal stampings, and metal and wire products.

FAMILY — One or more persons occupying a dwelling unit as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, club, fraternity, motel or hotel.

FLAG LOT — A flag-shaped lot which does not meet the required minimum road frontage requirements set within the existing zoning regulations but has an area that exceeds the required minimum lot size and narrow accessway connecting the major portion of the lot to the road.

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FOOD PRODUCTS, MANUFACTURING OF — An establishment manufacturing foods and beverages and related products for human consumption and prepared feeds for animals and fowls.

FOUNDATION, PERMANENT — A masonry structure designed and intended to support a building and built on a concrete footing of adequate depth to provide a minimum of settlement. Mobile homes, if not placed on a permanent foundation, may be placed on a floating slab constructed to industry standards. **[Added 7-14-1986 by L.L. No. 2-1986]**

FREIGHT TERMINAL — An establishment furnishing local or long-distance trucking, transfer, and draging services, including maintenance facilities.

FRONTAGE — The extent of a lot as it borders on an existing public highway. **[Added 4-12-1989 by L.L. No. 3-1989]**

FUEL STORAGE AND DISTRIBUTION — Establishments engaged in the storage of fuel products and their wholesale or retail distribution, including necessary accessory uses.

FUNERAL HOME — A building used and/or occupied by a professional licensed mortician for burial preparation and funeral services.

GARAGE, PRIVATE — A building principally used for the storage of not more than three motor vehicles used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot.

GARDEN SHOP — An establishment principally engaged in the sale of domestic lawn and garden equipment, plant materials and associated supplies and materials.

GASOLINE STATION — Any area of land, including structures and buildings thereon, that is used for the sale of gasoline and oil or other fuel for the propulsion of motor vehicles and/or enclosed facilities used for polishing, lubricating, washing and minor repair work, excluding the repair of automobile and truck bodies.

HOME INDUSTRY — **[Amended 7-10-2006 by 5-2006]**

A. A use which, although secondary to the residential use of a lot, and carried on by the family residing in the dwelling unit on the lot, is more intensive than a home occupation. A home industry includes the manufacture and sale of handicrafts, the repair of automobile and truck bodies and/or the inspection of automobiles and trucks, the sale of firewood and woodburning stoves, a facility (but not including "self-storage facilities") for the storage and warehousing of personal property for a fee (such as boats, recreational vehicles, or antique cars) and other uses of a similar nature, provided the following conditions are met:

- (1) The home industry shall be carried on wholly within the principal building or within a building or structure accessory thereto.
- (2) No offensive noise, vibration, smoke, dust, odors or glare shall be produced.

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- (3) No parking upon the public right-of-way results therefrom.
 - (4) The home industry shall not impair the visual quality of the area in which it is located.
- B. Any home industry established after enactment of this chapter shall require the issuance of a special permit in accordance with the special permit requirements contained herein.

HOME OCCUPATION —

- A. An occupation or profession which:
- (1) Is customarily carried on in a dwelling unit;
 - (2) Is clearly incidental and secondary to the use of dwelling unit in which it is carried on;
and
 - (3) Is carried on by a member or members of the family occupying the dwelling unit.
- B. In particular, a home occupation includes:
- (1) Art, craft or dancing studio for the simultaneous instruction of four students;
 - (2) Dressmaking;
 - (3) Office of a physician, dentist, lawyer, engineer, architect, agent, broker or accountant;
and
 - (4) Other occupations of a similar nature.¹

**KENNEL — Any premises on which four or more dogs more than four months old are kept.
[Amended 7-13-1992 by L.L. No. 3-1992]**

LAUNDROMAT — An establishment engaged in the cleaning of clothing, including the on-site use of washing and/or drying machines for the use of retail customers.

LOT — A parcel of land occupied, or designed to be occupied, by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings.

LOT AREA — The total horizontal area included within lot lines.

LOT, BUILDING — Land occupied or to be occupied by a building and its accessory buildings or a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area and width required by this chapter for a lot in the district in which such land is situated.

¹ Editor's Note: The former definition of "horse farm," which immediately followed this definition, was repealed 8-13-2007 by L.L. No. 4-2007.

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LOT, CORNER — A parcel of land which abuts upon two or more streets.

LOT COVERAGE — The percentage of the lot area that is occupied by the ground area of any buildings, accessory buildings, porches, or decks. Patios, as defined in this chapter, shall not be included in lot coverage. **[Amended 6-13-2016 by L.L. No. 6-2016; 8-8-2016 by L.L. No. 7-2016]**

LOT LINE — Any boundary of a lot. Any lot line not a rear line nor a front line shall be deemed a side line.

LOT WIDTH — The distance from side lot line to side lot line of a lot, measured parallel to the front street line at the front of the building.

LUMBER AND BUILDING SUPPLY SHOP — An establishment engaged primarily in the sale of finished lumber products and other finished products/accessories normally associated with construction and building.

LUMBER OR WOOD PRODUCTS, MANUFACTURING OF — An establishment engaged in producing lumber and wood basic materials; and establishments engaged in manufacturing finished articles made entirely or mainly of wood or wood substitutes.

MACHINERY, MANUFACTURING OF — An establishment engaged in manufacturing machinery and equipment.

MARINA — A dock or basin providing secure moorings for boats, including their sales, repair and other related activities.

MEDICAL FACILITY — Premises which provide health services and medical or surgical care for the diagnosis, care, treatment or therapy of human injury, infirmity, sickness or ailments.

MINING — The extraction or removal of minerals from the ground or the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning or other processing of minerals so as to make them suitable for commercial, industrial or construction use, and includes the infrastructure for transportation of the minerals off site to a public highway. The term "mineral" shall include natural gas and oil. **[Amended 11-10-2011 by L.L. No. 4-2011]**

MIXED USE — More than one use of a structure, site or parcel that may include a mixture of residential, commercial or public uses as permitted in the respective zoning district. **[Added 7-13-2015 by L.L. No. 1-2015]**

MOBILE HOME — A structure, transportable in one or more sections, which is eight feet or more in width and is 32 feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems

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contained therein. (Definition taken from the National Mobile Home Construction and Safety Standards Act of 1974.) (Does not include travel-trailers.)

MODULAR HOME — A dwelling unit whose sections or modules are factory-assembled and subsequently joined together on a foundation.

MOTEL — A building or group of buildings, whether detached or in connected units, used as individual sleeping units designed primarily for transient travelers and providing for accessory off-street parking facilities.

NONCONFORMING USE — A building, structure or use of land lawfully existing at the time of the adoption of this chapter which does not conform to the regulations of the district or districts in which it is located.

OFF-STREET PARKING SPACE — A space which is out of the public right-of-way and is designed and intended for the parking of one motor vehicle. Each such space shall consist of at least 200 square feet and have a minimum width of 10 feet.

PAPER AND ALLIED PRODUCTS, MANUFACTURING OF — The manufacture of paper and paperboard into converted products such as paper, paper bags, paper boxes, and envelopes.

PARKING SPACE — An area for the temporary parking of motor vehicles which has at least 10 feet of width and 20 feet of length, together with adequate provision for maneuvering and for passage to and from streets.

PATIO — A flat area of ground that is covered with a hard material such as brick, stone or concrete, used for outdoor sitting and living. **[Added 8-8-2016 by L.L. No. 7-2016]**

PLACE OF WORSHIP — Any structure used for worship or religious instruction, including social and administrative thereto.

POWER PLANT — A facility engaged in the production of electrical energy.

PRINTING SHOP — An establishment primarily engaged in commercial or job printing.

PROFESSIONAL OFFICE BUILDING — A building housing the office(s) of a doctor, lawyer, engineer, architect, dentist, accountant, insurance agent, real estate broker, income tax preparer and other similar professionals.

PUBLIC AND PRIVATE RECREATION — A facility offering recreational opportunities to the general public or to a fee-paying membership, including amusement parks, theaters, golf, swimming clubs, tennis clubs, and fishing and hunting clubs and other similar facilities.

PUBLIC AND PRIVATE SCHOOL — A duly licensed educational facility, including nursery schools, primary and/or secondary schools, colleges, universities and trade schools.

RENTAL SERVICES — A business facility engaged in the retail renting or leasing of consumer goods and equipment to the general public. **[Added 7-13-2015 by L.L. No. 1-2015]**

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RESEARCH LABORATORIES — Facilities primarily engaged in research, development and testing on a commercial basis, including customary accessory uses.

RESTAURANT — A building, or portion thereof, where food and beverages, whether or not alcoholic, are sold to the public for consumption on the premises.

RETAIL BUSINESS — Retail stores which sell a number of lines of merchandise, such as dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware and food. Retail businesses also include, but are not limited to, drug stores, grocery stores, household appliance stores, liquor stores, sporting goods stores, and bicycle shops, plumbing, heating and electrical equipment and supply establishments, jewelry stores, florist shops and other similar retail business.

RETAIL SERVICE — Establishments such as photographic studios, barber and beauty shops, and cleaning and pressing shops.

ROADSIDE STAND — Any area and/or facility, temporary or otherwise, used for the roadside sale of produce and agricultural goods.

SANITARY LANDFILL — A land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material at the end of each operating day.

SAWMILL — An establishment engaged in sawing rough lumber and timber from logs and bolts; includes customary accessory uses.

SIGN — Means and includes every kind of billboard, signboard and other shape or device or display, arranged, intended, designed or used as an advertisement, announcement, or direction, including any text, symbols, marks, letters or figures painted on or incorporated in the composition of the exterior surface of a building or structure; any structure or part thereof or device attached thereto or painted or represented thereon, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction, or advertisement. The word “sign” does not include the flag, pennant or insignia of any nation, state or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

SIGN, ADVERTISING — A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises.

SIGN, BUSINESS — A sign which directs attention to a business or profession, home occupation or home industry conducted on the premises.

SPECIAL FLOOD HAZARD AREA — Land in the floodplain subject to a one-percent or greater chance of flooding in any given year.

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STABLE AND RIDING ACADEMY — An establishment primarily engaged in providing horseback riding instruction, including customary accessory buildings and uses.

STORAGE AND REPAIR OF GENERAL CONSTRUCTION EQUIPMENT — An area of land, including buildings, that is used for the storage, maintenance and repair of general construction equipment, machinery and construction vehicles, including related office space. **[Added 1-12-2009 by L.L. No. 3-2009]**

STORY — That portion of a building between the surface of any floor and the surface of the floor next above it or, if there is no floor next above it, then the space between the floor and ceiling next above it.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SWIMMING POOL — Any receptacle for water having a depth at any point greater than two feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above the ground outside any building.

TELECOMMUNICATION TOWER — Any structure greater than 35 feet in height which is capable of receiving and/or transmitting signals for the purpose of communication. **[Added 8-10-1998 by L.L. No. 1-1998]**

TRAVEL-TRAILER — A vehicle or portable structure standing on wheels, whether or not self-propelled, and used as temporary living and sleeping accommodations for travel, camping or recreational purposes.

TOWNHOUSE — A series or row of single-family dwelling units joined by common walls and designed and/or intended to be subdivided along said common walls. In no case may more than four units be joined in any one series or row. **[Added 7-14-1986 by L.L. No. 2-1986]**

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

VETERINARIAN OFFICE — An establishment of licensed practitioners engaged in the practice of veterinary medicine.

WECS — Any mechanism designed for the purpose of converting wind energy into electrical energy. **[Added 4-14-2008 by L.L. No. 3-2008]**

WECS, COMMERCIAL — A WECS that is the prime use on a parcel of land and supplies electrical power for off-site use. **[Added 4-14-2008 by L.L. No. 3-2008]**

WECS, NONCOMMERCIAL — A WECS that is incidental and subordinate to another use on the same parcel and supplies electrical power solely for on-site use, except that when a parcel on which a noncommercial WECS is installed also receives electrical power supplied by a utility company, excess electrical power generated by the noncommercial WECS and not presently needed for on-site use may be used by the utility company in exchange for a reduction

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in the cost of electrical power supplied by that company to the parcel for on-site use. **[Added 4-14-2008 by L.L. No. 3-2008]**

WECS, VERTICAL AXIS — A WECS where the primary orientation of the shaft supporting the rotating blades or rotor cage is perpendicular to the ground. **[Added 10-12-2011 by L.L. No. 3-2011]**

WHOLESALE BUSINESS — An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional users.

YARD, FRONT — The space within and extending the full width of the lot from the front lot line to any porch or deck, or to the roof overhang of that part of the principal building, or any accessory building, which is nearest to such lot line. **[Added 4-12-1989 by L.L. No. 3-1989; amended 9-10-2018 by L.L. No. 2-2018]**

YARD, REAR — The space within and extending the full width of the lot from the rear lot line to any porch or deck, or to the roof overhang of that part of the principal building, or any accessory building which is nearest to such lot line. **[Amended 9-10-2018 by L.L. No. 2-2018]**

YARD, SIDE — The space within the lot extending the full distance from the front to rear of said lot, and from the side lot line to any porch or deck, or to the roof overhang of that part of the principal building, or any accessory building, which is nearest to such side lot line. **[Amended 9-10-2018 by L.L. No. 2-2018]**