

**Village of Chatham, NY**  
**Proposed Revisions to § 110-5 Definitions**

**ACCESSORY USE:** A subordinate use customarily incidental to and located on the same lot occupied by the principal use, and under the same ownership.

**ADULT USE:** An establishment having as a substantial or significant portion of its stock-in-trade media, sexual paraphernalia, or a personal service or entertainment establishment, any of which such establishments is customarily not open to the public generally, but excludes any minor by reason of age.

**ATTIC:** That space of the building which is immediately below and wholly or partly within the roof framing.

**BED & BREAKFAST ESTABLISHMENT:** A dwelling unit in a single- or two-family home that is occupied by a full-time resident, and in which a maximum of three (3) rooms are provided to a maximum of six (6) guests for overnight lodging and breakfast only, in which no public restaurant is maintained, and which includes at least one on-property parking space for each room.

**BILLBOARD:** A fixed structure which directs attention to an idea, product, business activity, service or entertainment which is conducted, sold or offered elsewhere than upon the lot on which the sign is situated.

**BOARDING HOUSE:** Any building in which persons, either individually or as families, are housed or lodged for rent, with or without meals, in addition to the primary individual or family in residence, and which does not meet the definition of a Bed & Breakfast Establishment.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the finished, or proposed finished, grade across the street frontage of the building to the highest point of a flat roof, or to the mean height between the eaves and the ridge of a gable, hip or gambrel roof.

**BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER/OR ZONING ENFORCEMENT OFFICER:** Official(s) of the Village of Chatham responsible for issuing building and zoning permits, certificates of occupancy, and enforcing state and local building codes.

**BUILDING PERMIT:** Official authorization issued by the Building Inspector/Code Enforcement Officer/Zoning Enforcement Officer before any building may be erected, moved, altered, rebuilt or enlarged, or any land or building may be used to begin construction.

**CAR WASH:** A structure or building designed for the washing, waxing or similar treatment of automotive vehicles as its principal function. A fueling station having portable washing equipment shall not be deemed to be a "car wash" where such use is an accessory service to the principal service of the fueling station.

**CEMETERY:** Land used, or intended to be used, for the burial of dead human beings, and dedicated for cemetery purposes, including columbaria, mausoleums and mortuaries, when operated with and within the boundary of such cemetery. Shall not include facilities for cremation.

**CHILD CARE ESTABLISHMENT:** An establishment that provides child care for compensation and that does not qualify as Home-Based Child Care.

**CHILD CARE (HOME-BASED):** Child care carried out for compensation in a residential dwelling unit for not more than three (3) children unrelated to the operator.

**CLINIC:** An establishment licensed for the practice of such health-related services as dentistry, medicine, acupuncture, chiropractic, and/or osteopathy, in which nonresident patients are treated. Includes veterinary clinics.

**CLUB (HEALTH & FITNESS):** A commercial establishment open to the public for a fee that provides services and facilities for physical fitness training. Such uses may include the sale of equipment used in the activities provided.

**CLUB (MEMBERSHIP):** A building used to house a not-for-profit club or social organization, and which is not an adjunct to, or operated by, or in conjunction with, a public tavern, café or other public place.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate.

**DRIVE-IN/DRIVE-THROUGH BUSINESS:** A business allowing patrons to purchase products or make transactions, typically through means of a window, without leaving their vehicles. Does not include restaurants.

**DWELLING:** A building, or portion thereof, arranged, intended or designed to be occupied by one or more families living independently of each other upon the premises, and constituting a separate housekeeping unit with provisions for cooking, living, sanitary and sleeping facilities arranged for the use of each family.

**DWELLING (ACCESSORY):** A dwelling unit which is subordinate to the principal one-family dwelling in terms of size, location and appearance, and which provides complete living facilities, including a kitchen, that is an accessory use for a single dwelling on a residential lot and independent of the primary dwelling unit. The accessory dwelling may be attached to, or detached from, the primary dwelling unit, including location over an existing garage. If the accessory dwelling is located over a garage, the maximum structure height applies.

**DWELLING (GROUP):** A group of two or more detached buildings, each of which contains one or more dwelling units, located on a parcel of land in one ownership.

**DWELLING (ONE-FAMILY DETACHED):** A single-family residence on an individual lot with private yards on all sides of the house.

**FAMILY:** A number of persons occupying a dwelling unit as a single housekeeping unit.

**FAMILY-TYPE HOME FOR ADULTS:** A home licensed by the State of New York that provides long-term residential care, including room, board, housekeeping, personal care and/or supervision to four or fewer adults unrelated to the operator, who lives with the residents and provides 24-hour a day supervision/services.

**FARMERS' MARKET:** An establishment for the retail sale of local farm produce and farm products, which may either be conducted as a principal or accessory use and may include multiple vendors, and which has only temporary structures such as tents that are erected only during periods of farmers' market activities.

**FOOD CART/FOOD TRUCK:** A mobile kitchen licensed by the New York State Department of Health that is set up on the street to facilitate the sale of food to pedestrians.

**FUELING STATION:** An establishment, which may include a convenience store, that is used for the sale of gasoline or any other motor vehicle fuel and oil, and other lubrication substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating,

washing, or otherwise servicing motor vehicles, but not including the painting thereof by any means, or body and fender work.

**GREENHOUSE/PLANT NURSERY:** Land and the structures thereon used for the propagation and sale of plants and plant material.

**GROUP HOME:** A community residence licensed by the State of New York for long-term residents.

**HOME OCCUPATION:** Any gainful occupation carried out within a residence or accessory structure, or both, that is conducted within a dwelling by the residents thereof, that is clearly secondary to the residential use, and that does not change the character of the premises as primarily a residence, or affect the residential character of the neighborhood and, further, that occupies no more than (a) 30% of the total floor area of the dwelling unit, (b) 500 square feet, or (c) as may otherwise be limited by the NYS Fire Prevention & Building Code.

**JUNKYARD:** Any land or structure or part thereof, exceeding 300 square feet in area, used for the collecting, storage or sale of wastepaper, rags, scrap metals or other scrap or discarded material, or for the collecting, dismantling, storage or salvage of machinery or vehicles not in running condition, or for the sale of the parts thereof. The deposit on a lot of two or more motor vehicles not scheduled for repair or in condition for legal use on a public highway shall be deemed to constitute the lot a "junkyard."

**LANDFILL:** A parcel of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind.

**LODGING FACILITY:** Any hotel, motel or inn providing sleeping accommodations for transient guests, with or without a dining room or restaurant. For the purposes of this Chapter, neither a Bed & Breakfast Establishment nor a Boarding House shall be considered a Lodging Facility.

**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, which may include 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.

**MOBILE HOME:** A moveable or portable dwelling designed for year-round living, other than a modular or sectional home, connectible to utilities and designed so that it does not necessarily need a permanent foundation. A "mobile home" does not include recreational vehicles (RV) or travel trailers.

**MOTOR VEHICLE SERVICE:** Any building, land area or other premises used or intended to be used for the retail dispensing or sales of automotive fuels, which activity may be accompanied by accessory uses such as sales of lubricants, tires, accessories or supplies, repairing of vehicles, or a single-bay car wash. A business providing wrecking services, parking or storing of more than six (6) vehicles for hire, or the operation of more than one towing vehicle, shall not be deemed to meet the definition of Motor Vehicle Service.

**NEIGHBORHOOD CHARACTER:** Attributes or features that make up and distinguish the neighborhood or zone, as defined and interpreted by the Planning Board according to the Village of Chatham Comprehensive Plan.

**NON-NUISANCE INDUSTRY:** Any industrial use, including manufacturing, assembly, packaging, finishing or treating of products, which is not defined in this Chapter or otherwise specified in the Use Table. The industrial use shall not be detrimental to the environment in the processing of materials by reason of the emission of smoke, noise, odor, dust, vibration, chemicals, gas fumes, excessive light or waste materials, including hazardous waste, as defined by the NYS Department of Environmental Conservation. Such use shall be carried on completely within an enclosed structure or an accessory storage yard completely enclosed by a solid wall, fence, earth berm or landscaping.

**NURSING HOME:** An intermediate or extended care facility licensed by the State of New York to provide full-time convalescent or chronic care of persons with, or recuperating from, illness or incapacity, where nursing services are provided, or for the accommodation and care of persons of advanced age.

**RECREATIONAL AREA/FACILITY:** An area of land, including structures thereon, or any building or part thereof, that is used for recreational purposes. A “recreational area/facility” may be governmental or non-profit operated, or may be a commercial business.

**RECREATIONAL VEHICLE (RV):** A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven, and which is primarily designated as temporary living accommodations for recreational, camping and travel use, and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RESTAURANT:** An establishment serving food and beverages for consumption either on the premises or for takeout, not including a retail food store, grocery store or supermarket. Does not meet the definition of a Casual Dining Restaurant or a Fast Food Restaurant.

**RESTAURANT (CASUAL DINING):** An eating establishment dedicated to the preparation and serving of food and beverages either on or off-premises which, by contractual, franchise, or other arrangement, established or recognized business practice or membership affiliation, and which has all of the following in common with a similar business at seven (7) or more locations: (1) business name; (2) standardized menus, ingredients, food preparation, uniforms or other standardized features; (3) interior décor; (4) architecture or exterior signs; and (5) use of a trademark or logo.

**RESTAURANT (FAST FOOD):** Any establishment whose principal business is the sale of food or beverages over the counter for consumption within the building or off-premises, and whose principal method of operation includes (a) prepayment by the customer prior to receiving their meal; (b) sale of food and beverages in disposable wrappers or containers, and (c) service of food and beverages directly to a customer in a motor vehicle. A Fast Food Restaurant shall also be defined as one that, by contractual, franchise or other arrangement, established or recognized business practice or membership affiliation, has all of the following in common with a similar business at seven (7) or more locations: (1) business name; (2) standardized menus, ingredients, food preparation, uniforms or other standardized features; (3) interior décor; (4) architecture or exterior signs; and (5) use of a trademark or logo.

**RETIREMENT COMMUNITY:** Any age-restricted development for adults 55 years and older, which may be in any housing form, including attached and detached dwelling units, apartments and residences, offering private and semi-private rooms.

**SIGN (PROJECTING):** *Note: the current definition remains unchanged, but the term has been updated.*

**SELF-SERVICE STORAGE FACILITY:** Any building or group of buildings on a single parcel of land made up of individual storage cells, which are rented or leased to individuals or businesses for storage of non-hazardous materials, personal property and/or equipment.

**STRUCTURE:** Any construction which is fixed or erected on or under the ground or upon another structure or building.

**STRUCTURE (TEMPORARY):** Any of a number of types including, but not limited to, a tent, carport, gazebo, storage module or shed, and also including any vehicle being used for residential, work space or storage purposes, and which is erected or installed on a property for no more than 90 days continuously, and for no more than 120 days in a calendar year, and which is not employed to display commercial text, images or logos. Any structure of said types not meeting the above definition shall be deemed a Structure as defined in this Chapter.

**WAREHOUSE:** A building, or part thereof, including existing structures such as barns, for storage only within the building interior of goods, wares and merchandise. A "*public warehouse*" is used primarily for the storage of goods and materials, and is available to the general public for a fee. A "*private warehouse*" is used for the storage of goods and materials for a particular commercial establishment. No outdoor storage or display, other than permitted signs, is permitted in connection with either a public or private warehouse.