

ARTICLE 2

Definitions

2.10 DEFINITIONS

ABANDONED TRAILERS.

Any trailers left unused and permits have not been renewed annually, shall be considered abandoned.

ACCESSORY USE OR STRUCTURE.

A use of structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

APPLICANT (as it pertains to Windpower or Solar Power Facility)

The entity or person seeking a permit for the construction of a Windpower Facility.

AUTOMOBILE SERVICE STATION.

A building or place of business where gasoline, oil, grease, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail and where minor repair service is rendered.

BUILDING.

Any structure having a roof supported by columns or walls, used for shelter, housing or enclosure of person, animals or property.

BUILDING CODE.

The New York State Uniform Fire Prevention and Building Code Act, set forth in Article 18 of the New York State Executive Law, and any regulations enacted thereunder.

BUILDING COVERAGE.

That percentage of the plot of land covered by the principal and accessory buildings (including covered porches, carports and breeze ways, but excluding open patios).

BUILDING HEIGHT.

The vertical distance measured from the main level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, tanks and similar projections.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM.

A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows. street access, use and the building code.

BUILDING SITE.

Building site is a lot or parcel of land intended for the construction of a building that meets the requirements of the Town of Augusta Zoning Ordinance in regard to location, street access, use and building code. The term dwelling shall not be deemed to include automobile, court, rooming house, tourist home, hotel, hospital, nursing home, dormitory or another student residence as defined herein.

DEPENDENT PARK UNIT.

A park unit which is designed to accommodate a dependent travel trailer and does not have sewer and water connections to accommodate a toilet and bath or shower in a travel trailer.

DEPENDENT TRAVEL TRAILER.

A travel trailer which does not have a toilet and bath or shower.

DISPOSE OR DISPOSAL.

The discharge, deposit, injection, dumping, spilling, or placing of any sludge or septage into or on any land or water including solar power materials.

DWELLINGS.

Any building or portion thereof designed or used exclusively for a residence.

Single Family – A detached building designed for or occupied exclusively by one family.

Two Family – A detached or semi-detached building where not more than two individual families or dwelling units are entirely separated by vertical walls of horizontal floors, unpierced except for access to the outside or common cellar.

Multi Family – A building designed for occupancy by three or more families living independently of each other and containing three or more units.

Multiple Dwellings – The purpose of this local law is to provide basic and uniform regulations in terms of performance objectives establishing reasonable safeguards for the safety, health and welfare of the occupants and users of multiple dwellings and their accessory structures situate in the Town of Augusta, Oneida County, New York, exclusive of the incorporated Village of Oriskany Falls, New York. The "State Building Construction Code applicable to Multiple Dwellings (including factory manufactured homes)", printed April 30, 1980, with all current amendments thereto, heretofore promulgated by the State Building Code Council as set forth in Volume 9 Executive (B) of the "Official Compilation of Codes, Rules and Regulations of the State of New York" published by the Secretary of State and designated 9 NYCRR be and the same hereby is in all respects adopted, ratified and approved as and for the "Building Construction Code applicable to Multiple Dwellings (including factory manufactured homes) situate in the Town of Augusta, Oneida County, New York, exclusive of the incorporated Village of Oriskany Falls, New York, and all the terms and provisions thereof are hereby incorporated by reference to the same extent and with like effect as if fully set forth herein.

FACTORY MANUFACTURED HOMES/MODULARS

A structure designed primarily for residential occupancy constructed by a method of system of construction whereby the structure or its components are all or substantially part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation on a building site. A structure, transportable in one or more sections, which, in traveling mode, is eight body feet or more in length, or, when erected on sight, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

FAMILY.

One or more persons related by blood or marriage; two to four unrelated persons occupying a dwelling unit and living as a single non-profit housekeeping unit.

FARM.

Any tract of land containing at least ten acres that is used for dairying or for the raising of agricultural products such as forest products, livestock or poultry and facilities for the sale of such products from the premises where produced.

FINANCIAL ASSURANCE.

The reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow or irrevocable line of credit.

GROUND-MOUNTED SOLAR ENERGY SYSTEM.

A Solar Energy System that is anchored to the ground and attached to a pole or other, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

HOME OCCUPATION.

Any use as permitted in Section 7.41 which is conducted entirely within the principal structure and carried out by the inhabitants thereof, which is clearly incidental and secondary to the use of the principal structure and does not change the character thereof.

ICE MELT HAZARD.

Pieces or sheets of ice thrown from the rotating blades during climate change.

INDEPENDENT PARK UNIT.

A park unit which has sewer and water connections designed to accommodate the toilet and bath and shower in a travel trailer.

INDEPENDENT TRAVEL TRAILER.

A travel trailer which has a toilet, bath and shower.

JUNK YARD BUSINESS.

A business operated on an area of land with or without buildings, and primarily used for the storage outside a completely enclosed building, of used and discarded materials but not limited to waste such as, paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage of two or more wrecked or broken motor vehicles shall be deemed a junkyard.

LANDOWNER.

The owner of the land upon which wind power facility(ies) or solar panels are located.

LARGE-SCALE SOLAR ENERGY SYSTEM.

Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

LOT.

A tract or parcel of land intended for transfer of ownership, use or improvement.

a. **CORNER LOT**

A lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees. The point of intersection of the street lot lines is the corner.

b. **LOT DEPTH**

The mean horizontal distance between the front and rear lot lines.

c. **LOT LINES**

The property lines bounding the lot.

1. **FRONT LOT LINES**

The lines separating the lot from the street or highway right-of-way line.

2. **REAR LOT LINES**

The lot line opposite and most distant from the front line.

3. **SIDE LOT LINES**

Any lot line other than the front or rear lot line.

d. **LOT WIDTH**

The distance between the two side lot lines measured at a required setback line.

METEOROLOGICAL TOWER.

Used for wind data collection.

MOBILE HOME.

A transportable single-family dwelling that may be towed on its own running gear, and which may temporarily or permanently be affixed to real estate, used for non-transient residential purposes and which conforms with the Mobile Home Manufacturers Association, "Mobile Home Standards for plumbing, heating and electrical systems." When these structures are fixed to real estate, they then come under the regulations of the New York State Construction and Building Codes and any other amendments that may be adopted thereto.

MOBILE HOME PARK.

A plot of land used to develop a Planned Residential Community of one family buildings, structures or residences using previously designed mobile homes as the basic structure, converted and placed according to the Building Codes. Two (2) or more mobile homes placed on a single parcel of land shall be deemed a Mobile Home Park.

NON-CONFORMING USE.

A building structure or premise legally existing and/or used at the time of the adoption of this ordinance or any amendment thereto, which does not conform with the use regulation of the zone in which such building or premise is located. Any lot which does not meet the minimum width, depth and area dimensions specified for the district in which said lot is located.

OPERATOR.

The entity responsible for the day-to-day operation and maintenance of the Windpower Facility, or solar panel facility, including any third-party subcontractors.

OVER SPEED CONTROL.

A mechanism used to limit the speed of blade rotation to below the design limit of the system.

OWNER.

The Developer with interest in the Windpower Facility or Solar Panel Facility including their respective successors or designees.

PARK UNIT.

The term "Park Unit" as used shall be defined as the lot or space in any park which shall be assigned to, used and occupied by any one travel trailer.

PARKING SPACE.

An off-street space available for the parking of one or more motor vehicles, and having an area of not less than two hundred square feet and a width of not less than nine feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to streets and alleyways.

PLANNING BOARD.

The Planning Board of the Town of Augusta as appointed by the Town Board.

PLANNED UNIT DEVELOPMENT

A project comprising two or more buildings designed to be maintained and or operated as a single unit single ownership or control by an individual, partnership, corporation or corporation group that has certain facilities in common, such as yards, open spaces, recreation area, garage and parking areas.

PROFESSIONAL ENGINEER.

A qualified individual who is licensed as a Professional Engineer in the State of New York.

RESIDENTIAL WINDPOWER FACILITY.

Private generating facility <200 k W for homes, farms and remote locations.

ROOF-MOUNTED SOLAR ENERGY SYSTEM.

A solar panel system location on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SEPTAGE.

The contents of a septic tank, cesspool, or other individual or group treatment or storage facility, which receives domestic sewage waste.

SITE.

The plot of land where the Windpower facilities are to be situated. The site could be publicly or privately owned.

SLUDGE.

Any solid, semi-solid, or liquid waste generated or deposited from municipal or private sewage treatment plants, or from byproducts of food processing, including but not limited to any and all byproducts or derivatives from septage or sludge as heretofore defined, whether or not chemicals or other compounds have heretofore defined, whether or not chemicals, or other compounds have been added to the septage or sludge to create the byproducts.

SOLAR ENERGY EQUIPMENT.

Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM.

An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR PANEL: A photovoltaic divide capable of collecting and converting solar energy into electrical energy.

SPECIAL USE.

A special use is a use which because of its unique characteristics requires individual consideration in each case by the Zoning Board of Appeals and the Planning Board, before it may be permitted in the district in this ordinance.

SWEPT AREA.

The largest area of the Wind Turbine which extracts energy from the wind stream. In a conventional system there is a direct relationship between the rotor diameter and the swept area.

TRAILER SITE.

Any location where one trailer is located.

TRAVEL TRAILER PARK.

The term, "Travel Trailer Park" as used in this document shall be defined as any lot, piece or parcel of ground whereon two or more travel trailers, designed for use or capable of being used as living or sleeping quarters are parked or located.

VARIANCE.

The Zoning Board of Appeals' authorized departure to a minor degree from the text of this ordinance after a hearing pertaining to an individual lot in accordance with the procedure set forth in the ordinance.

STRUCTURE.

Any man-made object having an ascertainable stationary location on land or water whether or not it is affixed to the land.

TOWN.

The Town of Augusta located in Oneida County, New York represented by the Town Board and Town Supervisor.

TRAVEL TRAILER.

Any vehicle used or designed for use or capable of being used as sleeping and living quarters, whether propelled by its own power or by the power of another vehicle to which it may be attached.

VIEWSCAPE.

The range of view from a point toward the horizon including natural and man-made components.

WINDPOWER FACILITY.

Any wind-driven system that produces electrical power for commercial sale or for use in a commercial enterprise.

WINDPOWER PROJECT.

The collection of Windpower structures and related facilities including substations for which a single permit may be sought.

WINDPOWER TOWER.

The support structure to which the nacelle and rotor blade are attached.

WINDPOWER TOWER HEIGHT

The distance from the rotor blade at its highest point to the top surface of the tower foundation.

YARD.

An open space that lies between the principal building or group of buildings, and nearest lot line, and is unoccupied or unobstructed from the ground upward except as herein permitted.

a. **FRONT YARD.**

An open space that lies between the principal building or group of buildings and the front lot lines unoccupied and unobstructed from the ground upward exclusive of landscaping or fences.

b. **REAR YARD.**

An open space extending from the front yard to the rear lot line between a principal building, and the nearest side lot line, unoccupied and unobstructed from the ground upward exclusive of landscaping or fences.

c. **SIDE YARD.**

An open space, extending from the front yard to the rear yard between the required side set back line and the nearest side lot line, unoccupied and unobstructed from the ground upward, exclusive of landscaping or fences.

ZONING OFFICER.

The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

ARTICLE 3

ESTABLISHMENT AND DESIGNATION OF DISTRICTS

3.10 ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health, safety, morals and general welfare of the Town, the Town is hereby divided into the following types of districts:

- A-1 Agricultural District
- R-1 Residential District
- R-2 Residential District
- C-1 Commercial District
- I-2 Industrial District

3.20 ZONING MAP

Said districts are bounded as shown on the map entitled "Town of Augusta Zoning Map", adopted May 5, 1973, as amended, on June 8, 1998, thereon is hereby made a part of this ordinance.

3.30 INTERPRETATION OF BOUNDARIES.

3.31 DESIGNATION OF DISTRICT BOUNDARIES

The district boundary lines are intended generally to follow the centerlines of streets, the centerlines of railroad rights-of-way, existing lot lines, the mean water level of streams, and other waterways, or Town Boundary lines, all as shown on the Zoning Map by a specific dimension expressing its distance in feet from a street center line or other boundary line as indicated.

3.32 DETERMINATION OF LOCATIONS OF BOUNDARIES.

In case of uncertainty as to the true location of a district boundary line, the Zoning Officer shall request the Zoning Board of Appeals to render its determination with respect thereto, provided no boundary shall be changed by the Zoning Board of Appeals.