

**ARTICLE II: DEFINITIONS**

**SECTION 200 WORD USAGE**

For the purpose of this Local Law, certain words and terms used herein shall be interpreted as follows:

The word "person" includes a firm, association, partnership, trust, company, corporation or other entity as well as an individual.

Words used in the present tense include the future tense.

All words in the plural number include the singular number and all words in the singular number include the plural number, except as to the number of permitted structures, unless the natural construction of the wording indicates otherwise.

The word "building" includes the word "structure".

The words "shall" and "must" are mandatory and not discretionary; "may" is permissive.

The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied".

The word "lot" includes the words "plot", "parcel", "tract" or "site".

The word "premises" includes a lot and all buildings or structures thereon.

To "erect", to "construct" and to "build" a building or structure each have the same meaning and also include to "excavate" for a building and to "relocate" a building by moving it from one location to another.

**SECTION 210 DEFINITIONS**

**ACCESSORY USE OR STRUCTURE:** Contributory use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure and may include alternate energy systems.

**ACCESSORY:** When used to modify buildings, structures or uses, those buildings or uses customarily incidental to and located on the same lot with the permitted use.

**ACCESSORY BUILDING OR STRUCTURE:** A detached building or structure which: (1) is customarily incidental and subordinate to, and serves a principal building; (2) is subordinate in area, extent or purpose to the principal building served; (3) contributes to the comfort, convenience or necessity of occupants of the principal building use; and, (4) is located on the

same parcel as the principal building. This definition shall include private garages, but shall exclude Accessory Furnace Buildings.

**ACCESSORY FURNACE BUILDING:** An accessory building or structure attached to or detached from the principal building and which is constructed primarily for the purpose of housing a wood, coal or other solid fuel furnace that serves to provide heat and/or hot water to the principal building. For purposes of this definition, freestanding furnaces designed to be placed outside of a building shall be considered an Accessory Furnace Building.

**ACCESSORY USE:** A use incidental and 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.

**AGRICULTURAL PRODUCT PROCESSING FACILITY:** A facility in which agricultural products, which are not produced on the premises, are altered for the purpose of canning, freezing, or other packaging, or are converted or incorporated into other products.

**AGRICULTURAL PRODUCT DISTRIBUTION CENTER:** A facility in which agricultural products, which are not produced on the premises, are graded, sorted, and/or packaged for the purpose of distribution by truck, rail, or other means.

**AGRICULTURE/ (FARMING):** The use of land for agricultural production purposes including, tilling of the soil, dairying, pasture, animal and poultry husbandry, apiculture, arboriculture, horticulture, floriculture, viticulture, and accessory uses for packing, storing, processing and retail sales of products, provided that the operation of any such accessory uses shall be secondary to that of the principal agricultural production activities.

**ALTERATION:** As applied to a building or structure; (1) the change or rearrangement in the supporting members of a building or structure such as bearing walls, columns, beams or girders or in the exit facilities; (2) an enlargement of a building or structure, whether by extending on a side or by increasing in height; (3) the moving from one location or position to another; (4) any alteration whereby a structure is adapted to another or different use, including any separation into rooms or spaces by the installation of non-bearing partitions, and (5) the installation, replacement or alteration of mechanical systems.

**ALTERNATIVE ENERGY SYSTEMS:** Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure. Current examples include windmills, solar collectors and solar greenhouses, heat pumps, or other related devices. For the purposes of this Local Law, this definition shall apply to individual residences and businesses. Commercial generating plants, the prime function of which is selling energy, are excluded.

**ALTERNATIVE MEMBER OF THE PLANNING BOARD:** An individual appointed as provided in Article VIII of this Local Law to serve on the Planning Board when required to obtain or maintain a quorum.

**ALTERNATIVE MEMBER OF THE ZONING BOARD OF APPEALS:** An individual appointed as provided in Article VII of this Local Law to serve on the Zoning Board of Appeals when required to obtain or maintain a quorum.

**AMUSEMENT CENTER:** Any indoor place or enclosure in which is maintained or operated for the amusement, patronage, or recreation of the public three (3) or more coin-controlled amusement devices, including the type commonly known as bagatelle, baseball, football, pinball, and video games.

**ANIMAL HOSPITAL OR VETERINARY CLINIC:** The premises or buildings used for the diagnosis, treatment or other care of the ailments of domesticated, household or farm animals, which may include related facilities, such as laboratories, offices and temporary quarters for such animals.

**ANIMAL HUSBANDRY:** The raising or keeping of one (1) or more cows, cattle, horses, mules, hogs, sheep, goats, donkeys, oxen, or other similar animals, or the raising or keeping of more than four (4) ducks, chickens, rabbits, geese, quail, chinchillas, mink, or any similar small animals, but not including dogs and cats. Such uses include the pasturing, feeding, and sheltering of such animals.

**ANIMAL UNIT:** The equivalent of one thousand (1,000) pounds of farm animal.

**ANTENNA(E):** A system of electrical conductors that transmit or receive electronic frequency signals. Such signals shall include, but not be limited to radio, television, cellular, paging, and personal communication services (PCS).

**APARTMENT:** A dwelling unit within a two-family or multi-family dwelling that is intended to be leased or rented. This term shall not be deemed to include a motel, hotel, boarding house or travel trailer.

**APARTMENT, ACCESSORY:** A supplemental, self-contained dwelling unit within or attached to a single-family detached dwelling for the temporary occupancy of the property owner's parent or parents or the property owner's adult child.

**AUTOMOBILE SALES/ RENTAL:** A business where automobiles are displayed for the purpose of sale or rental.

**AUTOMOBILE OR TRAILER SALES AREA:** An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.

**AUTOMOBILE SERVICE STATION OR FILLING STATION:** A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail, or where minor repair service and vehicle state inspections may be rendered.

**AUTOMOBILE WRECKING:** The dismantling or disassembling of used motor vehicles, mobile homes or manufactured housing; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**BED AND BREAKFAST INN:** A single-family dwelling where overnight lodging, with or without the service of meals, is offered to transient guests for compensation. Such use shall be clearly incidental and secondary to the principal use of the dwelling. This term includes hostels and Tourist Homes establishments but does not include hotels, tourist courts, motor lodges, tourist cabins or similar terms.

**BUFFER AREA:** A continuous strip of land area covered with grass, vegetation, trees, fencing, embankments or berms, designed to provide a physical screen to limit visibility between uses and reduce the escape and/or intrusion of litter, fumes, dust, noise, or other noxious or objectionable elements.

**BUILDING:** Any structure that is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals, or property.

**BUILDING CODE:** The Codes of New York State.

**BUILDING COVERAGE, PERCENT OF:** The percent of building coverage of any lot shall be equal to one hundred (100) times the ratio of the gross horizontal area of all principal and accessory buildings that have roofs on them (including covered breezeways, covered porches, covered cantilevered structures, etc.) measured from the exterior faces of the exterior walls but shall not include any structure (such as a patio or deck) that does not have a roof, divided by the horizontal area of the lot.

**BUILDING HEIGHT:** The vertical distance measured from the mean level of the ground surrounding the structure to the highest point of the structure, but not including chimneys, spires, tanks, and similar projections

**BUILDING LINE:** A line formed by the intersection of a horizontal plane at an average grade level and a vertical plane that coincides with the exterior surface of the building or a projected roof or porch. The vertical plane will coincide with the most projected surface, excluding steps and overhanging eaves less than two (2) feet in width. All yard and setback requirements are measured to the building lines.

**BUILDING PERMIT:** A document issued pursuant to the Codes of New York State by the Code Enforcement Officer authorizing the construction and occupancy of structures.

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated. In any residential district any dwelling shall be deemed to be a principal building on the zone lot on which the same is located.

**BUSINESS:** Includes the purchase, sale or any other transaction involving the handling, servicing or disposition of any article, substance or commodity, tangible or intangible, and includes offices, recreational and amusement enterprises and any operation where the

above-described activities are conducted in return for remuneration of any type. For the purpose of this Local Law, "business" shall have the same meaning as commercial, and reference to commercial districts or zones shall be interpreted as referring to business districts.

**BUSINESS, CONVENIENCE:** Small commercial establishments catering primarily to nearby residential areas providing convenience goods and services including but not limited to grocery stores (of less than 5,000 square feet in floor area), drug stores, beauty salons, barber shops, carryout dry cleaning and laundry pickup stations.

**BUSINESS, DRIVE-IN:** A traffic-generating facility where a product is sold or a service performed for customers while they are in or near their motor vehicles in off-street parking or service areas. This term includes convenience store, drive-in banking, restaurant, fast food service, drive-in photo processing, drive-in outdoor theatres, autowash or similar use. This term shall not include retail gasoline services.

**BUSINESS, GENERAL:** Any establishment engaged in the sale of goods or services not otherwise identified in this section.

**BUSINESS, NEIGHBORHOOD:** Small commercial establishments, containing less than 10,000 square feet in gross floor area, catering primarily to nearby residential areas or tourists and providing convenience and/or specialty goods and services including but not limited to grocery stores, gift shops, drug stores, beauty salons, barber shops, carryout dry cleaning and laundry pickup stations.

**BUSINESS, RETAIL:** A commercial activity designed for and primarily characterized by the on-premises sale of goods directly to the ultimate individual and household consumer, but also including servicing, preparation, storage and wholesale business transactions related to such goods and customarily associated therewith but clearly incidental thereto. This term shall not include commercial activity which may also be similarly characterized, but which is separately identified as a use permitted within a zoning district.

**BUSINESS, SERVICE:** A business primarily involved in the provision of services, rather than goods, to other businesses or to the general public. This term shall not include any service activity which may also be similarly characterized, but which is separately identified as a use permitted within a zoning district.

**CAMP:** See Dwelling, Seasonal.

**CAMPGROUND:** A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy by travel trailers, campers, tents, recreational vehicles, motor homes and the motor vehicles propelling or carrying the same, but excluding mobile homes or manufactured housing designed for year-round occupancy or as a place of residence.

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

**CARPORT:** A roofed structure without enclosing walls, used for the storage of one or more vehicles.

**CEMETERY OR BURIAL GROUND:** A tract of land for the disposal or burial of deceased human beings or remains in a grave, mausoleum, vault, columbarium or other receptacle. The provisions of this Local Law shall apply to all cemeteries and burial grounds including those owned by a religious corporation, municipal corporation, or a cemetery corporation owning a cemetery operated, supervised or controlled by or in connection with a religious corporation.

**CERTIFICATE OF COMPLIANCE:** A certificate issued by the Zoning Enforcement Officer upon completion of the change in use of an existing building or upon the completion of a project. Said certificate shall acknowledge compliance with all requirements of the Village's Code, Local Laws, Variances and Special Use Permits in existence as of the date of the issuance of the Certificate of Compliance.

**CERTIFICATE OF OCCUPANCY:** A certificate issued by the Code Enforcement Officer upon completion of construction or alteration of a building. Said Certificate shall acknowledge compliance with all of the requirements of the Codes of New York State.

**CHURCH:** Any structure used for worship or religious instruction including social and administrative rooms accessory thereto.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.

**CLUB:** Any organization catering to members and their guests, or a building or premises used for recreational, general, social, or athletic purposes not open to the general public. Clubs shall not be conducted primarily for gain, and vending stands, merchandising, or commercial activities shall not be conducted except as required for the membership and purposes of such club. For the purpose of this Local Law, this term shall include: religious organizations; lodges; fraternal organizations; mutual benefit societies; snowmobiling, archery or hunting clubs; and other similar organizations.

**CLUSTER DEVELOPMENT:** A development of residential lots, some of which may contain less area than the minimum lot area required for the zone within which such development occurs, while maintaining the density limitation imposed by said minimum lot area through the provision of open space as part of the site development plan.

**COMMERCIAL USE:** Includes the purchase, sale or any other transaction involving the handling, servicing or disposition of any article, substance or commodity, tangible or intangible, and includes retail or wholesale trade, services, offices, recreational and amusement enterprises and any operation where the above-described activities are conducted in return for remuneration of any type.

**COMMERCIAL VEHICLE:** Any vehicle in excess of twenty (20) feet in length carrying a valid commercial New York State registration plate, which is used for the transportation of persons, animals or goods, primarily for profit or carries permanently affixed business identification sign exceeding one (1) square foot in area, or any vehicle used for earthmoving or construction purposes.

**COMMON AREA:** Space reserved for use by any and all residents of a housing development including, but not limited to, halls, stairways and landings in apartment houses.

**COMMUNICATION TOWER:** See "TELECOMMUNICATIONS FACILITY".

**CONFERENCE/ RESORT COMPLEX:** Grounds or facilities used or designed for use by the public or for groups for meetings, conferences or recreational purposes. This definition shall not include membership clubs or public parks and playgrounds, as defined under "Public and Semi-Public Buildings and Grounds."

**CONVENIENCE STORE:** A retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and household supplies to customers who purchase relatively few items. Such an establishment may include the sale of prepared foods, such as sandwiches, soups, ice cream, etc. for consumption on or off the premises and may include indoor seating for such purposes. A convenience store shall meet all of the requirements for a "gas station" if it includes the retail sale of gasoline or other vehicular fuels.

**COUNTY PLANNING BOARD:** The Planning Board of the County of Orleans.

**COVERAGE:** That percentage of the plot or land area covered by the building area.

**CURB CUT:** The opening along a street at which point vehicles may enter or leave the roadway.

**DAY CARE, CHILD -** The care for a child on a regular basis provided away from the child's residence for less than twenty-four (24) hours per day by someone other than the parent, step-parent, guardian or relative within the third degree of consanguinity of the parents or step-parents of such child.

**DAY CARE HOME, FAMILY -** A residence in which child day care is provided on a regular basis for more than three (3) hours per day per child for three to six children for compensation or otherwise.

**DAY CARE CENTER, CHILD -** A program or facility which is not a residence in which child day care is provided on a regular basis to more than six (6) children for more than three (3) hours per day per child for compensation or otherwise.

**DAY CARE HOME, GROUP FAMILY -** A residence in which child day care is provided on a regular basis for more than three (3) hours per day per child for seven (7) to twelve (12) children for compensation or otherwise.

CHILD CARE PROGRAM, SCHOOL-AGE - a program or facility which is not a residence in which child day care is provided to an enrolled group of seven (7) or more children under thirteen (13) years of age during the school year before and/or after the period such children are ordinarily in school or during school lunch periods.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION: The New York State Department of Environmental Conservation (NYS DEC)

DEPARTMENT OF HEALTH: The New York State Department of Health and any other health board or department established pursuant to the laws of the State of New York and having authority for the regulation of matters pertaining to the public health of the Village.

DEVELOPMENT: Any change made to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, excluding normal maintenance to farm roads.

DISTRIBUTION CENTER: A truck terminal facility at which any storage of goods or chattels is minor, transitory and merely incidental to the purpose of facilitating the transportation of goods or chattels.

DRIVE-IN BUSINESS: See BUSINESS, DRIVE-IN

DRIVEWAY: A roadway providing a means of access from a street to a property or off-street parking area. An accessway may also be deemed a driveway.

DRIVEWAY APRON: The portion of a driveway that is located within a public right-of-way and which abuts a public street or alley.

DWELLING: Any building or portion thereof designed or used exclusively as a residence or sleeping place for one (1) or more persons.

DWELLING, SINGLE-FAMILY: A detached residential dwelling designed for and occupied by one family only.

DWELLING, TWO-FAMILY: A detached or semi-detached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

DWELLING, MULTIPLE: A building or portion thereof used or designed as a residence for three (3) or more apartment or dwelling units.

DWELLING, SEASONAL: A dwelling unit intended for occupancy only during certain seasons of the year, principally for recreational use by the owner, including beach cottages, hunting cabins, vacation cottages, summer cottages, and vacation lodges. This definition does not include recreational vehicles, travel trailers, or other vehicles.

**DWELLING UNIT:** One room or rooms connected together for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, designed for occupancy by one family.

**EASEMENT:** A specified (limited) use of private land for a public or quasi-public purpose.

**EFFICIENCY APARTMENT:** A multiple dwelling unit in which the sleeping area and living room are one.

**ESSENTIAL SERVICES AND PUBLIC UTILITIES:** Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities, but shall not include telecommunications facilities as defined herein, and shall not include landfills, waste transfer stations or other facilities with the primary purpose of handling or disposing of household or industrial waste.

**EXCAVATION (Quarry, Sand Pit, Gravel Pit, Topsoil Stripping):** A lot or land or part thereof used for the purposes of extracting stone, sand, or gravel for sale, as an industrial or commercial operation, but does not include the process of grading a lot preparatory to the construction of a building which has an approved zoning permit.

**FAMILY:** One or more persons, usually but not necessarily related by blood, marriage or adoption, living together as a single, not-for-profit housekeeping unit.

**FAMILY DAY CARE HOME:** See DAY CARE, HOME (FAMILY)

**FARM:** See AGRICULTURE

**FARM ANIMAL:** This term shall include horses, cows, goats, sheep, pigs, rabbits, fowls, llamas, and other similar animals.

**FARM BUILDING:** Any building used for the housing of agricultural equipment, produce, livestock or poultry or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with, and necessary to the operating of the farm as defined herein.

**FARMER:** Any person who grosses an income of \$10,000 from agriculture and who files a Schedule F, IRS Farm Income Form, with their Federal Tax Return.

**FARM LABOR CAMP:**

**PRIVATE:** Any structure or combination of structures, building or buildings in which people are housed on a farmer's own land who are employed in the individual farmer's personal farming operation, on that farmer's land or land that he has under his control by a valid and existing lease.

**COMMERCIAL:** .Any structure or combination of structures designed or intended to be used for the housing of persons engaged in casual or per diem labor on a profit basis for farmers other than the owner of the camp.

**FARM MARKET:** A structure with more than 120 square feet of gross floor area intended for the display and sale of farm produce and other agricultural products or crafts.

**FARM PRODUCE STAND OR SEASONAL ROADSIDE STAND:** Retail outlet, consisting of non-permanent structures (movable and temporary), for the sale of agricultural products grown principally by the operator during the harvest season. (See also "Farm Market.")

**FENCE:** A structure of wood, masonry, wire mesh or other material, which prohibits or inhibits unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and a property.

Other fence-related terms:

**BARBED WIRE:** Strands of wire twisted together with bars at regular, close intervals.

**BOUNDARY-LINE FENCE:** A barrier of wood, metal, transite, fabricated materials or natural vegetative growth maintained on or within two (2) feet of a property boundary

**HEDGE:** A row of closely planed shrubs, bushes, etc. forming a boundary or fence.

**FARM FENCE:** Any barrier, fencing, screening or buffering that specifically meets the needs of agricultural land use.

**FENCE HEIGHT:** The distance measured from the average grade to the top of the fence.

**LIVING FENCE:** Any fence or hedge composed of live materials.

**PICKET:** A stake or slat, usually pointed, used as an upright in a fence.

**POST:** A piece of wood, metal, etc. usually square or cylindrical, set upright to support a fence.

**RAIL:** A bar of wood or metal, etc. placed horizontally between upright posts to serve as a barrier or support.

**RAZOR WIRE:** Strands of wire with a continuous or combination of continuous and barbed or sharp cutting edge.

**RETAINING WALL:** A wall built to keep a bank of earth from sliding.

**WALL:** An upright structure of wood, stone, brick, etc. serving to enclose, divide, support or protect.

**FLAG LOT:** A type of lot (commonly flag-shaped in configuration) in which street frontage is provided by a strip of land which is narrow in relation to the remainder of the lot and which extends from the main body of the lot to the street. A lot which does not physically front on or abut a street, but which has access to a street by means of an easement over other property, shall be deemed to be included in this definition. The portion of the lot that provides access to the interior portion of the lot shall not be less than twenty (20) feet in width, shall not be considered buildable and shall not be used in the calculation of the minimum lot area requirements for the zone district. The interior portion of the lot shall meet the minimum lot area requirements for the zone district.

**FLAG LOT, ACCESS PORTION:** The panhandle portion of a flag lot having at least twenty (20) feet in lot width and which provides an access corridor between a public road, street or highway right-of-way to the interior portion of a flag lot.

**FLAG LOT, INTERIOR PORTION:** That portion of a flag lot having sufficient lot area, width and depth to meet the minimum requirements of the zone district, and which excludes the access portion of the lot.

**FLOOD HAZARD AREA:** Refer to Village of Lyndonville Flood Hazard Ordinance.

**FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the floor(s) of a building or buildings, measured from the inside faces of exterior walls or from the center line of walls separating two uses.

**FLOOR AREA, HABITABLE:** The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business. All dimensions shall be measured from the interior faces of exterior walls or from the center line of the base of walls separating two dwelling units.

**FRONTAGE:** All of the property abutting one side of a road, street, or thoroughfare, measured along the road, street or thoroughfare line.

**FUEL OIL STORAGE:** Premises used for the storage of fuel oil, kerosene or other combustible fuel in tanks for the sale by motor vehicle or other means of conveyance to purchasers at some other location, and excluding gasoline storage tanks used at gasoline stations for retail sales or tanks used by individuals when fuel is not sold.

**FUNERAL HOME:** A building or portion thereof, with or without an accessory dwelling unit, used principally for preparing cadavers for interment, including embalming, holding wakes or conducting funeral services. The term shall include a mortuary, but shall not include a crematorium.

**GARAGE, PRIVATE:** An accessory building which provides for the storage of motor vehicles or household items by the occupants on the lot upon which it is erected, with no provision for repairing or servicing such vehicles for profit. A garage cannot serve as the principal use on any lot.

**GARAGE, PUBLIC:** Any garage other than a private garage, operated for gain, available on a rental basis for the storage of motor vehicles, recreational vehicles, boats or other tangible personal property.

**GASOLINE STATION:** Any building, land area or other premises or portion thereof used or intended to be used primarily for the retail dispensing or sales of vehicular fuels and which may include, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories. A convenience store shall meet all of the requirements of a "gasoline station" if it includes the retail sales of gasoline or other vehicular fuels.

**HARD SURFACE:** Minimum shall mean 3 inches of asphalt, 4 inches of concrete or 6 inches of crushed stone except that the hard surfaces on which motor vehicles will be parked or driven shall mean 6 inches of asphalt, concrete or crushed stone.

**HISTORIC DISTRICT OR LANDMARK** Any area in the Village identified as a site of historical or cultural significance with certain rules and regulations governing both land and structures therein.

**GASOLINE STATION:** Any building, land area or other premises or portion thereof used or intended to be used primarily for the retail dispensing or sales of vehicular fuels and which may include, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories. A convenience store shall meet all of the requirements of a "gasoline station" if it includes the retail sales of gasoline or other vehicular fuels.

**GRAVEL OR SAND PIT :** See "Extraction of stone and other mining operation."

**GREEN SPACE:** Land areas covered only by grass, trees or other vegetation.

**HOME BUSINESS (CLASS A):** Any occupation or profession conducted as an accessory and special use entirely within a dwelling by the occupant or occupants of the dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof. For purposes of these regulations, Class A Home Business involve limited client and customer traffic and/or limited shipment and delivers to and from the premises. Said business shall comply with all of the conditions set forth in the regulations in this Local Law that govern the operation of Class A Home Businesses. For purposes of this definition, motor vehicle repair shall not be considered a Class A Home Business.

**HOME BUSINESS, (CLASS B) -** Any occupation or profession conducted as an accessory and special use within a building accessory to the dwelling by the occupant or occupants of the dwelling which is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the residential character thereof. For purposes of these regulations, Class B Home Businesses shall be conducted in such a manner such that it will involve no client or customer traffic nor deliveries or shipments to and from the premises and shall comply with all of the conditions set forth in the regulations that govern the operation of a

Class B Home Business. For purposes of this definition, motor vehicle repair shall not be considered a Class B Home Business.

HOME OCCUPATION: Any occupation or profession conducted entirely within a dwelling by the occupant(s) of the dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof. For purposes of these regulations, a Home Occupation shall be conducted in such a manner such that it will involve no client or customer traffic nor deliveries or shipments to and from the premises and the operation of the business shall not be evident by observation from the street or any of the adjoining properties. Said business shall comply with all of the conditions set forth in the regulations in this Local Law that govern the operation of Home Occupations. For purposes of this definition, motor vehicle repair shall not be considered a Home Occupation.

HOSPITAL: An institution providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from illness, disease, injury, deformity or other abnormal physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities or training facilities.

HUNTING/ FISHING CLUB: A facility, whether open to the public or limited to members of a group, which offers such activities as game hunting, fishing, trap or skeet shooting, target shooting, target practice, game farms, and related uses such as assembly halls or sales of bait or equipment. The term includes rod & gun clubs and sportsmen's clubs.

JUNK YARD: A lot, land or structure or part thereof used for the collection, storage, disassembly, packing, sorting, salvage, buying, selling or exchange of waste paper, rags, scrap, or discarded materials or machinery, or parts of any sort. More than two (2) abandoned, unregistered, disabled, dismantled, or partly dismantled vehicles, or pieces of equipment, allowed to remain unhoused on a premises for a period of more than thirty (30) days shall constitute a junkyard. Also, the unhoused storage, sale, or abandonment of waste paper, rags, scrap metal, discarded materials, or the collecting, dismantling, storage, salvaging or abandonment of machinery, appliances or vehicles not in operating condition shall constitute a junkyard. Automobile junkyards as defined in General Municipal Law, Section 136 shall be included within this definition.

KENNEL: Any lot or premises on which four (4) or more domestic animals more than four (4) months of age are, for commercial purposes, housed, groomed, bred, boarded, trained, or sold.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for public pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles.

LOT: A parcel or area of land, the dimensions and extent of which are determined by the latest official records or recordings.

CORNER LOT: A parcel of land at the junction of, and fronting on two or more intersecting streets, roads, or thoroughfares.

**THROUGH LOT:** An interior lot having frontage on two parallel or approximately parallel streets, roads, or thoroughfares.

**LOT AREA:** The square footage or acreage contained within the boundaries of a lot. Any portion of a lot included in a public road, street or highway right-of-way shall not be included in calculating lot area.

**LOT DEPTH:** The mean distance from the right of way line of the street to the rear lot line measured in the general direction of the side lines of the lot.

**LOT FRONTAGE:** The linear distance along a lot line which adjoins the road or highway which provides access to the lot.

**LOT LINE:** The property lines bounding the lot:

1. Lot Line, Front: The line separating the lot from a street right-of-way.
2. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
3. Lot Line, Side: Any lot line other than a front or rear lot line.

**LOT OF RECORD:** A parcel of land properly recorded with the County Clerk and assigned a unique tax parcel identification number at the time of passage of this Local Law.

**LOT WIDTH:** The width of the lot between side lot lines at the front building line as prescribed by the front yard and setback regulations.

**MANUFACTURED HOME:** A factory manufactured home built on a permanent steel-framed chassis in accordance with federal Department of Housing and Urban Development (HUD) standards and designed to be transported to a site in one or more sections, which is intended to be used as permanent living quarters by a single-family unit when connected to the required plumbing, heating and electrical utilities. For the purpose of this Local Law, the removal of transport wheels and/or anchoring of the home to a permanent foundation shall not remove it from this definition. The term shall include double-wide manufactured homes.

**MANUFACTURED HOME PARK:** Any site, lot, field, plot, parcel or tract of land on which two (2) or more or group of manufactured homes are parked or located and are occupied or intended for occupancy on the premises, and for which either the said premises or manufactured home is offered to the public for a fee of any type, including cost sharing. This includes the rental of the premises and/or the manufactured homes.

**MANURE STORAGE FACILITY:** A facility constructed as an accessory use to an animal husbandry use, riding stable, or kennel, intended to collect, hold, process, store, treat, or distribute animal solid and liquid waste. Included within this definition are storage tanks, lagoons, seepage pits, drains, and collection systems intended to handle animal waste. Not included within this definition are systems designed and constructed to handle human waste.

**MARINA:** A waterfront facility having docks, moorings, supplies, and other facilities for small boats, including the sale or rental of boats, and maintenance thereto.

**MEDICAL OFFICES/CLINICS:** A facility or institution, whether public or private, where medical or dental care is furnished to persons on an outpatient basis by one (1) or more doctors or dentists; a place for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention but who are not provided with board or room or kept overnight on the premises; a facility for human ailments operated by a group of physicians, dentists, chiropractors or other licensed practitioners for the treatment and examination of outpatients.

**MINING:** The use of an area of land to remove minerals, metals or other items of value from the ground for a profit, including gas and oil wells.

**MODULAR HOME:** A structure designed primarily for residential occupancy and constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation.

**MOTEL:** A building or group of buildings, whether detached or in connected unities, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and providing accessory off-street parking facilities. A restaurant, tearoom or similar establishment located on the same premises as a motel shall be considered as an accessory use. The term motel includes facilities designated as tourist courts, motor lodges and similar uses.

**MOTOR VEHICLE:** Any vehicle designed to be propelled or drawn by power other than muscle power, except electrically driven wheelchairs being operated or driven by an invalid. This term shall include automobiles, trucks, buses, motorcycles, tractor-trailers, boats, motorhomes, snowmobiles, all-terrain vehicles and garden and lawn tractors.

**MOTOR VEHICLE REPAIR SHOP:** A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles for compensation.

**MOTOR VEHICLE SALES:** Any area of land, including structures thereon, the principal use of which is the display or sale of new and/or used automobiles, motorcycles, trucks, cargo trailers, boats, recreational vehicles or other vehicles, and which may or may not include the repair of vehicles as an accessory use. Enclosed showrooms and open display areas are included in this definition. The sale of motor fuels is not included in this definition.

**NON-CONFORMING BUILDING OR STRUCTURE:** A building or structure legally existing at the time of enactment of this Local Law or any amendment thereto, and which does not conform to the dimensional regulations of the district or zone in which it is situated.

**NON-CONFORMING LOT:** A lot of record existing at the date of the enactment of this Local Law which does not have the minimum width, depth or area for the district in which it is located.

**NON-CONFORMING USE:** A building, structure, or use of land which was lawfully existing prior to the adoption or amendment of this Local Law, but which fails to conform to the regulations of the zoning district in which it is now located by reason of such adoption or amendment.

Any use of land, buildings or structures, legally existing at the time of enactment of this Local Law, and which does not legally conform to the regulations of the district or zone in which it is located.

**NURSING OR CONVALESCENT HOME:** A structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital.

**OFFICE BUILDING:** A building in which office use comprises more than fifty (50) percent of the total floor area. This does not include home occupations, where offices are a secondary or incidental use.

**OPEN STORAGE:** An unenclosed area used for temporary or seasonal storage of vehicles, materials, building supplies, stock, or supplies for later use in conjunction with a permitted principal use, accessory use, or special permitted use.

**OUTDOOR RECREATION FACILITY:** Land developed by a private sponsor with facilities for passive recreation, e.g., trails and picnic areas, and/or with facilities for active outdoor individual or organized recreation, e.g., ball fields, tennis courts, swimming pools, ski trails, and ice-skating areas. This definition includes golf courses, riding stables, hunting and/or fishing clubs, and open air theaters or drive-in theaters. This definition does not include arenas, stadia or other facilities for the accommodation of more than 200 spectators, campgrounds, or racetracks or other facilities featuring activities involving motorized vehicles.

**PARK, PRIVATE, NON-COMMERCIAL:** Outdoor recreation facilities, operated by a non-profit organization and open only to bona fide members of such non-profit organization.

**PARK OR RECREATION AREAS, PUBLIC:** Outdoor recreation facilities or other entertainment facilities operated as a non-profit enterprise by the Village of Lyndonville, any other governmental entity or any non-profit organization and open to the general public.

**PARKING SPACE:** Space available for the parking of one motor vehicle and having an area of not less than 200 square feet (10 by 20 feet), exclusive of passageways and driveways providing access thereto.

**PARKING, OFF-STREET:** An off-street area with an appropriate means of vehicular access to a street, intended for the temporary storage of vehicles.

**PERCOLATION RATE:** The rate in minutes per inch as determined by following the test procedure as set forth in the most recent edition of the New York State Waste Treatment Handbook as published by the New York State Department of Health. Said percolation rates must be obtained from the area of the site on which a septic system leach bed is intended to be

constructed, or would normally be constructed. For the determination of minimum lot sizes in accordance with this Local Law, such percolation tests must be taken in native soil.

**PERMITTED USE (or USE OF RIGHT):** A land use listed in the Zoning District regulations of this Local Law as permitted.

**PLACE OF WORSHIP:** Any church, synagogue, temple, mosque or similar structure used for worship or religious instruction and which may include social and administrative rooms accessory thereto.

**POND, FARM:** Any artificially constructed body of water whose use is to enhance the agricultural process, or for protection, conservation water supply, or flooding or drainage control.

**PRINTING/PUBLISHING ESTABLISHMENT:** A business for the printing of books, magazines or other publications, excluding retail sales of such products on the premises.

**PRINCIPAL BUILDING:** A building in which is conducted the main or principal use of the lot on which said building is located.

**PRINCIPAL USE:** The main or primary purpose for which a building, structure or lot is to be used.

**PROFESSIONAL OFFICES:** The office or place of business where professional services are offered and does not involve the sale of goods, or the keeping of a stock in trade. Professional offices include but are not limited to, medical doctors, dentists, attorneys, architects, engineers, planners, accountants, real estate brokers, insurance brokers, psychologists and chiropractors.

**PUBLIC AND SEMI-PUBLIC USES:** This definition is intended to include, but not be limited to, any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

1. Cemeteries and associated uses.
2. Churches, places of worship, parish houses and convents.
3. Public or semi-public parks, playgrounds and recreational areas when authorized or operated by a governmental authority, school, or religious institution.
4. Nursery schools, elementary schools, high schools, colleges, or universities.
5. Public libraries and museums.
6. Not-for-profit fire, ambulance and public safety buildings.
7. Administrative office buildings and related facilities operated by public agencies.

8. Proprietary or not-for-profit hospitals for the care of human beings, nursing homes, convalescent homes for adults, or homes for the aged as the same are defined under the Public Health Law or the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.
9. Not-for-profit membership corporation or club established for cultural, social, or recreational purposes.
10. Day care centers approved by the New York State Department of Social Services.

**PUBLIC MARKET:** A site that provides space, on a rental or fee basis, for growers to sell agricultural products to the general public.

**RECREATION, COMMERCIAL INDOOR:** A building, structure or portion thereof used principally for indoor recreation, sports or leisure activity, conducted as a commercial enterprise or otherwise as a principal use. The term includes, but is not limited to, billiard parlors, bowling halls, live or motion-picture theaters, amusement or video game centers, indoor sports facilities, gymnasiums, physical fitness centers, martial arts schools and dance schools. The term does not include adult entertainment establishments, special events facilities or indoor recreation as a community facility or as an accessory use for an institutional use, membership club or nonprofit organization.

**RECREATION FACILITY, OUTDOOR:** Land developed by a private sponsor with facilities for passive recreation, e.g., trails and picnic areas, and/or with facilities for active outdoor individual or organized recreation, e.g., ball fields, tennis courts, swimming pools, ski trails, and ice-skating areas. This definition includes golf courses, riding stables, hunting and/or fishing clubs, and open air theaters or drive-in theaters. This definition does not include arenas, stadiums or other facilities for the accommodation of more than 200 spectators, campgrounds, or racetracks or other facilities featuring activities involving motorized vehicles.

**PARK, PRIVATE, NON-COMMERCIAL:** Outdoor recreation facilities, operated by a non-profit organization and open only to bona fide members of such non-profit organization.

**PARK OR RECREATION AREAS, PUBLIC:** Outdoor recreation facilities or other entertainment facilities operated as a non-profit enterprise by the Village of Lyndonville, any other governmental entity or any non-profit organization and open to the general public. This definition includes areas used for recreation or conservation purposes, such as picnic areas; swimming pools and beach areas; scenic overlooks and preservation areas; camping grounds and campsites; hiking trails; riding stables and trails; playgrounds; stadiums and arenas for games and sports; amphitheaters and other performing arts facilities; sites for historical monuments and markers; and related service buildings, including those for dining and refreshments, roads, trails, automobile parking areas and signs of an informational, directional and identificational nature.

RECREATIONAL VEHICLE: A vehicle type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic types are:

A. Travel Trailer

A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and of a body width of no more than eight feet and six inches (8'6"), excluding awnings, and a body length of no more than forty (40) feet when factory equipped for the road.

B. Tent Camper

A portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.

C. Truck Camper

A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two basic types:

1. Slide-in camper - A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.
2. Chassis-mount camper - A portable unit designed to be affixed to a truck chassis.

D. Motorhome

A vehicular unit built on a self-propelled motor vehicle chassis.

RESIDENTIAL CONVERSION: The conversion of the use of a building from non-residential to residential use or the structural alteration of an existing residential structure to increase the number of residential units in the structure.

RESTAURANT: Any establishment, however designated, at which food or drink is sold for consumption to patrons seated within an enclosed building or on the premises.

RESERVOIR SPACE: Any temporary storage space for a vehicle waiting for service or admission. Such space shall be in addition to drives, aisles or parking space required by this Local Law. One (1) reservoir space shall be twenty-four (24) feet long and ten (10) feet wide.

RETAIL ESTABLISHMENT: See BUSINESS, RETAIL.

RIDING STABLE: A horse stable used for the purpose of renting horses or ponies for rides, riding lessons, or for training of horses for specific purposes.

RIGHT-OF-WAY: Land set aside for use as a street, alley, or other means of travel.

RIGHT-OF-WAY LINE: The line determining the street or highway limit of public ownership. For the purposes of this Local Law, the right-of-way line and the street line shall have the same meaning.

ROAD:

MAJOR: Streets or highways connecting through roads with each other and also handling internal movement within the Village.

SECONDARY: Streets serving to connect major roads with each other and also to handle internal movement within the Village.

LOCAL: Streets which primarily function to give direct access to abutting property. Local roads are the internal part of the system to provide movement within residential or to other land use areas.

PRIVATE: Roads, streets, or highways whose primary function is to serve private needs on private property. Private roads for commercial purposes shall be built to Village Standards. Example: Road for mobile home parks, subdivisions, campgrounds.

ROADSIDE STAND: (See FARM PRODUCE STAND):

ROOMING or BOARDING HOUSE: A dwelling other than a hotel, motel or tourist home, where more than two (2) persons are housed or lodged for hire with or without meals. A rooming house is distinguished from a bed and breakfast or tourist home in that it is designed to be occupied by longer term residents as opposed to overnight or weekly guests.

SATELLITE DISH ANTENNA: Shall mean a combination of: an antenna whose purpose is to receive communications or other signals from orbiting satellites and other extraterrestrial sources; and a low noise amplifier whose purpose is to carry signals into the interior of a building, but shall not include a telecommunications facility as defined herein.

SCHOOL OR COLLEGE: An institution or place of learning, including private, public and parochial facilities that provide a curriculum of elementary and secondary academic instruction, as well as higher education, including kindergartens; elementary, middle, junior and senior high schools; and two-year, four-year and advanced degree institutions. This definition shall not include day care centers (nursery schools) or specialized, trade, professional or business schools as defined below.

SCHOOL, SPECIALIZED, TRADE, PROFESSIONAL OR BUSINESS: A school giving regular instruction in: trades or specialized skills such as welding, hair dressing, cosmetology, or massage; or professional subjects, such as the dramatic or graphic arts, business, dancing, languages, music, or sciences; or business skills such as computer programming, stenography

and secretarial courses. For the purpose of these regulations, such schools shall be deemed to be commercial service establishments.

SEASONAL SERVICE RESTAURANT: A restaurant which operates only seasonally. Included are coffee shops, lunch counters, and ice cream parlors.

SERVICE ESTABLISHMENT: See Business, Service

SETBACK: The horizontal distance between the street line, rear or side lines of the lot and the front, rear or side lines of the building. All measurements shall be made at right angles to or radially from the lot lines to the building lines. Setbacks from street lines to building lines are defined as "front setbacks". Setbacks from side lot lines are "side setbacks". Setbacks from rear lot lines are "rear setbacks".

SHOPPING CENTER: A group of stores, shops and similar establishments occupying adjoining structures or two (2) or more commercial buildings located on a single lot or adjacent lots, with such buildings developed as part of a single integrated development with a common architectural design.

SIGN: Any device, structure, or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

SIGN: Any material, structure or devise, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person, business or cause when such is place in view of the general public.

Definitions for other types of signs:

AWNING SIGN: Any visual message incorporated into an awning attached to a building.

BANNER SIGN: Any sign intended to be hung either with or without frames, possessing characters, letters or illustrations applied to paper, plastic or fabric of any kind, stretched across or hung over a public right-of-way.

BILLBOARD SIGN: Any sing that attracts attention to an object, product, service, place activity, institution, organization or business not available or located on the lot where the sign is located.

CHANGEABLE LETTER SIGN: A sign where the supporting frame or structure is permanent and only the letters, displays or illustrations thereon are changeable or temporary.

**CONSTRUCTION SIGN:** Any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

**DIRECTIONAL SIGN:** A sign limited to providing information on the location of an activity, business or event.

**FREESTANDING OR PEDESTAL SIGN:** Any sign not attached or part of any building but separate and permanently affixed by any other means in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs.

**ILLUMINATED SIGN:** Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign which includes reflective and phosphorescent light.

**OFF-PREMISES SIGN:** A sign unrelated to a business or a profession conducted, or to a commodity, or service sold or offered, upon the premises where such sign is located.

**PORTABLE SIGN:** A sign where on its own trailer wheels or otherwise designed to be moveable and not structurally attached in the ground or to a building, a structure or another sign.

**PROJECTING SIGN:** A sign which is attached to the building wall or structure and which extends horizontally from the place of such wall or structure.

**REAL ESTATE SIGN:** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

**REPRESENTATIONAL SIGN:** A three-dimensional sign built so as to physically represent the object advertised.

**ROOF SIGN:** Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

**DIRECTORY SIGN:** A listing of two (2) or more business enterprises, consisting of a matrix and sign components.

**TEMPORARY SIGN:** A sign related to a single activity or event having a duration of no more than thirty (30) days.

**WALL SIGN:** A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

**WINDOW SIGN:** A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four (4) feet of the

window, but not including graphics in connection with customary window display of products.

**SIGN FACE AREA:** The entire area within the single, continuous perimeter enclosing the extreme limits of writing representation, emblem or any figure or similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The supports, uprights or structures on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structures are designed in such a manner as to form an integral part of the display. Where a sign has two (2) or more faces, the area of all faces shall be the face area of the sign.

**SIGN STRUCTURE:** The support, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides where the angle formed between any two (2) of the sides or the projections thereof exceed thirty degrees (30°), each side shall be considered a separate sign structure.

**SIGHT DISTANCE:** The maximum extent of unobstructed vision along a street from a vehicle located at any given point on the street.

**SITE PLAN:** A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

**SITE PLAN, FINAL:** A complete and exact subdivision or site plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

**SITE PLAN, PRELIMINARY:** A tentative subdivision or site plan, in lesser detail than a final plan, showing approximate proposed streets and lot layout as a basis for consideration prior to preparation of a final plan.

**SITE PLAN, SKETCH:** An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings, and the general layout of the proposed subdivision or site.

**SITE PLAN REVIEW:** A review and approval process, conducted by the Planning Board, whereby Site Plans are reviewed utilizing criteria stated in this Local Law.

**SOLAR ACCESS:** Space open to the sun and clear of overhangs or shade.

**SPECIAL PERMIT USES:** Those particular uses that are specifically permitted in a given district only when conditioning criteria enumerated in this Local Law are met.

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

**STREETLINE:** The limit of the street width or highway right-of-way, whichever is greater.

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. For example, structures include buildings, mobile homes, walls, fences, signs, sheds, billboards and poster panels, docks, and/or similar construction types. For the purpose of regulating setbacks and other zoning requirements, a shed or other assembly of materials that is not a motor vehicle, is larger than 12 feet by 10 feet in gross floor area and is placed on wheels or skids shall be included in the definition of "structure."

**SUB-DIVISION:** All property sold for development consisting of four (4) or more parcels will be considered a sub-division and subject to all existing sub-division regulations.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the assessed value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

**SWIMMING POOL:** Any body of water, or receptacle for water, with a surface area less than one thousand nine hundred twenty (1,920) square feet having a capability of a depth of twenty-four (24) inches or more at any point, used or capable to be used for swimming, bathing, or wading, and permanently installed or constructed either above or below ground.

**TAVERN:** Any establishment, licensed by the State of New York, that engages in the sale for on premise consumption of alcoholic and non-alcoholic beverage(s).

**TELECOMMUNICATIONS FACILITY:** Any commercial equipment used in connection with the provision of wireless communication services, including cellular telephone services, personal communications services, radio and television broadcast communications and private radio communications services, and are regulated by the Federal Communications Commission, both in accordance with the Telecommunications Act of 1996 and other federal laws. A Telecommunication Facility shall include monopole, guyed, or latticework tower(s), as well as antenna(s), switching stations, principal and accessory telecommunication equipment and supporting masts, wires, structures, and buildings.

**TEMPORARY USE:** An activity or use conducted for a specified limited period of time, which may not otherwise be permitted by the provisions of this Local Law not exceeding six months. This term shall include those uses incidental to construction projects, festival tents/refreshments stands, temporary real estate sales offices incidental to a subdivision project, and similar type uses.

**TRANSIENT DWELLING:** Includes hotels, lodging houses, boarding and nursery schools, sorority houses, fraternity houses, college and school dormitories, convalescent, old-age and nursing homes and dwellings used for single-room occupancy.

**TOURIST FACILITIES:** Uses and amenities including rest rooms, snack bars, information areas, public cultural and recreational facilities, places of public assembly and self service laundries.

**TOWNHOUSE:** An independent single family dwelling unit which is one (1) of a series of dwelling units, having a common party wall between each adjacent unit, each with private outside entrance.

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

**UTILITY SHED:** Wood, metal or masonry building for the storage of personal property. This excludes any devices previously used for highway use, such as truck trailers or mobile homes.

**VARIANCE:** A variance is any departure from the strict letter of these regulations granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variances run with the land and are not particular to any one landowner.

**VILLAGE PLANNING BOARD:** The Planning Board of the Village of Lyndonville

**WATER DEPENDENT USES:** Land uses, structures and/or economic activities that would not exist without a waterfront location.

**WATER ENHANCED USES:** Land uses that receive added value or importance because of proximity to a shoreline, often functioning as support services for water uses and water dependent uses.

**WAREHOUSE:** A building or part of a building used or intended to be used primarily for the storage of goods or products that are to be sold retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods or products to be shipped on mail order; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes, or stored for use in connection with industrial assembly operations. The term "warehouse" shall not include a retail establishment whose primary purpose is for the sale of goods or products stored on the premises. However, this definition is may include purely incidental retail sales as an accessory use.

**WHOLESALE ESTABLISHMENT:** A business which is primarily involved in sales to other businesses, either directly or as a broker, rather than to the general public.

**WINDMILL:** An alternative energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein. (See also SETBACK)

**YARD, FRONT:** The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front line. Corner lots and through lots shall have two (2) front yards.

**YARD, REAR:** An open space extended across the entire width of the lot between the rear wall of the principal building and the rear line of the lot, and unoccupied except for accessory building and open porches. Corner lots and through lots do not have a rear yard.

**YARD, SIDE:** An open space on the lot with a principal building between the principal building and the side line of the lot extending through from the front yard to the rear yard, into which space there shall be no extension of building parts other than two (2) feet for rain water leaders, window sills, and other such fixtures and open steps.

**YARD SALE:** The temporary displaying, for no more than three (3) consecutive days in the same location, of household items and clothing for sale on a yard, porch or in a barn or garage. This term shall include garage sales, barn sales, porch sales, tag sales and other sales similar in nature.

**ZONING BOARD OF APPEALS:** The Zoning Board of Appeals of the Village of Lyndonville

**ZONING ENFORCEMENT OFFICER:** The official designated to administer and enforce this Local Law by granting or denying development permits in accordance with its provisions.

**ZONING PERMIT:** A document issued by the Zoning Enforcement Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses in conformity with this Local Law.