

ARTICLE 2 INTERPRETATION

Sec. 2.0. Interpretation, separability and conflict.

2.0.1 The following rules of construction of language shall apply to the text of this law:

1. Words used in the present tense include the future tense.
2. Words used in the singular include the plural, and words used in the plural include the singular.
3. Words used in the masculine form shall also include the feminine.
4. The word "lot" includes the word "plot" or "parcel".
5. The word "person" includes an individual, firm or corporation.
6. The word "shall" is always mandatory; the word "may" is always permissive.
7. The words "used" or "occupied" as applied to any land or building shall be interpreted to include the words "intended, arranged or designed to be used or occupied".
8. A "building" or "structure" includes any part thereof.
9. The phrases, "to erect", "to construct", and "to build" a building each have the same meaning and include to excavate for a building and to relocate a building by moving it from one location to another.

2.0.2 If any section, paragraph, subdivision, or provision of this law shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision, or provision judged invalid, and the rest of this Law shall remain valid and effective.

2.0.3 Wherever possible this law shall be interpreted in such a way that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect.

2.0.4 This law is not intended to abrogate or annul any easement, covenant, or any other private agreement. Such private agreements shall not allow what the law prohibits.

2.0.5 Whenever the requirements of this law are at variance with the requirements of other fully adopted rules, regulations or laws, the law with the most restrictive provisions or those imposing the higher standards shall govern.

Sec. 2.1. Definitions. [L.L. No. 6-00, § 1, 12-12-1900; L.L. No. 2-05, 8-9-2005] The following words or phrases as used in this law are defined as follows:

ABANDONMENT — To cease or discontinue a use or activity without intent to resume it.

ACCESSORY STRUCTURE — A structure subordinate to a principal structure on the same lot and used for purposes customarily incidental to those of the principal structure. Accessory structures include but are not limited to, portable, demountable or permanent enclosures, shade structures, carports, swimming pools, garages and storage sheds.

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

ADULT CARE FACILITY — A family-type home for individuals which provides temporary or long-term residential services to individuals who by reason of physical or other limitations associated with either age, physical disability or mental impairment, are substantially unable to live independently. "Adult care facility" is deemed not to include those facilities established under authority of the Public Health Law or Mental Hygiene Law of the State of New York and subject to the requirements of Part II Olean Code of Local Laws Chapter LL4. [Amended 10-13-2015 by L.L. No. 5-2015]

ADULT USES — That whenever used in this local law, the words "adult use" or "adult uses" apply to the following types of establishments:

- a) **ADULT BOOKSTORES** — An establishment which has as a substantial or significant portion of its stock in trade, books, pamphlets, magazines and other periodicals, sculptures, photographs, pictures, slides, videotapes, films, or sound recordings and which establishment excludes any minor by reason of age.
- b) **ADULT ENTERTAINMENT CABARET** — A public or private night club, bar restaurant or similar establishment which presents topless or bottomless dancers, go-go dancers, strippers, male or female impersonators, exotic dancers, or other similar entertainment, and which establishment excludes any minor by reason of age.
- c) **ADULT VIDEO STORE** — An establishment having a substantial or significant portion of its stock in trade, videotapes or films for sale viewing on premises by use of motion picture devices, video equipment or other coin operated means, and which establishment excludes any minor by reason of age.
- d) **PEEP SHOW** — A theater which presents material in the form of live shows, films, or videotapes viewed from an enclosure for which a fee is charged and which excludes any minor by reason of age.
- e) **MASSAGE ESTABLISHMENT** — Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or duly licensed massage therapist, or barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.
- f) **ADULT MOTEL** — A motel which excludes minors by reason of age, or which make available to its patrons in their rooms films, slide shows, or videotapes, which if presented in a public movie theater would exclude any minor by reason of age.
- g) **ADULT THEATER** — A theater that customarily presents motion pictures, films, videotapes, or slide shows and that excludes any minor by reason of age.
- h) **BODY PAINTING STUDIO** — An establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body and which excludes any minor by reason of age.
- i) **ADULT MODEL STUDIO** — Any establishment where, for any form of consideration or gratuity, figure models are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons other than the proprietor, paying such

consideration or gratuity and which excludes any minor by reason of age. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution, which meets the requirement established in the New York State Education Law for the issuance of conferring of, and is in fact authorized to issue and confer a diploma.

AGRICULTURAL USE — The raising of agricultural products including livestock, poultry, dairy products, farm crops, fruit, vegetables and nursery stock whether for gain or otherwise.

ALLEY — A narrow supplementary thoroughfare for the public use of vehicles affording access to abutting property.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts or in exit facilities of such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location to another.

AMUSEMENT GAME CENTER — A continuous commercial use in which four or more mechanical, electrical or electronic machines or devices used or designed to be operated for entertainment or as a game, and either activated by the insertion of a coin, token, etc. or use for which a charge is made.

APARTMENT — See dwelling unit.

APPROVED — Approved by the city code enforcement officer under the regulations of this law, or approved by an authority designated by this law.

AREA, BUILDING — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of terraces and uncovered steps. All dimensions shall be measured between the exterior faces of walls. **AREA, LOT** — The total area within the lot boundary lines excluding any area included in a public street right-of-way.

ATTIC — That space of building which is between the top of the uppermost floor construction immediately below and wholly or partly within the roof framing and that is not finished as habitable space (See also: Story, half).

AUTO-BODY REPAIR/METAL FINISHING SHOP — A building or premises used to repair, refinish, clean or paint motor vehicles, boats, machinery or equipment that uses flammable or combustible liquids that are vented to the outside air. A junk yard or auto salvage yard is not to be the same as an auto-body repair/metal finishing shop.

BAR — A business establishment licensed by the State of New York to serve alcoholic beverages and which establishment is designed primarily for the consumption of such alcoholic beverages on the premises, irrespective of whether or not food and/or entertainment are also provided as accessory uses.

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BASE FLOOD ELEVATION AND BASE FLOOD — Base flood elevation is that height, or elevation, in relation to mean sea level, which is expected to be reached by the waters of the base flood at pertinent points in the flood plains of coastal and riverine areas. The base flood, in accordance with the regulations established by the Federal Emergency Management Agency (FEMA) for the national flood insurance program (NFIP), is the flood having a 1% chance of being equaled or exceeded in any given year. The term base flood has the same meaning as the one-hundred-year-flood under the regulations of the NFIP.

BASEMENT — Any space of a building which is partly below finished grade, but having more than 1/2 of its height measured from floor to ceiling above average finished grade (See also: Cellar).

BED AND BREAKFAST — A building containing a single dwelling unit in which at least one, but not more than four, sleeping rooms are provided by the owner/occupant as overnight lodging facilities for the accommodation of transient guests.

BOARDING HOUSE — A building, other than a hotel, containing a general kitchen and a general dining room, in which at least three, but no more than six, sleeping rooms are offered for rent, with or without meals to non-transient guests. A lodging house, or rooming house shall be deemed a boarding house.

BUFFER YARDS — An area of land forming a visual and/or physical separation or barrier between two uses. In the case of a visual barrier the land shall be covered with natural plantings or manmade material to provide a continuous physical screen preventing visual access and reducing noise.

BUILDING — Any structure which is wholly or partially enclosed within exterior walls, 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 chattel.

BUILDING, ACCESSORY — See: Accessory structure.

BUILDING, DETACHED — A building surrounded by open space on the same lot.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed or existing finished grade to the highest point of the roof for flat roofs, to the deck of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

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

BUILDING, SEMI-DETACHED — A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

BUILDING GROUP — A group of two or more principal buildings and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

BUILDING LINE — The line, established by statute, local law or ordinance, beyond which the exterior surface of a building on any side shall not extend. In the instance of a cantilevered section of a building or projected roof or porch, said line shall coincide with the most projected surface.

BULK — A term to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and all open spaces required in connection with a building, other structure, or tract of land.

CAR WASH — A building, premises or portions thereof where automobiles and other vehicles are washed either by the patron or others either by hand or using machinery and mechanical devices specifically designed for this purpose.

CELLAR — Any space in a building the structural ceiling level of which is less than four feet above average finished grade where such grade meets the exterior walls of the building (See also: Basement).

CERTIFICATE OF COMPLIANCE — A certificate issued by the code enforcement officer upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this law and such adjustments thereto granted by the zoning board of appeals.

CHILD CARE FACILITY — Any licensed building or structure operated for the purpose of providing daytime care and instruction for two or more children on a regular schedule and also known as a day care center. (See also: Day care)

CHURCH OR PLACE OF WORSHIP — A building or premises used for regular public worship by members or representatives of a religious sect or organization as defined by state statute.

CIVIC FACILITY — Buildings, structures, and uses owned and operated by the city and regularly used for neighborhood meetings and other forms of public assembly.

CLUB, MEMBERSHIP — An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

CLUSTERED PROJECTS OR DWELLING GROUPS — Projects or dwelling groups carried out pursuant to the authority granted to the city by Section 20(24) of the City Law of the State of New York, whereby the planning board of the city is authorized to encourage or require the modification of certain density requirements of this zoning law. The modifications must occur at the same time that the plat or plats are approved in accordance with the requirements of the subdivision regulations of the City of Olean. Such modifications to the density standards of this zoning law are subject to reasonable conditions set forth by the City of Olean Common Council. The purposes of such authorization shall be to enable and encourage flexibility of design and development of land in order to promote the most appropriate use of land, facilitate the adequate and economical provision of streets and utilities and preserve the natural and scenic qualities of open lands.

COMMERCIAL VEHICLE — A vehicle of more than one-ton capacity used for the transportation of persons or goods primarily for gain.

COMMUNICATIONS ANTENNA(S) — Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communication signals, including without limitation omnidirectional or whip antennas and

directional or panel antennas, owned or operated by any person or entity required to be licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas. [Added 6-24-2015 by L.L. No. 4-2015]

COMMUNICATIONS TOWER — A tower, monopole, pole or similar structure which supports a telecommunications antenna operated above ground in a fixed location, freestanding, guyed, or on a building or other structure. An amateur radio tower is not a "communications tower" under this section. [Added 6-24-2015 by L.L. No. 4-2015] CONDOMINIUM — A building or group of buildings, in which residential, commercial or industrial units are owned individually while the structure, common areas and facilities are owned jointly by all the owners on a proportional basis.

CONSTRUCTION YARD — Any space, whether inside or outside a building, used for the storage, sale or keeping of construction materials, machinery or vehicles, which are in active use by a construction contractor or a construction supply company.

CONTIGUOUS PARCEL — A tract of land under the control of the applicant or its agent that is not divided by any natural or manmade barriers such as existing streets and highways, public rights-of-way identified on the official map and is not bisected by waterbodies.

CONTRACTOR'S YARD — Any space, whether inside or outside a building, used for the storage, sale or keeping of heavy equipment such as cranes, booms, bulldozers, tractor trailers, or similar equipment, or machinery or parts thereof, which are intended for use by the construction industry.

CONVALESCENT HOME — See: Nursing home.

CONVENIENCE/MINI-MARKET — A commercial retail use which combines the sale of beverages, dairy and baked goods, snack foods, prepackaged grocery items and daily household items and which may also be accompanied by the sale of motor vehicle fuel and accessory substances for automobiles.

COVERAGE — That lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

CREMATION — A heating process that incinerates deceased human beings. CREMATORIES/CREMATORIUM — A facility in which the remains of deceased human beings are processed by cremation.

DAY CARE CENTER — Any licensed building or structure operated for the purpose of providing daytime care for two or more adults or children on a regular schedule. (See also: Child care facility and adult care facility).

DISTRICT OR ZONE — That portion of the city within which specific uses are permitted according to the designation applied thereto in Article 3 and in conformity with the provisions of this law.

DRIVE-IN USE — Any commercial or business activity which incorporates as a principal or accessory feature a service window, booth or other like arrangement on the exterior of the building or structure designed primarily for drive-through or carry-out service.

DUMP — A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste materials of any kind. **DWELLING** — A building designed or used principally as the living quarters for one or more families in one or more dwelling units.

DWELLING, ONE-FAMILY — A building containing one dwelling unit only. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY DETACHED — A building containing one dwelling unit and having two side yards. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY SEMI-DETACHED — A building containing one dwelling unit and having one party wall and one side yard. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, TWO-FAMILY — A building containing two dwelling units. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, MULTIPLE-FAMILY — A building containing three or more dwelling units with shared or individual entrances and/or other essential facilities and services. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING GROUP — See: Clustered projects.

DWELLING UNIT — One room or rooms connected together, consisting of a separate, independent housekeeping establishment for owner occupancy, rental or lease, and containing independent cooking, living, sanitary and sleeping facilities.

FACTORY MANUFACTURED HOME — A dwelling unit constructed off-site, consisting of one or more segments and designed to be permanently anchored to and supported by a foundation, to become a fixed part of the real estate. Such dwelling unit shall bear an insignia of approval issued by the State of New York.

FAMILY MEANS

1. One of the following:
 - (a) One, two or three persons occupying a dwelling unit; or
 - (b) Four or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

2. It shall be presumptive evidence that four or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
3. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:
 - (a) The group is one which in theory, size, appearance, structure and function resembles a traditional family unit;
 - (b) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;
 - (c) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
 - (d) The group is permanent and stable. Evidence of such permanency and stability may include:
 - (1) The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
 - (2) Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
 - (3) Members of the household are employed in the area;
 - (4) The household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units;
 - (5) There is common ownership of furniture and appliances among the members of the household; and
 - (6) The group is not transient or temporary in nature.
 - (e) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

FENCE — An artificially constructed barrier of wood, masonry, stone, metal or any other permitted manufactured material or combination of materials erected for the enclosure of yard areas.

FINISHED GRADE — The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade in computing height of buildings and other structures or for other purposes shall be the average elevation of all finished grade elevations around the periphery of the building.

FLOODPLAIN — The low lands adjoining the channel of a river, stream or watercourse, lake or other body of standing water, which have been or may be inundated by flood water. The channel of a stream or watercourse is a part of the flood plain in accordance with the national flood

insurance program (NFIP) as administered by the Federal Emergency Management Agency (FEMA).

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, in accordance with the national flood insurance program (NFIP) as administered by the Federal Emergency Management Agency (FEMA). Also referred to as regulatory floodway.

FLOOR AREA — The aggregate sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior walls or from the centerlines of walls separating the buildings. In particular, the "floor area" of a building or buildings shall include:

1. Basement space.
2. Elevator shafts and stairwells at each floor.
3. Floor space for mechanical equipment, with structural headroom of seven feet six inches or more.
4. Penthouses.
5. Attic space (whether or not a floor has actually been laid) providing there is structural headroom of not less than seven feet six inches.
6. Interior balconies and mezzanines.
7. Enclosed porches.
8. Accessory uses, not including space for accessory off-street parking.

FUNERAL HOME — A building or part thereof used for human funeral services, including chapels, embalming, autopsies, storage of caskets, funeral urns and other related funeral supplies, and the storage of funeral vehicles, but does not include facilities for cremation.

GARAGE, SERVICE/REPAIR — A building or premises used for the repair of motor vehicles. A junk yard or auto salvage yard is not to be construed to mean or be the same as a garage.

GASOLINE FILLING STATION — An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, which may include as accessory uses sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding, or painting.

GENERAL BUSINESS OFFICE — A non-retail service-oriented office or agency such as insurance brokers, insurance or real estate agents, travel agents, computer programming, consulting organizations, or similar uses.

HABITABLE ROOM — Any room that meets adopted building code requirements for a habitable room, including minimum room proportions, minimum egress requirements, and minimum standards for lighting, heating, ventilation, and electricity. [Added 10-132015 by L.L. No. 5-2015]

HISTORIC RESOURCE — Any historic building, structure, facility, site or district, or prehistoric site that is listed on the state and/or national registers of historic places. Any historic building, structure, facility, site or district, or prehistoric site that has been proposed by the New York Board of Historic Preservation for a recommendation to the state historic preservation officer for nomination for inclusion on the national register of historic places. Any locally significant historic resource designated pursuant to Article 5K of the New York State General Municipal Law.

HOME OCCUPATION — An accessory use which is clearly incidental to or secondary to the principal residential use of a dwelling unit and does not change the character thereof, and is carried on wholly within the enclosed walls of a dwelling unit or accessory building by the resident of such dwelling unit and in which not more than one person not residing in such dwelling is employed.

HOSPITAL — An institution for the care and treatment of the sick and injured, equipped with technical facilities, medical, nursing and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury which require bed care, outpatient care or emergency room care.

HOTEL — A building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may or may not include dining facilities. This term shall not be deemed to include an inn, bed and breakfast, boarding house, or other such accommodations.

HOUSE OF WORSHIP — An institution that people regularly attend or reside in to participate in or hold religious services, meetings, or other activities. A house of worship includes churches, synagogues, temples, monasteries, and convents.

INDUSTRIAL/BUSINESS PARK — A planned, coordinated development of a tract of land with two or more separate parcels or lots for industrial, business or mixed industrial/business development. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to site planning and layout, attractive appearance, entrance signage, general landscaping, vehicular circulation, service and delivery, parking, utility needs, building design and orientation, equipment storage, refuse disposal and open space. Typically, an industrial/business park is developed or controlled by one proprietary interest and has an enforceable master plan and/or covenants, conditions, and restrictions.

INDUSTRIAL USE — Any activity conducted in connection with the manufacture, assembly, disassembly, fabrication, resource recovery, storage or processing of materials or products, all or any part of which is marketed off the premises or marketed to other than the ultimate consumer.

INN — A building containing a single dwelling unit in which more than four and less than 15 sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests, with or without meals.

INSTITUTION SIGNS — A sign which directs attention to a private and/or public school and/or college located within the city, except as otherwise set forth herein.

JUNK YARD — An area of land with or without buildings used for or occupied by the storage, keeping, abandonment or the salvage of junk material, including processing such as sorting, baling,

packing, disassembly, exchange and/or purchase and sale of materials, and including scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles, machinery or parts thereof. A lot on which any motor vehicle, that is not licensed and/or incapable of meeting minimum NYS Motor Vehicle Inspection Standards, is stored for a period of 30 days or more shall be considered to meet this definition.

KENNEL — Any place at which there are kept four or more domestic animals or any number of dogs that are kept for the primarily commercial purpose of sale or for the boarding, care or breeding for which a fee is charged or paid.

LAND USE ACTIVITY — Any construction or other activity which changes the use or appearance of land or a structure or the intensity of use of land or a structure. "Land use activity" shall explicitly include, but not be limited to, the following: New structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits. LODGING HOUSE — See: Boarding house.

LOT — A contiguous parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership, and the customary accessories and open spaces belonging to the same and which abuts and is accessible from a private or public street.

LOT, CORNER — A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angle of intersection does not exceed 135°. LOT, DEPTH OF — The mean distance from the front street line of a lot to its rear line. LOT, THROUGH — Lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

LOT COVERAGE — See: Coverage.

LOT FRONTAGE — A lot line which is coincident with the right-of-way line of a public road or which is measured 20 feet from the center line of a private road.

LOT LINES — The lines bounding a lot as defined herein.

LOT WIDTH — The width of a lot measured between the side lot lines along the rear line of the required front yard.

MAJOR SOLAR COLLECTION SYSTEM OR SOLAR FARM — An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. [Added 6-9-2015 by L.L. No. 3-2015]

MANUFACTURED HOUSING — A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Housing Construction and Safety Standards Act of 1974, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent

hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. (See also: Mobile home).

MEDICAL CLINIC — A place where medical or dental care is furnished to persons on an outpatient basis by five or more physicians who have common offices in a building which shall also offer laboratory and diagnostic facilities to patients on an out-patient basis and not just in conjunction with normal professional services.

MINOR SOLAR COLLECTION SYSTEM — A solar voltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, with the total surface area of all solar collectors on the lot not to exceed 4,000 square feet. [Added 6-9-2015 by L.L. No. 3-2015]

MOBILE HOME — A transportable, factory-built home, designed to be used as a yearround residential dwelling that is manufactured under the authority of the 42 U.S.C. Sec 5401, the National Manufactured Housing Construction and Safety Standards Act of 1974. A mobile home is not constructed with a permanent chassis and may be transported on its own wheels or those of another vehicle. The definition of mobile home includes all additions made subsequent to installation. This definition does not include manufactured housing placed on a permanent foundation or a travel trailer. (See also: Manufactured housing).

MOBILE HOME PARK — A parcel of land under single ownership on which two or more mobile homes are occupied as a residence or which is planned and improved for the placement of two or more mobile homes for non-transient residential use, or for the sale or rental of two or more mobile home lots.

MOTEL — A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space, and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabins, or roadside hotel.

NON-CONFORMING BULK — That part of a building, other structure or tract of land which does not conform to one or more of the applicable bulk regulations of this zoning law, either following its effective date or as a result of subsequent amendment thereto.

NON-CONFORMING USE — Any use of a building, other structure, or tract of land which does not conform to the use regulations for the district in which such use is located, either at the effective date of this zoning law or as a result of subsequent amendment thereto.

NON-RESIDENTIAL PLANNED DEVELOPMENT — One or more commercial uses proposed as a unit, or one or more Industrial uses proposed as a unit, in conformance with Article 8.

NURSING HOME — A building containing accommodations for persons where nursing and convalescent services including meals are furnished.

NURSERY SCHOOL — Any place, however designated, operated for the purpose of providing both daytime care and instruction for two or more children from two to five years of age inclusive, and operated on a regular basis, including kindergartens, day nurseries, and day care centers.

OPEN SPACE — An area which is not developed with principal or accessory structures and which is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, decorative planting, preservation of existing natural areas, walkways, active and passive recreation areas and playgrounds. Open space shall not be deemed to include driveways, roadways or parking areas.

PARK — Any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING LOT, COMMERCIAL — Any tract of privately-owned land which is used for the storage of motor vehicles and is not accessory to any other use on the same or any other lot, and contains parking space rented to the general public or reserved for a group of individuals by the hour, day, week, month or year.

PARKING LOT, PRIVATE — Any tract of privately-owned land which is used for storage of motor vehicles and is accessory to a use on the same parcel or lot or on another parcel or lot, and contains parking spaces reserved or leased in some manner for that principal use and not available to the general public.

PARKING LOT, PUBLIC — An off-street parking area where motor vehicles may be stored by the general public, with or without a fee, for temporary, daily or overnight parking.

PARKING SPACE — An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

PARKING STRUCTURE (GARAGE, DECK) — Any structure in which motor vehicles may be parked or stored that is not accessory to any other use on the same lot, and contains parking spaces rented to the general public or reserved for a group of individuals by the hour, day, week, month or year.

PERSONAL SERVICE ESTABLISHMENT — A commercial operation, office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a beautician, tailor or dressmaker.

PREMISES — A lot together with all the buildings and uses thereon.

PROFESSIONAL OFFICE — An office principally occupied by a licensed professional such as a physician, dentist, lawyer, engineer, architect, accountant, or similar occupation.

RECREATION USES, COMMERCIAL — Uses designed as recreational activities operated by private businesses for profit, including privately operated amusement parks or rides, games, miniature golf courses and similar uses.

REFLECTOR, SOLAR — A device for which the sole purpose is to increase the solar radiation received by a solar collector.

REPAIR SHOP, PERSONAL SERVICE — A store or other place of business at which is conducted the repair of personal customer items, such as shoes, clothing, jewelry, etc.

RESIDENCES, RESIDENTIAL — A building or any part of a building, which contains dwelling units for permanent occupancy. Residence, therefore, includes all one-family, and multifamily, boarding, fraternity and sorority houses. However, "residences" shall not include the following: [Amended 10-13-2015 by L.L. No. 5-2015]

1. Transient accommodations, such as hotels, motels, hospitals and shelters; or
2. That part of a building containing both residences and other uses which is used for any nonresidential uses, except accessory uses for residences.

RESTAURANT, FAST FOOD — An establishment where food and/or beverages are sold in a form ready for consumption and where, by design or packaging techniques, all or a significant portion of the consumption can or does take place outside the confines of the building.

RESTAURANT, STANDARD — Any establishment, however designated, whose primary use is preparation and sale of food for consumption to patrons seated within an enclosed building or on the premises. However a snack bar or refreshment stand at a public or quasi-public community swimming pool, playground, playfield or park, which is operated by an approved sponsoring group, agency or vendor for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RETAIL USE — Business or commercial use or activity involving primarily the sale of merchandise or stock-in-trade to the public.

RIGHT-OF-WAY — The property under public ownership or easement normally used for movement of vehicles, and or persons, including, but not restricted to, any pavement area.

ROADSIDE STAND — A light structure with a roof, either attached to the ground or movable, not for year-round use and at which produce is offered for sale to the general public.

ROOMING HOUSE — See: Boarding house.

SATELLITE TELEVISION ANTENNA — An antenna the purpose of which is to receive television and/or radio signals from orbiting satellites and which is located external to or attached to the exterior of any structure.

SCENIC RESOURCE — Any road, highway, lane district, or corridor designated pursuant to Article 49 of the New York State Environmental Conservation Law. Any area designated a scenic area of statewide significance pursuant to New York States's Coastal Management Program (19 NYCRR 602.5).

SCHOOL — A facility, either public or private that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and or senior high schools.

SENIOR CITIZEN HOUSING — A building or group of buildings where occupancy is restricted to persons 55 years or older. In the case of double occupancy of a unit, only one resident is required to be at least 55 years of age.

SETBACK — The required distance in feet from:

1. Any survey boundary forming a lot or contiguous parcel;
2. The right-of-way of a public street; or
3. A distance measured 20 feet from the centerline of private road to any building on such lot.

SHELTER[Added 10-13-2015 by L.L. No. 5-2015]

1. A building containing at least one habitable room provided with minimal supportive services and which is intended to provide housing for homeless persons, domestic violence victims or other transient individuals on a temporary basis for any reason.
2. A shelter is not to be interpreted as any of the following: boarding house; dwelling; dwelling, one-family; dwelling, one-family detached; dwelling, one-family semidetached; dwelling, two-family; dwelling, multiple-family; dwelling unit; hotel; inn or motel.

SHOPPING CENTER — A building or group of buildings containing a combination of three or more separate shops, stores or offices on a single lot providing primarily retail services with supporting service and office establishments.

SIGN — Any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, model, drawing, picture, banner, flag, insignia, device, marking, or representation used as, or which is in the nature of, an announcement, direction or advertisement. A "sign" includes a billboard, but does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, eleemosynary, professional, religious or similar organization, or of any campaign, drive, movement, or event which is temporary in nature.

SIGN, ADVERTISING — A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the same lot. This shall include billboards.

SIGN, BUSINESS — A sign which directs attention to a business or profession conducted or to products sold on the same lot. A "For Sale" sign relating to the lot on which it is displayed should be deemed a business sign.

SIGN, IDENTIFICATION OR PROFESSIONAL — A sign showing the name and profession, occupation or pursuit conducted on the premises.

SINGLE OWNERSHIP — Possession of land under single or unified control, whether by sole, joint, common or other ownership or by a lease having a term of not less than 10 years, regardless of any division of such land into parcels for the purpose of financing. SITE PLAN — Maps and supporting information required under Article 9 of this law.

SOLAR COLLECTOR — A device, or combination of devices, structure or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy, and that contributes to a structure's energy supply, together with any components for containing and supporting such device.

SOLAR COLLECTOR, DETACHED — A solar collector, as defined herein which is physically detached from the structure for which solar energy is to be supplied. **SOLAR ENERGY SYSTEM** — A complete design or assembly consisting of a solar energy collector (herein called a solar collector), an energy storage facility (where used), and components for the distribution of transformed energy (to the extent that they cannot be used jointly with a conventional energy system), including passive solar energy systems.

STORY — The part of a building comprised between a floor and the floor or roof next above it. A basement shall be considered a story. A cellar shall not be considered a story. **STORY, HALF** — That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to 1/2 the floor-to-ceiling height of the story below. An attic with a finished floor shall be considered a half story. Half stories have structural headroom of less than seven feet six inches and shall not be included within the definition of floor area for the purposes of this zoning law. (See: Floor area).

STREET — An existing public or private way which affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on the official map and recorded in the office of the county clerk.

STREET, LOCAL — A street or road designed primarily to provide access to abutting properties.

STREET, MARGINAL ACCESS — Those streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

STREET, PRIMARY — A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic areas.

STREET, PRIVATE — A drive that services or is designed to serve no more than two principal uses and is built to city specifications that remains in the ownership of and is maintained by the developer or development association and is not dedicated to the city. **STREET, PUBLIC** — A road or street that serves three or more principal uses, that is built to city specifications and is dedicated to the city for maintenance.

STREET, SECONDARY — A public street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a primary street.

STRUCTURE — A static construction of building materials, framed of component structural parts for occupancy or use, including buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, fences, reviewing stands, gasoline pumps, mobile dwellings, and the like.

SWIMMING POOL — An artificial pool of water having a depth at any point of more than 30 inches and a surface area of greater than 100 square feet, designed or intended for the purpose of bathing or swimming and including all appurtenant equipment. **SWIMMING POOL, PRIVATE** — A swimming pool operated as an accessory use to a residential dwelling unit or units and located on an individual residential lot or site.

SWIMMING POOL, PUBLIC — A public or privately-owned pool open to the general public or to individuals on a membership basis and having appropriate dressing room facilities, recreation and off-street parking area.

TOPSOIL — A surface layer of the soil containing more or less organic matter to a depth usually plowed in cultivation. The "A" horizon of the soil solum.

TOWNHOUSE — A building consisting of three or more attached single-family dwelling units each having separate entrances and common vertical party walls. (See also: Building, semidetached).

TRAILER — A non-motorized wheeled vehicle designed to be transportable when towed by a motorized vehicle and which has been designed for human occupancy as a dwelling unit. A trailer does not meet the standards established by 42 U.S.C. Sec. 5401, the National Manufactured Housing Construction and Safety Standards Act of 1974.

TRAILER, UTILITY — A non-motorized wheeled vehicle designed to be transportable when towed by a motorized vehicle and which has been designed for the storage of tools and/or equipment.

TRAVEL TRAILER — A registered vehicle which is used or designed to be used, for seasonal and/or temporary living or sleeping purposes, and which is customarily standing on wheels or rigid supports. A recreational vehicle (RV) is also considered a travel trailer. **TRUCKING TERMINALS** — A building or part of a building or premises for the storage and/or transfer of goods, wares and merchandise for the owner or others by truck transport.

USE — This term is employed in referring to:

1. The purpose for which any buildings, other structures, or land may be arranged, designed, intended, maintained, or occupied;
2. Any occupation, business activity, or operation conducted in a building or other structure, or on land.

USE, PRINCIPAL — The main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended or for which it may be used, occupied or maintained under this law.

VEHICLE SALES AREA — A premises, including open areas, other than a street or way, and enclosed showrooms for the display and sale of new or used automobiles, trucks, trailers, motorcycles, boats, and/or recreational vehicles.

VETERINARY HOSPITAL — A building for the treatment of animal illness including facilities for boarding animals receiving treatment.

WAREHOUSE — A building or premises, for storing of goods, wares and merchandise, whether for the owner or for others, whether publicly or privately owned or used.

WAY — A thoroughfare, street, alley, way or right-of-way, however designated, permanently established for passage of persons or vehicles.

WHOLESALE (STORE, BUSINESS, ESTABLISHMENT) — A business establishment engaged in selling to retailers or jobbers rather than directly to consumers.

WIND ENERGY CONVERSION SYSTEM (WINDMILL) — Any mechanical device designed for the purpose of converting wind energy into electrical or mechanical power. **YARD, FRONT**

— An open area extending the full width of the lot between the street right-of-way and the building line projected to the side lot lines.

YARD, REAR — An open area extending the full width of the rear lot line situated between the rear lot line and the building line projected to the side lot lines.

YARD, REQUIRED — That portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a setback depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

YARD, SIDE — An open area extending between the building line and the side line of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or to the rear lot line if there is no required rear yard).