

ARTICLE II
DEFINITIONS AND WORD USAGE

SECTION 200 WORD USAGE; ADMINISTRATIVE AGENCIES DEFINED

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

A. Word Usage

1. All words used in the present tense include the future tense.
2. 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.
3. The word "person" includes an association, partnership or corporation.
4. Unless otherwise specified, all distances shall be measured horizontally.
5. The word "building" includes the word "structure."
6. "Lot" includes the words "plot," "parcel" or "tract."
7. The word "premises" includes a lot and all buildings or structures thereon.
8. 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.
9. "Used" shall be deemed also to include "designated, intended or arranged to be used or occupied."
10. "Shall" is mandatory and not discretionary; "May" is permissive.
11. "He" is the same as "She" and "Him" is the same as "Her".
12. Any reference to "Ordinance" is the same as "Law" and any reference to "Law" is the same as "Ordinance."

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B. Administrative Agencies Defined

1. Board of Appeals - The Zoning Board of Appeals of the Town of Orangeville.
2. County Planning Board - The Planning Board of the County of Wyoming.
3. Department of Health - The Wyoming County 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 Town.
4. Enforcement Officer - The public official appointed by the Wyoming County Board of Supervisors to enforce the New York State Uniform Fire Protection and Building Code in Wyoming County.
5. Planning Board - The Planning Board of the Town of Orangeville.
6. Town Board - The Town Board of the Town of Orangeville.
7. Zoning Enforcement Officer - The official designated by the Town Board of the Town of Orangeville to enforce the provisions of this Zoning Law.

SECTION 201 DEFINITIONS

As used in this Zoning Law, the following terms shall have the meanings indicated:

Accessory - The term applied to a building or use which: (1) is customarily incidental and subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and, (4) is located on the same zoning lot as the principal building or principal use.

Agricultural or Farming Operations - The land and on-farm buildings, equipment, manure processing and handling facilities and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of New York Agriculture and Markets Law § 301. Such farm operation may consist of one (1) or more parcels of owned or rented land which parcels may be contiguous or noncontiguous to each other.

Airstrip - Any area of land designed for private non-commercial use of airborne craft, including hangars, taxi-ways and landing strips.

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Alterations - As applied to a building or structure, 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; an enlargement of a building or structure, whether by extending on a side or by increasing in height; the moving from one location or position to another; any alteration whereby a structure is adapted to another or different use.

Animal Waste Management System - A planned system designed in accordance with NRCS (National Resource Conservation Service), or a like or successor agency, procedures and specifications in which all necessary components are installed for managing animal wastes and/or on-farm wastes both liquid and solid, including run-off from concentrated waste areas, in a manner that does not degrade air, soil or water resources.

Apartment Building - A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other, but having common hallways and entrances.

Area of Special Flood Hazard - Land in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year.

Base Flood - The flood having a one percent (1%) chance of being equaled or exceeded in any one (1) given year.

Bed & Breakfast - An owner-occupied one-family dwelling in which a room or rooms are rented on a nightly basis for periods of less than two (2) weeks. Breakfast may or may not be provided.

Boarding House (Rooming House) - A dwelling other than a hotel, motel or lodging house, where more than two (2) persons are housed or lodged for hire with or without meals.

Book Store/Adult - An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on the premises, by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material, which excludes minors by virtue of age. Specified sexual activities are defined for the purpose of this Zoning Law as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; or

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3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
4. Specified anatomical areas are defined as follows:
 - a. Less than completely and opaquely covered (a) human genitals, pubic region, (b) buttocks and (c) female breast below a point immediately above the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Buffer Area - A continuous strip of land area covered with grass, vegetation, trees, fencing, embankments or berms not less than ten (10) feet in depth and not less than six (6) feet in height densely planted and designed to provide a physical screen preventing visual access from one use to another and to reduce the escape and/or intrusion of litter, fumes, dust, smoke, noise, or other noxious or objectionable elements.

Building - Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, property or business activity.

Building Area - The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

Building Height - The vertical dimension measured from the average elevation of the finished grade level at the front of the building to the highest point of the structure.

Building Line - A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a 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 Principal - A building in which is conducted the main or principal use of the lot on which said building is situated.

CAFO - see Concentrated Animal Feeding Operation.

Camping Ground - A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy by travel trailers, campers, tents, park model homes,

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recreational vehicles, motor homes, and the motor vehicles propelling or carrying the same, but excluding mobile homes designed for year-round occupancy or as a place of residence.

Certificate of Use - A certificate issued by the Zoning Enforcement Officer upon completion of construction or alteration of a building. Said certificate shall not acknowledge compliance with all of the requirements of the Uniform Code. The Zoning Enforcement Officer may issue a Certificate of Use for the change in use of an existing building or for the use or change in use of a parcel of land with no buildings.

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

Cluster Development - A development of residential lots, each containing less area than the minimum lot area or minimum frontage 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 Communication Tower - A structure, including one (1) or more antennas, that is intended for transmitting and/or receiving radio, television, telephone or microwave communications but excluding those used either for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar communications.

Comprehensive Plan - A written document that identifies the goals, objectives, principles, guidelines, policies, standards, and strategies for the growth and development of the community.

Concentrated Animal Feeding Operation (CAFO) - means an "animal feeding operation" which meets the following criteria:

1. New and existing operations which stable or confine and feed or maintain for a total of forth-five (45) days or more in any twelve (12) month period more than the numbers of animals specified in any of the following categories:
 - a. 1,000 slaughter or feeder cattle;
 - b. 700 mature dairy cattle (whether milkers or dry cows);
 - c. 2,500 swine weighting over 55 pounds;
 - d. 500 horses;

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- e. 10,000 sheep or lambs;
 - f. 55,000 turkeys;
 - g. 100,000 laying hens or broilers when the facility has unlimited continuous flow watering system;
 - h. 30,000 laying hens or broilers when facility has liquid handling system;
 - i. 5,000 ducks;
 - j. 1,000 animal units from a combination of slaughter steers and heifers, mature dairy cattle, swine over 55 pounds and sheep;
2. New and existing operations that discharge into navigable waters either through a man-made ditch, flushing system, or other similar man-made device, or directly into surface waters of the State, and which stable or confine and feed or maintain for a total of forth-five (45) days or more in any twelve (12) month period more than the numbers of types of animals in the following categories:
- a. 300 slaughter or feeder cattle;
 - b. 200 mature dairy cattle (whether milkers or dry cows);
 - c. 750 swine weighting over 55 pounds;
 - d. 150 horses;
 - e. 3,000 sheep or lambs;
 - f. 16, 000 turkeys;
 - g. 30,000 laying hens or broilers when the facility has unlimited continuous flow watering system;
 - h. 9,000 laying hens or broilers when facility has liquid handling system;
 - i. 1,500 ducks;
 - j. 300 animal units from a combination of slaughter steers and heifers, mature dairy cattle, swine over 55 pounds and sheep.

Conditioned Negative Declaration (CND) - Under the State Environmental Quality Review Act, a CND is a negative declaration issued by a "lead agency" for an "unlisted action." This involves an action that, as initially proposed, may result in one (1) or more significant adverse environmental impacts but, when mitigation measures are required by the lead agency to modify the proposed action, no significant adverse environmental impacts will result.

Convenience Store/Gasoline Station/Market - A gasoline station which provides one (1) or more additional commercial services such as a restaurant, dairy bar, beverage market, food or grocery market or such a commercial use which also provides for gasoline sales. For the purpose of this definition, sales from vending machines are not considered commercial service.

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Cul-De-Sac - A street or road with only one (1) entrance. When progressing along a road, if there is a point at which there is no way out except the way one came in, then at that point, one is facing into a cul-de-sac.

Density - The amount of development per acre on a parcel permitted under the Zoning Law. For example, the density allowed could be four dwelling units per acre or forty thousand (40,000) square feet of commercial building floor per acre.

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

Dwelling - A building designed or used for one (1) or more families. The term dwelling shall not be deemed to include a motel, hotel, boarding house, bed and breakfast, or travel trailer.

Dwelling, Manufactured Home - Any manufactured housing unit designed for transportation after fabrication, on streets or highways, on its own wheels or on flatbeds or trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like, and originally bearing a seal issued by the United States Department of Housing and Urban Development, and/or are certified by a licensed structural engineer as to structural integrity, by a licensed electrical underwriter for electrical wiring, by a qualified heating contractor for heating, and a qualified plumber for plumbing. This definition specifically does not include so-called "modular homes" where the chassis upon which the unit or part of a unit is transported is not a part of the structure of the unit itself. The definition specifically does include both so-called "single-wide" and "double-wide" units.

Dwelling, Modular - Modular homes are classified as factory-built housing with proper certifications for local and/or state building codes. Modular homes are also transported via a trailer assembly which is removable. Modular homes are not self-contained and many require plumbing and/or electrical hook-up after being placed on proper foundation. Modular homes have serial numbers which are preceded by the letters DHCR.

Dwelling, Multiple Family - A residential building designed for or occupied by three (3) or more families living independently of each other with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Multiple Family Complex - A series of multiple family dwellings, designed and built as an integrated development with a common architectural style.

Dwelling, Single Family - A detached residential dwelling unit designed for and occupied

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exclusively by one (1) or more persons living as a single non-profit housekeeping unit.

Dwelling, Two-family - A detached residential building, containing two dwelling units, designed for occupancy and used exclusively by two (2) families living independently of each other.

Dwelling Unit - A building or portion thereof providing housekeeping facilities for a single family.

Earth Sheltered Housing - A residential structure which has not less than fifty (50) percent of its exterior envelope covered by earth in order to moderate temperature extremes and to serve as a passive means of lowering the dependence of the residence on artificial climate control derived from fossil fuel energy. The term shall include underground houses, earth contact homes, terratectural designs and geo-built homes.

Electromagnetic Interference (EMI) - The interference to communication systems created by scattering of electromagnetic signals.

Eminent Domain - The Government's right to take title to private property for a public use upon the payment of just compensation to the landowner.

Entertainment Cabaret/Adult - A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers, which excludes minors by virtue of age.

Environment - Defined broadly under the State Environmental Quality Review Act to include the physical conditions that will be affected by a proposed action including land, air, water, minerals, flora, fauna, noise, resources of agricultural, archeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character and human health.

Environmental Assessment Form (EAF) - An EAF, as used in the State Environmental Quality Review Act process, is a form completed by an applicant to assist an agency in determining the environmental significance of a proposed action. A properly completed EAF must contain enough information to describe the proposed action, its location, purpose and potential impacts on the environment.

Environmental Impact Statement (EIS) - As EIS is a written "draft" or "final" document prepared in accordance with the State Environmental Quality Review Act. An EIS provides a means for agencies, project sponsors and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation strategies. An EIS facilitates the weighing of social, economic and environmental factors in the planning and decision-making process. A draft EIS (DEIS) is the initial statement prepared by either the project

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sponsor or the lead agency and circulated for review and comment before a final EIS (FEIS) is prepared.

Environmental Quality Review - The process that reviewing boards must conduct to determine whether proposed projects may have a significant adverse impact on the environmental and, if the do, to study these impacts and identify alternatives and mitigation conditions that protect the environment to the maximum extent practicable.

Environmental Review - The State Environmental Quality Review Act requires local agencies that review applications for land use approvals to take a hard look at the environmental impact of the proposed projects. Where the proposed project may have a significant adverse impact on the environment, the agency must prepare an environmental impact statement before approving the project. The adoption of comprehensive plans, zoning amendments and other land use regulations are also subject to environmental review.

Essential Services - The erection, construction, alteration or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, telecommunications or water transmission and/or distribution systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies, or for the public health, safety or general welfare. This definition expressly excludes power generator facilities or sites for the disposal of waste materials associated with the provision of such services.

Excavation - The process of the removal or displacement of sand, gravel, soil (including topsoil) or other natural deposits by stripping, digging or other means. The normal agricultural practice of scraping barnyards is not deemed to be excavation.

Excavation Site - A parcel of land used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial or commercial operation.

Family - One (1) or more persons, related by birth, marriage or other domestic bond, occupying a dwelling unit and living as a single non-profit housekeeping unit.

Farm - The use of a minimum of ten (10) acres of land for agricultural purposes including tilling of the soil, dairying, pasture, apiculture, arboriculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry and the necessary accessory uses for packing or storing of products, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Farm Animal - Any domestic or domesticated animal produced or kept primarily for farm,

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ranch or market purposes, including but not limited to, beef or dairy cattle, hog and pigs, sheep, goats, horses, lamb, llama, emu, chicken, ducks and the like.

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 operation of the farm as defined by this Article. The term farm building shall not include "farm dwelling."

Farm Dwelling - A dwelling located on a farm and occupied by a family engaged in agricultural activities.

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.

Finished Grade Level - The level where the finished grade of the ground intersects the foundation walls. Height measurements shall be based from the finished grade level.

Flood Insurance Rate Map (Firm) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the town.

Flood Insurance Study - The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary - Floodway Map and the water surface elevation of the base flood.

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 of the base flood.

Floor Area, Gross - The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the inside faces of exterior walls or from the center line of walls separating two uses. For the purpose of applying the requirements for off-street parking and loading in the case of offices, merchandising or service types of uses, gross floor area shall not include areas used principally for non-public purposes such as storage, restrooms, fitting or alteration rooms or general maintenance, or enclosed pedestrian malls or corridors.

Floor Area, Habitable - The horizontal area of any floor of a building designed and intended for living purposes, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a "habitable floor." All dimensions shall be measured from the interior faces of exterior walls or from the center

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line of the base of walls separating two (2) dwelling units.

Freshwater Wetlands Regulations - These are laws passed by federal, state and local governments to protect wetlands by limiting the types and extent of activities permitted within wetlands. These laws require landowners to secure permits before conducting many activities, such as, draining, filling or constructing buildings.

Frontage - Zoning laws typically require that developable lots have a specific number of linear feet that front on a dedicated street. A 100-foot frontage requirement means that a lot must have 100 linear feet on the side of the parcel that fronts on a street.

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.

Garages, Public or Repair - Any garage other than a private garage operated for gain, available to the public, which is used for the storage, repair, servicing or rental of motor vehicles.

Gentleman Farm Operation - Tier 1 - The harboring of customary farm animals on less than seven (7) acres of land receiving an agricultural assessment and located in a State certified - county adopted agricultural district where such land use and on-farm buildings, equipment, manure processing and handling facilities and practices contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. Subject to the regulations set forth in Article X, Section 1009.

Gentlemen Farm Operation - Tier 2 - The harboring of customary farm animals on less than seven (7) acres of land in a State certified, county adopted agricultural district but does not constitutes a "farm operation" as defined by Agriculture Markets Law, §301, subdivision 11 and is subject to the regulations set forth in Article X, Section 1010 of this law.

Gentleman Farm Operation - Tier 3 - The harboring of customary farm animals on less than seven (7) acres of land in a Medium Density District not situated in a State certified, county adopted agricultural district. Subject to the regulations set forth in Article XI, Section 1117 of this law.

Group Home - Residences for a variety of special populations in need of supervised living facilities. Individuals residing in group homes may be mentally or physically disabled, recovering substance abusers, teenaged mothers or victims of domestic violence.

Home Based Business - A business, profession, occupation or trade conducted for gain or support, other than a Home Occupations Minor or Home Occupations Major as defined

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herein, conducted within or on the same lot as an occupied single-family dwelling by the inhabitants thereof. Home-Based Businesses may involve the provision of services or the manufacture and/or sale of goods on the premises, except that the following types of businesses shall not be considered to be Home-Based Businesses:

1. Motor vehicle repair;
2. Motor vehicle, boat and manufactured home sales and rentals;
3. Fuel outlets (including gas stations and mini-marts);
4. Drive-in businesses;
5. Scrap and salvage material storage and sales (including junkyards);
6. Laundries and dry-cleaning establishments;
7. Recreation, entertainment, or amusement enterprises;
8. Restaurants and tearooms;
9. Tourist homes and bed and breakfast establishments;
10. Biological or medical testing laboratories, clinics, hospitals and convalescent homes;
11. Funeral homes;
12. Kennels, stables, animal hospitals and veterinarian offices;
13. Building supply and farm equipment stores;
14. Yard sales, garage sales and any similar type of sales exceeding four (4) calendar weeks.

Examples of Home-Based Businesses:

- a. Lumber Drying, Milling
- b. Tree Trimming
- c. Logging
- d. Construction of Dwellings, Storage Buildings
- e. Construction of Driveways, Ponds, Building Site

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(Examples are illustrative and have been offered as guidance and do not constitute an exhaustive list of Home Based Businesses.)

Home Occupations Minor - Home Occupations Minor may involve a wide range of uses so long as the use is not incompatible with the primary agricultural or residential use of the land. Examples of Home Occupations Minor:

1. Road Side Stands - Baked Goods
2. Quilt Making
3. Artist or Pottery Studio
4. Tailoring - Dress Making
5. Basket Making
6. Rug Making
7. Clock Making

(Examples are illustrative and have been offered as guidance and do not constitute an exhaustive list of Home Occupations Minor.)

Home Occupations Major - Activities and services directed toward meeting the needs of those engaged in area farming and providing materials and services needed for farming. Examples of Home Occupations Major:

1. Facilities for the manufacturing, processing, warehousing, sales, distribution, storage, repair and services of agricultural produce, equipment, vehicles or supplies
2. Buggy Shops
3. Blacksmith Shops, Harness Making and Tinsmith Shop
4. Butcher Shops
5. Grain Mills
6. Processing of locally produced Agricultural Products
7. Veterinary Offices
8. Feed Supply, Seed and Fertilizer Distribution
9. Tarp Making
10. Wood Working, Furniture Repair and Sale of Same
11. Stables

(Examples are illustrative and have been offered as guidance and do not constitute an exhaustive list of Home Occupations Major.)

Home Professional Occupation - The office of a member of a licensed profession when conducted within a dwelling. Such occupations shall include, but not be limited to, those of doctors, lawyers, architects, engineers, ministers, hairdresser/beauticians and other

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licensed professionals.

Infrastructure - Includes utilities and improvements needed to support development in a community. Infrastructure includes water and sewage systems, lighting, drainage, parks public buildings, roads and transportation facilities and utilities.

Junk Yard - A lot, land or structure, or part thereof, where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled or abandoned, including: automobile or other vehicle or machinery, wrecking or dismantling yards; house wrecking yards; used lumber yards; places or yards for storage of salvaged house wrecking and structural steel materials and equipment; or where any unregistered motor vehicle is held outside of a completely enclosed building, whether for the purpose of resale or sale of used parts therefrom, for the purpose of reclaiming for use some or all the materials therein, or for the purpose of storage or disposing of the same for any other purpose. The term junkyard shall not include pawn shops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing, or for processing of used, discarded or salvaged materials as part of manufacturing operations. Exceptions:

1. New, and/or used motor vehicles, which are operable, qualify for a current New York State Motor Vehicle inspection sticker under Article 5 of the New York Motor Vehicle and Traffic Law, and are offered for sale to the public, may be stored on premises on which new or used car sales may be conducted in accordance with the provisions of these regulations.
2. The storage of vehicles subject to seasonal use such as travel trailers and snowmobiles even though such vehicles may be unlicensed during the part of the year they are not in use.
3. The storage of agricultural equipment, machinery and vehicles in a Low Density District which are being used in farm operation.

Kenel - Any premises on which five (5) or more dogs, six (6) months old or older are kept, bred and/or boarded.

Land Use Regulations - Laws enacted by the local legislature for regulations of any aspect of land use and community resource protection, including zoning, subdivision, special use permit or site pan regulation, or any other regulation that prescribes the appropriate use of property or the scale, location or intensity of development.

Lead Agency - The "involved agency" under the State Environmental Quality Review Act that is principally responsible for undertaking, funding or approving an action. The lead

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agency is responsible for determining whether an environmental impact statement is required in connection with the action and for the preparation and filing of the statement if one is required.

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. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking area.

Lodging Room - A room rented as sleeping and living quarters, but without cooking facilities with or without an individual bathroom.

Lot - A parcel of land considered as a unit, devoted to a certain use and occupied, or capable of being occupied, by a building or group of buildings that are united by common interest or use, and the customary accessory uses and open spaces belonging to same.

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, Corner - A parcel of land at the junction of, and fronting on, two (2) or more intersecting streets.

Lot Coverage - That percentage of the lot area which is devoted to building area.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered front yards.

Lot Lines - 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, except for corner lots wherein it shall be the lot line behind the principal structure.
3. Lot Line, Side - Any lot line other than a front or rear lot line.

Lot of Record - A lot which is part of an approved subdivision recorded in the Office of the County Clerk or a lot described by metes and bounds, the description of which has been so recorded.

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Lot Width - The distance between the side lot lines measured, parallel to the street line at the front building line.

Lot, Zoning - A parcel of land occupied, or to be occupied, by a principal use or uses, together with permitted accessory uses, yards and open spaces, having frontage on an officially accepted street and having not less than the minimum area required by these regulations for a lot in the zoning district within which said parcel of land is located. A lot of record may or may not be a "zoning lot".

Manufactured Home - see Dwelling, Manufactured Home.

Manufactured Home Lot - A parcel of land within a manufactured home park reserved for placement of a manufactured home, including accessory buildings, for the exclusive use of its occupants.

Manufactured Home Park - A parcel of land under single ownership on which two (2) or more manufactured homes are occupied as residences or which is planned and improved for the placement of two (2) or more manufactured homes for nontransient residential use, or for the sale or rental of two (2) or more manufactured home lots.

Manufactured Home Stand - That part of a manufactured home lot which has been reserved for the placement of a manufactured home. The manufactured-home stand is derived from the area of a manufactured home lot which remains after all setbacks are met.

Manufactured Home Subdivision - A parcel of land under single ownership in which a single lot or lots are developed and eventually sold by the landowner to persons for the placement of a manufactured home.

Master Plan - see Comprehensive Plan.

Meteorological Testing Tower - A usually temporary, but sometimes permanent, tower commonly referred to as a "MET" tower, utilized for the gathering of information.

Mini-Motion Picture Theater/Adult - An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, when such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

Mixed Use - In some zoning districts multiple principal uses are permitted to coexist on a

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single parcel of land. Such uses may be permitted, for example, in neighborhood commercial districts, where apartments may be developed over retail space.

Mobile Home - see Dwelling, Manufactured Home.

Moratorium - Suspends the right of property owners to obtain development approvals while the local legislature takes time to consider, draft and adopt land use regulations or rules to respond to new or changing circumstances not adequately dealt with by its current laws. A moratorium is sometimes used by a community just prior to adopting a Comprehensive Plan or Zoning Law or major amendment thereto.

Motel - A building or buildings containing sleeping units for transient guests and providing accessory off-street parking facilities; and which may include restaurant facilities, and a dwelling unit for a bona fide caretaker or operator. The term motel includes: hotels, auto courts, tourist courts, motor lodges, bed and breakfast, and similar terms. Each sleeping unit shall contain not less than two hundred forty (240) square feet of living space.

Motion Picture Theater/Adult - An enclosed building, with a capacity of fifty (50) or more persons, used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, when such establishment is customarily not open to the public generally, but only one (1) or more classes of the public, excluding any minor by reason of age.

Motor Vehicle Service Station - Any building, structure or land used to disperse, sell or offer automotive fuels, oils or accessories, including lubrication, washing, polishing or cleaning and the replacement or installation of minor parts and accessories to passenger automobiles or trucks not exceeding one and one-half (1 ½) tons rated capacity, but not including any major mechanical repair, rebuilding or reconditioning of engines, motor vehicles or trailers or collision service, body repair, frame straightening, painting, undercoating, vehicle steam cleaning or upholstery.

Multifamily Housing - Most zoning maps contain district where multifamily housing is permitted by the Zoning Law. Under the district regulations, buildings with three (3) or more dwelling units are permitted to be constructed, such as garden apartments or multiple story apartment buildings.

Negative Declaration - A written determination by a lead agency, under the State Environmental Quality Review Act, that the implementation of the action as proposed will not result in any significant adverse environmental impacts. A "neg dec" concludes the environmental review process for an action.

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Non-Conforming Building or Structure - Any lawful building or structure existing at the date of enactment of this Law which in its design or location upon a lot does not conform to the regulations of this Law for the district in which it is located.

Non-Conforming Lot - A lot of record existing at the date of the enactment of this Law which does not have the minimum width, depth or area for the district in which it is located.

Non-Conforming Use - Any use of land, buildings or structures lawfully existing on the date of enactment of this Law which does not conform to the use regulations of the district in which it is situated.

Non-Participating Resident - An owner of a lot, plot, parcel or tract of land who does not have a signed agreement for the placement of a wind energy conversion device(s) on said lot, plot, parcel or tract of land, an easement or a "good neighbor agreement" with a wind energy company.

Notice - Notice requirements are contained in state and local statutes. They spell out the number of days in advance of a public hearing that public notice must be given and the precise means that must be used. These may include publication in the official local newspaper and mailing or posting notices in prescribed ways. Failure to provide public notice is a jurisdictional defect and may nullify the proceedings.

Open Meeting Law - A state statute that requires local legislative, administrative and quasi-judicial bodies to open all of their meetings to members of the public. This law applies to all meetings where a majority of the board members are present, except those meeting that are held as executive sessions.

Original Jurisdiction - When an aggrieved party must appeal a determination to a quasi-judicial or judicial body in the first instance that body has original jurisdiction over that matter. The Zoning Board of Appeals, for example, has original jurisdiction to hear appeals of the determinations of the Zoning Enforcement Officer.

Parking Space, Off-Street - A space adequate for parking an automobile and having an area of not less than two hundred (200) square feet per vehicle, exclusive of passageways and driveways appurtenant thereto. Such space shall be located on the lot it is accessory to and shall have direct access to a street or public way.

Park Model Home - A home that is designed and intended to be used for recreational, camping and seasonal use, owner occupied and typically located in parks and campground resorts on sites that are owned, rented or leased.

Planning Board - Board that must consist of five (5) to seven (7) members. Planning

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Boards may be delegated to review board functions and a variety of advisory functions, including the preparation of the Comprehensive Plan, drafting zoning provisions or suggesting site plan and subdivision regulations in addition to other functions. One important purpose of the Planning Board's advisory role is to provide an impartial and professional perspective on land use issues based on the long range needs of the community contained in the Comprehensive Plan or other local policy documents.

Ponds - Any man-made body of water which is greater than twenty-one thousand (21,000) square feet and has a capability of more than two (2) feet in depth resulting from excavations, dams, dikes, etc.

Positive Declaration - A written determination by a lead agency, under the State Environmental Quality Review Act, that the implementation of the action as proposed is likely to have a significant adverse impact on the environmental and that an environmental impact statement will be required.

Preliminary Site Plan - A rough plan that will allow the Planning Board to advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan.

Primary Zone District - A zone district regulating the use of land exclusive of any overlay restrictions or regulations.

Principal Building - A building in which is conducted the main or principal use of the lot on which said building is located.

Public Building - The words "public buildings and grounds," as used in this Law are intended to designate any one or more of the following uses, including grounds and accessory buildings necessary for their use:

1. Churches, places of worship, parish houses and convents.
2. Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority.
3. Not-for-profit nursery schools, elementary schools, secondary schools, colleges or universities having a curriculum approved by the Board of Regents of the State of New York.
4. Golf courses and country clubs when occupying not less than fifty (50) acres, not including, however, clubs whose activities include the maintenance, storage or takeoffs or landings of aircraft.

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5. Public libraries and museums.
6. Not-for-profit fire, ambulance and public safety buildings.
7. Proprietary or not-for-profit hospitals for the care of human beings, nursing homes, convalescent homes, homes for adults, homes for the aged or residences for adults 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.
8. Not-for-profit membership corporations established for cultural, social or recreational purposes.
9. Not-for-profit day care centers approved by the New York State Department of Social Services.
10. Governmental buildings used for the housing of activities relevant to governmental functions.

Recreation, Outdoor - A recreation use or facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outside of an enclosed building. Examples include, but are not limited to, team sports playing fields, including stadiums and arenas, golf courses and driving ranges, miniature golf, batting and pitching cages, hard or soft courts, skateboard parks, motorized vehicle racing, pony rides, firearms and archery ranges, swimming pools, water slides, ice rinks and amusement parks.

Recreational Vehicle - A vehicle type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle. The basic entities are:

1. 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.
2. Camp Trailer - A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.
3. 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 (2) basic types:
 - a. Slide-in Camper - A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.

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b. Chassis-mount camper - A portable unit designed to be affixed to a truck chassis.

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

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 Law. One (1) reservoir space shall be twenty (20) feet long and eight (8) feet wide.

Residence - see Dwelling.

Restaurant - Any establishment, however designed at which food is sold for consumption on the premises to patrons seated within an enclosed building and where the taking of food and drink from said building is incidental. However, a snack bar or refreshment stand at a public, semi-public or community swimming pool, playground, play field or park operated by the agency or groups or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

Restaurant, Drive-In - An establishment where food, soft drinks, ice cream and similar confections are sold for principal consumption outside the confines of the principal building or in automobiles, regardless of whether or not seats are provided for patrons.

Right-of-Way - The line determining the street or highway limit of public ownership.

Roadside Stand - Retail outlets, with all related structures, for the sale of farm products.

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."

Shadow Flicker - The alternating pattern of sun and shade caused by wind tower blades casting a shadow.

Shopping Center - 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 structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other

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representation used as, or in the nature of, an announcement, advertisement, direction or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry, which is located upon any land, or on any building, provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one (1) square foot in an area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Legal notices, identification, informational or directional signs erected or required by governmental bodies.
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
6. Temporary signs announcing a campaign, drive or event of a governmental, political, civic, philanthropic, educational or religious nature.
7. Signs located within the windows or doors of commercial enterprises provided that such signs occupy less than fifteen percent (15%) of the total area of such windows and/or doors.

Sign, Advertising - Any sign which directs attention to a business, principal commodity, service or entertainment conducted, sold or offered, elsewhere than upon the premises where the sign is located and only incidentally on the premises, if at all.

Sign Area - The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but excluding supporting or structural members not bearing advertising matter.

Sign, Billboard (Commercial Advertising) - An outdoor advertising sign, structure or symbol erected and maintained by an individual, partnership, or corporation engaged in the sale or rental for profit of space thereon; having more than one hundred (100) square feet of display surface and which is either erected on the ground or attached to or supported by a building or structure.

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Sign, Business - An accessory sign which directs attention to a business, profession or industry conducted upon the premises on which the sign is located, or to a primary product, commodity, or service sold by such business, profession or industry.

Sign, Directional - An advertising sign or device intended to direct or point toward a place or business, or one that points out the way to either an unfamiliar or unknown place that obviously could not be easily located without such sign or device.

Sign, Ground - A sign supported by a pole, uprights or braces placed in or on the ground.

Sign, Illuminated - Any sign which has characters, letters, figures, designs or outline illuminated by electric lights, neon or luminescent tubing.

Sign, Portable - Any sign which is not securely affixed to a structure or the ground and which may readily be moved. Portable signs may or may not have wheels.

Sign, Projecting - Any sign which is attached to a building or other structure beyond the surface or that portion of the building or structure to which the sign is attached, and not parallel to the face of the building.

Sign, Temporary - Any sign, banner or other advertising device constructed of temporary material, with or without structural frames, intended for a limited period of display.

Site - The parcel of land on which something is located (or is to be located), the physical position in relation to the surroundings. The site can be publicly or privately owned by an individual or a group or individuals controlling single or adjacent properties. Where multiple lots are in joint ownership the combined lots shall be considered as one for purposes of applying setback requirements.

Site Plan - A plan, to scale, showing uses and structures proposed for a parcel of land, including lot lines, streets, existing and proposed buildings and structures, topography, rights-of-way, parking areas, open space, and other information deemed necessary by the Planning Board.

Site Plan Review - The review of a rendering, drawing or sketch showing the arrangement, layout and design of the proposed single parcel of land as shown on said plan. This review does not apply to single family residences and their accessory buildings, but is required on all special use permit applications.

Small Wind Energy Device - A wind energy device that does not exceed eighty (80) feet on parcels between one (1) and five (5) acres and one hundred and twenty-five (125) feet on parcels on five (5) or more acres in total height and is intended for on premise consumption.

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Sound Pressure Level - The level which is equaled or extended a stated percentage of time. An L₁₀ - 50 dBA indicates that in any hour of the day 50 dBA can be equaled or exceeded only ten (10) percent of the time, or for six (6) minutes. The measurement of the sound pressure level can be done according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11) or other accepted procedures.

Special Use Permit - Special uses are allowed in zoning districts, but only upon the issuance of a special use permit subject to conditions designed to protect surrounding properties and the neighborhood from the negative impacts of the permitted use. Also referred to as conditional use permit; special exception permit; and special permit.

Stable - A building in which any horses are kept for remuneration, hire or sale.

Story - That portion of a building included between the surface of the floor and the ceiling next above it, having a vertical distance of at least seven (7) feet, six (6) inches along the studs forming each of the exterior walls. Each story above the first story must have an area equal to at least two-thirds (2/3) that of the first story. The first story is the lowest story which is seventy-five percent (75%) or more above the average level of the ground adjacent to said building.

Story, Half - That portion of a building next under a gable, hip or gambrel roof having a vertical distance between the floor and horizontal ceiling of at least seven (7) feet, six (6) inches, except that for habitable space under a sloping roof the minimum height above at least fifty percent (50%) of such floor area shall be seven (7) feet, six (6) inches, and the area where the height is less than five (5) feet shall not be considered in computing required floor area.

Street - A public or private thoroughfare which affords the principal means of access to abutting properties.

Street Grade - The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the "street grade".

Street Line - The right-of-way line of a street; the front lot line; the line separating a lot from a street.

Structure - Anything constructed or erected which requires temporary or permanent support or attachment to the ground, beneath the ground or to something having permanent location on the ground, including gasoline and oil tanks, buildings, manufactured homes, fences and billboards, and towers, whether commercial communication tower, wind energy conversion device or wind energy device. This definition is not intended to include fences.

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Substantial Improvement - Any repair, reconstruction, alteration, modification of a building, the cost of which equals or exceeds fifty percent (50%) of the market value of the building either:

1. Before the improvement or repair is started; or
2. If the building has been damaged and is being restored before the damage occurred.
3. The Zoning Enforcement Officer shall determine the value of the improvements to be made based upon the square footage of building area added or improved. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:
 - a. any project for improvement of a building to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or,
 - b. any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pool - Any body of water or receptacle for water which has a capability of a depth of more than two (2) feet at any point, used or intended to be used for swimming, bathing or wading and installed or constructed above or below ground.

Temporary Uses - An activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this Law. Examples of such uses are structures incidental to new construction which shall be removed after the completion of the construction work.

Total Height - The vertical distance from ground level to the tip of a wind turbine blade when the tip is at its highest point.

Uniform Code - The New York State Uniform Fire Prevention and Building Code.

Use, Special Permit - see Special Use Permit.

Variance -

1. "Use Variance" shall mean the authorization by the Zoning Board of Appeals

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for the use of land for purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

2. "Area Variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulation.

Waste Management Lagoon - A waste treatment impoundment made by constructing an embankment and/or excavating a pit or dugout to biologically treat organic wastes generated by agricultural production or processing in which two major types of bacteria decompose organic matter into gases, liquids and sludge.

Wind Energy Conversion Device - The siting of one (1) mechanical device such as a wind charger, windmill or wind turbine designed and used to convert wind energy into a form of energy for commercial sale. The net metering of the output from a wind charger, windmill or wind turbine pursuant to a tariff filed with the New York State Public Service Commission shall not be considered a Wind Energy Conversion Device and is not subject to regulation by this local law.

Wind Energy Conversion Farm - The siting of two (2) or more mechanical devices such as a wind charger, windmill or wind turbine designed and used to convert wind energy into a form of energy for commercial sale. The net metering of the output from a wind charger, windmill or wind turbine pursuant to a tariff filed with the New York State Public Service Commission shall not be considered a Wind Energy Conversion Device and is not subject to regulation by this local law.

Wind Energy Device - see Small Wind Energy Device.

Wind Tower - The monopole, freestanding, or guyed structure that supports a wind turbine generator.

Yard - A required open space unoccupied and unobstructed by any structure or portion of a structure, except as may be provided by this Law and situated between the principal building or group of buildings and the nearest lot line.

Yard, Front - A yard extending between the side lot lines across the front of a lot adjoining a street; situated between the street line and the front building line.

Yard, Rear - A yard extending between the side lot lines situated between the rear line of the building and the rear lot line. In the case of through lots there will be no rear yards, but only front and side yards.

Yard, Side - A yard extending between the side building line and the nearest side lot line;

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situated between the front and rear yards.

Zoning Board of Appeals - Under state statutes, a zoning board of appeals must be formed when a local legislature adopts its Zoning Law. They must consist of three (3) to five (5) members. The essential function of the Zoning Board of Appeals is to grant variances. In this capacity it protects landowners from the unfair application of the laws in particular circumstances. The Zoning Board of Appeals also hears appeals from the decisions of the Zoning Enforcement Officer or building inspector when interpretations of the Zoning Law are involved.

Zoning District - A portion of the community designated by the local Zoning Law for certain kinds of land uses, such as single-family homes on lots no smaller the one acre in size or neighborhood commercial uses. Only these primary permitted land uses, their accessory uses and any special uses permitted in the zoning district may be placed on the land in that portion of the community.

Zoning Enforcement Officer - The local administrative official who is responsible for enforcing and interpreting the Zoning Law. The local building inspector may be designated as the Zoning Enforcement Officer. Land use applications are submitted to the Zoning Enforcement Officer who determines whether proposals are in conformance with the use and dimensional requirements of the Zoning Law.

Zoning Law or Ordinance - State law allows City Councils and Town Boards to adopt zoning regulations by local law or ordinance. Since 1974, Village Boards of Trustees have not had the authority to adopt legislation by ordinance, only by local law. Technically, zoning regulations adopted by Villages are zoning laws. Only City and Town legislatures may adopt zoning ordinances. Zoning regulations, however, are often referred to as zoning ordinances regardless of these technical distinctions.

Zoning Map - This map is approved at the time that the local legislature adopts a Zoning Law. On this map, zoning districts lines are overlaid on a street map of the community. This map divides the community into districts. Each district will carry a designation that refers to the zoning code regulations for that district. By referring to this map, it is possible to identify the use district within which any parcel of land is located. Then, by referring to the text of the Zoning Law, it is possible to discover the uses that are permitted within that district and the dimensional restrictions that apply to building on that land. The Zoning Map, implemented through the text of the Zoning Law, constitutes a blueprint for the development of the community over time. The Zoning Map will be posted on a wall in the Town Office and all other reproduced versions of said map are merely sketches and do not constitute the official Zoning Map of the Town of Orangeville.

Zoning Permit - A permit issued by the Zoning Enforcement Officer, stating that the purpose for which a building or land area is to be used is in conformance with the uses

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permitted and all other requirements of this Zoning Law.