

ARTICLE III: DEFINITIONS

Except where specifically defined herein, all words used in this Law shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "Lot" includes the word "plot," the word "Building" includes the word "Structure," the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

Certain specific words and terms used in this Law and generally capitalized are to be interpreted as defined below. The failure to capitalize a word or term in this Law shall not be construed that such word or term should have a meaning different from that defined herein.

Abandon – To give up with the intent of never again claiming one's right or interests in; to give over or surrender completely.

Adult Bookstore – An establishment having as a substantial or significant portion of its stock in trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities and/or Specified Anatomical Areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment Business – A public establishment, location, or Structure which features topless dancers, nude dancers or strippers, male or female, or a location, or Structure used for presenting, lending or selling motion picture films, video cassettes, digital media, cable television, or any other such visual media, or used for presenting, lending, or selling books, magazines, publications, photographs, or any other written materials distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities and/or Specified Anatomical Areas. An Adult Entertainment Business includes an Adult Bookstore.

Adult Use – The use of land, or a Structure for an “Adult Entertainment Business” or an “Adult Bookstore.”

Agri-tourism - Recreational, educational and entertainment activities operated in conjunction with and subsidiary to an active farm operation, as part of an overall direct marketing strategy that contributes to the production, preparation and marketing of crops, livestock and livestock products, and including activities such as petting zoos, hayrides, corn mazes and other such recreational activities, educational demonstrations, the onsite processing of foodstuffs and sale of prepared foods comprised primarily of ingredients produced on the premises for consumption on site and off site.

more than five (5) rooms. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

Bed-and-Breakfast Home – A Dwelling having a resident host in the primary Dwelling of a private single-family or two-family home in which at least one (1) and not more than two (2) rooms are provided for overnight accommodations, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained. The Bed-and-Breakfast Home shall not have more than four (4) occupants as lodgers. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

Billboard – See **Sign** – **Outdoor Advertising Billboard**.

Boarding House – Any Dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished rooming house shall be deemed a Boarding House.

Buffer Strip – A row of densely planted shrubs and trees with low branches intended to reduce noise and screen out objectionable views.

Building – Any Structure where space, greater than 150 square feet in area, is covered or enclosed (See **Structure**). The preferred term is Structure.

Building, Accessory – A subordinate Structure, the use of which is customarily incidental to that of the Principal Building, and located on the same Lot as the Principal Building.

Building Height – The vertical distance from finished grade to the highest point of a flat roof or the midpoint of a pitched roof. On a hillside lot, finished grade should be considered as the average finished grade on the uphill side of a Structure.

Building Line – The line formed by the intersection of a vertical plane that coincides with the most projected surface of the Structure.

Building Permit – A building permit issued by the town based upon plans that comply with all applicable codes, statutes, laws, rules, regulations and necessary approvals.

Cabin or Cottage – A Structure designed for seasonal occupancy and not suitable for year-round living.

Campground – An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind. This use shall not be construed as a Retreat or Conference Center.

Day Care Homes, Group Family – A Dwelling Unit which is a personal residence and occupied as a family residence which provides day care on a regular basis for seven (7) to twelve (12) children [See 18 NYCRR § 413.2(j)].

Dwelling – A house, apartment, or other place of residence.

Dwelling, Accessory Unit – A secondary Dwelling Unit which is accessory to a Single-Family Dwelling, for use as a complete, independent living facility with provisions within the accessory unit for cooking, eating, sanitation, and sleeping. An Accessory Dwelling unit may also be located in an accessory Structure to the principal Single-Family Dwelling, such as a detached garage, provided that the accessory Structure is clearly an accessory use to the Single-Family Dwelling. An Accessory Dwelling Unit shall not be confused with a Two-Family Dwelling.

Dwelling, Multi-Family – A Dwelling with separate living units for three or more families having separate or joint entrances and including apartments, group homes, townhouses, cottage homes and condominiums, also a group of Dwellings on one lot with each Dwelling containing separate living units for three or more families having separate or joint entrances and including apartments, group homes, townhouses, cottage homes and condominiums.

Dwelling, Single-Family – A detached Structure (not including a mobile home) that is designed or used exclusively as living quarters for one (1) family.

Dwelling, Townhouse – A Series Building of three (3) or more attached Dwelling Units, each of which shares at least one common wall with an adjacent Dwelling Unit. For the purposes of this Law, except where specifically stated otherwise herein, a Townhouse Dwelling shall be construed as a form of Multi-Family Dwelling.

Dwelling, Two-Family – A detached Dwelling containing no more than two Dwelling Units for the use and occupation by no more than two (2) families.

Dwelling, Upper-Floor Apartment(s) – One or more Dwelling Units that are located above a commercial use.

Dwelling Unit, d.u. – A group of rooms which are designed for residential occupancy by a single family and providing housekeeping facilities for such family. In determining the number of Dwelling Units within a Structure, consideration is given to the separate use of or the provision made for cooking, heating and sanitary facilities whether installed or not; both the actual use to which the Dwelling is being put and the potential use to which the Dwelling might be put.

Educational Use – Use of land where learning in a general range of subjects is provided, including related support and accessory uses, associated with the educational purposes of the

Green Neighborhood Development – A neighborhood developed and certified in LEED Neighborhood Development rating system and achieving at least basic certification.

Green Space – The area of a development not occupied by Structures or Paved areas for vehicles and including formal storm water management facilities (no more than 20% of total Lot Area) as well as green infrastructure storm water facilities (Open Space set aside, swales and 60% of the area of a green roof if not accessible by or visible to the public), and including parks, dedicated Open Space, landscaped areas (plantings, lawns, parking lot islands), and including sidewalks or trails used to access these areas, including Accessory Structures accessible to the public and intended to enhance the Green Space.

Hamlet of Varna Community Development Plan – An amendment to the Comprehensive Plan pursuant to Town Law 272-a and adopted by the Town Board on December 20, 2012.

Highway – See **Public Highway**.

Home Occupation: Level 1 – A business conducted entirely within a Dwelling and carried on by the inhabitants thereof; which use is clearly incidental and secondary to the use of the Dwelling for residential purposes, and which use does not change the character thereof, and which business does not involve the employment of more than one person at the Dwelling on a daily basis. The business may employ others who do not report to the Dwelling on a daily basis. There shall be no exterior evidence of such home occupation, except for a sign in accordance with Section 903(C)(3)(c).

Home Occupation: Level 2 – A business conducted on a residential property and carried on by the inhabitants thereof; which use is clearly incidental and secondary to the use of the Dwelling for residential purposes, and which use does not change the character thereof. A Level 2 Home Occupation may employ up to three (3) persons who report to the Dwelling on a daily basis. The business may have more employees who do not report to the Dwelling on a daily basis.

Hotel – A facility offering transient lodging accommodations for a daily rate to the general public. A Hotel may provide additional services, such as restaurants, meeting rooms and recreation facilities. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

Industry-Light – A manufacturing or maintenance operation conducted wholly within one or more Structures where any process is used to alter the nature, size or shape of articles or raw materials or where articles are assembled and where said goods or services are consumed or used at another location. The exterior appearance of the Structures shall resemble Office Buildings and the impacts of the use (noise, fumes, and vibrations) shall not exceed those typically associated with an office use.

Loading Berth – A dedicated area for the receipt or distribution of materials or merchandise by motor vehicles, including space for their standing, loading and unloading.

Lodge or Club – A membership organization that holds regular meetings and may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage in professional entertainment for the enjoyment of dues paying members and their guests, as well as programs for the general public, such as retreats and recreational, educational, cultural, health, and public interest related programs.

Lot – An area of land having defined boundaries held in separate ownership from adjacent property and which in all respects complies with the requirements of the district in which it is situate.

Lot Area – An area of land the size of which is determined by the limits of the Lot lines bounding said area and is usually expressed in terms of square feet or acres.

Lot Coverage – A measure of intensity of land use (usually represented as a percentage of the Lot Area) that represents the portion of a Lot that is impervious (i.e., does not absorb water). This percentage includes but is not limited to all areas covered by Structures, driveways, roads, sidewalks, parking areas, and any other impervious area.

Lot Depth – The mean horizontal distance between the front and rear Lot lines measured in the general direction of the side lot lines. For the purposes of these definitions and the provisions of this Law, Lot Depth and Setback Lines shall be measured from the title line of dedicated, platted or deeded Public Highways and from the user line for highways by use.

Lot Width – The horizontal distance between the side Lot lines taken at the front Yard line or Principal Building Line and measured along a line which is at right angles to the Lot Depth.

Lot of Record – Any lot with an area, width or other dimension which is less than prescribed for a lot in the district in which such lot is situated if such lot is (i) under one ownership of record since the effective date of the original Town of Dryden Zoning Ordinance, or (ii) under one ownership of record since the time of any amendment to the original Town of Dryden Zoning Ordinance which amendment changed the area, width or other dimension requirements with respect to lots in such district and which lot, except for such amendment, would have been in all respects in conformance with the requirements of such original Zoning Ordinance, or (iii) any lot shown on an approved subdivision plat filed with the Tompkins County Clerk and not combined with any other lot or parcel for the purposes of real property assessment at any time following such filing.

Manufactured Home – A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent

Natural Gas – Any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

Natural Gas and/or Petroleum Exploration – Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas and/or Petroleum Exploration and Production Materials – Any solid, semi-solid, liquid, semi-liquid or gaseous material used in the exploration or extraction of natural gas.

Natural Gas Exploration and/or Petroleum Production Wastes – Any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters or other discarded materials, including solid, liquid, semi-solid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

Natural Gas and/or Petroleum Extraction – The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons.

Natural Gas and/or Petroleum Support Activities – The construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

Neighborhood Development – The development or redevelopment in Varna of at least three (3) tax parcels, or an area of at least two (2) acres.

Nonconforming Use – A Structure or use of land existing on the date of enactment of this Law which does not comply with the allowed use regulations of the zone in which said Structure or use is located.

Nursery/Greenhouse, Retail/Horticultural nursery– A retail establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed Structure.

Office Building – Any Structure in which space is rented and persons employed in or who conduct the management or direction of an agency, business, organization, profession, or public administration, but excluding such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

Public Sewer and/or Water Facilities – A sewage disposal system or water supply and distribution system operated by a municipality; a sewage disposal system or water supply and distribution system authorized for public use, whether for a residential subdivision, or for commercial, industrial or manufacturing Buildings, and approved by the New York State and/or Tompkins County Departments of Health, the Department of Environmental Conservation, and any other governmental agency having jurisdiction thereof.

Public Utility – Infrastructure and services that supply an everyday necessity to the public at large, such as Public Water and/or Public Sewer Facilities, electricity, natural gas, and telecommunications. A Public Utility may be owned and operated by a municipality or a private entity, or a combination thereof.

Recreation, Active – Recreation that involves organized athletic activities requiring fixed infrastructure such as playing fields and/or accessory infrastructure such as seating areas, changing facilities and/or concessions. Active recreational activities include but are not limited to team sports such as baseball, soccer, and lacrosse, smaller group sports such as racquet sports, golf courses (and associated facilities such as driving ranges) and other active recreational uses that require permanent infrastructure such as a skateboarding park or ice rink.

Recreation, Passive – Recreation that generally does not involve organized athletic teams and/or significant fixed infrastructure, apart from such improvements as trails, parking areas, restrooms, picnic shelters and the like. Passive recreational activities include but are not limited to jogging, biking, cross country skiing, hiking, walking on recreational trails and paths, horseback riding, wildlife viewing, picnicking and relaxation.

Recreational Facility, Amusement – A commercial or non-commercial recreational use that may be permanent or temporary in nature, for the conducting of recreational activities including but not limited to traveling carnivals, circuses, amusement parks, driving ranges (not associated with a golf course), batting cages, mini-golf, paintball courses, bowling centers, roller skating facilities, and similar indoor or outdoor recreational activities. A public park shall not be considered and regulated as an Amusement Recreational Facility.

Recreational Facility, Athletic – A commercial or non-commercial recreational use that may be permanent or temporary in nature, for the conducting of recreational activities including but not limited to swimming, tennis, court games, baseball and other field sports, riding academies, and playground activities, but excluding recreational activities involving mechanical devices that are powered by non-human means, such as motorized vehicles. A public park shall not be considered and regulated as an Athletic Recreational Facility.

Recreational Facility, Motorized – A commercial or non-commercial recreational use or accessory use that may be permanent or temporary in nature, which involves the operation of motorized vehicles which includes All Terrain Vehicles, motorcycles etc., including but not limited to go-kart tracks, dirt bike tracks, and race tracks.

all communal areas of the house, including a living room area, dining area, kitchen, laundry, outdoor garden, and patio.

Series of Building – For the purposes of this Law, a series of Multi-Family Dwelling Units with shared wall construction.

Service Business – Any business or nonprofit organization that provides services to individuals, businesses, industry, government, or other enterprises.

Setback Lines - See **Yards**.

Sign – Any device, object, or building facade used for the visual communication or advertisement of a place, building, product, service or name.

Sign – Outdoor Advertising Billboard – Any device, object, or building facade situated on private property and used for advertising goods, services or places other than those directly related to the property on which said sign is located.

Site Plan – A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in this Law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan. Plats showing lots, blocks or sites subject to review as subdivisions under Town Law § 276 and the Town of Dryden Subdivision Law are also subject to review as site plans.

Special Use Permit – An authorization of a particular land use which is permitted in this Ordinance, subject to requirements imposed by this Law and by the Board authorized to grant such permit to assure that the proposed use is in harmony with this Law and will not adversely affect the neighborhood if such requirements are met.

Specified sexual activities:

- a. Human genitals in a state of sexual stimulation or arousal; or
- b. Acts of human masturbation, sexual intercourse or sodomy; or
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified anatomical areas:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

- a. **Variance, Area** – 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 established by this Law.
- b. **Variance, Use** – The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this Law.

Varna – that area of the Town encompassing the Varna Hamlet Mixed Use District, Varna Hamlet Residential District, and Varna Hamlet Traditional District.

Varna Design Guidelines and Landscape Standards – The Town of Dryden “Hamlet of Varna Design Guidelines & Landscape Standards” adopted on December 20, 2012 and effective January 14, 2013 as an amendment to the Town of Dryden Zoning Ordinance. These guidelines and standards are found in Appendix E, and are hereby made a part of this Law by reference to such Appendix.

Warehouse – A building or part of a building designed for the receiving, storing, and distribution of goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private warehouse. This definition includes a wholesale business for shipping/receiving. Not including incidental or temporary use of an empty building for storage.

Workshop/Garage – Non-Commercial – A Structure used for the conduct of non-commercial, low-intensity activities such as woodworking, personal vehicle repair, and storage. Normally considered an accessory use, but may be allowed without a principle building.

Yard – A Yard is a Green Space other than a court on a Lot, unoccupied and unobstructed from the ground upwards between the Lot Line and the nearest line of the Structures on the Lot, except as otherwise permitted. (See illustration below for location of front, side and rear yards.)

