

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.”

Agricultural Use – See **Farm Operation**.

Agriculture-Related Enterprise – A retail or wholesale enterprise providing services or products utilized in agricultural production, such as Structures, agricultural equipment and agricultural equipment parts, livestock, feed, seed, fertilizer and agricultural equipment repairs and wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of local agricultural operations.

Appeal – An application to the Zoning Board of Appeals (ZBA) for relief from and review of any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of the Zoning Law.

Artist Studio/Craft Workshop – A place where artists, artisans, craftsmen and other skilled

tradespeople produce custom-made art or craft products, where they teach such skills, and/or where they sell such art or products.

Automotive Repair Garage – Any Structure and/or Lot used for the repair and/or servicing of motor vehicles, or for motor vehicle body work, structural repair or painting.

Automotive Sales – Any Lot or Structure used for sales, rental or leasing of new or used cars, trucks, motorcycles, boats or other motorized vehicles including tractors or construction vehicles.

Automotive Salvage/Junk Yard – A Lot or Structure and any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term junk yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

Automotive Towing Service – An establishment that provides for the transport of a motor vehicle by towing, carrying, hauling or pushing from public or private property, and which may provide for the temporary storage of motor vehicles. This definition shall not include an Automotive Repair Garage with a tow truck(s) which repairs vehicles on-site, nor shall this use be construed as a Junk Yard.

Bed-and-Breakfast Establishment – A Dwelling having a resident host in a private single-family home with common dining and leisure rooms and lodging rooms for overnight accommodations, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained and no other commercial services are offered. The Bed-and-Breakfast Establishment shall have not more than ten (10) occupants as lodgers in at least three (3) and not 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.

Boundary Line Adjustment (BLA) - A reconfiguration of property lines between two or more separate legal parcels. BLAs are not subdivisions and cannot create new parcels or building sites.

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.

Car Wash – A Structure or portion thereof used exclusively for the business of washing, cleaning and waxing motor vehicles.

Cemetery – Land used or intended to be used primarily for the burial of the dead and dedicated to cemetery purposes.

Commercial Development Design Guidelines – the Town of Dryden Commercial Development Design guidelines adopted on December 3, 2008 as an amendment to the Town of Dryden Zoning Ordinance. These guidelines are now found in Appendix C, and are hereby made a part of this Law by reference to such Appendix.

Commercial Horse Boarding Operation – an agricultural enterprise, consisting of at least seven (7) acres and boarding at least ten (10) horses, regardless of ownership, that receives ten thousand dollars (\$10,000.00) or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this definition be construed to include operations whose primary on site function is horse racing.

Comprehensive Plan – The Town of Dryden Comprehensive Plan adopted by the Town Board pursuant to Town Law 272-a on December 8, 2005, including amendments thereto.

Congregate Care Facility – A facility providing residential care and services in community integrated settings for persons who may require assistance with daily activities. Such services may include twenty-four-hour supervision, room and board, housekeeping, case management, recreation programs, medication management and, where necessary, provision or arrangement for the provision of enhanced professional services such as medical, nursing, physical therapy and other personal care services. Congregate care facilities include assisted living programs and adult care facilities run in accordance with New York State requirements.

Contractor's Yard – Any space, whether inside or outside a Building, used for the storage or keeping of operable construction equipment, machinery or vehicles or parts thereof which are used by a construction contractor. A building trade or construction contractor is defined as but not limited to carpenters, electricians, masons, site work contractors, plumbers; heating, ventilating, and air conditioning (HVAC) technicians, general contractors, etc.

Day Care Center, Child – A facility which is not a Dwelling Unit in which care is provided on a regular basis to three (3) or more children [See 18 NYCRR § 413.2(g)].

Day Care Home, Family – A Dwelling Unit which is a personal residence and occupied as a family residence which provides daycare to three (3) to six (6) children [See 18 NYCRR § 413.2(i)].

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-Condominium -- The term condominium refers to a system of ownership and

administration of property with three main features. A portion of the property is divided into individually owned units, the balance of the property is owned in common by all the individual owners and a vehicle for managing the property, known as the condominium corporation, is established.

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, Townhouse or townhome – A single-family home that shares one or more walls with other dwelling units. Townhouses are distinguished from a Condominium Townhouse, which is a single-family home that shares one or more walls with other independently-owned units.

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 institution. The definition includes institutions that provide cultural education, such as museums or galleries.

Elder Cottage – A separate, detached, temporary Single-Family Dwelling, accessory to a Single- or Two-Family Dwelling on a lot; and occupied by no more than two residents, one of whom must be 55 years of age or older.

Family – An individual, or two or more persons related by blood, marriage or adoption, occupying

a Dwelling Unit and living as a single household; For purposes of this Ordinance, a family may also consist of not more than four unrelated individuals occupying a Dwelling Unit and living as a single household. The two definitions cannot be combined.

Farm Operation – 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, a Timber Operation and “compost, mulch or other biomass crops” as defined in the New York Agriculture and Markets Law. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

Farm Stand – A seasonal or temporary stand for the sale and display of farm products.

Frontage – The linear measurement in feet of that part of a Lot coincident with a Public Highway measured at the edge of the Public Highway. A corner lot shall be considered to have frontages on both Public Highways.

Gasoline Station – A Lot, including Structures thereon or parts thereof, other than an Automotive Repair Garage, that is used for the sale of motor fuels dispensed from pumps and motor vehicle accessories and supplies. Permitted accessory uses may include facilities for lubricating, washing or other minor servicing of motor vehicles and/or the retail sale of convenience items, including but not limited to snacks and beverages, provided such accessory uses are located indoors. Motor vehicle body work, major structural repair or painting by any means are not to be considered permitted accessory uses.

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 stormwater management facilities (no more than 20% of total Lot Area) as well as green infrastructure stormwater 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.~~

Green Space – Areas of vegetated and permeable surfaces of a development not occupied by Structures or Paved areas for vehicles and including formal stormwater management facilities (no more than 20% of total Lot Area) as well as green infrastructure stormwater facilities Open Space set aside include swales and parks, dedicated Open Space, landscaped areas, plantings, lawns, parking lot islands, and sidewalks or trails used to access these areas, including Accessory Structures (e.g. gazebos or similar 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.

Industry-Manufacturing – Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the creation of products, and the blending of materials such as oils, resins or liquors. These Industry-Manufacturing uses have greater impacts than light industry uses in terms of noise, fumes, and vibrations.

Inn – A commercial facility, resembling in character traditional residential construction, providing lodging and meals which is characterized by common dining facilities and a common leisure room available for use by lodgers and the general public. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

Invasive Species – Non-native plant species on the list of invasive plants compiled by F. Robert Wesley, April 1998 which includes the common name, species name and family. This list is now found in Appendix D, and is hereby made a part of this Law by reference to such Appendix.

Junk Yard – Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in

condition for legal use on the Public Highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term Junk Yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

Kennel – Any commercial establishment where four or more dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.

LEED – The acronym for “Leadership in Energy and Environmental Design.” LEED is a family of green building rating systems developed by the United States Green Building Council (USGBC). LEED provides verification of high environmental performance in building and neighborhood design and construction. The LEED family of rating systems includes a rating system for Neighborhood Development. A LEED rating system contains a combination of required prerequisites and optional credits and evaluates projects based on a 100-point base scale (not including up to 10 special “innovation” and “regional priority” bonus points, explained in the Rating System). Projects seeking certification must meet all prerequisites and earn at least 40 points by achieving various credits. Beyond basic certification, projects may achieve Silver (50 points), Gold (60 points), or Platinum (80+ points) certification for increasingly high performance.

Library – A public institution with a Structure containing printed, pictorial, and audiovisual material for public use for purposes of study and reference.

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 situated.

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 Consolidation - A Lot Consolidation is used to combined two existing parcels. Lot Consolidations erase parcel lines so that only one parcel remains.

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 chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term shall include any Structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under Title 42 of the United States code; and except that such term shall not include any self-propelled recreational vehicle.

Manufactured Home Park – A parcel of land under single ownership, which is improved for the placement of Manufactured Homes for non-transient use and which is offered to the public for the placement of five (5) or more Manufactured Homes.

Mining – The excavation and sale of topsoil, sand, gravel, clay or other natural solid mineral or vegetable deposit, or the quarrying of any kind of rock formation.

Mining Subject to State Jurisdiction – An operation which results in the mining or proposed mining from each use of more than one thousand (1,000) tons or seven hundred-fifty (750) cubic yards, whichever is less, of minerals from the earth within twelve (12) successive calendar months, or an operation which results in the mining or proposed mining of over one hundred

(100) cubic yards of minerals from or adjacent to any body of water not subject to the jurisdiction of the New York State Environmental Conservation Law or the Public Lands Law.

Mining not Subject to State Jurisdiction – All mining which is not defined as Mining Subject to State Jurisdiction.

Mobile Home – A moveable or portable unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components for repeated towing. Mobile Home shall mean units designed to be used exclusively for residential purposes, excluding travel trailers.

Motel – See **Hotel**.

Municipal Facilities – Highways, water and/or sewer facilities or other public services or facilities that are directly or indirectly provided and maintained by a municipality.

Municipal Use – For the purposes of the use restrictions of this Law means the use of land, building, or Structures owned by the Town of Dryden or other municipal corporations or governmental bodies.

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 – 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.

Open Space – Any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use enhances the present or potential value of abutting or surrounding property, or maintains or enhances the conservation of natural or scenic resources. For purposes of this Local Law natural resources shall include, but not be limited to, agricultural lands actually used in bona fide agricultural production.

Outdoor Storage – Commercial and industrial storage outside the confines of an enclosed Structure of any equipment or materials in usable condition which are not being specifically displayed as merchandise or offered for sale. Outdoor Storage shall not be construed as a Junk Yard, Contractor’s Yard or Self-Storage.

Parking Space – An off-street space available for parking one vehicle and which dimensions are 9 feet wide and 20 feet long, not including maneuvering area and access drives, but with Board approval in Site Plan Review or Special Use Permit review may be approved to be modified to target specific vehicles such as compact cars and motorcycles.

Paved – A smooth, hard, dense surface, which is durable and well-drained under normal use and weather conditions.

Planned Unit Development – An area of land intended to provide for a variety of land uses planned and developed in a manner which will provide a community design that preserves critical environmental resources, provides above-average Open Space amenities, incorporates creative design in the layout of Structures, Green Space and circulation of vehicles and pedestrians; assures compatibility with surrounding land uses and neighborhood character; and provides efficiency in the layout of Highways, public utilities, and other Municipal Facilities.

Planning Board – The Town of Dryden Planning Board.

Professional Office – A Structure used for the organizational or administrative aspects of a trade or profession or used in the conduct of a business and not involving the manufacture, storage, display, or direct retail sales of goods, characterized by low traffic and pedestrian volumes, lack of distracting, irritating, or sustained noise, and low density of building developments. This definition may include, but is not limited to, the offices of: accountants, appraisers, architects, planners, engineers, financial planners, insurance brokers or adjusters, landscape architects, lawyers, consultants, secretarial agencies, bonding agencies, real estate, mortgage or title agencies, investment agencies, and persons with similar occupations.

Public Highway – A road or street, either deeded or by prescriptive easement, that is maintained by a, village, town, county, state or the federal government.

Public Safety Use – Voluntary or professional individuals or entities providing municipal/governmental services providing for the health, safety, and general welfare of the public; including, but not limited to, fire, emergency, medical, and police services.

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.

~~**Redevelopment** – The planning, development, design, clearance, construction, or rehabilitation of existing property improvements, regardless of whether a change in the Principal or Accessory Use occurs.~~

Religious Institution – Use of land and/or Structures by a tax-exempt institution, a bona fide religious sect or denomination where religious worship and related activity is conducted.

Residential Design Guidelines – the Town of Dryden Residential Development Design Guidelines adopted on December 3, 2008 as an amendment to the Town of Dryden Zoning Ordinance. These guidelines are now found in Appendix B, and are hereby made a part of this Law by reference to such Appendix.

Restaurant – An establishment, including Taverns but excluding bars, where food and drink is prepared, served, and sold.

Retail Business – Any business involving the sale in small quantities of a larger inventory of items to transient customers whether in a shop or other building, or electronically or by mail.

Retail Shopping Centers/Plazas – A lot used for two (2) or more commercial units, attached or detached, which relate to a common parking area and common points of ingress and egress and a common circulation pattern.

Retreat or Conference Center – A facility used for service organizations, businesses, professional, educational, or religious meetings or seminars limited to accommodations for attendees. The accommodations can include sleeping, eating, and recreation.

Road – See **Public Highway**.

SEQR – The New York State Environmental Quality Review Act found in Environmental Conservation Law Article 8 and the implementing regulations found in 6 NYCRR Part 617.

Self-Storage – A Structure or Structures in which materials, goods, or equipment are stored with separate storage units having individual access for storage of personal or business property. Self-storage operations with several separate Structures shall all be considered together to form one (1) primary Structure for the purpose of Site Plan Review.

Senior Care Facility – A living and care facility for over ten (10) seniors in a variety of settings.

Senior Housing, Family – Living facilities offering a family type of living environment where residences are designed to feel like a home instead of a medical facility and to blend in architecturally with neighboring homes. The residences are designed as efficient homes for six (6) to ten (10) seniors, each of whom has a private room with a private bath and easy access to 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.

Street – See **Public Highway**.

Story – A story is any level part of a building with a floor that could be used by people (for living, work, storage, recreation). A building that has four levels, including the ground/earth level has four stories but three floors. This is because the ground floor does not count as a floor. The floor above is 1st floor, second floor, third floor + the ground floor = three floors, yet four stories. Stories refer to the overall height of the building.

Structure – Anything constructed or erected on the ground or with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, Buildings of a size exceeding 150 square feet, walls and fences over 6 feet in height, radio towers, power generating equipment such as freestanding windmills and solar panels, swimming pools designed for a depth of three (3) feet or more, billboards, poster panels and signs. All Structures, regardless of size, shall be erected in compliance with the setback requirements for their respective district. The following shall not be classified as Structures for the purpose of this Law: fireplace chimneys, flagpoles, and antennae.

Tavern – A commercial Structure where food is prepared, served, and sold and alcoholic beverages are consumed on the premises.

Theater – A Structure or part of a Structure, devoted to showing motion pictures or for dramatic and/or comedic live performances including musicals, recitals, concerts, or other similar entertainment, including dinner theaters.

Timber Operation – The on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, provided that such farm operation consists of at least seven (7) acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars (\$10,000) or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

Town Board – The Town Board of the Town of Dryden, Tompkins County, New York.

Traditional Neighborhood Design (TND) – A type of neighborhood design with a focus on pedestrian facilities, front porches, back alleys and emphasis on the human use of spaces in the resulting form and function, as well as commercial or mixed use developments that emphasize human use of spaces and attractive character of buildings.

Use, Accessory – A use which is customarily incidental and subordinate to the Principal Use on a Lot and which is located on the same Lot. Accessory Uses or Structures shall not be permitted on a Lot without a permitted Principal Use or Structure. Unless otherwise permitted in this Law, an Accessory Structure shall not be permitted in the front yard of a Principal Use.

Use, Principal – The main or primary use of land and/or Structure on a Lot and which determines the overall character and appearance of use on the Lot.

Variance

- 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.)