

ARTICLE II DEFINITIONS

A. Interpretation

For the purpose of this Ordinance certain terms and words shall be interpreted to have the following meanings: words used in the present tense shall include the future, the plural includes the singular; the word "plot" includes the word "lot"; the word "building" includes the word "structure"; the word "occupied" includes the words "designed", "intended", or "arranged for occupancy"; and the word "person" may include more than one, an association, a partnership or a corporation. Terms not defined in this Ordinance shall be interpreted to carry the conventional definition attributed to it in every day association.

B. Definitions

For the purpose of this Ordinance, certain terms and words are herewith defined below.

1. Accessory Building: A detached subordinate building, the use of which is customarily incidental to that of a principal building and located on the same lot with such principal building.
2. Accessory Use: A use, occupancy, or tenancy customarily incidental and subordinate to the principal use and located on the same lot with such principal use.
3. Adult Businesses: Any one of several adult business uses which may include an adult cabaret/nightclub, adult motion picture theater, massage parlor, adult video/bookstore, or a business where body painting and/or tattooing or body piercing is conducted.
4. Agribusiness: A commercial facility selling products and services normally associated with agriculture including, but not limited to, farm equipment and its repair, agriculture production supplies for agricultural use.
5. Agricultural Activities - All activities directly related to the growing or raising of crops or livestock, including horticultural and fruit operations.
6. Agricultural Land: Land used for the production or raising of crops, animals, or animal products, the selling of such products grown on premises and any other commonly accepted agricultural pursuits.
7. Agricultural Pursuit (Use): Cultivation of land, or raising or harvesting of

any agricultural or horticultural commodity including the raising, shearing, feeding, caring for, training of and management of animals, including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems, and farm ponds on such lands.

8. Agricultural Use Structure: Any barn, stable, shed, silo, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.
9. Airport: A place where aircraft can land and take off, usually having hangers, refueling facilities, and accommodations for passengers and cargo.
10. All Weather, Dustless Material: Any material or treatment that serves to reduce or eliminate dust generation on road surfaces and parking areas. Such material or treatment need not contain any bituminous materials, but must provide a type of surface which will remain durable through all types of climatic conditions. Crushed rock shall be considered an all weather, dustless material.
11. Alterations: As applied to a building or structure, a change or re-arrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another. The repair of existing structural parts is not considered an alteration.
12. Animals (Agriculture): Traditional farm animals and livestock which include cows, horses, sheep, llamas, goats, pigs, chickens, ducks, and geese.
13. Antique Shop: A commercial facility or a home occupation selling items constructed and/or manufactured in an earlier time. There shall be no outdoor display of goods or outdoor storage of equipment or materials associated with such shop when a home occupation.
14. Applicant: A person submitting an application for review.
15. Area and Bulk Regulations: The combination of controls which establish the minimum size of a lot and the maximum size of a building and its location on such lot.
16. Art Gallery: A place where original works of art, prints, and reproductions are displayed and offered for sale.
17. Automobile Junkyard: Any place of storage or deposit, whether in

connection with another business or not, where two or more unregistered or second hand motor vehicles, no longer intended or in condition for legal use on the public highways or for agricultural or construction-related activities, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use of 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 junkyard 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 re-melting purposes only. For the purpose of this definition, "motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways or in agricultural activities.

18. Basement: That space of a building that is partly below grade which has more than half its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.
19. Bed & Breakfast: A private dwelling in which at least one (1) and not more than five (5) rooms are offered for rent for transient occupancy, in which overnight lodging and breakfast are offered to such occupant and in which no public restaurant is maintained.
20. Bituminous Material: Any material or treatment containing a mineral pitch or asphalt base and which provides a durable road surface able to withstand all types of climatic conditions.
21. Boarding, Lodging or Rooming House: A private dwelling in which at least three (3) but no more than six (6) rooms, with or without meals, are offered for rent. This term shall be deemed to include Inns.
22. Building: A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals, property or a business activity.
23. Building Area: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
24. Building Code: Ordinance establishing regulations for structures as adopted by the Town Board.

25. Building Coverage: The amount of land covered or permitted to be covered by building(s), walkways, driveways, parking lots and accessory uses, measured in terms of a percentage of total lot area. Such measurement shall exclude uncovered porches, terraces, and steps.
26. Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face shall include bay windows, covered porches whether enclosed or unenclosed, or any projections thereof, which are over fifty (50) square feet in area.
27. Building, Height of: The vertical distance from the mean finished grade to the highest point of the roof measured at the front wall of the building. Said measurement shall exclude church spires, cupolas, water towers, and radio antennae.
28. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
29. Cellar - That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.
30. Central Private Utility: A sewage, water or other utility system which serves a development and is paid for without public or special district administration or funding.
31. Channel: A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.
32. Church: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for use by groups or persons to conduct organized religious services and the accessory uses associated therewith.
33. Commercial Communications/Radio Towers: Any structure greater than 35 feet in height, which is capable of receiving and/or transmitting signals for radio or communication purposes.
34. Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, designed and intended for the private or public use or enjoyment of the space. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the space.

35. Composting Facility: A solid waste management facility used to provide aerobic, thermospheric decomposition of solid organic constituents of solid waste to produce a stable, humus-like material. This definition shall not include manure storage on the site of a farm.
36. Comprehensive Land Use Plan: The long range plan intended to guide growth and development of the Town, expressing policy on the course of its housing, public utilities, community facilities, transportation and land use distribution and intensity.
37. Conservation Design Subdivision: A development pattern in which uses are grouped or "clustered" through a density transfer within a particular development, rather than spread evenly throughout as in conventional development. (See Article XI, Section R and the Town of Northumberland Subdivision Regulations).
38. Construction Trailer: A temporary mobile storage structure to be sited and utilized for the storage of materials and equipment only during the construction of a project.
39. Cultural Facility: An establishment of an historic, educational or cultural interest which is not operated commercially.
40. Day Care Center: A private establishment which provides, for profit, day care for four (4) or more children placed there by parents, guardians, or others responsible for their care. The name, description, or form of the entity that operates the facility shall not affect its status as a day care facility.
41. Detached Structure: A structure which has open space surrounding it.
42. Development: Any activity other than normal agriculture, conservation, or forest management activity which materially affects the existing conditions of land or improvements to the land.
43. Dwelling, Single-Family: A building containing one dwelling unit designed and used for occupancy by one family. This shall be interpreted to include modular homes and exclude mobile homes.
44. Dwelling, Duplex: A building containing two (2) dwelling units, designed and used for occupancy by two (2) families living independently of each other.
45. Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one (1) family.

46. Family: One (1) or more persons who live together as a single housekeeping unit and maintain a common household, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel. May consist of a single person or of two (2) or more persons whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests.
47. Farm Employee: An individual whose primary source of income is substantially derived from employment on a farm as documented through appropriate income records as determined by the town.
48. Farm Employee Dwelling Unit: A dwelling unit intended for occupation by a farm employee, and his or her family, which must be located on the farm property. Said unit may be a mobile home and shall not be made available to persons other than farm employees and their immediate families.
49. Farm: Any parcel of land in excess of ten (10) acres used for agricultural pursuits which annually gross \$10,000 in agricultural production or sales.
50. Fence: An artificial structure designed to or which, in fact, does divide, enclose or screen a parcel of land or portion thereof. This definition shall also apply to the term "wall".
51. Flood Hazard Area, One Hundred (100) Year: The maximum area of the flood plain that, on the average, is likely to be flooded once every one hundred (100) years as determined by the Federal Emergency Management Agency.
52. Forestry Use: Any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skid ways, landings, fences and forest drainage systems, subject to Local Law #?? of 2005.
53. Forestry Use Structure: Any barn, shed, research, educational, or administrative building or cabin directly and customarily associated with forestry use.
54. Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
55. Garage, Private: An enclosed space for the storage of one or more motor

vehicles and within which space no business activity or industry connected directly or indirectly with motor vehicles is conducted. This term shall be interpreted to include carports.

56. Garage, Public: Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, dispensing of fuel, adjustment or equipping of motor vehicles.
57. Garage Sale: A sale of used household items or clothing held at the home of the seller or at the home of one of several sellers.
58. Garden Shop: A commercial facility selling products and services normally associated with the care of lawns and gardens.
59. Gasoline Station: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline, oil, or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment. The term "gasoline station" may also include a quick-stop retail food store as an integral part of the gasoline station.
60. Golf Course: A tract of land for playing golf, consisting of at least nine (9) holes, except miniature golf, within which the playing area is not artificially illuminated.
61. Grade-Mean Finished: The average grade level of the ground measured at the front wall of the building.
62. Gross Floor Area: The sum of the gross horizontal areas of several floors of a building measured from the exterior face of the exterior walls. All roofed areas except basements, enclosed off-street parking areas, and pedestrian walkways in an enclosed structure shall be included in the calculation of floor areas.
63. Health/Fitness Club: A building or site used for the physical conditioning of the body through the use of aerobic conditioning/exercising, weights, etc. Also included are changing facilities, showers, and incidental food service and tanning facilities.
64. Home Occupation: An occupation or profession customarily conducted entirely within a dwelling or an accessory building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character of the residence or the surrounding neighborhood.

65. Home Owners Association: A contract agreed to by owners of homes in an area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space, and, may provide regulations for the appearance of structures.
66. Hotel or Motel: An establishment which provides overnight sleeping accommodations for transient guests, and is commonly known as a "hotel" or "motel"; it provides customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service and the use and upkeep of furniture. A "hotel" or "motel" may also include dining and laundromat facilities located on the premises. The term shall not be deemed to include an Inn, Bed and Breakfast, Boarding or Rooming House, or other such accommodations.
67. Indoor Commercial Recreation Facility: An indoor recreation facility which is operated as a business and open to the public for a fee. Examples include, but are not limited to, bowling alley, billiard hall, and tennis club.
68. Industry: The act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity not intended for retail sale on the same premises.
69. Inn: See "Boarding, Lodging or Rooming House."
70. Kenel: Any premises on which dogs are kept for the primary purpose of sale or for the purposes of boarding, training, care or breeding, and for which a fee is charged or paid.
71. Landscaping: The act of changing or enhancing the natural features of a plot of ground (usually around a building) so as to make it more attractive, as by adding lawns, trees, bushes, etc.
72. Land Use Activity: Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of use of land or a structure. Land use activity shall explicitly include, but not be limited to, the following: new structures, expansions of existing structures, new uses, material changes in or expansions of existing uses, removal of vegetation, roads, fences, driveways, mining for the purpose of extracting soils or mineral deposits, and demolitions.
73. Laundromat: A business premises equipped with individual clothes washing machines and dryers for the use of retail customers.
74. Library: A structure open to the general public whose principal use is a

repository for literary and artistic materials, such as books, records, prints, videotapes, etc.

75. Living Area: That area comprised of the enclosed occupied living accommodations within a residence, exclusive of cellars, garages, and open porches.
76. Loading Space: An off-street space, area or berth, with an appropriate means of access to a street or way, intended for the temporary parking of a vehicle while loading or unloading merchandise or materials.
77. Lot: A defined parcel of land considered as a unit, occupied or capable of being occupied by a building or buildings and for accessory buildings, and/or uses, including such open spaces as are required by this Ordinance.
78. Lot Line: The established division line between different parcels of property.
79. Lot, Corner: A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
80. Lot, Coverage: See Building Coverage.
81. Lot, Depth: The mean horizontal distance between the front and rear lot lines.
82. Lot, Frontage: The width of the lot measured at the front property line along a public road.
83. Lot, Through: A lot with rear and front lot lines abutting existing or proposed streets and/or shoreline.
84. Lumberyard: Any building(s), site or place used for the commercial selling of lumber and related building supplies etc.
85. Marina: Any waterfront facility which provides accommodation services for vessels by engaging in any of the following:
 - a. The sale of marine products or services;
 - b. The sale, lease, rental or charter of vessels of any type; or
 - c. The sale, lease, rental or any other provision of storage, wharf space, or mooring for vessels not registered to the owner of said facility, a member of the owner's immediate family, the owner or lessee of the immediately adjoining upland property, members of their immediate families, or an overnight guest on said property.