

ZONING

480 Attachment 6

Town of Webb

Appendix D Definitions

Words and terms used in this chapter shall be interpreted and defined as indicated below. All other words and terms shall have the meanings commonly attributed to them. Doubts as to the precise meaning of any words and terms shall be clarified by the Board of Appeals under its power of interpretation.

I. General meanings of words.

Words used in the present tense include the future tense.

The singular includes the plural.

The word “person” includes a corporation, partnership, or other entity.

The word “lot” includes a “plot,” “parcel,” “site,” or “land.”

The word “shall” is always mandatory.

The words “used” or “occupied” as applied to any lot or buildings or other structures shall be construed to also mean “intended, arranged or designed to be used or occupied.”

The words “use” or “land use” shall be construed to mean any and all use, development and occupancy of a lot and any buildings or other structures on a lot.

II. Definitions.

Definitions of certain specific words and terms used in this chapter shall be as follows:

ACCESSORY USE — A use customarily incidental and subordinate to the principal use and located on the same lot therewith, including accessory buildings and structures.

ACCESSORY USE (as it relates to telecommunications facilities) — An accessory use serves the principal use, is subordinate in area, extent or purpose to the principal use, and is located on the same lot as the principal use. Examples of such uses include transmission equipment and storage sheds. **[Added 10-10-2007 by Ord. No. 2-2007]**

ADULT ARCADE — An establishment where film or any other images of specific sexual activities or specified anatomical areas are available for viewing by the public. **[Added 10-10-2007 by Ord. No. 2-2007]**

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ADULT BOOKSTORE or ADULT VIDEO STORE — A bookstore or video store that, as one of its principal business purposes, offers for sale or rental any printed matter, videocassettes, DVDs or other media that depict specified anatomical areas or specified sexual activities. For the purpose of this definition, a “principal business purpose” shall mean that part of the business that constitutes 25% or more of the printed material or videocassettes for sale or rent in the establishment. **[Added 10-10-2007 by Ord. No. 2-2007]**

ADULT CABARET — A nightclub, bar, restaurant, juice bar, or similar establishment where persons appear in a state of nudity or where there are live performances, films, videocassettes, slides, or displays on other media that are characterized by the exposure of specified anatomical areas or by specified sexual activities. **[Added 10-10-2007 by Ord. No. 2-2007]**

ADULT USE OR ENTERTAINMENT ESTABLISHMENT — An establishment, or any part thereof, which includes any of the following: topless or bottomless dancers or waitstaff; strippers; topless hair care or massages; entertainment where the servers or entertainers wear pasties or G-strings; adult cabaret; adult arcade; adult bookstore; or adult video store. **[Added 10-10-2007 by Ord. No. 2-2007]**

AGRICULTURAL PRACTICES — The management and use of land for the raising for compensation of agricultural products, including field crops, produce, horticulture, livestock and dairy products. The term includes the sale of products grown or raised directly on such land and the necessary buildings and other structures which are a normal part of such operation.

ANIMAL HOSPITAL, VETERINARIAN’S OFFICE — A commercial use involving diagnosis and medical or surgical care and treatment of ill or injured domestic animals, including facilities for temporary housing of such animals.

ANTENNA — A structure having a dish, disc, or any other shape or configuration, intended to send or receive electronic, electromagnetic, light, sound or other communications signals to or from satellites in earth orbit or any other sources, including any related devices intended to magnify, store, transfer, and/or transmit such signals.

ASSISTED LIVING FACILITY FOR SENIORS — A residence for adults aged 55 years or older that provides temporary or long-term care and services for residents who, by reason of physical or other limitations, are unable to live independently. **[Added 10-10-2007 by Ord. No. 2-2007]**

AUTOMOBILE, VEHICLE SALES/RENTAL — A commercial use involving sale or rental of automobiles or trucks, including repair and servicing of such vehicles. Display for sale or rental of three or more vehicles within one year is considered to be a commercial use. Such use does not include sale, rental or servicing of boats, heavy equipment, recreational living units or snowmobiles as defined elsewhere herein.

AUTOMOBILE, VEHICLE SERVICE — A commercial use involving any major repair, replacement or restoration of motors, drive trains, frames, body parts and other

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mechanical and body components and systems of motor vehicles, or painting of motor vehicles, as compared to routine servicing and minor repair and maintenance services.

AUTOMOBILE, VEHICLE WASH — A commercial use involving machine- or hand-operated facilities or devices for cleaning, washing, waxing, vacuuming or similar maintenance of motor vehicles.

AVIATION FACILITY — A commercial airport, seaplane base or other facility for landing and takeoff of any type of aircraft for passenger or freight transport, recreation flying, flying school, or other aviation activities and purposes, including any storage, shelter, sale, rental, supply, servicing or repair of aircraft, but not including facilities for a single aircraft intended solely for use of a household residing on the same lot.

BANK, FINANCIAL INSTITUTION — A commercial office use involving government-regulated banking, mortgage financing or other lending, savings-and-loan, investment and related monetary and financial transactions and activities.

BASEMENT — A building story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

BED-AND-BREAKFAST — An owner-occupied residential dwelling that makes available a room or rooms for overnight accommodation to transient paying guests. **[Added 10-10-2007 by Ord. No. 2-2007]**

BOAT — Any vessel for transport by and on water, powered by any means.

BOATHOUSE — A structure with direct access to a navigable body of water used for the storage of one or more boats and associated equipment and which is not used as a dwelling.

BOAT SALES, SERVICE — A commercial use on a nonshoreline lot involving sale, rental, storage or servicing of boats and related boat and boating equipment, including equipment for transport of boats.

BUILDING — Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into entirely separate parts extending from the ground up, each part so divided is deemed to be an attached building.

BUILDING, ACCESSORY — A supplemental detached building, the use of which is incidental and subordinate to that of a principal building and located on the same lot therewith.

BUILDING AREA — The total ground floor area of principal and accessory buildings on a lot, exclusive of uncovered porches, decks, steps and terraces.

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BUILDING COVERAGE — That portion or percentage of the lot area covered by the building area.

BUILDING, DETACHED — A building surrounded by open space on all sides on the same lot. A building connected to another building with a trellis, canopy, roof without walls or other unenclosed structural attachments or components is a detached building.

BUILDING HEIGHT — The vertical distance measured from the established grade at the street center line, or alternatively, measured from the average level of the proposed finished grade across the front of the building to the highest point of the roof for flat roofs; to the deckline of mansard roofs; and to the mean height between eaves and ridge for peaked or gambrel roofs.

BUILDING LINE — A line paralleling the front, side and rear lot lines and located on the basis of required yard dimensions beyond which a structure may not extend as determined by this chapter.

BUILDING MATERIALS SALES, STORAGE — A commercial use involving bulk storage and sales of building materials, including lumber, masonry, metals, concrete, sand or gravel or related materials. Heavy equipment stored on the lot shall be incidental and accessory to the principal use.

BUILDING, PRINCIPAL —

- A. A building in which is conducted a primary use of the lot on which said building is situated. There may be more than one principal building on a lot.
- B. For purposes of computing principal buildings, as defined by the Adirondack Park Agency under the intensity guidelines of the Adirondack Park Agency Act, where applicable in this chapter, one principal building is a one-family dwelling or mobile home; all dwellings part of the same agricultural use property; each dwelling unit in a two-family or multiple-family dwelling; each 10 motel, hotel, or other tourist accommodation units containing less than 300 square feet of floor space, whether attached or detached; a commercial or industrial use building containing more than 300 square feet of floor area, except that each 11,000 square feet of floor area or portion thereof of a retail building is one principal building; and any other building containing more than 1,250 square feet of floor area.

BUNKHOUSE — An accessory structure or building used for temporary sleeping quarters for household guests or visitors without compensation. **[Added 10-10-2007 by Ord. No. 2-2007]**

CELLAR — A building story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining any permissible number of stories in a building.

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CLINIC, MEDICAL/DENTAL FACILITY — A commercial use involving diagnosis and outpatient care and treatment of human illness and injury by members of the medical professions, including facilities and services related to such use.

CLUB — Facilities used by a membership organization for social, fraternal, service, educational, athletic, political, religious, or other purposes which is not operated primarily for profit and which does not include dwelling or sleeping accommodations.

COMMERCIAL EXCAVATION, MINERAL EXTRACTION — Commercial use of a lot for purposes of extracting and removing stone, sand, gravel, soil, topsoil, minerals, water, petroleum, gas or other natural materials from the lot by any method, including temporary stockpiling and storage of such materials. Such use may include mechanical crushing and processing of stone and other granular materials, but not any chemical refining or related processing of materials. This use does not include grading or excavation of a lot preparatory to construction of a building or location of a use for which a permit has been issued.

COMMERCIAL RECREATION, TOURIST ATTRACTION — Commercial use of any man-made or natural place of interest open to the general public, including but not limited to historic sites and features, geologic formations or other natural phenomena, animal farms, amusement or theme parks, replicas of real or fictional places, things or people, miniature golf, drive-in theater, video or other games, swimming beaches or pools, tennis clubs or similar indoor or outdoor places and attractions.

COMMERCIAL USE or COMMERCIAL — A use regularly conducted for profit and involving a payment or fee for sale, rental, production, storage or distribution of goods or services, including recreation or entertainment activity. For purposes of this chapter, a rental dwelling is not considered to be a commercial use.

CONDITIONAL USE — A use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, size, characteristics or relationships to surrounding uses or the neighborhood, may be permitted if specific provision for such conditional use is made in this chapter, after application to and authorization by the Planning Board of issuance of a permit by the enforcement officer for said use.

CONDOMINIUM — A legal arrangement involving a combination of two kinds of ownership of real property:

- A. Fee simple ownership of an individual dwelling, office, boat slip or other defined unit or portion of a building or other structure; and
- B. Undivided ownership, together with other owners, of common elements of the building or structure and the land or water on which located, the management of which ownership is provided and controlled through an owners' association or similar separate entity.

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CONTRACTUAL ACCESS — A right other than fee simple ownership to enter upon and travel across a lot, including use of any features and resources on the lot and on water adjoining the lot, granted through deed, contract, covenant, membership or other means.

CONVENIENCE STORE — A commercial use involving the sale of packaged goods, beverages and minor household and automotive necessity and convenience products.
[Amended 10-10-2007 by Ord. No. 2-2007]

DAY-CARE CENTER — A commercial use conducted in a building other than a dwelling involving day care, custody and supervision of three or more children away from their own homes. This shall not be construed to include schools, camps or other regulated child-care or treatment programs or services. This type of use does not include a commercial or other family day-care home or group family day-care home conducted in a dwelling, as defined by the New York State Social Services Law.

DISTANCE, DIMENSION, WIDTH, DEPTH, FRONTAGE, ETC. — All such terms mean horizontal measurement in feet.

DOCK — Any fixed or floating structure or device placed on or in a navigable body of water or along the shoreline of such body of water and used to provide any means of docking, berthing, launching, or anchoring of one or more boats, usually also providing a means of walking access between boats and the shoreline, including piers, wharfs, breakwalls, and similar structures.

DOMESTIC ANIMAL — Dogs, cats, birds, fish or other common household pets customarily kept and maintained in a dwelling for personal companionship, use and enjoyment, not including farm animals or any animals typically considered to be wild or dangerous and requiring confinement within a zoo.

DORMITORY — A facility owned and/or operated under the control and supervision of an educational, religious or other institution and providing living accommodations for students or other persons associated with the institution.

DRIVE-IN FACILITY — A commercial use which permits customers or patrons to purchase goods and services or conduct other business while remaining in their motor vehicles. Another principal use such as a bank, restaurant, vehicle wash, or photo service may also be a drive-in facility. A gasoline station is not a drive-in facility.

DWELLING, MULTIPLE-FAMILY — A building or portion thereof for year-round or seasonal occupancy and containing separate dwellings for three or more families living independently of each other, including so-called townhouses or similar attached dwellings, each intended for one family.

DWELLING, ONE-FAMILY — A detached building used for year-round or seasonal occupancy by one family only, other than a mobile home, recreational living unit, or any temporary structure.

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DWELLING or DWELLING UNIT — A building or portion thereof providing complete housekeeping facilities for one family, including living, sleeping, cooking and sanitary facilities, as distinguished from a rooming house or boardinghouse, lodge, club, fraternity, hotel or motel, commune, or similar facilities.

DWELLING, SECTIONAL — Two or more factory-fabricated units which are transported to a site by means other than on their own chassis where they are placed on a permanent foundation and are joined to make a dwelling unit for year-round or seasonal occupancy. The term “sectional” shall include the term “modular.” Such dwellings shall be deemed to be one-, two- or multiple-family dwellings, as is appropriate in the context of this chapter.

DWELLING, TWO-FAMILY — A detached building used for year-round or seasonal occupancy by two families living independently of each other, other than a mobile home, recreational living unit, or any temporary structure.

EASEMENT — Authorization by a property owner for the use by another party of any designated part of the property for one or more specified purposes.

EATING/DRINKING ESTABLISHMENT – BAR — A commercial use primarily involving the sale of alcoholic beverages to the general public for consumption on the premises and where the sale of food is secondary and accessory to the sale of such beverages.

EATING/DRINKING ESTABLISHMENT – FAST-FOOD RESTAURANT — A commercial use involving quick food service accomplished through a limited menu of packaged items already prepared and held for service or prepared quickly from previously prepared products. Orders are generally placed by customers at a service counter, and food may or may not be consumed on the premises. Such use may also be a drive-in facility.

EATING/DRINKING ESTABLISHMENT – NIGHTCLUB/CABARET — Same as a bar where dancing and/or live entertainment is also provided.

EATING/DRINKING ESTABLISHMENT – RESTAURANT — A commercial use primarily involving the sale of unpackaged food for consumption by customers seated within or adjacent to the building. Alcoholic beverages may also be sold. Such use shall not be a drive-in facility.

ENFORCEMENT OFFICER — The duly designated official responsible for enforcing this chapter as prescribed herein and as directed by the Town Board.

FAMILY — One or more persons occupying one dwelling unit and related by blood, marriage or adoption, as distinguished from persons collectively occupying a rooming house or boardinghouse, club, lodge, fraternity, hotel or motel, commune, or similar facilities, said definition being subject to any applicable determinations as to a “family” under New York State law or judicial action.

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FENCE — A structure, whether freestanding or attached to other structures, serving as a barrier to prevent entry, to confine, to mark or define a lot or other boundary, or to visually screen or otherwise separate property.

FISHING/HUNTING CLUB, LODGE — Land and necessary appurtenant facilities for use by a membership club or organization and permitted guests for fishing and/or hunting purposes. Such land and buildings need not have frontage on or public access to a public highway or body of water.

FLOOR AREA — The sum of the areas of all floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings.

FOREST PRACTICES — The production, management and harvest of forest and woodland products, including related research and educational activities. Such term shall include the construction and maintenance of directly related structures for the storage of materials and equipment and access trails and roadways.

FUEL SALES/STORAGE — A commercial use involving bulk storage and sale or distribution to other sale outlets of gasoline, heating oil, liquefied gas, propane, coal or other fuel. Such use shall not include a gasoline station, nor storage of fuel intended for use in a structure on the same lot.

FUNERAL HOME — A commercial use providing human funeral services, including space and facilities for embalming and other procedures used in preparation and display of the deceased or for storage of related products, supplies and vehicles.

GASOLINE STATION — A commercial use involving sale of gasoline or other motor vehicle fuel, oil, grease, batteries, tires, small parts and other vehicle accessories and which may also include lubrication, washing and other routine servicing and minor repair and maintenance services on vehicles, but not including automobile vehicle service as herein defined. Gasoline may be dispensed by attendants or customers. Where associated with a gasoline station, a convenience store as herein defined shall be a separate principal use.

GROUP CAMP — Land and the use thereof for seasonal or temporary housing and accompanying recreational or educational use, including all facilities and structures thereon, including such private and semipublic facilities as Boy or Girl Scout camps, fraternal, service or religious lodges and university conference centers.

HEAVY EQUIPMENT SALES, STORAGE — A commercial use involving sale, storage, rental or servicing of heavy equipment, vehicles and machinery typically associated with construction activity, agriculture or large-load highway hauling and trailering. Three or more such items of equipment or vehicles located on a property at the same time shall constitute such use.

HIGHWAY SUPERINTENDENT — The duly elected or appointed official responsible for overseeing construction and maintenance of the Town highway system.

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HOME OCCUPATION — An occupation or a profession which is carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; is carried on by a member of the family residing in the dwelling unit; and is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and which produces no offensive noise, vibration, smoke, dust, odors, heat, glare, traffic congestion, visual disruption or other effects, either directly or indirectly, which are incompatible with residential use.

JUNKYARD — A commercial use involving collection, storage and sale of wastepaper, rags, metals, used or salvaged building materials or other discarded materials, or for the collection, dismantling, storage or salvage of machinery or vehicles. Such use shall also include any place of storage or deposit of two or more unlicensed motor vehicles, no longer intended or able to be legally used on public highways, which are held for sale or for salvaging and sale of used parts. Such use shall not include a waste collection or recycling facility for the temporary storage of household wastes for pickup and disposal by the Town of Webb or other governmental agency.

KENNEL — A commercial use involving the care, boarding, grooming, breeding, training or sale of domestic animals.

LANDFILL, SANITARY — The depositing of refuse, rubbish, trash, garbage, or other discarded wastes in a natural or man-made depression or trench, or at ground level, compacting to the smallest practical volume and covering with earth or other material in a systematic and sanitary manner.

LAUNDROMAT — A commercial use providing coin-operated machines for washing, drying, ironing and related laundering and cleaning of clothing and other fabrics, not including such facilities provided in multiple-family dwellings, lodging facilities, clubs, camps and similar uses not available to the general public.

LIGHT MANUFACTURING/ASSEMBLY — A commercial use characterized by the transformation of materials into new products, including assembly of component parts of other manufactured products, with or without use of power-driven machinery and materials handling equipment and storage and transportation facilities related to such product manufacture.

LODGING FACILITY – BED-AND-BREAKFAST/TOURIST HOME — A commercial use conducted in an owner-occupied dwelling and providing short-term lodging on a daily rate for transient guests in not more than four sleeping rooms and involving not more than nine persons, with or without meals, where the exterior character of the dwelling is essentially unchanged. Such facility shall not include a restaurant or other accessory uses available to the general public.

LODGING FACILITY – HOTEL/MOTEL/TOURIST CABIN ACCOMMODATION — A commercial use providing short-term lodging on a daily rate for transient guests and which may include accessory restaurant, banquet, conference, recreational and related facilities and services for guests and the general public.

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LODGING FACILITY – LODGING HOUSE — Also known as a “boardinghouse,” “rooming house” or “guest house,” a commercial use providing extended lodging of guests, with or without meals, and not including a restaurant or other accessory uses available to the general public.

LOT — A land area considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest, including yards and other open space in accordance with the requirements of this chapter.

LOT AREA — The total land area measured in square feet and/or acres included within a lot or a portion of a lot for purposes of any determinations and classifications made under this chapter.

LOT LINE — A boundary defining ownership of land as derived from deeds, maps, or other title instruments; and any line dividing a lot from another lot and from an established street right-of-way or shoreline. Lot lines shall be classified as front, rear, and side lot lines as hereinafter defined. Where the application of such classifications cannot be made with certainty, the enforcement officer shall render a determination establishing an appropriate classification for purposes of considering and permitting land use under this chapter.

LOT LINE, FRONT — A lot line coincident with a street or highway right-of-way line (streetfront) and a lot line coincident with a shoreline. All such lot lines are front lot lines, except that if a lot has both streetfront and shoreline, the shoreline shall be treated as the front lot line and the streetfront shall be treated as the rear lot line. If a lot does not have either a streetfront or shoreline, the front lot line shall be designated by an applicant, subject to a determination by the Code Enforcement Officer noted under “lot line” above.

LOT LINE, REAR — A lot line generally parallel and opposite to the front lot line.

LOT LINE, SIDE — A lot line extending between the front lot line and the rear lot line.

LOT WIDTH, SHORELINE — The distance between side lot lines measured along a straight line connecting the side lot lines, which line is at right angles to the shortest side lot line where said side lot line intersects the shoreline.

LOT WIDTH, STREET — The distance between side lot lines measured along a line which is a consistent distance from the front lot line equal to the minimum front yard dimension required for use.

MANUFACTURED HOUSING SALES, SERVICE — A commercial use involving display and sale of manufactured housing, mobile homes, modular housing units or recreational living units, including servicing of such units.

MARINA — A commercial use involving docks and other facilities on a shoreline lot and adjoining water surface area used in any manner in docking, berthing, anchoring and

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launching of boats and any sale or rental or other fees or charges for boats, boat launching or docking, boat storage, boat trips, boat parts and accessories, fuels or repair or other servicing of boats, as distinguished from such docks and related facilities which are accessory to and limited to the use of occupants of dwellings or members or guests of resort lodge, club, hotel, motel, tourist cabin, group camp, fishing and hunting camp or conference center, or similar long-term or transient guest or member uses.

MOBILE HOME — A dwelling, built to (HUD) Manufactured Home Construction and Safety Standards, designed for one family, which has the following distinguishing characteristics: **[Amended 10-10-2007 by Ord. No. 2-2007]**

- A. Manufactured as a moveable or portable dwelling for year-round occupancy and for installation on a masonry or concrete foundation or a mobile home stand, or piers, with or without a basement or cellar, and designed to be assembled on site with metal frame attached.
- B. Designed to be transported on its own chassis and wheels and connected to utilities after placement on a stand, foundation or piers.
- C. May contain parts that can be folded, collapsed or telescoped when being towed and expanded later to provide additional living space.
- D. May be constructed in two or more separately towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing. A modular dwelling, as defined herein, is not considered to be a mobile home.

MOBILE HOME COURT — A parcel of land which has been planned and improved for the placement of 10 or more mobile homes for dwelling purposes. The term shall include mobile home parks or other areas planned and improved for 10 or more mobile homes.

MODULAR UNIT — Two or more factory-fabricated components which are transported to the site by means other than their own chassis and, except where they are located for sale or display purposes only, are placed on a permanent foundation and are joined to make a completed structure or building. See also definition of “dwelling, sectional.”

MOTOR/RECREATION VEHICLE — Any passenger, recreation or service vehicle propelled by a fuel-using device, including but not limited to automobiles, trucks, motorcycles and motorbikes, motor homes, dune buggies, snowmobiles, tractors and motor boats.

NONCONFORMING BUILDING OR USE — A building or use which does not comply with permitted uses and standards for the district in which it is located and which building or use existed legally on the effective date of this chapter or on the date of an amendment of this chapter which resulted in such nonconforming building or use.

NONCONFORMING LOT — Any lot which does not conform with the minimum lot area, lot width or other standards for the existing or intended use in the zoning district in

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which it is located, and which lot existed legally on the effective date of this chapter or on the date of an amendment of this chapter which resulted in such nonconforming lot.

NURSING HOME — A commercial use involving short-term or extended living accommodations and custodial, skilled nursing or related medical care services prescribed by or performed under the direction of persons licensed to provide such care and services.

OFFICE — A commercial use involving general administration, management, clerical, technical and other functions and services related to the conduct of business, medical and other professional, insurance, real estate, and other commercial activities and enterprises. **[Amended 10-10-2007 by Ord. No. 2-2007]**

OFFICIAL MAP — The map established by the Town of Webb, if any, pursuant to Town law, showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town or additions thereto resulting from the approval of subdivision plats and the subsequent filing of such approved plats. Streets not accepted by the Town as public streets may be shown thereon, but shall be marked as private streets.

OPEN SPACE — Any lot area not occupied by buildings or structures.

OPEN SPACE RECREATION USE — A recreation use particularly oriented to and utilizing the natural landscape and outdoor character of an area, including hiking, equestrian, and recreation vehicle trail, park, picnic or beach area and similar undeveloped, outdoor nonintensive use.

PERMIT — Any one or more building, use, zoning, or other permits required to be issued from time to time by the enforcement officer in accordance with this chapter and other Town ordinances and regulations as a condition precedent to use, development, construction, and other action dealing with real property in the Town.

PERSONAL SERVICE — A commercial use involving the repair, care, maintenance, restoration or customizing of personal property worn or carried about the person, or care and treatment dealing with personal appearance, grooming, and fitness, including but not limited to barbershops, beauty salons, health and exercise spas or gyms, tailoring or dressmaking shops, shoe repair or cleaning shops, dry cleaning and laundry, or similar personal service facilities. Such use shall not include physicians, dentists or veterinarians, nor any other commercial uses defined herein. **[Amended 10-10-2007 by Ord. No. 2-2007]**

PLUMBING, ELECTRICAL, HEATING, AIR CONDITIONING SALES, SERVICE — A commercial use involving sale, installation and servicing of parts, materials, equipment and components of plumbing, electrical, heating, air conditioning and any related systems and facilities used in building and other construction, not including the sale of heating fuels.

PUBLIC/SEMIPUBLIC STRUCTURE, USE — A use involving a public, quasi-public, or institutional facility providing governmental, educational, religious, health, recreation,

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transportation or other human and community services, including but not limited to schools, churches, museums, libraries, hospitals, municipal or other government buildings, cemeteries, transportation facilities such as train and bus stations, or similar uses. Such use shall not include a club or lodge.

PUBLIC UTILITY STRUCTURE, USE — A use involving a public or regulated commercial utility and all facilities related to such utility in supplying and distributing electric, telephone, gas, radio, television, water, sewer and waste treatment and similar services to the community, including a wind-power-generating facility, large, as defined herein. **[Amended 10-10-2007 by Ord. No. 2-2007]**

RECREATIONAL CAMPSITE — A lot designed to accommodate 10 or more recreational living units or other accommodations for seasonal or other more or less temporary or transitory living arrangements, including buildings and facilities thereon.

RECREATIONAL LIVING UNIT — A mobile recreational housekeeping unit, including a motor home, travel trailer, camper, converted bus, tent trailer, camper trailer, tent, or similar device used for temporary portable housing.

RECREATIONAL VEHICLE — A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles are deemed to include, but are not limited to, camping trailers, fifth-wheel trailers, motor homes, travel trailers as defined herein, and truck campers. **[Added 10-10-2007 by Ord. No. 2-2007]**

RESEARCH/SCIENTIFIC/TECHNOLOGICAL FACILITY — A commercial use characterized by scientific experimentation, testing or demonstration; pure and applied research, design, development, application and production of prototype machines, devices, products or processes; graphic and other design, printing, data collection and processing, communications and other services; technology and manufacturing or assembly of products under highly controlled conditions; or other uses of the same general character conducted in controlled buildings and settings not involving any significant bulk raw material or product storage or handling.

RESORT CLUB, LODGE — A lot with facilities thereon for temporary or seasonal housing and associated recreational, educational, conference, convention or similar activities, including sleeping, eating and other related services, and intended to accommodate membership organizations, clubs or other groups or the general public. Such term does not include lodging facilities as defined elsewhere.

RETAIL SALES — A commercial use involved in retail sale of good and products, excluding convenience stores, gasoline stations, personal services, fuel sales and any and all other uses specifically defined herein involving any other form or scale of retail sales activity. **[Amended 10-10-2007 by Ord. No. 2-2007]**

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SELF-SERVICE STORAGE FACILITY — A commercial use involving various sizes of individual, compartmentalized and controlled-access rooms, stalls, lockers or other spaces for the secure storage of any goods.

SENIOR CITIZEN HOUSING DEVELOPMENT — A residential development that may contain attached housing units where one of the following conditions is true: **[Added 10-10-2007 by Ord. No. 2-2007]**

- A. It is occupied solely by persons who are 62 years of age or older; or
- B. It houses at least one person who is 55 years of age or older in at least 80% of the occupied units and adheres to a policy that demonstrates intent to house persons who are 55 years of age or older.

SETBACK (MINIMUM YARD DIMENSION) — The required dimension of a yard, measured from front, side and rear lot lines to lines parallel to said lines, and intended to define building lines or to otherwise define portions of a lot which may be used for buildings or other structures.

SHOPPING CENTER — A commercial use involving a group of two or more commercial uses which 1) are designed as a single coordinated group of uses; 2) are under common ownership or management; 3) are connected by common walls, partitions, canopies or walkways; 4) share a common parking area; and 5) otherwise present the appearance of a unified and integrated business area. An institutional or other nonresidential use may be included. This term shall be construed to include a so-called mini mall.

SHORELINE — The line at which land and a navigable body of water meet as determined by the mean high-water mark (elevation of the body of water as it is normally maintained during the calendar months of June, July and August).

SHORELINE BUILDING SETBACK — The shortest distance, measured horizontally, between any point of a building and the shoreline of any lake or pond, rivers, or navigable streams. **[Added 10-10-2007 by Ord. No. 2-2007]**

SHORELINE LOT WIDTH, SHORELINE FRONTAGE — The shortest distance between the boundary lines as they intersect the shoreline at the high-water level. **[Added 10-10-2007 by Ord. No. 2-2007]**

SIGN — See § 480-32 for definitions applicable to all signs.

SNOWMOBILE SALES, SERVICE, STORAGE — A commercial use involving sale, rental, service or storage of snowmobiles or similar off-road vehicles. Sale of snowmobile or other vehicle parts and accessories without any activity involving entire vehicles shall be considered to be a retail sales use.

SPECIFIED ANATOMICAL AREAS — **[Added 10-10-2007 by Ord. No. 2-2007]**

ZONING

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the areola; or
- B. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — [Added 10-10-2007 by Ord. No. 2-2007]

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy, or fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

STANDARD USE — A use permitted in one or more zoning districts subject to compliance with standards applicable thereto, upon application for and issuance of a permit for said use by the enforcement officer.

STATE OF NUDITY — The appearance of bared buttocks, male genitals, female genitals, or full female breast. [Added 10-10-2007 by Ord. No. 2-2007]

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it.

STREET — A term generally meaning a Town or other publicly owned right-of-way intended for public vehicular and other traffic, but also including a private street right-of-way intended for limited vehicular and other traffic and access to adjoining lots or land. Streets are classified by function in accordance with Chapter 410, Subdivision of Land, of the Code of the Town of Webb.

STREETFRONT — Same as a front lot line coincident with a street right-of-way.

STRUCTURE — A building or anything else constructed or erected on or in the ground or a body of water, excluding pavements and plantings.

TELECOMMUNICATIONS ANTENNA — A system of electrical conductors that transmit or receive radio frequency waves. [Added 10-10-2007 by Ord. No. 2-2007]

TELECOMMUNICATIONS FACILITY — Any or all of the physical elements of the central cell facility that contains all the receivers, transmitters, and other apparatus needed for cellular/PC's operation [also known as "base transceiver station" (BTS)]. [Added 10-10-2007 by Ord. No. 2-2007]

TELECOMMUNICATIONS TOWER — A structure on which one or more antenna will be located that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC-licensed carrier, but excluding those used exclusively for fire, police, power company and other dispatch communications or exclusively for private radio and television reception and private citizen's bands, amateur

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radio and other similar private, residential communications. **[Added 10-10-2007 by Ord. No. 2-2007]**

THEATER — A commercial use involving presentations of motion pictures, dramatic or musical performances or any other performing arts.

TOWN ENGINEER — A licensed professional engineer or other individual duly designated by the Town Board to carry out his duties.

TOWN PLAN, LAND USE PLAN, LAND USE PROGRAM — A comprehensive plan prepared for and by the Town, setting forth the objectives and policies with regard to the general land use and physical and economic development of the Town, and including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

USE — The specific purpose or purposes for which a lot or a building is being, or is to be, used and occupied. Principal uses are generally conducted in principal buildings.

USGS — United State Geological Survey.

VARIANCE — A departure from the provisions of this chapter authorized by the Board of Appeals where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a strict enforcement of this chapter would result in practical difficulty or unnecessary hardship as these requirements have been defined and differentiated according to criteria for each established in case law.

WAREHOUSE — A commercial use involving storage of goods and materials pending sale or distribution to other commercial, industrial, institutional or public uses, not including any direct sales to the general public.

WATER, NAVIGABLE BODY OF — A lake, river, reservoir, channel, pond, stream, or other natural or man-made configuration encompassing a quantity and depth of water which make it navigable under normal conditions by canoe or other like small watercraft. This definition is intended to relate to shoreline and other requirements of this chapter and does not include minor streams, drainageways or rivulets.

WIND-POWER-GENERATING FACILITY, LARGE — A wind conversion facility consisting of wind turbines, towers and associated control or conversion electronics which has a rated capacity of more than 100 KW and where electrical power is transferred to a transmission system for distribution to customers rather than for use on the site. **[Added 10-10-2007 by Ord. No. 2-2007]**

WIND-POWER-GENERATING FACILITY, SMALL — A wind conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 KW and which is primarily used to reduce on-site electrical usage. **[Added 10-10-2007 by Ord. No. 2-2007]**

ZONING

YARD, FRONT (STREETFRONT YARD; SHORELINE YARD) — An open space on the same lot with the building or use and extending the full width of the lot between a streetfront and the closest line of the principal building or use (streetfront yard) or between a shoreline and the closest line of the principal building or use (shoreline yard).

YARD, REAR — An open space on the same lot with the building or use extending the full width of the lot between the rear line of the lot and the closest line of the principal building or use.

YARD, SIDE — An open space on the same lot with the building or use situated between a side lot line and the closest line of the principal building or use extending from the front yard line to the rear yard line.