

Village of Green Island – Draft Zoning Code Definitions

Ver. 07/30/19

Intent & Word Usage

Except as defined herein, all words used in this chapter shall carry their everyday dictionary definition.

- A. Words used in the present tense include the future tense.
- B. Words used in the singular include the plural, and words used in the plural include the singular.
- C. The word "person" includes a firm, association, organization, partnership, trust, company, entity, or individual.
- D. The word "lot" shall include the word "plot" or "parcel" or "tract."
- E. The word "shall" is mandatory and directory.
- F. The term "may" is permissive.
- G. The word "structure" shall include the word "building" and any man-made object or improvement.
- H. The word "used" or "occupied" includes the terms designated, intended or arranged to be used or occupied.
- I. The words "Zoning Map" or "Green Island Zoning Map" shall mean the Zoning Map of the Village of Green Island, New York.
- J. Unless the context requires a different interpretation, any word denoting gender includes the female and the male.
- K. The term "Village Board" shall mean the Village Board of the Village of Green Island, New York.
- L. The term "Planning Board" shall mean the Planning Board of the Village of Green Island, New York.
- M. The terms "Zoning Board of Appeals" and "Zoning Board" shall mean the Zoning Board of Appeals of the Village of Green Island, New York.
- N. The term "Building Inspector" or "Zoning Enforcement Officer" shall mean the Building Inspector or Zoning Enforcement Officer of the Village of Green Island, New York.

When used in this chapter, unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following definitions shall apply:

ACCESSORY USE – A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADULT – Any person 18 years of age or older. (A minor is any person under the age of 18).

ADULT RETAIL STORE – Any business having a substantial portion of its stock-in-trade books, magazines, pamphlets, pictures, drawings, photographs, motion picture films or sound recordings, or printed, visual and audio material of any kind, which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities; or any business having a substantial area of its establishment devoted to the sale and display of such material.

ADULT USE AND ENTERTAINMENT ESTABLISHMENT – A public or private establishment, or any part thereof, which presents any of this following entertainment, exhibitions or services: topless and/or bottomless dancers; strippers; topless waitressing, busing or service; topless hair care or massages; service or entertainment where the servers or entertainers wear pasties or G-strings or both.

ADULT USES – Any person, establishment or business involved in the viewing or dissemination of material distinguished or characterized by an emphasis on matter, depicting, describing or related to sexual activity or specified anatomical areas, including, but not limited to, any establishment that allows or promotes dancers, performers or employees, whether male or female, to display specified anatomical areas.

AGRICULTURAL OPERATIONS – The use of a parcel of land for gain in the raising of agricultural products, trees, nursery stock, livestock, poultry or dairy products. It includes necessary farm buildings, the storage of necessary equipment, manure processing and handling facilities, horticultural uses, and practices which contribute to the production, preparation, maintenance, and marketing of crops, livestock and livestock products as a commercial enterprise, including commercial horse boarding operations of at least seven acres and ten horses and timber processing, as defined by New York State Department of Ag and Markets. Such farm operations may consist of one or more parcels owned or rented land, which may be contiguous or noncontiguous to each other. It excludes the raising of fur-bearing animals, dog kennels, riding and commercial stables with less than ten horses and seven acres of land.

AGRICULTURAL BASED BUSINESS - Any business designed directly to support a farm, farm operation, or multiple farms within the Village of Green Island. Agricultural Based Businesses may including, but not limited to: agricultural services, animal husbandry, horticultural services, and Farm Markets, Farmers ' Markets, Agri-tourism, and Direct Marketing businesses. All Agricultural Based Businesses must be consistent with New York State Department of Agriculture and Market Rules and Regulations.

AGRICULTURAL EQUIPMENT – Every agricultural tractor, self-propelled implement of husbandry, and towed, mounted, or semi-mounted implement of husbandry. Implement of husbandry shall mean a

vehicle designed or adapted extensively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry.¹

AGRICULTURAL SERVICES – Commercial, service, and industrial uses directly supporting agricultural activities. Examples of Agricultural Support Services uses include agricultural equipment repair, rental and sales; the storage, warehousing, transport and distribution and wholesaling of agricultural products; the processing and recycling of orchard and farm wood; agricultural research, development, management and maintenance services conducted primarily within an office setting; and other similar agriculture-related uses.

AGRI-TOURISM BASED RETAIL – “Agricultural tourism” means activities, including the production of apple and maple sap products made therefrom, conducted by a farmer on-farm for the enjoyment and/or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public’s understanding and awareness of farming and farm life.

AGRI-TOURISM ACTIVITY - "Agri-tourism Activity" means any activity carried out on a farm, on a ranch, in a forest, in an orchard, in a vineyard or on an agribusiness operation that allows members of the general public, for recreational, entertainment, or educational purposes, to view or participate in agricultural activities, including farming, ranching, historical, cultural, harvest-your-own, or nature-based activities and attractions. An activity is an Agri-tourism activity whether or not the participant paid to participate in the activity.

AIRFIELD/LANDING STRIP (PRIVATE) – A strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for aircraft storage and maintenance uses. In the Village of Green Island the maximum number of engines/propellers allowed on aircraft utilizing private airfields shall be two (2).

ALLEY – A publicly or privately owned service-way less than 22 feet in width providing a secondary means of access to abutting properties.

ALTERATIONS – As applied to a building or structure, any change or rearrangement in the supporting members of a building or structure such as bearing walls, columns, beams or girders or in the exit facilities; an enlargement of a building or structure, whether by extending on a side or by increasing in height; the moving from one location or position to another, or any alteration whereby a structure is adapted to another or different use.

ANIMAL HOSPITAL – A facility providing animal medical care run by a licensed Doctor of Veterinary Medicine (DVM).

ANIMAL SALES and GROOMING - Retail sales of domestic and exotic animals, bathing, trimming services and boarding of said animals for a maximum period of 48 hours conducted entirely within an enclosed building with no outdoor use.

ANTENNA - A system of electrical conductors that transmit or receive radio or electromagnetic frequency waves.

¹ Definition from NYS Vehicle and Traffic Law §100-d.

APARTMENT - A dwelling unit in a building that is for rent or lease for tenants, excluding mobile homes.

APARTMENT, ACCESSORY - A second dwelling unit either in or added to an existing single-family detached dwelling, or commercial building or in a separate accessory structure on the same lot as the principal dwelling, for use as a complete, independent living space with provision within the accessory dwelling unit for cooking, eating, sanitation, and sleeping. Such a dwelling shall be clearly accessory and incidental to the principal dwelling.

APARTMENT BUILDING – A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other, in separate units for which rent is charged, and may have common hallways and entrances.

AREA OF SPECIAL FLOOD HAZARD – The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year, as determined by the Federal Emergency Management Agency (FEMA). It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

ARCHITECTURAL FEATURE – A prominent or significant part or element of a building, structure or site.

ATTENTION-GETTING DEVICE – Any flag, streamer, spinner, light, balloon or similar device or ornamentation used for purposes of attracting attention for promotion.

AWNING –A movable and/or retractable ornamental roof-like protective cover over a door, entrance, window or outdoor service area that projects from the face of a structure and is constructed of durable materials, including but not limited to metals, fabrics and/or plastics.

BANK – A commercial establishment used primarily for conducting financial business and transactions.

BANNER – Any sign of lightweight fabric or similar material mounted permanently to a pole or a building by one or more edges.

BAR OR TAVERN – A business establishment with a New York State Liquor License authorizing sale of liquor for on-premises consumption in which liquor sales represent 25 percent or more of sales receipts.

BASEMENT – That portion of a building that is partly or completely below grade.

BED AND BREAKFAST – An owner-occupied structure resulting from a conversion of a single-family dwelling where rooms are rented to guests for generally less than a stay of two weeks and where meals produced on premises shall only be provided to those individuals staying at the bed-and-breakfast. The maximum number of rented rooms permitted in a bed-and-breakfast shall be limited to five (5). A bed-and-breakfast does not qualify as a home occupation use.

BERM – An earthen mound designed to provide visual barrier and/or screen undesirable views and/or decrease noise.

BILLBOARD – A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any uses of premises wherein it is displayed or posted.

BOARDING OR ROOMING HOUSE –An owner occupied dwelling where not less than two (2) or no more than ten (10) unrelated persons are furnished sleeping accommodations or lodged for a fee with or without meals.

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

BUILDING, PRINCIPAL – A building conducting the main use of the lot on which said building is located.

BUILDING AREA – The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings; such areas computed by using outside building dimensions measured on a horizontal plane at ground level.

BUILDING FRONTAGE – The width of a building or dwelling facing a street or public parking lot; in the case of a corner lot, it may be the length of the building that faces the principal street or length of wall that contains the primary entrance to the use(s) therein.

BUILDING HEIGHT –The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck-line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING PERMIT – A permit issued by the Village of Green Island Code Enforcement Office stating that the purpose for which a building is to be used is in conformity with the uses permitted and stating that all proposed construction, alterations, relocation or extension of buildings shall be constructed in compliance with the provisions of the NYS Uniform Code.

BUSINESS OFFICE - A business establishment that does not offer, on the premises, a product or merchandise for sale to the public but offers a service to the public. However, personal services such as barber and beauty shops and repair services are not to be included within the definition of business offices.

BUFFER – A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other and/or to protect wildlife habitats, wetlands, stream corridors and other significant environmental features.

BULK AND USE REGULATIONS – The maximum size of a building and its location on a lot as defined by density and dimension standards viewed as appropriate for the specific zoning district.

BULLETIN BOARD –See —sign; changeable-copy.

CAMPGROUND - A parcel or portion of land used or intended to be used by two or more tents, two or more cabins, shelters, travel trailers, or other recreational vehicles on a temporary or seasonal basis and conducted as a business or as part of a public use or a private club.

CANDLE POWER – The unit for measuring the maximum intensity of light energy emitted by a directional lamp.

CANOPY – A fixed ornamental roof-like protective cover over a door, entrance, window or outdoor service area that projects from the face of a structure and is constructed of durable materials, including but not limited to fabrics and/or plastics.

CARNIVAL – An amusement show, usually traveling from place to place, having sideshows, Ferris wheels, merry-go-rounds, games of skill or chance, etc.

CELLAR – A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered when determining the permissible number of stories.

CEMETERY – Property used for the interring of the dead.

CERTIFICATE OF OCCUPANCY- A certificate issued by the Village of Green Island Code Enforcement Office signifying that a parcel of land and/or building is being used in a lawful manner with respect to the provisions of the Green Island Village Zoning Law, and the NYS Uniform Code.

CERTIFICATE OF ZONING COMPLIANCE – A certificate issued by the Village of Green Island Zoning Enforcement Officer signifying that a parcel of land and/or building is being used in a lawful manner with respect to the provisions of the Green Island- Village Zoning Law.

CIRCUS – An exhibition of animals and acrobatic acts, together with sideshows and vending concessions.

CLUB, MEMBERSHIP – An organization catering exclusively to members and their guests for recreational, athletic or social purposes which are not conducted primarily for gain, providing that there are not any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

CLUBS, LODGES, & PRIVATE MEETING HALLS - Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations other membership organizations.

CLUSTER DEVELOPMENT – A method of subdivision of a plat or plats in which the Green Island Village Zoning local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands, including prime agricultural soils. (Village Law §278) See the Village of Green Island Subdivision Regulations for additional details.

CODE ENFORCEMENT OFFICER – An official employed by the Village of Green Island to administer and enforce all the provisions of the NYS Uniform Code, the State Energy Conservation Construction Code, and other applicable NYS Codes.

COLLECTOR STREET – A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street and/or road.

COLLECTIVE SOLAR SYSTEM – A solar installation owned collectively through condominium or property owners associations, business groups (e.g. strip-mall collective), college student groups, “adopt-a-solar-panel” programs, or other similar arrangements. If the amount of energy produced by such system:

A. Does not exceed twelve (12) Kilowatts per hour, it shall be subject to the provisions herein that apply to a Small-Scale Solar Energy System, or

B. Exceeds twelve (12) Kilowatts per hour, it shall be subject to the provisions herein that apply to a Large - Scale Solar Energy System.

COMFORT CARE HOME – A building other than a hospital or nursing home where up to two terminally ill persons are regularly lodged and furnished with meals and nursing care.

COMMERCIAL DISTILLING OF ALCOHOL- A facility dedicated to the production, distilling and distribution of alcoholic beverages for sale either on-premises or off-premises for which a New York State Liquor license is required.

COMPLIANCE ORDER/NOTICE OF VIOLATION – An order to remedy, in writing by the Village of Green Island Code Enforcement Officer and/or Green Island Zoning Enforcement Officer in response to any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Green Island Village Zoning Law or the NYS Uniform Code, respectively.

CONCRETE/ASPHALT PLANT- A facility for the manufacture of asphalt/concrete, and other forms of coated road stone, sometimes collectively known as blacktop or asphalt concrete.

CONDOMINIUM – The individual ownership of a dwelling unit in a multi-dwelling structure and/or development, including the undivided interest in common areas associated thereto; or in a multi-unit commercial structure. A condominium may include either a single or a multi-story commercial unit under one ownership.

CONFERENCE/CONVENTION CENTER – A building used for the gathering of groups of people or providing large-scale meeting space.

CONTRACTOR YARD – A parcel of land, structure(s) or a combination thereof used for the storage of machinery, equipment and non-hazardous materials required for the contractor's trade.

CONSTRUCTION EQUIPMENT –Equipment and/or specialized vehicles and/or machines, which may be mobile, semi-permanent, or permanent, intended for construction and/or demolition work such as earthmoving, lifting containers or materials, drilling holes in earth or rock, or concrete or paving application.

CONVENIENCE STORE –A one-story retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items. It is designed to attract a large volume of stop-and-go traffic. A convenience store may include motor vehicle fuel sales.

COPY – Character, letters, or illustrations that can be changed or rearranged on a changeable-copy sign.

CORNER LOT (LOT, CORNER) – A lot abutting the intersection of two or more streets. [See attached Corner Lot Diagram for example].

CORNER LOT WITH 2 FRONTAGES – see Corner Lot definition. [See attached Corner Lot Diagram for example].

CORNER LOT WITH 3 FRONTAGES – see Corner Lot definition. [See attached Corner Lot Diagram for example].

CREMATORIUM – A facility where human or animal remains are cremated.

CRAFT BREWERY – An independently owned facility where beer is brewed in limited quantities often using locally sourced ingredients and traditional methods. This has the same meaning as “Microbrewery”.

CUL-DE-SAC – A street with one end which is closed with a permanent circular turnaround. [See attached Setbacks Diagram for example].

CUL-DE-SAC LOT – A lot fronting a local cul-de-sac. [See attached Cul-de-Sac Diagram for example (s)].

CULTURAL USE FACILITY OR MUSEUM – Any building, room or area designed or utilized primarily for the presentation to the general public of live theater, dance performances, musical concerts, cinema, lectures, and exhibits of various art forms or exhibits of cultural, academic, historical or scientific material.

CURB LEVEL – The average street grade established by municipal local law or, in the absence of an established grade, the mean level of the existing curb from the finished road surface or of the finished lot surface at the street line.

CURVED STREET LOT – A lot fronting the interior or exterior radius of a curved section of a local street. See attached Curved Street Lot diagram for example.

DAYCARE CENTER – Any program or facility caring for children for more than three hours per day per child, in which child day care is provided by a licensed child day care provider except those programs operating as a group family day care home. A family day care home, and a school-age child care program as defined by §390.1 of the Social Services Law of the State of New York.

DEAD-END STREET – A street or portion of a street with only one vehicular traffic outlet.

DECIDUOUS – A plant with foliage that sheds annually.

DEED OR TRACT RESTRICTIONS – Legal language recorded in an instrument in the chain of title for a lot, which describes specific limitations or restrictions on the use of the property.

DENSITY STANDARDS – Determines the measure of the quantity of a particular use allowed at a particular location. The four basic measures include dwelling units per acre, minimum lot sizes, floor-area ratio (FAR), and maximum height restrictions.

DRIVE-IN FACILITY – A use or portion of a use which by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product which may be consumed or used in a motor vehicle on the premises or off-premises.

DWELLING – One room or rooms connected together, constituting a separate, independent housekeeping unit containing independent bathing, cooking and sleeping facilities, having a separate access to the outside and physically separated from any other dwellings that may be in the same building.

DWELLING, ATTACHED OR ROW – A single-family dwelling, with party walls separating it from adjacent dwelling units on both sides with fire resistive walls as required by the NYS Uniform Code.

DWELLING, MULTI-FAMILY – A building or portion thereof containing three or more dwelling units designed or used for occupancy by three or more families living independently of each other.

DWELLING, SINGLE-FAMILY – A Dwelling Unit designed for or occupied exclusively by one or more persons living as a single-family.

DWELLING, TWO-FAMILY – A building containing two Dwelling Units and used or intended to be used exclusively for occupancy by two families living independently of each other, or two single-family dwellings having a party wall in common.

DWELLING UNIT – The area within a Dwelling arranged or designed to be occupied exclusively as a home or residence for not more than one (1) family. One or more rooms providing living facilities for one family or housekeeping unit, including equipment for cooking, living and sleeping purposes and provisions for the same.

EASEMENT – The authorization by property owner for use by another, for a specified purpose, of any designated part of such property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER – A person licensed as a professional engineering by the State of New York.

EQUINE OPERATION, COMMERCIAL – a farm operation as defined by New York State Agriculture and Markets Law that consists of at least seven acres, stables ten horses regardless of ownership and grosses \$10,000 in revenues generated from activities such as boarding, trail riding, riding lessons, training and therapeutic riding.

EQUINE OPERATION, PRIVATE – Premises on which is maintained not more than one horse, not the property of the proprietor, and includes horses of the proprietor not maintained for commercial purposes; is accessory to a farm or dwelling.

ESCORT – A person who, for a fee, tip, or other consideration, agrees or offers to any of the following; act as a companion, guide, or date for another person; or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY – A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes for a fee, tip, or other consideration.

ESTABLISHMENT – An institution or place of business, with its fixtures and organized staff.

EXTERIOR ENTRANCE – A direct entrance from a public way to a habitable or occupied space.

FAMILY-

A. Includes:

- 1) One, two, or three persons occupying a dwelling unit; or
- 2) Four or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

B. It shall be presumptive evidence that four or more persons living in a single dwelling unit who are not related by blood, marriage, or legal adoption do not constitute the functional equivalent of a traditional family.

C. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:

- 1) The group is one which in theory, size, appearance, structure, and function resembles a traditional family unit.
- 2) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants, net as separate roomers, may not be deemed to be occupied by the functional equivalent of a traditional family.
- 3) The group shares expenses for food, rent or ownership costs, utilities and other household expenses.
- 4) The group is permanent and stable. Evidence of such permanency and stability may include:
 - a) The presence of minor dependent children regularly residing in the household who are enrolled in a local school.
 - b) Members of the household having the same address for the purposes of voter registration, driver's license, motor vehicle registration and filing of taxes.
 - c) Members of the household are employed in the area.
 - d) The household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.
 - e) Common ownership of the furniture and appliances among the members of the household.
 - f) The group is not transient or temporary in nature.
- 5) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

FAMILY/CAREGIVER APARTMENT – A separate Dwelling Unit made part of a single family Dwelling in which will reside an individual who is related by birth, marriage, or adoption to at least one resident of the primary living unit of the Dwelling or a caregiver who is taking care of one or more individuals who are residing in the primary living unit.

FARM – A parcel of land used for the purposes of producing agricultural, horticultural, or aqua-cultural products, including nursery stock and livestock customarily kept on a farm, but not including the breeding, raising or maintaining of fur-bearing animals, animal kennels and riding academies. A noncommercial garden or greenhouse accessory to a residential use shall not be deemed a "farm" or farm use.

FARMETTE – Is a small residential farm run by an owner who earns their primary income from a source other than the farm. It is sometimes known as a farmlet. It is a parcel of land generally less than 7 acres used for the purposes of producing limited agricultural, horticultural, or aqua-cultural products, including nursery stock and livestock customarily kept on a farm, but not including the breeding, raising

or maintaining of fur-bearing animals, animal kennels and riding centers. A noncommercial garden or greenhouse accessory to a residential use shall not be deemed a "farmette" or farm use.

FARM/FARMERS MARKET - A publicly or privately operated, open air or enclosed establishment >160 sq. ft. where primary agricultural products such as, but not limited to, vegetables, fruits, flowers, plants, meats, or handcrafted items are offered for sale by single or multiple vendors. The area dedicated to non-agricultural products sold, and area dedicated to such products shall not occupy more than twenty five percent of the total product display area.

FARM OPERATION - means 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 as defined in New York State's Agriculture and Markets Law §301-11, including a "commercial horse boarding operation" as defined in Agriculture and Markets Law §301-13, a "timber operation" as defined in Agriculture and Markets Law §301-14, "compost, mulch or other biomass crops" as defined in Agriculture and Markets Law §301-17 and "commercial equine operation" as defined in Agriculture and Markets Law §301-18. 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.

FARMSTAND – See Roadside Stand.

FENCE – An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials, or natural plantings to either limit access to the area or to screen such area from view, or both, other than temporary uses such as garden fences, snow fences or rabbit fences.

FLAG – Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity, or for decorative purposes.

FLAG LOT – A lot have two distinct parts; (a) the pole, which is a narrow, extended portion of the parcel and to provide vehicular access between the flag and its adjoining road and (b) the flag, which is the portion of the lot where all structures are to be located. [See attached Flag Lot Diagram for example].

FLAMMABLE LIQUIDS – As defined and listed by the New York State Uniform Fire Prevention and Building Code.

FLOOD INSURANCE RATE MAP – An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of Special Flood Hazard and the Risk Premium Zones applicable to the community.

FLOOD INSURANCE STUDY – The official report provided by the Federal Emergency Management Agency. The report contains Flood Profiles, as well as the Flood Boundary and Floodway Map and the water surface elevations of the base flood.

FLOOD-PROOFING – Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY-REGULATORY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study.

FLOOR AREA, TOTAL – Total floor area is the sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy, storage, or the conduct of business. Said areas shall be measured between the inside face of exterior walls or from the centerline of walls separating two uses. Said areas shall not include areas below the average level of adjoining ground that may not be legally used as occupied or habitable space.

FLOOR AREA, GROSS – The sum of the gross horizontal areas of several floors of a building or buildings, measured from the exterior walls or from the center line of walls separating two (2) buildings will be used for the purpose of applying the requirements for off-street parking and loading for publicly used buildings as in the case of offices. For merchandising or service types of uses, —gross floor area shall not include areas used principally for nonpublic purposes such as storage, rest rooms, fitting or alteration rooms or general maintenance.

FRONTAGE - The portion of a parcel of property which abuts a dedicated public street or highway. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

FULLY SHIELDED LUMINAIRE – A luminaire constructed and installed in such a manner that all light emitted by it, either directly or by a diffusing element, is projected below a horizontal plane through the luminaries' lowest light-emitting part.

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.

GAME MANAGEMENT- A site or parcel of land where the maintenance and management of wildlife occurs.

GARAGE – A building utilized, designed, arranged, or intended for the housing of motor vehicles and in which no occupation, business or services for profit are performed.

FUELING STATION – A business that provides only fuel/gasoline sales.

GLARE – Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

GOLF COURSE, PRIVATE – A recreation facility consisting of at least nine holes, each with tee, green, and fairway, located on a parcel of land complying with the Bulk and Use Area Tables, as distinguished from golf driving ranges and miniature golf. Club membership is required in order to use the facility.

GOLF COURSE, PUBLIC – A recreation facility consisting of at least nine holes, each with tee, green, and fairway, located on a parcel of land complying with the Bulk Use and Area Tables, as distinguished from golf driving ranges and miniature golf. Club membership is not required to use the facility.

GOLF DRIVING RANGE – A recreation facility located on a parcel of land complying with the Bulk Use and Area Tables, where participants practice golf shots, and where there may be tees and greens for practicing putting shots. A golf driving range may be part of a formal golf course or a stand-alone facility.

GOLF, MINIATURE – A recreation facility located on a parcel of land complying with the Bulk Use and Area Tables, where a novelty version of golf is played with a putter and golf ball on a miniature course and featuring obstacles such as alleys, bridges, and tunnels.

GREEN – Located in a central position in the neighborhood and surrounded by streets and/or building lots on at least three sides. It is designed and landscaped as a space for common neighborhood use.

GREENHOUSE, AGRICULTURAL – A glass or plastic enclosed structure larger than 140 square feet in size for cultivating plants that must have controlled temperature and humidity, used for agricultural purposes.

GREENHOUSE, COMMERCIAL – A glass or plastic enclosed structure larger than 140 square feet for cultivating plants that must have controlled temperature and humidity, used for wholesale or retail purposes.

GREENHOUSE, PERSONAL – A glass or plastic enclosed structure larger than 140 square feet in size for cultivating plants that must have controlled temperature and humidity, not used for wholesale or retail purposes.

GREENSPACE – Any non-impervious vegetated surface or area consisting of grass, trees, or other vegetation set apart for passive recreational or aesthetic purposes.

GROUND-MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System that is anchored to the ground or attached to a pole or other mounting system, detached from any other structure.

GROUP HOME – A facility approved by the State of New York which is designed for residents with physical, cognitive, or memory needs. Facilities typically provide on-site housing, on-site monitoring, case management services, and personal care services and/or home care services. The facility does not typically provide in-room cooking facilities and generally provides for congregate meals, and does not provide intensive medical or nursing services.

HOME BASED BUSINESS - A business where the primary office is based on the same tax parcel as the business owner's primary residence. The owner must be a permanent full-time resident of the dwelling unit. Employees whose work is primarily off site, and does not involve physical presence at the primary office are exempt from the employee cap. While we think of home based business owners as working from home, that's not necessarily always the case. No more than five (5) persons not residing in the household, or directly related to the owner, shall be employed in the home based business.

HOME OCCUPATION – An accessory use of a service related business customarily conducted within a dwelling or an accessory building by the residents thereof, which is clearly secondary to the use of the premises for residential purposes. A home occupation shall not change the character of the residential use or have any exterior evidence of such secondary use other than a sign as permitted by the Green Island Village Zoning local law. The office of a person offering skilled services to clients, who is not engaged in the purchase, sale, or re-sale of economic goods may be deemed a home occupation. No

more than three (3) persons not residing in the household, or directly related to the owner, shall be employed in the home based business.

HOMEOWNER'S ASSOCIATION – An organization of residential property owners residing within a particular development who contractually agree to provide, reserve and maintain commonly owned facilities and/or open space, in accordance with New York State Law.

HORTICULTURAL USE – Any land or greenhouses used for the commercial production, sale, or research of vegetative products, excluding field and forage crops.

HOSPITAL – Unless otherwise specified, the term —hospital shall include sanitarium, clinic, rest home, convalescent home and any other place for the diagnosis, treatment, or other care of human ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

HOTEL – A building having more than two stories and containing rooms intended, designed, used, rented or hired out, to be occupied for sleeping purposes by transient guests and/or the general public and providing accessory off-street parking and, if desired, restaurant facilities.

HOUSEHOLD PETS – Small, domesticated animals or fish kept for pleasure and not for utility or commercial purposes. Pets include animals such as, but not limited to, dogs, cats, pot-bellied pigs, hamsters, non-venomous snakes, fish and non-fowl birds (not raised for meat or eggs).

IMPERVIOUS (IMPERMEABLE) SURFACE – The horizontal area of ground covered by a surface through which, water cannot infiltrate, such as buildings, asphalt driveways or parking areas.

INN – A building or portion thereof kept, used, maintained, advertised or held out to the public, containing 40 or fewer units used for sleeping accommodations for guests, and providing meals and other incidental services to guests and the public.

JUNKYARD – A place where waste, discarded or salvaged materials are bought, recycled, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled or where automobile wrecking takes place regardless of organization on property, but not including pawnshops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing.

KENNEL – A parcel of land and building where four but no more than 10 animals are kept, whether by owners of the pets or by persons providing facilities and care, whether or not for compensation and/or for breeding purposes, but not including a small animal hospital, clinic or pet shop.

KILOWATT (kW) – A unit of electrical power equal to 1000 Watts, which constitutes the basic unit of electrical demand. A Watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1000 kW is equal to one (1) megawatt (MW).

KILOWATT-HOUR (kWh) – A unit of energy equivalent to one Kilowatt (1 kW) of power expended for one (1) hour of time.

LABORATORY, RESEARCH/EXPERIMENTAL - A building or groups of buildings in which facilities are located for scientific research, investigation, materials testing, or experimentation, but not facilities for the manufacture or sale of products.

LARGE-SCALE SOLAR ENERGY SYSTEM - A Solar Energy System that produces over 12 Kilowatts (kW) per hour of energy which primarily serves buildings or structures to which the system is not attached. The maximum amounts of electric generated by the system and the maximum area of land upon which the system shall be erected are as follows:

A Up to one (1) Megawatt per hour on a parcel of land no larger than ten (10) acres, excluding any easement for accessing the parcel; or

B Over one (1) but not to exceed two (2) Megawatt per hour on a parcel of land no larger than twenty (20) acres, excluding any easement for accessing the parcel.

LANDFILL – A lot of land or part thereof used primarily for the disposal, by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage (exclusive of agricultural manures and slurries), trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

LANDSCAPED AREA – An area of a Site Plan not consisting of structures or pavement. Landscaped area shall consist of those areas on a Site Plan that are planted, seeded or provide similar vegetative or landscaped cover, including ponds.

LIGHT INDUSTRY –See —Light Manufacturing.

LIGHT MANUFACTURING – A facility which manufactures, designs, assembles, or processes a product for wholesale or retail. The industry does not produce high volumes of polluting wastes and is compatible with other uses of the district.

LIGHT TRESPASS – The shining of light produced by a luminaries' beyond the boundaries of the property on which the luminary is located.

LIVESTOCK – Animals commonly raised for food, fiber, work, or other commercial purposes, including, but not limited to cattle/cows, poultry, mules, llamas, alpacas, sheep, goats, swine, horses and ponies.

LOADING SPACE - An area, other than a street or alley, on the same lot with a building or a group of buildings permanently reserved and maintained for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

LOGO – Any picture, shape or drawing, with or without letters or words, used to identify a product, service, business or organization.

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

LOT ALTERATION – Any change in the dimension or orientation of a lot line not resulting in or constituting subdivision or re-subdivision as defined herein, where there is no increase in the number of lots and no reconfigured lot is in excess of 10,000 square feet in area.

LOT AREA – An area of land, not inclusive of the public right-of-way, which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres.

LOT COVERAGE - Percentage of the lot area covered by impervious surfaces, such as buildings or structures, parking areas, driveways and walkways.

LOT DEPTH – The mean horizontal distance between the front and rear lot lines, measured at right angles to the front lot line.

LOT LINES – The property lines bounding the lot.

LOT WIDTH – The mean width measured at right angles to the front lot line. For wedge-shaped lots, flag-shaped lots or lots with side boundary lines not perpendicular to the front lot line, the width measured at the required minimum front setback.

LUMEN – Unit used to measure the actual amount of light which is produced by a lamp. One foot-candle is one lumen per square foot.

LUMINAIRE – A complete lighting system that includes the lamp(s) and a fixture.

MACHINE SHOP – A building used for the purpose of fabricating metal parts for various applications.

MACHINERY AND TRANSPORTATION EQUIPMENT, SALES, SERVICES AND REPAIR – A building or collection of buildings used for the purposes of selling, servicing and repairing machinery and transportation equipment.

MANUFACTURED HOME (A.K.A MOBILE HOME) COMMUNITY – A parcel of land where two (2) or more manufactured homes are placed or which is planned for placement of manufactured homes for purposes of collecting rents, or other monetary gain.

MANUFACTURED HOME (A.K.A MOBILE HOME) – A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in traveling mode, is 8 feet or more in width or 40 feet or more in length, or when erected on-site, is 320 square feet minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, HVAC, and electrical systems therein. The term manufactured home shall not include any self-propelled recreational vehicle.

MANUFACTURED HOME (A.K.A MOBILE HOME), DOUBLE-WIDE – A Manufactured Home consisting of two sections, combined at the site, with a combined width of no less than 20 feet, while still retaining their individual chassis for possible future movement and complying with the federal requirements specified in the Manufactured Home definition. This definition does not include modular homes.

MANUFACTURING INDUSTRIES – Any factory, shop, yard, warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, containerizing, storage or distribution of goods, wares, commodities, parts, materials, electricity and the like. The processing, preparation and production activities customarily deal with man-made or raw materials and other manufactured items which are altered, restored or improved by the utilization of biological, chemical or physical actions, tools, instruments, machines or other such similar natural, scientific or technological means. "Manufacturing" shall also include the handling of any waste products and materials produced on-site and/or as a result of the manufacturing process. Manufacturing processes and treatments

include but are not limited to such operations as mixing, crushing, cutting, grinding and polishing; casting, molding and stamping; alloying and refining; assaying, cleaning, coating and printing; and assembling and finishing.

MARINA-

A. Any waterfront facility which provides accommodation services for vessels by engaging in any of the following:

B. Any campground or travel trailer park that provides boats coincidentally with the rental of camping spaces or rental of parking spaces for automobiles shall be deemed to be a marina.

- 1.) The sale of marina products or services.
- 2.) The sale, lease, rental or charter of two or more vessels of any type.
- 3.) The sale, lease, rental or any other provision of storage, wharf space or mooring, or launching for two or more vessels not registered to the owner of said facility, members of the owner's immediate family, or overnight guests on said property.
- 4.) The repair and/or maintenance of vessels.

MARQUEE – Any hood, awning or permanent construction that projects from a wall of a building, usually above an entrance.

MASSING – The sense of bulk, size, and shape of a structure, usually perceived by reference to the surrounding space and nearby structures and natural features such as trees.

MEAN SEA LEVEL – For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MEGAWATT (MW) – Equal to 1000 Kilowatts; a measure of the use of electrical power.

MEGAWATT-HOUR (MWh) – A unit of energy equivalent to one Megawatt (1 MW) of power expended for one (1) hour of time.

METAL SHOP- A building, structure or site where metal work and metal fabrication occurs. Metal shops should not be considered the same as facilities that actually create or smelt raw materials into metal ingots, bars, rails, sheets, etc.

MINI MALL –A group of one or more commercial buildings, having three or more retail stores and typically less than 20,000 total square feet devoted in aggregate to retail use, that are planned, approved, constructed, maintained and/or managed as a single entity, with shared customer and employee parking provided on site, provision for goods delivery separated from customer access, and having a common plan of development for vehicular circulation, parking, infrastructure, lighting, landscaping and/or signage. Mini Malls are distinguished from larger "Shopping Centers" generally based on store size(s) and total lot acreage of the development site.

MINING – The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial or municipal use; and the disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavations in aid of agricultural activities.

MIXED-USE – A development or redevelopment that allows for more dense development in a single structure or lot and includes a mixture of uses, including but not limited to, residential, commercial and industrial. A typical mixed-use structure would have retail or offices on the first floor and offices, residences, and/or studios on the upper floors.

MOBILE HOME – A factory-manufactured dwelling unit built on a steel chassis with wheels and axles with or without a label certifying compliance with NFPA, ANSI, or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet or more in width or 40 feet or more in length, or when erected on-site, is 320 square feet minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, HVAC, and electrical systems therein. The term Mobile Home shall not include travel trailers or any self-propelled recreational vehicle.

MODULAR HOME – A factory-manufactured dwelling unit, conforming to applicable provisions of the NYS Uniform Code and bearing insignia of approval issued by the State Fire Prevention and Code Council, which is constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation, or final assembly and permanent installation.

MOTEL – A building or group of buildings having two stories or less, whether detached or in connected units, used as individual sleeping units designed primarily for transient automobile travelers and providing accessory off-street parking and, if desired, restaurant facilities. The term —motel shall also include tourist courts, motor lodges and similar uses.

MOTOR HOME – A portable, temporary abode designed for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle, and measuring at least 227 inches in length, 85 inches in height, and 80 inches in width.

MOTOR VEHICLE – Any vehicle propelled or drawn by power other than muscular power originally intended for use on public roads except:

- A Electrically-driven mobility assistance devices operated or driven by a person with a disability;
- B Vehicles which run only upon rails or tracks; and
- C Snowmobiles and all-terrain vehicles as defined in Article 47 and Article 48-B of the New York State Vehicle and Traffic Law, respectively.

The term motor vehicle shall also exclude agricultural and construction equipment.

MOTOR VEHICLE REPAIR SHOP/STATION – Any building, land area or other premise, or portion thereof used for Engine repair, body work, frame straightening, painting, upholstery, steam cleaning, electrical

work, tune-ups and all other vehicle repair services not specifically listed in the definition of motor vehicle service stations.

MOTOR VEHICLE SALES AREA – Any building, land area or other premises used for the display or sale of six (6) or more of the following vehicles within the same 180-day period of new or used automobiles, motorcycles, trucks, trailers or boats, but not including any repair work other than warranty and other repair service conducted as an accessory use on such premises.

MOTOR VEHICLE SERVICE STATION - Any building, land area or other premises, or portion thereof, used or intended for use for any one or a combination of the following activities:

A Retail dispensing or sales of motor vehicle fuels.

B Retail dispensing or sales of motor vehicle lubricants, including oil changing and chassis lubrication where substantial disassembly is not required.

C Retail dispensing or sales of motor vehicle coolants.

D Hand or machine-washing in a single bay motor vehicle wash.

E Incidental repair or replacement of parts, such as windshield wiper blades, light bulbs, air filters, oil filters, batteries, belts, tires, fuses, lubrication of vehicles, and the like.

MOTOR VEHICLE WASH – Any building or premises, or portion thereof, the use of which is devoted to the business of washing motor vehicles for a fee, whether by automated cleaning devices or otherwise.

MOTOR VEHICLE WRECKING – The dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

MUNICIPAL ENGINEER – The engineer designated by the Green Island Village Board or a position assigned with similar duties.

NATURE PRESERVE – A public or private area created and/or designated for the preservation of unique or locally significant natural resources for the purposes of protection and public education.

NEIGHBORHOOD GROCERY - A retail store serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers and having a gross floor area of less than 5,000 square feet. Gasoline is not sold.

NEW AUTOMOBILE DEALERSHIP - A commercial business that sells new or used cars at the retail level, based on a franchise dealership contract with an automaker or its sales subsidiary.

NONCONFORMING BUILDING – A lawfully pre-existing building, which in its design or location does not conform to the regulations of this local law for the district in which it is located.

NONCONFORMING LOT – A lot of record lawfully existing at the date of adoption of this local law or any amendment thereto which does not have the minimum width or depth, or contain the minimum area for the district in which it is located.

NONCONFORMING USE – Any use of any building, structure or land lawfully existing at the date of adoption of this local law or any amendment thereto which does not conform to the use regulations of the district in which it is situated.

NUDITY - the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

OFFICE BUILDING – A building that is divided into offices of either single or suites for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business, in part or in whole will be classed as an office building.

OPEN SPACE – Open space is any open piece of land that is undeveloped (has no buildings or other built structures). Open space can include:

- Green space (land that is partly or completely covered with grass, trees, shrubs, or other vegetation). Green space includes parks, community gardens, and cemeteries.
- Schoolyards
- Playgrounds
- Public seating areas
- Public plazas

OPEN SPACE, COMMON - Open space held in private ownership and regularly available for use by the occupants of more than one (1) building or group of buildings.

OPEN SPACE, PRIVATE – Open space held in a private ownership and the use of which is normally limited to the occupants of one (1) building.

OPEN SPACE as USABLE OPEN SPACE – An area or areas of a lot or property, including required yards of green space that meet any one of the following conditions:

- A. Open and unobstructed from ground to sky, except by facilities specifically designed, arranged and intended for use in conjunction with passive or active outdoor recreation or relaxation.
- B. Landscaped, maintained or otherwise treated to create a setting appropriate to recreation or relaxation.
- C. Accessible and usable by the general public, business patrons or residents of all dwellings or stores it is intended or required to serve.

ORNAMENTAL – A deciduous tree or shrub possessing qualities such as flowers or fruit, attractive foliage, bark, or shape, with a mature height generally under 40 feet.

OUTDOOR FURNACES – Any equipment, device or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior or the heating of water for the hot water supply of a plumbing system.

OUTDOOR RECREATION – Activity based facility with use open to the public. Activities including public and private golf courses, golf driving ranges, golf pitch and putt courses; recreation courts; open space; playing fields; swimming pools; bike trails; hiking trails; and similar facilities for outdoor recreation.

OUTPATIENT HEALTH CENTER - A business establishment providing primarily health services, such as emergency care, laboratory facilities or minor surgery to ambulatory patients rather than diagnostic treatment typical of a doctor’s office.

OVERLAY ZONE – An additional layer of regulations related to specific constraints such as, but not limited to, floodplain boundaries, historic landmarks, historic structures, or wetlands that supersede the restrictions of the underlying zoning district. (E.g. Agricultural Overlay Zone; Commercial Overlay Zone)

OWNER – A person or entity who has legal or equitable title to any premises.

PARKING AREA or LOT – Any place, lot, parcel, or yard used in whole or in part of storing or parking four (4) or more motor vehicles under the provision of this local law.

PARKING GARAGE – A garage, in which licensed motor vehicles, used for personal conveyance or conveyance of passengers, are parked.

PERFORMANCE BOND – A financial tool used to guarantee that in the event of a developer or contractor's default, funds are available to finish the construction of a site improvement or infrastructure installation and ensure its proper functioning.

PERMIT HOLDER – The person to whom a Building Permit has been issued. The Village of Green Island's Building Permits are reviewed, approved and issued by Village of Green Island Code Enforcement Officer.

PERMITTED USE(S) – A use or uses allowed by right in a particular zoning district. This should be interpreted as having the same meaning as “Allowable” use for purposes of this chapter.

PERVIOUS SURFACE – The horizontal area of ground covered by a surface through which, water can infiltrate.

PERSONAL SERVICE ESTABLISHMENT - Places primarily providing services oriented to personal needs, beauty shops, shoe repair shops, household appliance repair shops, dry cleaning, laundry pick-up, and other similar establishments. Retail sales shall be allowed as incidental uses in personal service establishments.

PETITION – Any request made in writing.

PLACE OF WORSHIP – A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

PLANNED UNIT DEVELOPMENT (PUD) – A development designed in accordance with a single plan of compatible land uses and placement of buildings and mixed uses, any or all of which, may not be listed permitted uses within the zoning district. A planned unit development may have multiple buildings on a single parcel, or may be designed as a cluster development that may not meet the minimum lot size requirement.

PLANNING BOARD – The officially established Planning Board of the Village of Green Island.

PRIVATE AIRFIELD – An area where aircraft may take off or land, discharge or receive cargo or passengers, be repaired or serviced, take on fuel, or be stored and shall include accessory uses or facilities which are commonly associated with this use. The airfield and all associated facilities shall comply with all applicable Federal Aviation Administration Regulations. Aircraft shall be limited up to two-prop motors only.

PRIVATE CLUB - Any organization catering exclusively to members and their guests or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, provided that they do not contain any vending stands, merchandising or commercial activities, except as required for the membership and purposes of such club.

PROFESSIONAL OFFICE – Premises where professional services are provided by medical practitioners, attorneys, architects, engineers, photographers, brokers, or other providers of business or personal services.

PROPERTY LINE – See —lot lines.

PUBLIC USES – Public parks, schools and administrative uses, cultural and government service buildings or other uses of land relating thereto, typically exempt from zoning.

- A. Public parks, playgrounds, and recreational areas when authorized or operated by governmental authority.
- B. Nursery schools, elementary schools, high schools, colleges or universities approved by the New York State Education Department.
- C. Local, county, state and federal government offices and buildings.

PUBLIC GARAGE - 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, adjusting or equipping of automobiles or other motor vehicles, with or without the sale of motor fuels.

PUBLIC UTILITIES – Any facility or related equipment, including but not limited to all lines, buried or aboveground, pipes, transformers, poles, etc., performing an essential public service and subject to special governmental regulation. Nonessential components of public utility operations, such as general storage and maintenance facilities are excluded from this definition.

PUBLIC WAY - All areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys, and parks, as well as the interior and areas surrounding public buildings.

QUALIFIED SOLAR INSTALLER - A person who possesses skills and knowledge related to the construction and operation of Solar Energy Systems equipment and installations and has received safety training on the hazards involved. Persons or entities on the list of eligible solar installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be Qualified Solar Installers for the purpose of this definition.

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING – A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading preparatory to the construction of a building or highway construction.

RECREATION, INDOOR COMMERCIAL – Business primarily devoted to the amusement of the general public such as theaters, bowling alleys, indoor amusement arcades and health clubs. Incidental food service is also included.

RECREATIONAL AREA – A space designed and used for active and passive participatory athletic and general recreation activities. These areas shall also include campgrounds.

RECREATIONAL SPORTS COMPLEX - A commercial and/or civic building, structure or parcel of land offering a variety of different in-door and/or out-door sports facilities and sports-related amenities.

RECYCLING FACILITY – A facility receiving and processing one or more types of recyclable materials.

RECYCLABLE MATERIAL – Any material source-separated from the solid waste stream and limited to materials which can be recovered, processed and reused for the original or a different purpose, which shall include but not limited to, paper and paper products, cardboard, metals, glass, rubber, and plastic containers. In no event shall material contaminated by garbage, refuse, residue from source separation and/or other solid waste be considered a —recyclable material.

REFLECTIVE SURFACE – Any material or device which has the effect of intensifying reflected light, such as Scotch lite (trademark), Day-Glo (trademark) or glass beads.

RESIDENTIAL CARE FACILITY – A community-based residence under public, voluntary, nonprofit or proprietary sponsorship, which provides residential services and twenty-four-hour supervision to four or more persons. Such a facility is operated by sponsor-approved staff. A residential care facility may also be known as assisted living.

RESTAURANT – Any establishment, however designed, at which food is prepared, cooked and or sold for consumption on the premises to patrons seated within an enclosed building or elsewhere on the premises. A snack bar or refreshment stand at a public, semipublic or community swimming pool, playground, playfield or park, or an approved vendor operating the recreational facilities for the convenience of the patrons of the facility, shall not be deemed to be a restaurant.

RETAIL – The sale of goods, articles or consumer services individually or in small quantities directly to the consumer. Limited, targeted, retail uses may be approved at the discretion of the Planning Board if they are in general conformance with the Village Comprehensive Plan and in general conformance with the intent of the specific zoning district wherein which the use is proposed.

RIGHT-OF-WAY – A strip of land, either public or private, occupied or intended to be occupied by a street, sidewalk, trail, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer or other similar uses. In the Village of Green Island the Right-of-Way (ROW) for all Village roads is considered to be no less than fifty (50') feet in width, inclusive of travel lanes, shoulders and ditches/swales.

ROADSIDE STAND, HOME PRODUCTS – a small, usually non-permanent structure for displaying and selling locally produced fruits and vegetables during the local growing season, or homemade baked goods or homemade food or craft products.

ROADSIDE STAND, OTHER – a small, usually non-permanent structure to display, promote, sell, barter, or peddle a variety of items typically distinct from those items described in Roadside Stand, Home Products and which may also be produced in remote locations rather local farms and/or residential properties.

SALVAGE YARD, COMMERCIAL – an establishment that is maintained, operated, or primarily used for storing, keeping, buying or selling salvaged material. “Salvaged material” generally means but is not limited to automobiles or parts thereof, batteries, brass, old or scrap copper, cardboard, glass, junked dismantled or wrecked appliance machines, paper, plastic, rope, textiles, trash, rubber debris, waste lumber, or iron, steel and other old or scrap ferrous or nonferrous material. The Village of Green Island Zoning Enforcement Officer shall have the discretion to determine if materials/items/objects in question meet the general intent of this definition.

SCHOOLS (PUBLIC, PRIVATE)- A kindergarten, primary and/or secondary school facility operated/not operated by a public school district but furnishing a comprehensive curriculum of academic instruction similar to that of a public school.

SCREEN – A method of reducing the impact of noise, glare and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

SENIOR HOUSING – Assisted or Unassisted Housing for persons age 55 or older that may be an Active Adult Community, Adult Home, and Assisted Living Program, a Continuing Care Community, Subsidized Enriched Housing or Senior Housing without services, all of which recognized and defined by the New York State Office for the Aging.

SENSITIVE AREAS – Areas that include features such as steep slopes, wetlands, riparian areas, and other unique habitats.

SERVICE USE – Uses which provide skilled professional labor to consumers including insurance offices, restaurants, financial services, business-to-business consulting, and other similar services.

SETBACK – The minimal allowable horizontal distance from a given point or line of reference, such as a street right-of-way or lot line, and any structure on the lot measured to the shortest distance to the nearest vertical wall or other element of a building or structure, as defined herein, including terraces, porches, or any covered projection thereof, excluding steps. See attached Setbacks Diagram for examples. In the Village of Green Island, the minimum setback is to be measured from the road Right-of-Way (ROW) line for all Districts.

SHADE TREE – Usually a large deciduous tree planted for its high crown of foliage or overhead canopy.

SHADOW FLICKER – Intermittent shadows on the ground and stationary objects caused by the rotation of the blades of a Wind Energy Facility. Shadow flicker is typically not present when the sun is obscured by fog or clouds or the turbine is not operating.

SHOPPING CENTER – A group of retail and or service uses within a single building or group of buildings on separate lots with common access and shared parking providing a wide range of retail services, including, but not limited to, food, apparel and/or home furnishings.

SHOPPING CENTER, GENERAL – A shopping center where the combined total of all retail and service uses has a gross floor area exceeding 20,000 square feet but not more than 250,000 square feet.

SHOPPING CENTER, REGIONAL – A shopping center where the combined total of all retail and service uses has a gross floor area exceeding 250,000 square feet.

SHRUB – A woody plant, smaller than a tree, consisting of several stems from the ground or small branches near the ground, may be deciduous or evergreen.

SIGN – Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors or on the exterior of any building or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interest of any person or business or cause when such is placed in view of the general public.

SIGN AREA or SIGN SURFACE AREA – The entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems or other figures, together with any material or color forming or an architectural feature as an integral part of the display or used to differentiate the sign from the background against which it is placed.

SIGN, A-FRAME – A portable sign with two or more steeply angled sides, also known as a sandwich sign.

SIGN, AWNING – Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

SIGN, BUILDING DIRECTORY – A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

SIGN, CHANGEABLE-COPY – A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

SIGN, CHANGEABLE COPY (MANUAL)- A sign the text or copy of which is either (a) changed manually in the field, i.e., reader boards with changeable letters, or (b) changed by human operator (not automatically) using a computer keyboard (not computer programmed).

SIGN, DIGITAL - A digital sign incorporates a technology allowing the sign face to change the image without the necessity of physically or mechanically replacing the sign face or its components. A digital sign includes any sign using any of the following technologies or characteristics: rotating, revolving, moving, flashing, blinking, "marching", oscillating light source, moving picture, streaming video, strobe lighting, lasers, beacons, or animated display signs, and any sign display that incorporates rotating panels, LED lights manipulated through digital input, electronic message centers, or other similar methods or technologies that permit a sign face to present different images or displays. Digital signs also include any sign that has, or appears to contain, movement or that appears to change, caused by a

method other than physically removing and replacing the sign or its components, whether the real or apparent movement or change is in the display, the sign itself, or any other part of the sign.

SIGN, DIRECTIONAL – Any sign limited to directional messages, principally for pedestrian or vehicular traffic, such as - one-way, —entrance and —exit.

SIGN, FASCIA –See —sign, wall.

SIGN, FLASHING- A sign, or part thereof, which is illuminated and has any of the characteristics of a Digital Sign, or which uses artificial lighting that is not stationary or constant and changes in color or intensity.

SIGN, FREESTANDING – A sign supported by one or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

SIGN, GRAPHIC – A sign, which is an integral part of a building façade. The sign is painted directly on, carved in or otherwise permanently embedded in the facade.

SIGN, GROUND – See —sign, freestanding.

SIGN, HANGING – See —sign, perpendicular.

SIGN, HOLIDAY DECORATION – Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

SIGN, ILLUMINATED (DIRECTLY) – A sign designed to give forth artificial light directly from a source of light within such a sign.

SIGN, ILLUMINATED (INDIRECTLY) – A sign illuminated with a light so shielded that no direct rays there from are visible elsewhere on the lot where said illumination occurs.

SIGN, MOBILE – See —sign, portable.

SIGN, NEIGHBORHOOD IDENTIFICATION – A sign specifically used to identify a particular neighborhood, block, or development.

SIGN, NONCONFORMING – Any lawfully pre-existing sign that does not meet the requirements of this local law.

SIGN, OFF PREMISE – A sign including the supporting sign structure that is visible from a street or highway and advertises goods or services not usually located on the premises, and/or property upon which the sign is located; also called a —billboard.

SIGN, PERPENDICULAR – Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure.

SIGN, PLAZA DIRECTORY – A sign listing the tenants or occupants of a commercial plaza and that may indicate their respective professions or business activities.

SIGN, POLE – A sign mounted on a freestanding pole or other supports.

SIGN, POLITICAL – A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election or caucus.

SIGN, PORTABLE – A sign, whether on its own trailer, wheels or otherwise designed to be mobile and not structurally attached to the ground, a building, a structure, or another sign.

SIGN, PROJECTING – A sign attached to a building wall and any part of which extends more than eighteen (18) inches from the face of such wall.

SIGN, ROOF - A sign mounted upon the roof of a building.

SIGN, SANDWICH – See —Sign, A-frame sign.

SIGN, SEE-THROUGH LETTERED – Letters on a sign with transparent background, such as lettering on a window.

SIGN, TEMPORARY WINDOW – A window sign not permanently affixed that does not identify the tenant, occupant, or establishment and is limited to a maximum use of 120 days.

SIGN, WINDOW – A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

SIGN, WALL – A sign attached and erected parallel to the face of a building and supported throughout its length by such building.

SIGN, VEHICLE – Signs displayed on licensed and registered motor vehicles which are used in conjunction with a business.

SITE PLAN REVIEW – (See §169-14 of the Village of Green Island Code) A formal process where the approval of new commercial developments, new residential subdivisions, construction of new buildings, new additions, and certain types of tax-exempt institutions are reviewed and approved by the Village Planning Board and the Village staff. The purpose of site plan review is to review and approve, disapprove or approve with modifications all permitted uses, with the exception of one- and two-family dwellings, before a building permit is issued.

SMALL ENGINE REPAIR - A shop which provides the service of small engine repair for lawn mowers, chainsaws, and similar items. Most services shall be provided within an enclosed building.

SMALL-SCALE SOLAR ENERGY SYSTEM - A Solar Energy System that does not produce more than 12kw per hour of energy, and serves only the buildings or structures on the lot upon which the system is located. Nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net billing" or "net metering" arrangement made in accordance with New York Public Service Law (Section 66-j) or similar state or federal statute.

SOLAR ACCESS - Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR COLLECTOR - A solar photovoltaic cell, module, panel or array or a solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR EASEMENT - An easement recorded pursuant to New York Real Property Law, subsection 235-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a Solar Collector.

SOLAR ENERGY SYSTEM - Solar Collectors, controls, energy storage devices, heat pumps, heat exchangers and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed.

SOLAR PANEL - A device for the direct conversion of solar energy into electricity.

SPECIAL EVENT – Any occasion, including but not limited to fairs, shows, exhibitions, Village-wide celebrations, festivals, etc., within a specifically defined area of the Village of Green Island for a period not to exceed 10 days.

SPECIAL USE PERMIT – A Permit approved by the Green Island Planning Board for a use requiring review, for uses not permitted expressly in a district but listed as requiring a Special Use Permit.

SPECIFIED ANATOMICAL AREAS – Human male or female genitals, public areas, or buttocks with less than a full opaque covering.

STACK or CHIMNEY – Any vertical structure enclosing a passageway that carries off smoke or exhaust from a solid fuel-burning appliance, including that part of the structure extending above a roof.

STEEP SLOPE – Grade change of 15 percent or more.

STORY – That portion of a building between the surface of any floor and the surface of the floor next above, and any portion of a building used for human occupancy between the topmost floor and the roof. For purposes of height, measurement, in determining the permissible number of stories, not counted is the cellar.

STREET – A public or private thoroughfare, which affords the principal means of access to abutting property, including streets, roads, avenues, lanes or other traffic ways, between right-of-way lines.

STREET LINE – The line determining the limit of the highway right-of-way or the public street, either existing or contemplated.

STREET WIDTH – The width of the right-of-way, measured at right angles to the centerline of the street.

STREET PAVEMENT – The wearing or exposed surface of the roadway used by vehicular traffic.

STRUCTURE – Anything constructed or built, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, swimming and wading pools, covered patios, towers, poles, etc., excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas.

STRUCTURE, ACCESSORY – A building or pre-built structure which is customarily incidental and subordinate to and serves a principal building; is subordinate in area, extent or purpose to the principal building served; contributes to the comfort, convenience, or necessity of occupants of the principal building; and is located on the same lot as the principal building.

STRUCTURAL ALTERATIONS – Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE, MIXED USE – A structure which contains multiple uses, such as, but not limited to, retail, office, commercial or residential.

SUPERSTORE - Any retail store, operation or enterprise, which retail store, operation or enterprise has a combined gross floor area of 100,000 square feet or more, whether housed in all or part of a single building or in all or parts of multiple buildings. For the purposes of this definition, a retail business housed in multiple units of the same building (where said units historically were generally used and occupied by different business uses) or multiple buildings on the same lot or on adjacent lots shall be considered a single retail store, operation or enterprise, if the business or businesses within the individual units or buildings are owned, operated or controlled by a single entity, either directly or through affiliates. In addition, any building whose gross floor area equals or exceeds 10,000 square feet shall be considered a superstore if it contains one or more retail stores even if the building also contains a use or uses not classified as retail stores. A use defined otherwise in this section shall not be a superstore.

SURVEYOR – A person licensed as a professional land surveyor by the State of New York.

SWIMMING POOL – Any body of water contained within a receptacle for water, having a depth at any point greater than two feet, used or intended to be used for the sole purpose of swimming, and constructed, installed, or maintained in or above the ground. A swimming pool shall be deemed a structure for all purposes under this law. Ponds with earthen liners shall not be considered as being regulated under this definition.

SWIMMING POOL, PUBLIC – A publicly or privately owned pool open to the general public or on a membership basis and having appropriate dressing room facilities, recreation facilities and off-street parking area.

TELECOMMUNICATIONS TOWER OR TOWERS – A structure on which transmitting and/or receiving antenna (e) are located. It includes, without limit, freestanding towers, guyed towers, monopoles and other similar structures.

TEMPORARY OR SEASONAL OCCUPANCY – The use of any premises, structure or use, for living and/or sleeping purposes for 180 days or less in any calendar year.

TEMPORARY OUTSIDE SALES – Selling of retail items outdoors for a limited amount of time for events such as sidewalk sales, open markets, art displays, and festivals.

TEMPORARY USE – Any activity conducted for a specific limited period of time, not to exceed one year and approved by the Village of Green Island, which may not otherwise be permitted by the provisions of this local law. Examples of such uses are buildings incidental to new construction, which are removed after the completion of the construction work.

TENANT – An occupant who temporarily holds or occupies land, a building or other property owned by another.

TENANT IDENTIFICATION SIGN – A sign designed or intended to identify a tenant, occupant or establishment.

TRACTOR - A motor vehicle designed and used as the power unit in combination with a semi-trailer or trailer, or two such trailers in tandem. Any such motor vehicle shall not carry cargo except that a tractor and semi-trailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit. (Definition from NYS Vehicle and Traffic Law §151a.)

TRAILER – Any vehicle not propelled by its own power drawn on the public highways by a motor vehicle as defined in this section, except motor vehicle side cars, vehicles being towed by a non-rigid support and vehicles designed and primarily used for other purposes and only occasionally drawn by such a motor vehicle.

TRAILS - A marked, unimproved and/or improved or established path or route used primarily for recreational pedestrian, bicycle or equestrian use. Specific trails may also be used for recreational vehicles where specifically designated.

TRAVEL TRAILER – A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses and not for year-round living.

TRUCKING DISTRIBUTION FACILITIES - A facility that is used for the distribution and storage of large quantities of raw materials, manufactured goods, and finished products over land utilizing trucks, typically from manufacturing plants to retail distribution centers.

UNIFORM CODE – The New York State Uniform Fire Prevention and Building Code, which shall include all subunits (Residential Code, Building Code, Plumbing Code, Mechanical Code, Fuel Gas Code, Fire Code, and Property Maintenance Code) as currently in effect and as hereafter amended from time to time. The Uniform Code shall also be referred to as the —NYS Uniform Code.

UNTREATED LUMBER – Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint, or other substance.

USE – The specific purposes for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

USE, ACCESSORY – A use clearly incidental and subordinate to the principal use whether it is located in a principal or accessory building and is located on the same lot therewith.

USE, PRINCIPAL – The main use for which a building or lot is used or intended to be used.

USED CAR DEALERSHIP - A commercial business that sells used cars at the retail level, based on a dealership contract with an automaker or its sales subsidiary.

UTILITY BUILDING – An enclosed building constructed on a foundation and utilized for storage of domestic supplies and non-commercial equipment.

VARIANCE, AREA – The authorization by the Green Island Zoning Board of Appeals is for the use of land in a manner not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE – The authorization by the Green Island Zoning Board of Appeals for the use of land for a purpose that is otherwise not allowed or prohibited by the applicable zoning regulations.

VETERINARY SERVICE - A facility associated with the care and medical or surgical treatment of animals, especially domestic animals.

WAREHOUSE – A building designed or use for the storage of commodities.

WATER COURSE - A natural stream of running water fed by a natural source, such as a stream or river, or drainage area that is continuous, seasonal, or per rain events.

WHOLESALE – The buying, selling or arranging for sale goods or commodities, usually in bulk, for purchasers other than individual customers, to include offices, freight distribution centers, large storage facilities and the use of delivery trucks in the routine operation of the business.

WIND ENERGY FACILITIES – An energy facility that consists of one or more wind turbines or other such devices and their related or supporting facilities that produce electric power from wind and are:

- (a) Connected to a common switching station or
- (b) constructed, maintained or operated as a contiguous group of devices.

WIND ENERGY TURBINES – The parts of the wind energy system including the blades, generator (or nacelle) and tail. Wind turbines shall consist of Vertical Axis Wind Turbines (VAWT) or Horizontal Axis Wind Turbines (HAWT).

WINDOW AREA – The total area of any single windowpane or series of windowpanes separated by mullions.

WINERY - A facility or establishment dedicated to the manufacture, production, distribution and sale of wine.

WOODWORKING SHOP – A shop making, but not limited to, custom cabinetry, fine custom one-of-a-kind furniture, wooden toys, and/or craft items. All construction and materials are to be stored inside.

YARD, FRONT – An open space extending the full width of the lot between the front lot line and the principal building, unoccupied and unobstructed by any buildings or structures from the ground upward.

YARD, REAR – An open space extending the full width of the lot between the rear lot line and the required minimum rear setback, unoccupied and unobstructed by any buildings or structures from the ground upward.

YARD, SIDE – An open space extending from the front yard to the rear yard between the side lot line and the required minimum side setback unoccupied and unobstructed by any buildings or structures from the ground upward.

ZONING BOARD – The officially established Zoning Board of Appeals of the Village of Green Island.

ZONING DISTRICT – The classification of lands as established in this Law.

ZONING ENFORCEMENT OFFICER – An official appointed by the Green Island Village Board to administer and enforce all the provisions of the regulations provided in this local law; duties of the Zoning Enforcement Officer are described in Article II (Administration) of this local law.

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