

premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, provided that there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

**CLUSTERED PROJECTS OR DWELLING GROUPS** - Projects or dwelling groups carried out pursuant to the authority granted to the village by Article 7, §7-738, of the Village Law of the State of New York, whereby the Village of Penn Yan Planning Board is authorized to encourage or require the modification of certain density requirements of this chapter. The modifications must occur at the same time that the plat or plats are approved in accordance with the requirements of the Subdivision Regulations of the Village of Penn Yan. Such modifications to the density standards of this chapter are subject to reasonable conditions set forth by the Village Board of Trustees. The purposes of such authorization shall be to enable and encourage flexibility of design and development of land in order to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands.

**COMMERCIAL VEHICLE** - A vehicle of more than one-ton capacity used for the transportation of persons or goods primarily for gain.

**COMMUNITY POLE** - A sign owned and maintained by the village or by a group of businessmen as approved by the Village Board, which contains several directional signs for the purpose of directing persons to business and community establishments.

**CONDOMINIUM** - A building or group of buildings in which residential, commercial or industrial units are owned individually while the structure, common areas and facilities are owned jointly by all the owners on a proportional basis.

**CONTIGUOUS PARCEL** - A tract of land under the control of the applicant or his agent that is not divided by any natural or man-made barriers, such as existing streets and highways or public rights-of-way identified on the Official Map, and is not bisected by water bodies

**CONTRACTOR'S YARD** - Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery or vehicles or parts thereof which are in active use by a construction contractor-

**CONVALESCENT HOME** - See "nursing home."

**CONVENIENCE/MINI-MARKET** - A commercial retail use which combines the sale of nonalcoholic beverages, dairy and baked goods, snack foods, prepackaged grocery items and daily household items and which may also be accompanied by the sale of motor vehicle fuel and accessory substances for automobiles and which has a gross floor area of less than seven thousand five hundred (7,500) square feet.

**COVERAGE** - That lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

**DAY-CARE CENTER** - Any licensed building or structure operated for the purpose of providing daytime care and instruction for two (2) or more children on a regular schedule and also known as a "child-care facility."

DISTRICT or ZONE - That portion of the village within which specific uses are permitted according to the designation applied thereto in Article III and in conformity with the provisions of this chapter.

DRIVE-IN USE - Any commercial or business activity which incorporates as a principal or accessory feature a service window, booth or other like arrangement on the exterior of the building or structure designed primarily for drive-through or carryout service.

DUMP - A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste materials of any kind.

DWELLING - A building designed or used principally as the living quarters for one (1) or more families in one (1) or more dwelling units.

DWELLING GROUP - See "clustered projects."

DWELLING, MULTIPLE-FAMILY - A building containing three (3) or more dwelling units with shared or individual entrances and/or other essential facilities and services. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY - A building containing one (1) dwelling unit only. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY DETACHED - A building containing one (1) dwelling unit and having two (2) side yards. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY SEMIDETACHED - A building containing one (1) dwelling unit and having one (1) party wall and one (1) side yard. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, TWO-FAMILY - A building containing two (2) dwelling units- This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING UNIT - One (1) room or rooms connected together, consisting of a separate, independent, housekeeping establishment for owner occupancy, rental or lease and containing independent cooking, living, sanitary and sleeping facilities.

ESCORT - A person who, for consideration, agrees or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie, or to privately perform a striptease for another person.

ESTABLISHMENT - Any of the following:

- A. The opening or commencement of any use as a new business;
- B. The conversion of an existing business to any other use;
- C. The relocation of any existing use.

FAMILY - One (1) or more persons living together as a single housekeeping unit.2

FENCE - An artificially constructed barrier of wood, masonry, stone, wire, metal or any other permitted manufactured material or combination of materials erected for the enclosure of yard areas.

FINISHED GRADE : The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the "finished grade," in computing height of buildings and other structures or for other purposes, shall be the average elevation of all finished grade elevations around the periphery of the building.

FLOOR AREA- The aggregate sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior walls or from the center lines of walls separating the buildings.

A. In particular, the "floor area" of a building or buildings shall include:

- (1) Basement space.
- (2) Elevator shafts and stairwells at each floor.
- (3) Floor space for mechanical equipment, with structural headroom of seven (7) feet six (6) inches or more.
- (4) Penthouses.
- (5) Attic space (whether or not a floor has actually been laid), provided that there is structural headroom of not less than seven (7) feet six (6) inches over a minimum area of eighty (80) square feet where no area dimension is less than seven (7) feet.
- (6) Interior balconies and mezzanines.
- (7) Enclosed porches.
- (8) Accessory uses, not including space for accessory off-street parking.

B. The "floor area" of a building shall however, not include:

- (1) Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- (2) Elevator and stair bulkheads, accessory water tanks and cooling towers.
- (3) Floor space used for mechanical equipment, with structural headroom of less than seven (7) feet six (6) inches.
- (4) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven (7) feet six (6) inches for fifty percent (50%) of the area.
- (5) Uncovered steps and/or - exterior fire escapes.
- (6) Terraces, breezeways, open porches and outside balconies and open spaces.
- (7) Accessory off-street parking areas.
- (8) Accessory off-street loading berths.

**GARAGE, SERVICE/REPAIR** - A building or premises used for the repair of motor vehicles, including painting and the sale of related parts and accessories. A junkyard or auto salvage yard is not to be construed to mean or be the same as a "garage."

**GASOLINE FILLING STATION** - An area of land, including structures thereon, or any building or part thereof that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, which may include as accessory uses sale of motor vehicle accessories and which may or may not include facilities for lubricating, washing (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding or painting.

**GASOLINE/GROCERY SERVICE MART** - A commercial retail use which combines the sale of motor vehicle fuel and accessory substances, as well as the sale of beverages, dairy and baked goods, snack foods and similar grocery stuffs.

**GENERAL BUSINESS OFFICE** - A nonretail service-oriented office or agency such as insurance brokers, travel agents, computer programming, consulting organizations or similar uses.

**GROUP HOME** - A building shared by four (4) or more handicapped persons or persons receiving professional treatment, including resident staff, who live together as a single housekeeping unit and in a long term family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach his or her maximum potential.

**HISTORIC DISTRICT** - The Penn Yan Historic District, as delineated on a map which is on file in the Yates County Clerk's Office, and within which apply the provisions of Chapter 110, Preservation of Historic Areas, of the Code of the Village of Penn Yan.

**HOME OCCUPATION** - An accessory use which is clearly incidental to or secondary to the residential use of a dwelling unit and does not change the character thereof and is carried on wholly within the enclosed walls of a dwelling unit or accessory building by the proprietor of such use and other occupants of such dwelling unit and in which not more than one (1) person not residing in such dwelling is employed.

**HOSPITAL** - An institution for the care and treatment of the sick and injured, equipped with technical facilities and medical, nursing and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury who require bed care. (Source: Public Health Law §206-a.)

**HOTEL** - A building or any part thereof which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may or may not include dining facilities. This term shall not be deemed to include an inn, bed and-breakfast, boardinghouse or other such accommodations.

**INDUSTRIAL USE** - Any activity conducted in connection with the manufacture, assembly, disassembly, fabrication, resource recovery, storage or processing of materials or products, all or

any part of which is marketed off the premises or marketed to other than the ultimate consumer.

INN - A building containing a single dwelling unit in which more than four (4) and fewer than fifteen (15) sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests, with or without meals.

JUNKYARD - An area of land with or without buildings used for or occupied by the storage, keeping, abandonment or the salvage of junk material, including processing such as sorting, baling, packing, disassembly, exchange and/or purchase and sale of materials, and including scrap metals or other scrap and used or salvaged building materials, or the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof. A lot on which any motor vehicle that is not licensed and/or is incapable of meeting minimum New York State motor vehicle inspection standards, is stored for a period of thirty (30) days or more shall be considered to meet this definition.

KENNEL - Any place at which there are kept four (4) or more domestic animals more than four (4) months of age or any number of dogs that are kept for the primarily commercial purpose of sale or for the boarding, care or breeding of which a fee is charged or paid.

LAND USE ACTIVITY - Any construction or other activity which changes the use or appearance of land or a structure or the intensity of use of land or a structure. "Land use activity" shall explicitly include but not be limited to the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways and excavations for the purpose of extracting soil or mineral deposits.

LODGING HOUSE - See "boardinghouse."

LOT - A contiguous parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership and the customary accessories and open spaces belonging to the same, and which abuts and is accessible from a private or public street.

LOT, CORNER - A lot situated at the junction of and adjacent to two (2) or more intersecting streets when the interior angle of intersection does not exceed one hundred thirty-five degrees (135°).

LOT COVERAGE - See "coverage-"

LOT, DEPTH OF - The mean distance from the front street line of a lot to its rear line.

LOT FRONTAGE - A lot line which is coincident with the right-of-way line of a public road or which is measured twenty (20) feet from the center line of a private road.

LOT LINES - The lines bounding a lot, as defined herein.

LOT, THROUGH - A lot which faces on two (2) streets at opposite ends of the lot and which is not a corner lot.