

ARTICLE IV: DISTRICT REGULATIONS

§400 LOW DENSITY DISTRICT (LD)

A. Purpose

The purpose of the Low Density District (LD) is to protect agricultural lands and uses from incompatible uses and development; to maintain the open rural character of the community by providing for low-density development of the type that is compatible with the rural character of the community, and to protect the natural environment.

B. Permitted Uses and Area & Bulk Requirements

Table 1 – Low Density District

Permitted Principal Uses	Special Use Permit Required	Minimum Lot Size		Principal Building (a)			Detached Accessory Buildings Garages/Carport, Residential Uses (d)		Other Accessory Buildings (d)		Maximum Bldg. Height (feet)	Maximum Bldg. Coverage
		Acres	Lot Width	Front (b)	Rear	Side	Rear	Side	Rear	Side		%
Single Family Detached Dwelling (excluding mobile homes and mobile home parks) or two-family dwelling		2	200	40	50	35	20	20	20	20	35	15%
Single Family Farm Dwelling		5	200	40	50	35	20	20	20	20	35	15%
Two-Family Dwelling		2	200	40	50	35	20	20	20	20	35	25%

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		Acres	Lot Width	Front (b)	Rear	Side	Rear	Side	Rear	Side		%
Manufactured Home (Double Wide Only)		2	200	40	50	35	20	20	20	20	35	15%
Accessory Dwelling Unit		2	See Section 508								35	25%
Farm Buildings and Other Farm Structures (c)		10	300	140	50	50			50	50	50	15%
Farm Worker Housing (dedicated to the farm it serves on the same lot)	X	10	300	See Section 729					20	20	35	15%
Game Farms, Fish Hatcheries and Fishing Reserves		10	300	100	50	50			50	50	50	40%
Nurseries, Orchards, Greenhouse, Vineyards		10	300	100	50	50			50	50	50	40%
Manure Storage Facilities (c)		See Section 518										
Farm Market	X	3	See Section 707						20	20	35	15%

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		Acres	Lot Width	Front (b)	Rear	Side	Rear	Side	Rear	Side		%
Farm and Garden Supplies/Farm Equipment Sales & Supplies		3	300	50	30	30			20	20	35	40%
Outdoor Recreational Facilities and Businesses (including tennis courts, parks, individual campsites, picnic groves, golf courses, swimming, fishing, and boating facilities, but excluding archery courses, rifle ranges, trap and skeet facilities, hunting reserves, and uses with similar safety hazards)	X	3	200	See Section 720					50	50	35	50%
Archery Courses, Rifle Ranges, Trap and Skeet Facilities, Hunting Reserves, and Similar Uses	X	10	500	See Section 720					50	50	35	15%

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		Acres	Lot Width	Front (b)	Rear	Side	Rear	Side	Rear	Side		%
Public and Semi-Public Uses (governmental buildings, proprietary or not-for-profit hospitals, nursing homes)		2	150	50	30	30			20	20	35	15%
Public Utilities and Essential Services	X	2	200	See Section 725					50	50	35	40%
Cemeteries	X	10	300	See Section 722					20	20	35	15%
Private Airstrips	X	10	300	See Section 713					50	50	50	15%
Civic and Social Clubs and Lodges	X	2	150	See Section 724					20	20	35	50%
Churches/Places of Worship (f)		3	200	30	30	30	10	10	10	10	50 (e)	25%
Commercial Campgrounds	X	10	150	See Section 717					20		35	15%
Home Business	X		See Section 709									
Home Occupation			See Section 519									

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		Acres	Lot Width	Front (b)	Rear	Side	Rear	Side	Rear	Side		%
Bed and Breakfast Inns	X	2	200	See Section 708					20	20	35	15%
Telecommunication Facility	X		See Section 726									
Residential & Working Farm Energy System			See Section 520									
Veterinarian Clinics and Animal Hospitals	X	2	200	See Section 714					50	50	50	15%
Commercial Kennels	X	5	200	See Section 715					50	50	50	15%
Stables or Riding Academies	X	20	200	See Section 716					100	100	35	15%
Cluster Residential Developments (maximum overall density of 4 ½ units per acre)	X	20	See Section 718						10	10	35	15%
Child Day Care Centers and Adult Day Care Centers	X	2	See Section 723						10	10	35	15%

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		Acres	Lot Width	Front (b)	Rear	Side	Rear	Side	Rear	Side		%
Commercial and Industrial Energy Production/Conversion Systems (CEPCS)	X		See Section 727									
Excavation and Mining, Minor	X	10	See Section 721									
Footnote:												
(a)	Pre-existing structures on undersized lots that are demolished or destroyed by natural or man-made events may be replaced provided the square footage and “footprint” of the new structure do not exceed the square footage and footprint of the building it replaces											
(b)	Measurement is taken from the centerline the of road in addition to the R.O.W. width											
(c)	No manure storage facility shall be located closer than 200’ to any property line and 300’ to any non-farm dwelling. Farm silos are exempt from height restrictions.											
(d)	See Section 525											
(e)	Maximum height for spires is 100 ft.											
(f)	See Section 521											

ARTICLE XII: DEFINITIONS

§1200 WORD USAGE

For the purpose of this Local Law, certain words and terms used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.
- B. Words used in the present tense include the future tense.
- C. All words in the plural number include the singular number and all words in the singular number include the plural number, except as to the number of permitted structures, unless the natural construction of the wording indicates otherwise.
- D. The word "building" includes the word "structure".
- E. The words "shall" and "must" are mandatory and not discretionary; the word "may" is permissive and discretionary.
- F. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied".
- G. The word "lot" includes the words "plot", "parcel", "tract" or "site".
- H. The word "premises" includes a lot and all buildings or structures thereon.
- I. To "erect", to "construct" and to "build" a building or structure each have the same meaning and also include to "excavate" for a building and to "relocate" a building by moving it from one location to another.

§1201 DEFINITIONS

ACCESSORY BUILDING OR STRUCTURE: A detached building or structure which: (1) is customarily incidental and subordinate to and serves a principal building; (2) is subordinate in area, extent, or purpose to the principal building served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building use; and (4) is located on the same parcel as the principal building. This definition shall include private garages. This definition shall exclude devices previously used for highway use, such as truck trailers.

ACCESSORY USE: A use incidental and subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

ADULT ENTERTAINMENT USE: is any use containing any or all of the characteristics of the following:

ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and video tapes and which establishment is customarily not open to the public generally due to the exclusion of minors by reason of age.

ADULT DRIVE-IN THEATER: A drive-in theater that customarily presents motion pictures that are not open to the public generally due to the exclusion of minors by reason of age.

ADULT ENTERTAINMENT CABARET: A public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers, or other similar entertainments, and which establishment is customarily not open to the public generally due to the exclusion of minors by reason of age.

ADULT MOTEL: A motel which is not open to the public generally but excludes minors by reason of age, or which makes available to its patrons in their rooms, films, slide shows or videotapes, which if presented in a public movie theater would not be open to the public generally due to the exclusion of minors by reason of age.

ADULT THEATER: A theater that customarily presents motion pictures, films, videotapes or slide shows that are not open to the public, generally due to the exclusion of minors by reason of age.

MASSAGE ESTABLISHMENT: Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, or New York State licensed massage therapist who administers only medical massages. This definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

PEEP SHOW: A theater which presents material in the form of live shows, films, or videotapes, viewed from an individual enclosure, for which a fee is charged, and which is not open to the public generally due to the exclusion of minors by reason of age.

AGRICULTURAL PRODUCT DISTRIBUTION CENTER: A facility in which agricultural products, which are not produced on the premises, are graded, sorted, and/or packaged for the purpose of distribution by truck, rail, or other means.

AGRICULTURAL PRODUCT PROCESSING FACILITY: A facility in which agricultural products, which are not produced on the premises, are altered for the purpose of canning, freezing, or other packaging, or are converted or incorporated into other products.

AGRICULTURE (FARMING): The use of land for agricultural production purposes including, tilling of the soil, dairying, pasture, animal and poultry husbandry, apiculture, arboriculture, horticulture, floriculture, viticulture, and accessory uses for packing, storing, processing and retail sales of products, provided that the operation of any accessory uses shall be secondary to that of the principal agricultural production activities.

ALTERATION: As applied to a building or structure;

- (1) the change or rearrangement in the supporting members of a building or structure such as bearing walls, columns, beams, girders or in the exiting facilities;
- (2) an enlargement of a building or structure, by extending on a side or by increasing in height;
- (3) the moving from one location or position to another; or
- (4) any alteration whereby a structure is adapted to another or different use, including any separation into rooms or spaces by the installation of non-bearing partitions; or
- (5) the installation, replacement, or alteration of mechanical systems that involve alternative energy systems or a fuel source change.

ALTERNATIVE ENERGY SYSTEMS: Structures, equipment, devices, or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure. Current examples include solar collectors and solar greenhouses, heat pumps, or other related devices. For the purposes of this Local Law, this definition shall apply to individual residences and businesses. Commercial generating plants, the prime function of which is selling energy, are excluded.

ANIMAL HOSPITAL OR VETERINARY CLINIC: The premises or buildings used for the diagnosis, treatment, or other care of the ailments of domesticated, household or farm animals, which may include related facilities, such as laboratories, offices, and temporary quarters for such animals.

ANIMAL HUSBANDRY: The raising or keeping of one (1) or more cows, steers, bulls, horses, mules, hogs, sheep, goats, donkeys, oxen, or other similar animals, or the raising or keeping of more than fifteen (15) ducks, chickens, rabbits, geese, quail, chinchillas, mink, or any similar small animals, but not including dogs and cats. Such uses include the pasturing, feeding, and sheltering of such animals.

ANIMAL UNIT: The equivalent of 1,000 pounds of farm animals.

ANTENNA: A system of electrical conductors that transmit or receive electronic frequency signals. Such signals shall include, but not be limited to radio, television, cellular, paging, and personal communication services (PCS).

APARTMENT: A dwelling unit within a two-family or multi-family dwelling that is intended to be leased or rented. This term shall not be deemed to include a motel, hotel, boarding house, or travel trailer.

APPLICANT: A person requesting a permit from the Town of Sheldon in accordance with the provisions of this Local Law.

AUTOMOTIVE REPAIR SHOP: A building, or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles for compensation. Fueling service stations and the sale of motor fuel are excluded from this definition.

AUTOMOTIVE VEHICLE SALES: Any area of land, including structures thereon, the principal use of which is the display or sale of new and/or used automobiles, motorcycles, trucks, cargo trailers, boats, recreational vehicles, or other vehicles, and which may or may not include the repair of vehicles as an accessory use. Enclosed showrooms and open display areas are included in this definition. Fueling service stations and the sale of motor fuel is excluded from this definition.

AUTOMOTIVE VEHICLE SALES AREA: An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition where no repair work is performed.

AUTOMOTIVE WRECKING: The dismantling or disassembling of used motor vehicles, mobile homes, or manufactured housing; or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

BED AND BREAKFAST INN: A single family dwelling where overnight lodging, with or without the service of meals, is offered to transient guests as compensation. Such use shall be clearly incidental and secondary to the principal use of the dwelling. This term does not include hotels, motels, hostels, tourist courts, motor lodges, tourist cabins or similar terms.

BORING/BOREHOLE: A penetration of soil and/or rock that is augured, drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed which is generally cylindrical in shape and whose diameter is generally smaller than its depth of penetration.

BUFFER AREA: A continuous strip of land area covered with grass, vegetation, trees, fencing, embankments, or berms, designed to provide a physical screen to limit visibility between uses and reduce the escape and/or intrusion of litter, fumes, dust, noise, or other noxious or objectionable elements. **BUILDING:** Any structure that is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals, or property.

BUILDINGS: See STRUCTURES

BUILDING CODE: The New York State Uniform Fire Prevention and Building Code governs building construction, renovations, and property maintenance.

BUILDING COVERAGE, PERCENT OF: The percent of building coverage of any lot shall be equal to one hundred (100) times the ratio of the gross horizontal area of all principal and accessory buildings that have roofs on them (including covered breezeways, covered porches, covered cantilevered structures, etc.) measured from the exterior faces of the exterior walls but shall not include any structure (such as a patio or deck) that does not have a roof, divided by the horizontal area of the lot.

BUILDING HEIGHT: The vertical distance measured from the mean level of the ground surrounding the structure to the highest point of the structure, but not including chimneys, spires, tanks, and similar projections

BUILDING LINE: A line formed by the intersection of a horizontal plane at an average grade level and a vertical plane that coincides with the exterior surface of the building or a projected roof or porch. The vertical plane will coincide with the most projected surface, excluding steps and overhanging eaves less than two (2) feet in width. All yard and setback requirements are measured to the building lines.

BUILDING PERMIT: A document issued by the Code Enforcement Officer authorizing the construction and occupancy of structures in accordance with the New York State Uniform Fire Prevention and Building Code.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated. In any residential district any dwelling shall be deemed to be a principal building on the zone lot on which the same is located.

BUSINESS: Includes the purchase, sale or any other transaction involving the handling, servicing or disposition of any article, substance or commodity, tangible, or intangible, and includes offices, recreational and amusement enterprises, and any operation where the above

described activities are conducted in return for remuneration of any type. For the purpose of this Local Law, "business" shall have the same meaning as commercial, and reference to commercial districts or zones shall be interpreted as referring to business districts.

BUSINESS, DRIVE-IN: A traffic-generating facility where a product is sold, or a service performed for customers while they are in or near their motor vehicles in off-street parking or service areas. This term includes convenience stores, drive-in banking, drive-in automatic teller machines (ATM), drive-in restaurants, fast food service, drive-in photo processing, drive-in outdoor theatres, auto wash or similar uses. This term shall not include retail gasoline services.

BUSINESS, GENERAL: Any establishment engaged in the sale of goods or services not otherwise identified in this Section.

BUSINESS, NEIGHBORHOOD: Small commercial establishments, containing less than 10,000 square feet in gross floor area, catering primarily to nearby residential areas and providing convenience and/or specialty goods and services including, but not limited to, grocery stores, beauty salons, barber shops, cafes and coffee shops, pizzerias, video/DVD rental stores, cobbler shops, and similar types of businesses.

BUSINESS, RETAIL: A commercial activity designed for and primarily characterized by the on-premises sale of goods directly to the ultimate individual and household consumer, but also including servicing, preparation, storage, and wholesale business transactions related to such goods and customarily associated therewith but clearly incidental thereto. This term shall not include commercial activity which may also be similarly characterized, but which is separately identified as a use permitted within a zoning district.

BUSINESS, SERVICE: A business primarily involved in the provision of services, rather than goods, to other businesses or to the general public. This term shall not include any service activity which may also be similarly characterized, but which is separately identified as a use permitted within a zoning district.

CAMPGROUND: A parcel of land used or intended to be used, let, or rented for transient, vacation and recreational occupancy by travel trailers, campers, tents, recreational vehicles, motor homes and the motor vehicles propelling or carrying the same, but excluding mobile homes or manufactured housing designed for year-round occupancy or as a place of residence.

CAMP/ HUNTING CAMP/FISHING CAMP: See DWELLING, SEASONAL

CAMPING UNITS: See RECREATIONAL VEHICLE

CARPORT: A roofed structure without enclosing walls, used for the storage of one or more vehicles.

CASING: An impervious durable pipe placed in a well to prevent the walls from caving and to seal off surface drainage or undesirable water, gas or other fluids and prevent their entering the well.

CEMETERY OR BURIAL GROUND: A tract of land for the disposal or burial of deceased human beings or remains in a grave, mausoleum, vault, columbarium, or other receptacle. The provisions of this Local Law shall apply to all cemeteries and burial grounds including those owned by a religious corporation, municipal corporation, or a cemetery corporation owning a cemetery operated, supervised, or controlled by or in connection with a religious corporation.

CERTIFICATE OF COMPLIANCE: A certificate issued by the Zoning Officer upon completion of the change in use of an existing building or upon the completion of a project requiring site plan approval. Said certificate shall acknowledge compliance with all requirements of the Town of Sheldon Code, Ordinances, Local Laws, Variances and Special Use Permits in existence as of the date of the issuance of the Certificate of Compliance.

CERTIFICATE OF OCCUPANCY: A certificate issued by the Code Enforcement Officer upon completion of construction or alteration of a building. Said Certificate shall acknowledge compliance with all of the requirements and conditions of the New York State Uniform Fire Prevention and Building Code.

CHURCH: See PLACE OF WORSHIP

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at roadway intersections defined by lines of sight between points at a given distance from the intersection of roadway right-of-way lines.

CLOSED-LOOP GEOTHERMAL SYSTEM: A type of geothermal heating and/or cooling system that utilizes a pressurized heat exchanger consisting of pipe, a circulating pump, and a water-source heat pump in which the heat transfer fluid is not exposed to the atmosphere. The heat transfer fluid is potable or beneficial reuse water and may have approved antifreeze added.

CLUB: Any organization catering to members and their guests, or a building or premises used for recreational, general, social, or athletic purposes not open to the general public. Clubs shall not be conducted primarily for gain, and vending stands, merchandising, or commercial activities shall not be conducted except as required for the membership and purposes of such club. For the purpose of this Local Law, this term shall include, but not be limited to: religious organizations;

lodges; fraternal organizations; mutual benefit societies; snowmobiling, archery or hunting clubs; and other similar organizations such as tax-exempt organizations organized under Section 501 (c) 3 of the Internal Revenue Code.

CLUSTER DEVELOPMENT: A development of residential lots, some of which may contain less area than the minimum lot area required for the zone within which such development occurs, while maintaining the density limitation imposed by said minimum lot area through the provision of open space as part of the site development plan.

COMMERCIAL AND INDUSTRIAL PROJECTS: These are commercial projects where energy production or transfer is not the product or process being produced. These types of projects could include manufacturing plants, office buildings, etc.

COMMERCIAL USE: Includes the purchase, sale or any other transaction involving the handling, servicing or disposition of any article, substance or commodity, tangible, or intangible, and includes retail or wholesale trade, services, offices, recreational and amusement enterprises, and any operation where the above described activities are conducted in return for remuneration of any type.

COMMERCIAL VEHICLE: Any type of motor vehicle in excess of twenty (20) feet in length driven or used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, motor coaches carrying passengers, and trailers and semi-trailers, including tractors when used in combination with trailers and semi-trailers.

COMMON AREA: Space reserved for use by any and all residents of a housing development including, but not limited to, halls, stairways and landings in apartment houses.

COMMUNICATION TOWER: See TELECOMMUNICATIONS FACILITIES

CONDITIONAL USES (ALSO KNOWS AS SPECIAL PERMIT USES): Those uses that are specifically permitted in a given district only when conditioning criteria enumerated in this Local Law are met and a special use permit has been issued by the Town of Sheldon Planning Board.

CONVENIENCE STORE: A retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and household supplies to customers who purchase relatively few items. Such an establishment may include the sale of prepared foods, such as sandwiches, soups, ice cream, etc. for consumption on or off the premises and may include indoor seating for such purposes.

CORNER LOTS: See LOT, CORNER

COTTAGE: See DWELLING, SEASONAL

COUNTY PLANNING BOARD: The Planning Board of the County of Wyoming.

COVERAGE: That percentage of the plot or land area covered by the building area.

CURB CUT: The opening along a roadway at which point vehicles may enter or leave the Town of Sheldon.

CUSTOMARY LANDSCAPING: Land maintenance involving tree trimming and pruning, the removal of dead and/or diseased vegetation, lawn and garden care and the planting of decorative trees, shrubs, and plants.

DAY CARE CENTER, CHILD: A program or facility which is not a residence in which child care is provided on a regular basis to more than six (6) children for more than three (3) hours per day per child for compensation or otherwise which is subject to New York State law and regulations, as well as this local law.

DAY CARE, CHILD: The care for a child on a regular basis provided away from the child's residence for less than twenty-four (24) hours per day by someone other than the parent, step-parent, guardian or relative within the third degree of consanguinity of the parents or stepparents of such child

DAY CARE HOME, FAMILY: A residence in which child day care is provided on a regular basis for more than three (3) hours per day per child for three to six children for compensation or otherwise, and which is subject to New York State law and regulation, but exempt from municipal zoning regulations

DAY CARE HOME, GROUP FAMILY: A residence in which child day care is provided on a regular basis for more than three (3) hours per day per child for seven (7) to twelve (12) children for compensation or otherwise, and which is subject to New York State law and regulation but exempt from municipal zoning regulations.

DECIBEL: A decibel (dB) is a logarithmic unit of measurement of sound pressure level on a scale that corresponds to the human perception of sound, and which can be measured by a sound testing device. Units are typically measured in dB (A) and dB (C).

DEPARTMENT OF AGRICULTURE AND MARKETS: The New York State Department of Agriculture and Markets (NYS DAM).

DEPARTMENT OF ENVIRONMENTAL CONSERVATION: The New York State Department of Environmental Conservation (NYS DEC).

DEPARTMENT OF HEALTH: The New York State Department of Health (NYS DOH) and any other health board or department established pursuant to the laws of the State of New York and having authority for the regulation of matters pertaining to the public health of the Town of Sheldon.

DETERIORATION: the condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay caused by neglect, excessive use, or lack of maintenance.

DEVELOPMENT: Any change made to improved or unimproved land including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, excluding normal maintenance to farm roads.

DISTRIBUTION CENTER: A truck terminal facility at which any storage of goods or chattels is minor, transitory, and merely incidental to the purpose of facilitating the transportation of goods or chattels.

DISTURBANCE: The removal of vegetation, excavation, regrading, filling, removal of soil, rock or retaining structures in areas of steep slope, or any combination thereof, whether by manual labor, machine, or explosive, and shall include the conditions resulting from any excavation or fill. The condition of disturbance will be deemed to continue until the area of disturbance is revegetated and/or permanently stabilized.

DRAINAGE: The gravitational movement of water or other liquids by surface runoff or surface flow.

DRIVE-IN SERVICE: See BUSINESS, DRIVE-IN

DRIVEWAY: A private roadway that provides a means of access from a public roadway to a property or off-street parking area. An access way may also be deemed a driveway.

DWELLING: Any building or portion thereof designed or used exclusively as a residence or sleeping place for one (1) or more persons.

SINGLE FAMILY: A detached residential dwelling designed for and occupied by one family only.

TWO-FAMILY: A detached or semi-detached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

MULTI-FAMILY: A building or portion thereof used or designed as a residence for three (3) or more apartment or dwelling units.

SEASONAL DWELLING: A dwelling unit intended for occupancy only during certain seasons of the year, not to exceed eight (8) months per calendar year, principally for recreational use by the owner, including, hunting cabins, vacation cottages, and summer cottages. This definition does not include recreational vehicles, travel trailers, camper trailers, pop-up tents and tents.

ACCESSORY DWELLING: A detached residential dwelling designed for and occupied by one family and subordinate to the primary dwelling on the same lot.

DWELLING UNIT: One room or rooms connected together for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, designed for occupancy by one family.

EASEMENT: A specified (limited) use of private land for a public or quasi-public purpose.

EFFICIENCY APARTMENT: A dwelling unit in which the sleeping area and living room are one.

ELECTROMAGNETIC INTERFERENCE (EMI): The interference to communication, traffic control and weather radar systems due to electromagnetic waves created by electrical systems.

ENFORCEMENT OFFICER: The Town of Sheldon Zoning Officer or his authorized representative shall be the enforcement officer.

EQUESTRIAN STABLE (aka RIDING ACADEMY): An equestrian stable used for the purpose of renting equine animals for rides, riding lessons, training or boarding such animals for specific purposes.

EROSION: The wearing away of the land surface and subsurface by action of wind, water, gravity, or other natural forces.

EXCAVATION (Quarry, Sand Pit, Gravel Pit, Topsoil Stripping): A lot or land or part thereof used for the purposes of extracting stone, sand, or gravel for sale, as an industrial or commercial operation, but does not include the process of grading a lot preparatory to the construction of a building which has an approved zoning permit or grading a field for agricultural purposes.

EXPOSED TO PUBLIC VIEW: shall mean any premises or open space, or any part thereof, or any building or structure that may be lawfully viewed by any member of the public from a sidewalk, alleyways or from any adjoining or neighboring premises.

EXTERIOR OF PREMISES: Those portions of a building or structure which are exposed to public view or are visible from adjoining or adjacent properties, including all outside surfaces and appurtenances thereto, and the open space on the premises outside any building or structure erected thereon.

EXTERMINATION: The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poison, spraying, fumigating, or trapping, or by any other approved pest elimination methods.

FAMILY: One or more persons, usually but not necessarily related by blood, marriage, or adoption, living together as a single, not-for-profit housekeeping unit.

FAMILY DAY CARE HOME: See DAY CARE HOME, FAMILY

FARM: See AGRICULTURE

FARM ANIMAL: This term shall include horses, cows, steers, bulls, goats, sheep, pigs, rabbits, fowls, llamas, and other similar animals.

FARM BUILDING: Any building used for the housing of agricultural equipment, produce, livestock or poultry or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with, and necessary to the operating of the farm as defined herein.

FARM MARKET: A permanent structure with more than 120 square feet of gross floor area intended for the display and sale of farm produce and other agricultural products or crafts. (See also FARM ROADSIDE STAND

FARM ROADSIDE STAND: Retail outlet, consisting of non-permanent structures (movable and temporary), for the sale of agricultural products grown principally by the operator during the harvest season. (See FARM MARKET)

FARMWORKER HOUSING: See RESIDENCE, WORKER HOUSING

FENCE: A barrier, as of wooden or metal posts, rails, wire mesh, etc., used as a boundary, decorative enclosure, means of protection or confinement.

FENCING, FARM: Any barrier, fencing, screening, or buffering that specifically meets the needs of agricultural land use.

FILL: Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, dumped, transported, or moved by person or persons to a new location and shall include conditions resulting therefrom.

FIRE HAZARD: Anything or any act which increases or may cause any increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishment of fire.

FLAG LOT: A type of lot (commonly flag-shaped in configuration) in which roadway frontage is provided by a strip of land which is narrow in relation to the remainder of the lot, and which extends from the main body of the lot to the roadway. A lot which does not physically front on or abut a roadway, but which has access to a roadway by means of an easement over other property, shall be deemed to be included in this definition. The portion of the lot that provides access to the interior portion of the lot shall not be less than twenty (20) feet in width, shall not be considered buildable and shall not be used in the calculation of the minimum lot area requirements for the zone district. The interior portion of the lot shall meet the minimum lot area requirements for the zone district.

FLAG LOT, ACCESS PORTION: The panhandle portion of a flag lot having at least twenty (20) feet in lot width and which provides an access corridor between a public roadway or highway right-of-way to the interior portion of a flag lot.

FLAG LOT, INTERIOR PORTION: That portion of a flag lot having sufficient lot area, width, and depth to meet the minimum requirements of the zone district, and which excludes the access portion of the lot.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of streams, rivers, or other inland areas of water; or (2) abnormally rising lake waters – resulting from severe storms or hurricanes.

FLOOD HAZARD AREA: Areas subject to a one percent (1%) or greater chance of flooding in any given year as shown on the FEMA Flood Insurance Rate Map.

FLOOD HAZARD BOUNDARY MAP: The official map received from the Federal Insurance Administration.

FLOODPLAIN: That portion of land lying within an area subject to periodic flooding, as defined by the one-hundred-year flood elevation.

FLOODPLAIN OVERLAY DISTRICT: An area as defined in the district regulations, which is subject to regulations of the underlying district and subject to the overlay district regulations in order to reduce flood hazards.

FLOOD PROOFING: Any combination of structural or non-structural additions, changes, alterations, or adjustments to properties or structures which reduce or eliminate flood damage to land, water and sanitary facilities, structures, and contents of buildings.

FLOOD PROTECTION ELEVATION: The level and elevation above which a particular use will be considered safe from flooding. (Such levels or elevations shall be based and updated with the 100-year flood elevation.)

FLOODWAY: The designated area on the “Flood Hazard Boundary Map” of a flood plain required to carry and discharge flood waters of a given magnitude.

FLOODWAY FRINGE AREA: The designated area on the “Flood Hazard Boundary Map” of a flood plain adjacent to the “floodway” and within the 100-year special flood hazard area.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the floor(s) of a building or buildings, measured from the inside faces of exterior walls or from the center line of walls separating two uses or dwelling units.

FLOOR AREA, HABITABLE: The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business, as defined in the Codes of New York.

FRONTAGE: All of the property abutting one side of a road, street, or thoroughfare, measured along the road, street or thoroughfare line.

FUEL OIL STORAGE: Premises used for the storage of fuel oil, kerosene, or other combustible fuel in tanks for the sale by motor vehicle or other means of conveyance to purchasers at some other location and excluding gasoline storage tanks used at gasoline stations for retail sales or tanks used by individuals when fuel is not sold.

GARAGE, PRIVATE: An accessory building which provides for the storage of motor vehicles or household items by the occupants on the lot upon which it is erected, with no provision for repairing or servicing such vehicles for profit. A garage cannot serve as the principal use on any lot.

GARAGE, PUBLIC: Any garage other than a private garage, operated for gain, available on a rental basis for the storage of motor vehicles, recreational vehicles, boats, or other tangible personal property.

GASOLINE STATION: Any building, land area or other premises or portion thereof used or intended to be used primarily for the retail dispensing or sales of vehicular fuels and which may include, as an accessory use, the sale and installation of lubricants, tires, batteries, and similar accessories.

GEOHERMAL SYSTEM: A system that uses a heat pump to extract heat from the earth in heating mode and/or reject heat into the earth in cooling mode. It is also called a geothermal heat pump system, a ground-coupled heat pump system, an earth-source heat pump system, and a GeoExchange system.

GOOD WORKING CONDITION: shall mean fully operable for the intended use.

GOOD WORKING REPAIR: shall mean and be a standard of maintenance the renders a building safe, habitable, and possessed of a neat and orderly appearance.

GRADING: The alteration of the surface or subsurface conditions of land, lakes, ponds, or watercourses by excavating or filling.

GRAVEL OR SAND PIT: See "Extraction of stone and other mining operation."

GREEN SPACE: Land areas covered only by grass, trees, or other vegetation.

GROUND SOURCE HEAT PUMP: A geothermal heat pump that uses the earth itself as a heat source and heat sink. It is coupled to the ground by means of a closed-loop heat exchanger installed horizontally or vertically underground.

HARD SURFACE: Minimum 3 inches of asphalt, 4 inches of concrete or 6 inches of crushed stone.

HEAT PUMP: A mechanical device used for heating and/or cooling which operates by pumping heat from a cooler to a warmer location.

HOME BUSINESS: An accessory use, other than a “Home Occupation” as defined herein, that is conducted within a single family, occupied dwelling or an attached or detached accessory structure (including a barn) for gainful employment and involves the manufacture, provision, or sale of goods and/or services principally on the premises. The term “home business” shall include a commercial or industrial use conducted in conjunction with a farm use. The type of business permitted shall include, but not be limited to, those involving the manufacture, provision, or sale of goods and/or services on the premises provided such home business meets the respective criteria specified in Section 709.

HOME OCCUPATION: Any occupation or profession conducted as an accessory use entirely within a dwelling or accessory building by the occupants of the dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. By definition, a home occupation involves no client or customer visits to the dwelling, is not evident by observation from the street or any of the adjoining properties and meets all of the criteria specified in Section 519 of this Local Law. (See also HOME BUSINESS)

HUNTING/FISHING CLUB: A facility, whether open to the public or limited to members of a group, which offers such activities as game hunting, fishing, trap or skeet shooting, target shooting, target practice, game farms, and related uses such as assembly halls or sales of bait or equipment. The term includes rod & gun clubs and sportsmen’s clubs.

INDUSTRY, HEAVY: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials or a use engaged in storage of or manufacturing processes using flammable or explosive materials or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but exclusive of basic industrial processing and storage of flammable or toxic materials. "Light Industry" is also exclusive of uses that create or cause heavy, noisy, or otherwise objectionable disturbances, such as vibration, dust, and odors.

JUNKYARD: A place where junk waste, discarded or salvaged materials are stored, bought, sold, exchanged, sorted, bated, packed, disassembled, handled or abandoned, including auto-wrecking or dismantling yards, house-wrecking yards, used limber yards and places or yards for use of salvaged house wrecking and structural steel materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing, for the processing of used, discarded or salvaged materials as part of manufacturing operations or for the sale, purchase or storage of used motor vehicles or salvaged machinery to be reused for the purposes for which originally manufactured. Junkyard shall also be construed to include more than two (2) unlicensed motor vehicles stored on any property.

KENNEL: Any premises, and/or structure in or on which four (4) or more dogs at least four (4) months of age or more are harbored as defined in Article 7 of the New York State Agriculture and Markets Law for commercial or non-commercial purposes for a continuous period of 24 hours or more.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for public pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles.

LOT: A parcel or area of land, the dimensions and extent of which are determined by the latest official records or recordings.

CORNER LOT: A parcel of land at the junction of, and fronting on two or more intersecting streets, roads, or thoroughfares.

THROUGH LOT: An interior lot having frontage on two parallel or approximately parallel streets, roads, or thoroughfares.

LOT AREA: The square footage or acreage contained within the boundaries of a lot. Any portion of a lot included in a public road, street or highway right-of-way shall not be included in calculating lot area.

LOT DEPTH: The mean distance from the right of way line of the street to the rear lot line measured in the general direction of the side lines of the lot.

LOT FRONTAGE: The linear distance along a lot line which adjoins the road or highway which provides access to the lot.

LOT LINE: The property lines bounding the lot:

1. **Lot Line, Front:** The line separating the lot from a street right-of-way.
2. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line.
3. **Lot Line, Side:** Any lot line other than a front or rear lot line.

LOT OF RECORD: A parcel of land properly recorded with the County Clerk and assigned a unique tax parcel identification number at the time of passage of this Local Law.

LOT WIDTH: The width of the lot between side lot lines at the front building line as prescribed by the front yard and setback regulations.

MANUFACTURED HOME: A factory-manufactured home, built on a permanent steel-framed chassis in accordance with federal Department of Housing and Urban Development (HUD) standards and designed to be transported to a site in one section, which is intended to be used as permanent living quarters by a single family unit when connected to the required plumbing, heating, and electrical utilities. For the purpose of this Local Law, the removal of transport wheels and/or the anchoring of the home to a permanent foundation shall not remove it from this definition. A “Single-Wide Manufactured Home” is a manufactured home with a width at its narrowest dimension of less than twenty (20) feet.

MANURE STORAGE FACILITY: A facility constructed as an accessory use to an animal husbandry use, riding stable, or kennel, intended to collect, hold, process, store, treat, or distribute animal solid and liquid waste. Included within this definition are storage tanks, lagoons, seepage pits, drains, and collection systems intended to handle animal waste. Not included within this definition are systems designed and constructed to handle human waste.

MEDICAL OFFICES/CLINICS: A facility or institution, whether public or private, where medical, chiropractic or dental care is furnished to persons on an outpatient basis by one (1) or more doctors, chiropractors or dentists; a place for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises; a facility for human ailments operated by a group of physicians, dentists, chiropractors or other licensed practitioners for the treatment and examination of outpatients.

METEOROLOGICAL TESTING TOWER (MET): A tower, either temporary or permanent, utilized for the gathering of weather data including wind velocity, frequency, and duration.

MINING: The use of an area of land to remove minerals, metals, or other items of value from the ground for a profit, including gas and oil wells. Two categories of mining are set forth in this local law as follows:

MINING, MINOR: Mining operations that do not reach the thresholds set forth in the New York Mined Land Reclamation Law at which point a mining permit issued by the New York State Department of Environmental Conservation is required.

MINING, MAJOR: Mining operations or proposed mining operations that meet or surpass the thresholds set forth in the New York Land Reclamation Law which require a mining permit issued by the New York State Department of Environmental Conservation.

MODULAR HOME: A factory-manufactured dwelling having no permanent support frame and designed to be transported to a site in one or more sections for erection, construction, or installation as a permanent structure. Modular Homes shall be affixed to a permanent site-built foundation and shall meet the requirements of the Codes of New York State. For the purposes of this Local Law, Modular Homes shall be regulated as a dwelling.

MOTOR VEHICLE: Any vehicle designed to be propelled or drawn by power other than muscle power, except electrically driven wheelchairs being operated or driven by a disabled person. This term shall include automobiles, trucks, buses, motorcycles, tractor-trailers, boats, motor homes, snowmobiles, all-terrain vehicles and garden and lawn tractors.

NON-CONFORMING BUILDING, STRUCTURE OR USE: A building, structure, or use of land which was lawfully existing prior to the adoption or amendment of this Local Law, but which fails to conform to the regulations of the zoning district in which it is now located by reason of such adoption or amendment.

NON-CONFORMING LOT: A lot of record existing at the date of the enactment of this Local Law which does not have the minimum width, depth, or area for the district in which it is located.

NUISANCE:

A. Any public or private condition that would constitute a nuisance according to the statutes, laws, and regulations of the State of New York or any of its agencies or this article.

B. Any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental, or hazardous to the health or safety of persons on, near or passing in proximity of the premises where said condition exists.

OCCUPANT: Any occupant, owner, agent, tenant, lessee, caretaker or other person or corporation in charge of, residing, living, or sleeping in or on the premises of or having actual possession or use of a business, dwelling unit or rooming unit or other premises affected by this article.

OFFICE BUILDING: A building in which office use comprises more than fifty (50) percent of the total floor area. This does not include home occupations, where offices are a secondary or incidental use.

OPEN-LOOP GEOTHERMAL SYSTEM: A type of geothermal heating and/or cooling system that utilizes a water-supply well and a water pump to deliver ground water to a water-source heat pump. The discharge water from the water-source heat pump may be returned to the subsurface through a recharge well or infiltration bed, or may be discharged into a pond, lake, or stream. A spring may also be the source of the ground water supply.

OPEN STORAGE: An unenclosed area used for temporary or seasonal storage of vehicles, materials, building supplies, stock, or supplies for later use in conjunction with a permitted principal use, accessory use, or special permitted use.

OPERATOR OR MANAGER: Any person, persons, or entity, not the owner, who or which has charge, care or control of a structure or a part thereof, with or without the knowledge, consent, or authority of the owner.

OWNER: Any person, persons or entity who or which shall have legal or equitable title in any form whatsoever to any premises or part thereof, with or without accompanying actual possession thereof, or who or which shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of the owner, or as fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who or which is a lessee, sub-lessee or assignee of any part or all of any building, structure or land shall be deemed to be a co-owner with the lessor for the purposes of this article and shall have responsibility over that portion of the premises so sublet, leased or assigned.

PARK OR RECREATION AREAS, PUBLIC: Outdoor recreation facilities or other entertainment facilities operated as a non-profit enterprise by the Town of Sheldon or any other governmental entity or any non-profit organization and open to the general public.

PARK, PRIVATE, NON-COMMERCIAL: Outdoor recreation facilities, operated by a not-for-profit organization and open only to bona fide members of such organization.

PARKING, OFF-STREET: An off-street area with an appropriate means of vehicular access to a street, intended for the temporary storage of vehicles.

PARKING SPACE: Space available for the parking of one motor vehicle and having an area of not less than 200 square feet (10 feet by 20 feet), exclusive of passageways and driveways providing access thereto.

PARTICIPATING/NON-PARTICIPATING LANDOWNERS: Any landowner that allows commercial energy facility energy system siting or use of their property for siting setback is

considered a participating landowner. A non-participating landowner does not allow the use of their land for siting commercial energy system energy projects.

PERMITTED USE (or USE OF RIGHT): A land use listed in the Zoning District regulations of this Local Law as permitted.

PERSON: Any individual, firm, partnership, association, corporation, company, organization, or other legal entity of any kind, including, but not limited to, public agencies and municipal corporations.

PLACE OF WORSHIP: Any church, synagogue, temple, mosque, or similar structure used for worship or religious instruction including social and administrative rooms accessory thereto.

POND, FARM: Any artificially constructed body of water whose use is to enhance the agricultural process, or for protection, conservation, water supply, or flooding or drainage control.

PREMISES: A lot, plot, or parcel of land, including the buildings, structures, and improvements thereon.

PRINCIPAL BUILDING: A building in which is conducted the main or principal use of the lot on which said building is located.

PRINCIPAL USE: The main or primary purpose for which a building, structure or lot is to be used.

PROFESSIONAL OFFICES: The office or place of business where professional services are offered and do not involve the sale of goods, or the keeping of a stock in trade. Professional offices include but are not limited to medical doctors, chiropractors, dentists, attorneys, architects, engineers, planners, accountants, real estate brokers, insurance brokers and psychologists.

PROPERTY: land and whatever is erected on, grown on, placed on, or affixed thereto.

PUBLIC AND SEMI-PUBLIC USES: This definition is intended to include, but not be limited to, any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

1. Governmental buildings and uses
2. Churches and places of worship and related uses
3. Public or semi-public parks, playgrounds, and recreational areas when authorized or operated by a governmental authority, school, or religious institution.

4. Private and public nursery schools, elementary, middle, and high schools, colleges, or universities.
5. Public libraries and not-for-profit museums.
6. Not-for-profit fire, ambulance, and public safety buildings
7. Proprietary or not-for-profit hospitals for the care of human beings, nursing homes, convalescent homes for adults, or homes for the aged as the same are defined under the Public Health Law or the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.
8. Not-for-profit membership corporation or club established for cultural, social, or recreational purposes.
9. Children's day care centers approved by the New York State.

PUBLIC UTILITIES AND ESSENTIAL SERVICES: Erection, construction, alteration, operation, or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations, and similar facilities, but shall not include telecommunications facilities as defined herein, and shall not include landfills, waste transfer stations or other facilities with the primary purpose of handling or disposing of household or industrial waste.

RECREATION, COMMERCIAL INDOOR: A building, structure, or portion thereof used principally for indoor recreation, sports, or leisure activity, conducted as a commercial enterprise or otherwise as a principal use. The term includes but is not limited to, billiard parlors, bowling halls, live or motion-picture theaters, amusement or video game centers, indoor sports facilities, gymnasiums, physical fitness centers, martial arts schools, and dance schools. The term does not include adult entertainment establishments, special events facilities, or indoor recreation as a community facility or as an accessory use for institutional use, membership club, or nonprofit organization.

RECREATION FACILITY, OUTDOOR: Land developed by a private sponsor with facilities for passive recreation, e.g., trails and picnic areas, and/or with facilities for active outdoor individual or organized recreation, e.g., ball fields, tennis courts, swimming pools, ski trails, and ice-skating areas. This definition includes golf courses, hunting and/or fishing clubs, and open air theaters or drive-in theaters. This definition does not include arenas, stadia, or other facilities for the accommodation of more than 200 spectators, campgrounds, racetracks or other facilities featuring activities involving motorized vehicles.

RECREATIONAL VEHICLE: A vehicle type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic types are:

A. Travel Trailer

A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and of a body width of no more than eight feet and six inches (8'6"), excluding awnings, and a body length of no more than forty (40) feet when factory equipped for the road.

B. Tent Camper

A portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle.

C. Truck Camper

A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two basic types:

1. Slide-in camper - A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.
2. Chassis-mount camper - A portable unit designed to be affixed to a truck chassis.

D. Motor Home

A vehicular unit built on a self-propelled motor vehicle chassis.

REFUSE: shall mean all hard goods, white goods, vehicles, cardboard, plastic material or glass containers, wastepaper, rags, sweepings, pieces of wood, excelsior rubber, and like waste material which are not used or usable as stored.

RESERVOIR SPACE: Any temporary storage space for a vehicle waiting for service or admission. Such space shall be in addition to drives, aisles, or parking space required by this Local Law. One (1) reservoir space shall be twenty-four (24) feet long and ten (10) feet wide.

RESIDENCE, WORKER HOUSING: a property which consists of a tract of land and all vehicles, mobile homes, buildings, or other structures pertaining thereto, any part of which may be used or occupied by persons employed as migrant farmworkers including sleeping facilities, provided in whole or in part, by the employer of such persons, owner, lessee, or operator thereof, with or without stipulated agreement as to the duration of their stay, whether or not they are supplied with meals but who are supplied with such utility services as are necessary for their habitation of such property. (See also FARMWORKER HOUSING, WORKER HOUSING)

RESIDENTIAL & WORKING FARM ENERGY SYSTEM: See Section 520

RESIDENTIAL CONVERSION: The conversion of the use of a building from non-residential to residential use or the structural alteration of an existing residential structure to increase the number of residential units in the structure.

RESIDENTIAL AND WORKING FARM ENERGY SYSTEM (RES): An energy system that is operated primarily for on-site residential or working farm use. See Section 520.

RESTAURANT: Any establishment, however designated, at which food or drink is sold for consumption to patrons seated within an enclosed building or on the premises. Included in this definition are diners, snack shops, coffee shops and taverns.

RETAIL BUSINESS: See BUSINESS, RETAIL.

RIDING ACADEMY: See EQUESTRIAN STABLE

RIGHT-OF-WAY: Land set aside for use as a street, alley, or other means of travel.

RIGHT-OF-WAY LINE: The line determining the street or highway limit of public ownership. For the purposes of this Local Law, the right-of-way line and the street line shall have the same meaning.

ROAD:

MAJOR: Streets or highways connecting through roads with each other and also handling internal movement within the Town of Sheldon.

SECONDARY: Streets serving to connect major roads with each other and also to handle internal movement within the Town of Sheldon.

LOCAL: Streets which primarily function to give direct access to abutting property. Local roads are the internal part of the system to provide movement within residential or to other land use areas.

PRIVATE: Roads, streets, or highways whose primary function is to serve private needs on private property. Private roads for commercial purposes shall be built to Town of Sheldon Standards. Example: Road for subdivisions or campgrounds.

ROADSIDE STAND: See FARM PRODUCE STAND

ROOMING or BOARDING HOUSE: A dwelling other than a hotel, motel, or tourist home, where more than two (2) persons are housed or lodged for hire with or without meals. A rooming house is distinguished from a bed and breakfast inn or tourist home in that it is designed to be occupied by longer term residents as opposed to overnight or weekly guests.

SATELLITE DISH ANTENNA: Shall mean a combination of an antenna whose purpose is to receive communications or other signals from orbiting satellites and other extraterrestrial sources; and a low noise amplifier whose purpose is to carry signals into the interior of a building but shall not include a telecommunications facility as defined herein.

SCHOOL OR COLLEGE: An institution or place of learning, including private, public, and parochial facilities that provide a curriculum of elementary and secondary academic instruction, as well as higher education, including kindergartens; elementary, middle, junior and senior high schools; and two-year, four-year, and advanced degree institutions. This definition shall not include day care centers (nursery schools) or specialized, trade, professional, or business schools as defined below.

SCHOOL, SPECIALIZED, TRADE, PROFESSIONAL OR BUSINESS: A school giving regular instruction in trades or specialized skills such as welding, hairdressing, cosmetology, or massage; or professional subjects, such as the dramatic or graphic arts, business, dancing, languages, music, or sciences; or business skills such as computer programming, stenography, and secretarial courses. For the purpose of these regulations, such schools shall be deemed to be commercial service establishments.

SERVICE ESTABLISHMENT: See BUSINESS, SERVICE

SETBACK: The horizontal distance between the street line, rear or side lines of the lot and the front, rear, or side lines of the building. For the purpose of measuring setbacks, the building shall include an enclosed porch, but shall not include any open porch, patio, deck or steps that are no higher than four (4) feet above ground level. All measurements shall be made at right angles to or radially from the lot lines to the building lines. Setbacks from street lines to building lines are defined as "front setbacks". Setbacks from side lot lines are "side setbacks". Setbacks from rear lot lines are "rear setbacks".

SIGHT DISTANCE: The maximum extent of unobstructed vision along a street from a vehicle located at any given point on the street.

SIGN: A name, identification, description, display, or illustration or any other visual display which is affixed to or painted on, or represented directly or indirectly upon a building structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. However, a sign shall not include any display of official court or public office notices nor any official traffic control device nor shall it include the flag, emblem, or insignia of a nation, state, county, municipality, school, or religious group. A sign shall not include a sign located completely within an enclosed building except for illuminated or animated signs within show windows. Each display surface of a sign shall be considered to be a separate sign.

SITE: One or more lots or parcels of land, where regrading work is performed as a single unified operation.

SITE PLAN: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Town of Sheldon Planning Board.

SITE PLAN, FINAL: A complete and exact subdivision or site plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

SITE PLAN, PRELIMINARY: A tentative subdivision or site plan, in lesser detail than a final plan, showing approximate proposed streets and lot layout as a basis for consideration prior to preparation of a final plan.

SITE PLAN, SKETCH: An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings, and the general layout of the proposed subdivision or site.

SITE PLAN REVIEW: A review and approval process, conducted by the Town of Sheldon Planning Board, whereby Site Plans are reviewed utilizing criteria stated in this Local Law.

SOIL: The natural, unconsolidated, mineral, and organic material occurring on the surface of the Earth; it is a medium for the growth of plants.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade.

SPECIAL FLOOD HAZARD AREA: The maximum area designated on the “Flood Hazard Boundary Map” of the flood plain that, on average, is likely to be flooded once every 100 years.

SPECIAL PERMIT USES: SEE CONDITIONAL USES STORAGE FACILITY, SELF-SERVICE: Any building or group of buildings on a single parcel made of individual storage compartments, which are rented or leased to individuals or businesses for storage of non-hazardous materials, personal property and equipment.

SPECIAL USE PERMIT: The term Special Use Permit shall mean an authorization of particular land use which is permitted in a Zoning Law, subject to the requirements, layout and design of the proposed single parcel of land as shown on said plan. Site Plan Review is required on all Special Use Permit applications.

STANDING-COLUMN GEOTHERMAL SYSTEM: A type of open-loop geothermal heating and/or cooling system that circulates ground water from a water well through a heat exchanger and returns the discharge water from the water-source heat pump to the same water well that it was pumped from. The water withdrawal and return locations within the water well bore are separated as far as possible. Some standing-column geothermal systems discharge some of the circulating ground water to enhance their heat transfer.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA): The law pursuant to Article 8 of the New York Environmental Conservation Law providing for environmental quality review of actions which may have a significant effect on the environment.

STRAY CURRENT: The inappropriate application of current to the ground or earth. For the purpose of this Section, it is the measurable addition of current to ground resulting from improper installation or deterioration of the electrical portion of a wind energy system. The National Electrical Safety Code set the conditions that grounding connection points shall be so arranged that under normal circumstances there will be no objectionable flow of current over the grounding conductor. The National Electrical Safety Code set the conditions that earth (ground) should not be part of a supply circuit for both safety and service reasons. The most current revision of the National Electrical Safety Code shall apply.

STREETLINE: The limit of the street width or highway right-of-way, whichever is greater.

STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. For example, structures include buildings, manufactured homes, walls, fences, signs, sheds, billboards and poster panels, docks, and/or similar construction types. For the purpose of regulating setbacks and other zoning requirements, a shed or other assembly of materials that is not a motor vehicle, is larger than 144 square feet in gross floor area and is placed on wheels or skids shall be included in the definition of “structure.”

SUBDIVISION: The division of a parcel of land into two or more parcels, which is subject to approval by the Town of Sheldon Planning Board pursuant to adopted Subdivision Regulations.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the assessed value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, fifty-percent (50%) of the assess value preceding the date on which the damage occurred.

SUBSTATION: A Substation is a subsidiary facility where electricity is collected and transformed prior to being connected to the power grid.

SWIMMING POOL: Any body of water, or receptacle for water with a depth of twenty-four (24) inches or more at any point used or capable to be used for swimming, bathing, or wading, and permanently installed or constructed either above or below ground. For the purposes of this Local Law, farm ponds shall not be considered as swimming pools.

TAVERN: Any establishment, licensed by the State of New York that engages in the sale for on premise consumption of alcoholic and non-alcoholic beverage(s).

TELECOMMUNICATIONS FACILITY: Any commercial equipment used in connection with the provision of wireless communication services, including cellular telephone services, personal communications services, radio and television broadcast communications and private radio communications services, and regulated by the Federal Communications Commission, both in accordance with the Telecommunications Act of 1996 and other federal laws. A Telecommunication Facility shall include monopole, guyed, or latticework tower(s), as well as antenna(s), switching stations, principal and accessory telecommunication equipment and supporting masts, wires, structures, and buildings.

TEMPORARY USE: An activity or use conducted for a specified limited period of time not exceeding six (6) months, which may not otherwise be permitted by the provisions of this Local Law. This term shall include those uses incidental to construction projects, construction trailers, campers, festival tents/refreshments stands, temporary real estate sales offices incidental to a subdivision project and similar type uses.

TOPOGRAPHY: The configuration of the land surface, including its relief and the position of its natural and man-made features.

TOWN OF SHELDON BOARD: The Town of Sheldon Board.

TOWN OF SHELDON PLANNING BOARD: The Planning Board of the Town of Sheldon.

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

UTILITY SHED: Wood, metal, or masonry building for the storage of personal property. This excludes any devices previously used for highway use, such as truck trailers or manufactured homes.

VARIANCE: A variance is any departure from the strict letter of these regulations granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variances attach to the land and survive changes in ownership.

AREA VARIANCE: A variance which permits deviation from strict compliance with the dimensional requirements of the zoning regulations, as long as the purposes for which the premises area intended to be used are permitted by this Local Law.

USE VARIANCE: A variance which permits the use of land not permitted by this Local Law.

VEGETATION: All plant life including but not limited to trees and shrubs.

VIEW SHED: A view shed is an area of land, water or other physical environmental element that is visible to the human eye from a fixed vantage point.

WAREHOUSE: A building or part of a building used or intended to be used primarily for the storage of goods or products that are to be sold retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods or products to be shipped on mail order; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes, or stored for use in connection with industrial assembly operations. The term "warehouse" shall not include a retail establishment whose primary purpose is for the sale of goods or products stored on the premises. However, this definition may include purely incidental retail sales as an accessory use.

WATER-SOURCE HEAT PUMP: A heat pump that uses a water-to- refrigerant heat exchanger to extract heat from the heat source.

WATER SUPPLY WELL: Any well that is constructed to remove or return water to the ground.

WELL: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, monitoring, or artificial recharge of ground water. This includes, but is not limited to, test wells, test borings and monitoring wells, in addition to wells to be utilized as individual or semipublic water supplies.

WHOLESALE ESTABLISHMENT: A business which is primarily involved in sales to other businesses, either directly or as a broker, rather than to the general public.

WORKER HOUSING: see RESIDENCE, WORKER HOUSING

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein. (See also SETBACK)

YARD, FRONT: The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front line. Corner lots and through lots shall have two (2) front yards.

YARD, REAR: An open space extended across the entire width of the lot between the rear wall of the principal building and the rear line of the lot, and unoccupied except for accessory building and open porches. Corner lots and through lots do not have a rear yard.

YARD, SIDE: An open space on the lot with a principal building between the principal building and the side line of the lot extending through from the front yard to the rear yard, into which space there shall be no extension of building parts other than two (2) feet for rainwater leaders, window sills, and other such fixtures and open steps.

ZONE OF VISUAL INFLUENCE: The area from which a development is theoretically visible. It is usually represented as a map using color to indicate visibility. Zone of Visual Influence is used to identify the parts of a landscape that will be affected by a development. A cumulative Zone of Visual Influence is used to define the cumulative effects of many developments.

ZONING BOARD OF APPEALS: The Zoning Board of Appeals for the Town of Sheldon.

ZONING CERTIFICATE OF COMPLIANCE: See CERTIFICATE OF COMPLIANCE

ZONING OFFICER: The official designated to administer and enforce this Local Law by granting or denying development permits in accordance with its provisions.

ZONING PERMIT: A document issued by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses in conformity with this Local Law.

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