

**EXISTING TOWN OF ULYSSES ZONING DEFINITIONS**

**DESIGN STANDARDS DEFINITIONS**

**JACKSONVILLE DEFINITIONS**

**AGRICULTURE DEFINITIONS**

**SUBDIVISION DEFINITIONS**

**with Mariette comments/revisions 7/3/18**

**ACCESSORY BUILDING**

A building subordinate to and clearly incidental to the principal building on the same lot, and used for the purposes customarily incidental to those of the principal building. An accessory building shall not contain habitable space. For the purposes of this chapter, tractor trailers, shipping containers, PODS®, and similar structures are not considered to be accessory buildings.

**ACCESSORY DWELLING UNIT**

A habitable living unit added to or detached from a single-family residence that provides the basic requirements of living, sleeping, eating, cooking, and sanitation.

**ADULT CARE CENTER**

A building used for the care, protection and supervision for fee of more than 12 elderly or disabled adults for part of a twenty-four-hour day, such care to include personal assistance, development of skills for daily living and opportunities for social contact.

**ADULT CARE, FAMILY**

Any building used for the care, protection and supervision for fee, at least once a week, of not more than six elderly or disabled adults for part of a twenty-four-hour day by a resident of the dwelling, such care to include personal assistance, development of skills for daily living and opportunities for social contact, excluding, however, the care of an adult(s) given by relatives.

**ADULT CARE, GROUP**

Any building used for the care, protection and supervision for fee, more than once a week, of more than six but not more than 12 elderly or disabled adults for part of a twenty-four-hour day by a resident of the dwelling, such care to include personal assistance, development of skills for daily living and opportunities for social contact.

**ADULT ENTERTAINMENT BUSINESS**

A business, including arcades, bookstores, theatres, dance clubs, massage parlors and similar establishments, providing live, motion picture, videocassette, slide, photographic or computer-generated visual entertainment characterized by: the display of less than opaquely covered female human genitals or male human genitals in a discernible turgid state, the human pubic region, buttocks, or female breast or breasts below the top of the areola; or human sexual activity, including human genitals in a state of sexual arousal, or acts of sexual intercourse, sodomy or masturbation, or fondling or other touching of human genitals, pubic region, buttocks or breasts for the purpose of sexual arousal; and/or the retail sale of books, magazines, newspapers, movies, slides, films, devices or other photographic or written reproductions characterized by: the display of less than opaquely covered female human genitals or male human genitals in a discernible turgid state, the human pubic region, buttocks, or female breast or breasts below the top of the areola; or human sexual activity, including human genitals in a state of sexual arousal, or acts of sexual intercourse, sodomy or masturbation, or fondling or other touching of human genitals, pubic region, buttocks or breasts for the purpose of sexual arousal.

### AGRICULTURAL BUILDING

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation.

### AGRICULTURE-RELATED COMMERCE

A retail or wholesale enterprise not part of an active farm operation:

- Selling products principally utilized in agricultural production, limited to 1,000 square feet of outdoor display or storage of products. Examples of such products include agricultural equipment and agricultural equipment parts, batteries and tires, feed, seed, and fertilizer;
- Selling livestock;
- Providing agricultural equipment repairs;
- Selling the following products: grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations;
- Food processing.

The accumulation of trash, debris, garbage or other waste or junk or scrap material is not permitted.

### AGRICULTURAL EDUCATION AND RECREATION FACILITIES

Facilities for recreational, educational, and entertainment activities operated in conjunction with and as part of an overall direct farm marketing strategy for an active farm operation or farm market. These facilities shall contribute to the production, preparation and marketing of the following:

- crops;
- livestock and livestock products;
- distilled and brewed products, cider, and wine when composed predominantly of on-farm produced grain, hops, grapes or other fruits; and
- foodstuffs and prepared foods comprised primarily of ingredients produced on the premises for consumption on-site and off-site.

### AGRICULTURAL EVENTS

On-farm events, including, but not limited to, farm tours, hayrides, corn mazes, seasonal petting farms, opportunities to pick or cut produce on "pick your own" or "cut your own" fields or orchards or pumpkin patches, educational demonstrations, and classes related to agricultural products or skills offered in conjunction with the above. Events must be directly related to the sale and promotion of the crops, livestock and livestock products produced at the farm; incidental and subordinate to the retail or wholesale sale of the farm's crops, livestock and livestock products; hosted by the farm operation; and prominently feature the farm's crops, livestock and livestock products at all locations in which the event is conducted on the farm.

### **AGRICULTURAL COMMERCE**

A retail or wholesale enterprise operated as an accessory use to an active farm on the same premises providing services or products principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations.

### **AGRICULTURE**

~~The use of 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, including a commercial horse boarding operation, as defined in the Agriculture and Markets Law Article 25-AA, § 301. (See also "farm.")~~

### **AGRICULTURE** [See 'Farm Operation']

~~As defined in the Agriculture and Markets Law Article 25-AA, § 301, the use of 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, including a commercial horse boarding operation. (See also "farm.")~~

### **AIR-ACTIVATED GRAPHIC**

A sign, all or any part of which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

### **AIRPORT**

An area of land or water set aside and designed for the landing and takeoff of aircraft, that is regulated by the Federal Aviation Administration (FAA), and that includes facilities necessary for the housing and maintenance of aircraft.

### **AIRSTRIP, PRIVATE**

An area of land or water set aside and designed to be utilized by the owner of the property for the landing and takeoff of aircraft, and that includes facilities necessary for the housing and maintenance of aircraft.

### **ALL-WEATHER SURFACE**

Any roadway, driveway, alley or parking lot surface paved with crushed stone, asphalt, concrete or other pervious or impervious material in a manner that will support the weight of anticipated vehicular traffic in all weather conditions and minimize the potential for ruts, potholes or pooling of water. (See also "impervious surface.")

### **AMUSEMENT, PLACE OF**

A facility providing rides, games, variety shows and other forms of entertainment, and food and drink for the amusement of the general public.

### **ANIMAL WASTE STORAGE FACILITY**

An animal waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure consisting of constructed surfaces, tanks, or walls for the purpose of storing waste above or below the ground surface.

### **AWNING SIGN**

An awning sign is a sign printed on any of the surfaces of an awning, and which may include an under-awning sign attached to and mounted under the awning.

**BALLOON SIGN**

A sign that is an air-inflated graphic, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. See also 'air-activated graphics.'

**BANNER SIGN**

A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, nonrigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

**BAR**

An establishment primarily engaged in the retail sale of alcoholic drinks, such as beer, ale, wine and liquor, for consumption on the premises.

**BED-AND-BREAKFAST**

An owner-occupied, one-family dwelling used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers and containing at least three but not more than five bedrooms for such lodgers.

**BICYCLE/SKI RENTAL BUSINESS**

Establishment for the purpose of renting nonmotorized recreation equipment, such as bicycles and cross-country skis, where there is no permanent outdoor storage or display of equipment, and may include retail sales incidental and subordinate to nonmotorized recreation activities, subject to the following: no more than 20% of the square footage of the building or structure used by the establishment will be used for such retail sales.

**BLADE SIGN**

A temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, nonrigid material and supported by a single vertical pole mounted into the ground or on a portable structure.

**BOARDING HOUSE**

A building arranged or used for lodging for compensation, with or without meals, for up to 15 occupants, and which is not occupied as a single-family unit.

**BREAST HEIGHT (bh)**

The standard height at which the caliper (diameter) of a tree is measured, 4 1/2 feet above the base of the trunk of the tree.

**BUFFER, STREAM PROTECTION**

A strip of land on each side of a stream that is left vegetated or replanted with native woody tree and shrub plants to provide several important societal services, including flood reduction, erosion control, groundwater filtration, surface water quality improvement and wildlife habitat.

**BUILDING**

Any structure having a roof supported by columns, posts or walls.

**BUILDING HEIGHT**

The distance from the average grade level to the highest point of a building or structure.

**BUILDING HEIGHT**

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building level 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 a building or structure.

**CAMPER**

A dwelling designed and used for temporary residence mounted on a chassis designed to be towed or mounted on a truck for travel over roads and highways. Units may be self-contained or designed for temporary connection to electric, water or sewerage utilities. (See also "motor home.")

**CAMPGROUND, GROUP**

Any parcel of land on which the following are located for group activities by private groups or semipublic groups, and such as a boy or girl scout camp, fraternal lodge, summer camp facility, conference center or nature center: 1) tent sites, cabins, or other accommodations of design or character suitable for seasonal and temporary accommodations; and/or 2) a structure or structures containing communal facilities, such as a kitchen, dining area, gathering space and bathrooms. No camping vehicles, campers or motor homes shall be permitted on the premises. There shall be no more than two year-round single-family homes for each group campground facility, which shall be accessory to the group campground use, such as housing for a caretaker.

**[Amended 8-12-2014 by L.L. No. 3-2014]**

**CAMPGROUND, OVERNIGHT**

Any parcel of land on which are located two or more tent sites, or small camper sites, such as pop-up type, and is primarily used by overnight, weekend, or short-term (not seasonal) campers, and for which fees are charged. Large campers, such as Class A or C self-propelled units, are clearly an incidental and accessory use and limited to no more that 10% of the campsites. Storage on more than 10% of the campsites, storage on more than 10% of the total site capacity and commercial sales of Class A or C vehicles are prohibited.

**CAMPGROUND, SEASONAL**

Any parcel of land on which are located two or more cabins, park models, travel trailers, recreational vehicles or other accommodations of design or character suitable for seasonal or temporary living purposes, and on which these accommodations may be stored year around, and for which fees are charged. Each seasonal camp site shall be connected to utilities and sanitary waste disposal system.

**CHILD-CARE CENTER**

A building used for the care, protection and supervision for fee, more than once a week, of more than 12 children at any one time. If conducted within a dwelling by a resident of said dwelling, children of the resident under the age of 16 shall be counted in determining the number of children being cared for.

**CHILD CARE, FAMILY**

The care, protection and supervision for fee, more than once a week, of not more than six children at any one time by a resident of a dwelling. Children of the resident under the age of 16 shall be counted in determining the number of children being cared for.

**CHILD CARE, GROUP**

The care, protection and supervision for fee, more than once a week, of more than six but not more than 12 children at any one time. If conducted within a dwelling by a resident of said dwelling, children of the resident under the age of 16 shall be counted in determining the number of children being cared for.

**CLEAR-CUT**

A stand in which essentially all trees have been removed in one operation. Depending on management objectives, a clear-cut may or may not have reserve trees left to attain goals other than regeneration.

**CLINIC**

A building designed and utilized in the diagnosis and treatment on an outpatient basis only of persons who are sick or injured, providing clinical, temporary, surgical and laboratory medical services.

**COMMUNITY CENTER**

A place, structure or other facility used for fraternal, social, educational and recreational programs generally open to the public and intended to serve significant segments of the community.

**CONFERENCE CENTER**

A building or structure designed and available to rent to persons, businesses or organizations for the purpose of one or more group meetings, social events, exhibitions or other large gatherings. Restaurant or cafeteria facilities may be included in such a building or structure.

**CONSERVATION EASEMENT**

A perpetual restriction on the use of land, created in accordance with the provisions of § 49, Title 3, of the Environmental Conservation Law, or § 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land or natural, cultural, historic or scenic resources.

**CORNICE**

A projection aligned horizontally along and crowning a building wall, door, window, or other opening in the building wall.

**COTTAGE INDUSTRY**

A manufacturing, construction or service enterprise owned and operated by a resident of the principal dwelling on a lot, but which is not engaged in retail sales with established hours of operation, or services on the premises, and which does not employ more than 10 persons on site not residing on the property.

**CUL-DE-SAC**

See "road, dead-end."

**DISTRICT**

See "zoning district."

**DOMESTIC LIVESTOCK**

Domestic animals, such as cattle, sheep, hogs, goats, horses, poultry, alpacas, llamas, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, or farmed buffalo, raised for sale or home consumption of meat, fiber, milk, eggs, or as work animals.

**DRIVE-THROUGH**

A retail facility or portion thereof from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.

**DRIVE-THROUGH FACILITY**

A facility that dispenses goods through an attendant window or automated machine to persons remaining in vehicles in a designated drive aisle.

**DWELLING**

A building or portion thereof designed and used for human habitation, with an independent entrance and with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one family, excluding tents, hotels, motels or other building designed for transient residence.

**DWELLING UNIT**

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, cooking, sanitation and sleeping.

**ELECTRONIC MESSAGE CENTER**

An electrically-activated display that utilizes computer-generated messages or other electronic means of changing sign copy to present variable messages and/or graphic presentations. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

**EXTRACTIVE INDUSTRY**

The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes used for the extraction or removal of minerals from their original location and the preparation such as washing, cleaning, crushing, stockpiling or other processing at the mine location that makes a mineral suitable for commercial, industrial or construction use, but does not include operations extracting natural gas and/or petroleum. For the purpose of this chapter, borrow pits (excavations for removing material for filling operations) which exceed 2,000 tons in a one-year period are considered extractive industry.

**FAIR**

A competitive exhibition of agricultural products and animals, usually with accompanying food and merchandise vendors, displays, entertainment and amusements.

**FAMILY**

- A. One or more persons living together in a single dwelling unit, all of whom are related by blood, marriage or adoption; or
- B. A functional family unit, defined as follows: A group of individuals living together in a single dwelling unit and functioning as a family. In determining whether a group of legally unrelated individuals is a functional family unit, the following criteria must be met:
  - (1) The occupants must share the entire dwelling unit.
  - (2) The household must have stability. Evidence of such stability may include following:
    - (a) The presence of minor dependent children regularly residing in the household.
    - (b) Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.
    - (c) Whether different members of the household have the same address for the purposes of:
      - [1] Voter registration.
      - [2] Drivers' licenses.
      - [3] Motor vehicle registration.

- [4] Summer or other residences.
- [5] The filing of taxes.
- (d) Common ownership of furniture and appliances among the members of the household.
- (e) Enrollment of dependent children in local schools.
- (f) Employment of household members in the local area.
- (g) A showing that the household has been living together as a unit for a year or more, whether in the current dwelling or other dwelling units.
- (h) Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

#### **FAMILY CHILD CARE**

See "child care, family."

#### **FARM**

The use of 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, including a commercial horse boarding operation, as defined in the Agriculture and Markets Law Article 25-AA, § 301. (See also "agriculture.")

#### **FARM-** [See 'Farm Operation']

~~As defined in the Agriculture and Markets Law Article 25-AA, § 301, the use of 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, including a commercial horse boarding operation. (See also "agriculture.")~~

#### **FARM BREWERY**

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law § 51-a to produce beer and cider.

#### **FARM CIDERY**

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law § 58-c to produce beer and cider.

#### **FARM DISTILLERY**

An entity an entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law §61(2-c) to produce liquor.

#### **FARM LABOR HOUSING**

A temporary or permanent structure that is clearly accessory to an agricultural operation and occupied by farm workers employed on the premises and their families.



### **FARM OPERATION**

As defined in the Agriculture and Markets Law Article 25-AA, §301, 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, including a commercial horse boarding operation, a timber operation, compost, mulch or other biomass and commercial equine operation. 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.

### **FARM OPERATION, ACCESSORY COMMERCE**

A retail or wholesale enterprise operated as an accessory use to an active farm operation on the same premises:

- Selling products principally utilized in agricultural production, limited to 1,000 square feet of outdoor display or storage of products. Examples of such products include agricultural equipment and agricultural equipment parts, batteries and tires; and products allowed to be sold by the New York State Department of Agriculture and Markets such as farm machinery
- Providing agricultural equipment repairs;
- Processing and packaging of food where the predominant ingredient is not grown on-farm.

~~CURRENT-A retail or wholesale enterprise operated as an accessory use to an active farm on the same premises providing services or products principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations.~~

### **FARM WINERY**

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law §76-a or §76-d to produce wine and cider.

### **FLAG LOT**

See "lot, flag."

### **FRONTAGE**

The length of the boundary line of a lot abutting on the public highway right-of-way. In the case of lots that bound on a lake shore, the length of the boundary line abutting the lake on a line or lines running parallel to the general shoreline.

### **FULLY SHIELDED LIGHT**

An outdoor light fixture shielded or fabricated so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

### **GLARE**

Light emitting from a luminaire with intensity great enough to reduce the viewer's ability to see, and in extreme cases with intensity great enough to cause momentary blindness.

**GRADE**

The average finished ground level of the land at which the perimeter of a building or structure meets the ground.

**GROUP CAMPGROUND**

See "campground, group."

**GROUP CHILD CARE**

See "child care, group."

**HANDICAPPED PERSON**

See "person with disabilities."

**HANDICRAFT ITEM**

An object that requires use of the hands, hand tools and human craft skills for its production, and which is usually not adaptable to mass production by mechanical means.

**HEALTH CLUB**

A private gymnasium, athletic, fitness, health or recreational facility, or reducing salon or weight-control establishment.

**HOME OCCUPATION**

An occupation, profession, activity or use performed by the resident that is clearly a customary, incidental and secondary use of a residential property, including, but not limited to, dressmaking; hairdressing; cooking, baking, and meal preparation for consumption off-premises; wholesale or retail sales not involving the display of goods; wood- and metalworking; word- and data-processing; and which does not affect the use of the property for residential purposes or alter the exterior residential character of the property.

**HOSPITAL**

An establishment for temporary occupation by persons who are sick or injured for the purpose of medical diagnosis and treatment, including clinical, temporary, surgical, laboratory and emergency medical services.

**HOSTEL**

An establishment providing transient, overnight accommodations, typically characterized by low cost, shared use of a self-service kitchen, common areas, sleeping rooms and bathroom facilities.

**HOTEL**

A multiple dwelling used primarily for the purpose of furnishing for compensation lodging, with or without meals, for transient guests, and which may provide additional services, such as restaurants, meeting rooms, recreational facilities and shops for the sale of gifts and incidental items to guests.

**HUNTING CLUB**

A building, facility or organization catering exclusively to members and their guests, and including facilities for trap shooting, target shooting, and archery, for both practice and competition, and other outdoor recreational pursuits by members and their guests, except motorized racing; provided, however, that ~~vending stands, merchandising or other commercial activities~~ there are not conducted on the premises, any vending stands, merchandising or other commercial activities except as may be incidental to the operation and maintenance of the facility, and generally for the benefit of members and to further the purposes of the club.

**IMPERVIOUS SURFACE**

Any material or surface that substantially reduces or prevents the infiltration of water into the ground, including areas covered by buildings, conventionally surfaced roads and highways, driveways and parking lots, and sidewalks. (See also "all-weather surface.")

**INN**

A facility with not more than 15 guest rooms providing temporary overnight lodging for transient guests, including related guest services, including spas, dining rooms, restaurant, meeting and conference facilities, and retail sales that are clearly accessory to, and identified with the business of the facility.

**JUNKYARD**

An open area used for the storage or accumulation of wastes, used and secondhand materials, including, but not limited to, building materials, scrap metal, plastic, paper, rags, glass, broken appliances and electronic equipment, rubber tires, bottles, refuse, inoperative vehicles and other machinery, and other debris that is not generated by or used in any ongoing agricultural operations on the premises. For the purpose of this chapter, an automobile wrecking yard is also considered a junkyard.

**KENNEL**

Any building or lot where four or more dogs are raised and/or boarded for the purpose of sale, breeding, training or exhibition, or are boarded for a fee or are sheltered for humanitarian reasons.

**LAWN/LANDSCAPING SERVICE**

A business or not-for-profit organization that provides yard and garden maintenance service which may include an office or other buildings and structures where equipment, inventory, and vehicles are kept. The accumulation of trash, debris, garbage or other waste or junk or scrap material is not permitted.

**LIFE-CARE FACILITY**

A facility for the residency of persons aged 55 or older and/or persons with disabilities that includes one or more of the following features or services: individual dwellings; congregate apartments where residents may share common meals; nursing home facilities; laundry services; common recreational facilities; and other personal services.

**LIGHT FIXTURE**

The assembly that houses a lamp or lamps and which can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

**LIGHT INDUSTRY**

The manufacture of finished products or parts predominantly from previously processed or prepared materials, including processing or fabrication, assembly, treatment, packaging, incidental storage, or sales and distribution of such products.

**LIGHT POLE BANNER**

A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.

**LIGHTWELL**

An entry type where part of the building front facade is below ground, entry may step up to the above ground floor and/or step down to the below grade floor.

**LODGE**

~~A building or buildings in which overnight accommodations and meals may be offered to paying transient guests, where such use is secondary to an active farm operation.~~ A building or buildings located on a parcel of at least 20 acres in which overnight accommodations and meals may be offered to paying transient guests, where such use is secondary to an active farm operation or residential use. The capacity of said facility shall be no more than one overnight guest per five (5) acres of the parcel on which the lodge is located.

**LOT**

A parcel of land that may be occupied by one or more principal buildings and accessory buildings for uses customarily incidental to the principal buildings, including such open spaces as are used in connection with the principal building or buildings.

**LOT AREA**

All of the land between the boundary lines of a lot but not including any portion of the public highway right-of-way that may be included in the deed description of said lot.

**LOT, CORNER**

A lot or parcel of land abutting two or more public or private road or highway rights-of-way at their intersection, or on two sections of the same road or highway.

**LOT COVERAGE**

That portion of a lot covered by all buildings or structures on a lot or parcel, including concrete, asphalt or similar impervious surfaces used for parking, sidewalks, drives and roads. Driveways, walkways, and parking areas for a single-family or two-family dwelling on the lot are excluded from the calculation of lot coverage.

**LOT DEPTH**

The least distance measured perpendicular from the front lot line to the rear lot line of a parcel.

**LOT, FLAG**

A parcel of land whose configuration is so designed to make legally conforming lot that is otherwise landlocked by road-fronting parcels. Access to a road from the interior lot is provided for by a strip of land (called the "pole") that is contiguous with the interior lot (called the "flag"). The buildable, interior portion of the lot (the "flag") must meet the minimum lot area requirements in the district, exclusive of the acreage of the pole. A "front lot line" is defined as a line within the flag portion of the parcel that is parallel to or approximately parallel to the accessed road and meets the minimum lot width at the front lot line for the district. This front lot line established in the flag will be used as a baseline for measuring the front yard setback and identifying side and rear lot locations. A lot that meets all of the lot area and yard requirements for the zoning district, except for the required road frontage, may not be declared a flag lot unless the land adjacent to the pole and in front of the flag is part or all of a separate legal and conforming lot for that zoning district.

**LOT LINE**

A boundary line of a lot.

**LOT LINE, FRONT**

The lot line or lines of a parcel of land coterminous with a public highway right-of-way or private road, or approximately parallel to and nearest to a public highway right-of-way or private road as determined by the Zoning Officer, or, in the case of lots that bound on a lake shore, the line coterminous with or approximately parallel to the published mean high-water line.

**LOT LINE, REAR**

The lot line or lines of a parcel of land on the opposite side of said parcel from a public highway right-of-way or private road, or on the opposite side of said parcel approximately parallel to and nearest to a public highway right-of-way or private road as determined by the Zoning Officer.

**LOT LINE, SIDE**

Any lot line that is not a front or rear lot line.

**LOT WIDTH**

The shortest distance between the side lot lines, measured from the point where each side lot line intersects with the minimum front lot setback line.

**LUMINAIRE**

A complete lighting system, including a lamp or lamps and the attendant light fixture.

**MAJOR SOLAR COLLECTION SYSTEM (or MAJOR SYSTEM)**

An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, and/or for on-site use. Facilities consist of one or more ground-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Major solar collection systems are defined as ground-mounted accessory systems with a total surface area greater than 2,000 square feet of panels.

**MANUFACTURED HOME**

A dwelling which is factory-built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401) and which is transportable in one or more sections, is affixed to a chassis with axles and wheels, and is designed to be placed on a permanent or temporary foundation.

**MANUFACTURED HOME, DOUBLEWIDE**

A manufactured home comprised of at least two sections transported separately and attached on site, and having a minimum width of 22 feet.

**MANUFACTURED HOME PARK**

A parcel of land under single ownership that has been improved for the purpose of renting or leasing sites for the placement of manufactured housing.

**MANUFACTURED HOME, SINGLEWIDE**

A manufactured home comprised of no more than one section, on a single chassis, and having a width of at least 12 feet.

**MARINA**

A facility for berthing, servicing, fueling, launching and storage of private watercraft that may also include the sale, lease, rental or charter of watercraft, and the sale of fuel, marine products and accessories, and incidental supplies for water craft owners, crews and guests.

**MEAN HIGH-WATER ELEVATION (MHWE)**

Mean high-water elevation (MHWE) is measured using the National Geodetic Vertical Datum 1929 (NGVD 1929) and the lake elevation at the Cayuga inlet based on the United States Geological Survey.

[Added 8-12-2014 by L.L. No. 3-2014]

**MINOR SOLAR COLLECTION SYSTEM (or MINOR SYSTEM)**

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, accessory to the use of the premises for other lawful purposes. Minor solar collection systems are defined as roof- or building-mounted solar collectors greater than 60 square feet on any code-compliant structure, and ground-mounted solar collectors with the total surface area greater than 60 square feet and less than 2,000 square feet.

**MOBILE HOME**

A dwelling which is factory-built, transportable in one or more sections, affixed to a chassis with axles and wheels, and designed to be placed on a permanent or temporary foundation, but which is not built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401).

**MONUMENT SIGN**

[A freestanding sign attached to a pedestal or perimeter wall.](#)

**MOTEL**

A multiple dwelling used primarily for motorists, not over two stories in height, in which the exit from each dwelling unit or sleeping room is directly to the exterior. The term includes, but is not limited to, the terms "motor court," "motor hotel," and "tourist court."

**MOTOR HOME**

A dwelling designed for temporary residence mounted on a self-propelled chassis designed for travel over roads and highways. Units may be self-contained or designed for temporary connection to electric, water or sewerage utilities. (See also "camper.")

**NATURAL GAS**

Any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

**NATURAL GAS AND/OR PETROLEUM EXPLORATION**

Geologic or geophysical activities related to the search for natural gas, petroleum, or other subsurface hydrocarbons, including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include, but are not limited to, core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

**NATURAL GAS AND/OR PETROLEUM EXPLORATION AND PRODUCTION WASTES**

Any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

**NATURAL GAS AND/OR PETROLEUM EXTRACTION**

The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum, or other hydrocarbons.

**NATURAL GAS AND/OR PETROLEUM SUPPORT ACTIVITIES**

The construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

**NONCONFORMING USE**

A building, structure or use of land lawfully existing at the time of the enactment of this chapter which, as a result of the adoption of this chapter or an amendment hereto, does not conform to the zoning regulations of the district in which it is situated.

**NURSERY AND GREENHOUSE**

Buildings, greenhouses and land used for growing horticultural specialties, including nursery stock, shrubs, trees, flowers, and hothouse plants.

**NURSING HOME**

An extended- or intermediate-care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**OFF-PREMISE SIGN**

An off-premise sign is a permanent sign erected, maintained, or used for the purpose of the display of messages not related to the use of, products sold on, or the sale or lease of, the property on which it is displayed and is oriented to and within 660 feet of a state highway. Also referred to as a billboard.

**ON-PREMISE SIGN**

An on-premise sign is a sign erected, maintained, or used for the purpose of the display of messages or which otherwise directs attention to the use of, products sold on, services provided on, or the sale or lease of the property on which it is displayed.

**PARENT LOT**

Any parcel of land owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this chapter which has a total area which exceeds the minimum requirements for lot size, and for which there exists the legal possibility of subdivision, resubdivision, and/or a Development District. Also, a parcel of land which may be subdivided into unit lots through the unit lot subdivision process in common contiguous ownership on the date of adoption of § 212-140, subsection A.

**PARK, COMMUNITY**

A parcel of land in public or private ownership available to the public for daytime and evening recreational, educational, cultural or scenic purposes, intended for use by residents living within a few miles of the facility.

**PARK, REGIONAL**

A parcel of land in public or private ownership available to the public for daytime, evening and overnight recreational, educational, cultural or scenic purposes, such as a county, regional or state park.

**PAVEMENT**

See "all-weather surface."

**PENNANT**

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**PERSON WITH DISABILITIES**

A person having a physical or mental impairment that substantially limits one or more of the person's major life activities so that such a person is incapable of living independently; possessing a record of having such an impairment; and being regarded as having such an impairment. This term, however, does not include current illegal use of or addiction to a controlled substance, nor does it include any person whose presence would constitute a direct threat to the health and safety of other individuals.

**PLAT**

- A. A map representing a tract of land, showing the boundaries and location of individual properties and roads;
- B. A map of a subdivision or site plan.

**PLOT PLAN**

See "site plan."

**PORCH**

A porch is a raised, roofed platform attached to a building forming an articulated entryway and semi-private social space.

**PORCH SIGN**

A porch sign is a sign that is hung from the porch of a building and intended to be viewed from the sidewalk at close range.

**PRACTICABLE**

Capable of being done after taking into consideration cost, time, technology, and logistics in light of overall project purposes.

**PRESERVE**

A tract of land dedicated to the protection of one or more scenic or environmental attributes, including, but not limited to, flora, fauna, geological features, lakes, streams, wetlands or other hydrological features.

**PRINCIPAL BUILDING**

The building on a lot which provides housing for the owner or tenants, or, in a business or industrial zoning district, the largest building on the lot.

**PROFESSIONAL OFFICE**

~~The place of business or practice of an accountant, architect, landscape architect or other design professional, doctor or other duly licensed medical practitioner or therapist, dentist or orthodontist, engineer, insurance agent, lawyer, real estate agent or broker, securities broker or similar profession, or the place of business or practice of a group of such professionals operating as a partnership, corporation or other legal business arrangement.~~

**PROFESSIONAL OFFICE**

A facility for the processing, manipulation, or application of business information or professional expertise, and which may or may not offer services to the public. A professional office is not materially involved in fabricating,



assembling, or warehousing of physical products for the retail or wholesale market, or engaged in the repair of products or retail services. Professional offices may include government offices, the practice of an accountant, architect, landscape architect or other design professional, engineer, insurance agent, attorney, real estate agent or broker, securities broker or similar profession, or the place of business or practice of a group of such professionals operating as a partnership, corporation or other legal business arrangement.

**PROJECT SITE**

Any area that has been or will be physically changed as a result of a proposed development or construction project, or has been or will be utilized on a temporary basis during the course of construction.

**RECREATIONAL VEHICLE**

See "motor home" and "camper."

**REPAIR SHOP, PERSONAL SERVICE**

A store or other place of business at which is conducted the repair of personal customer items such as shoes, clothing, jewelry, etc. or personal service such as barber shops or hairdressers; decorators, dressmakers or tailors; opticians; photographers; digital imaging; video, DVD and other electronic visual and audio entertainment media rentals; and businesses of a similar and no more intense nature.

**RESEARCH AND DEVELOPMENT**

A business or facility dedicated to research, investigation, enterprise, experimentation, testing and product development, including, but not limited to, computer software, data compilation and manipulation, but not including facilities for manufacturing, distribution or sales of products, except as an incidental activity.

**RESIDENCE, MULTIPLE-FAMILY**

A building or structure situated on a single lot and containing three or more dwelling units.

**RESIDENCE, SINGLE-FAMILY**

A building or structure situated on a single lot and containing one dwelling unit, including doublewide manufactured homes.

**RESIDENCE, TWO-FAMILY**

A building or structure situated on a single lot and containing two dwelling units.

**RESIDENTIAL CARE/ASSISTED LIVING/REHABILITATION FACILITY**

A building or portion thereof housing persons on a twenty-four-hour basis who because of age, mental disability, addiction or other reasons live in a supervised residential environment that provides personal-care services, but who nonetheless are capable of responding to an emergency situation without any physical assistance from staff, including, but not limited to, residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol- and drug-abuse centers and convalescent facilities.

**RESOURCE ANALYSIS**

The inventory and evaluation of natural, historic, and cultural resources on a property to identify those resources to be protected, provide the basis for the maximum density calculation and determine locations for building envelopes.

**RESTAURANT**

An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, where the sale of alcoholic beverages is incidental to the sale and consumption of food, and where customers are served their food and beverages by a restaurant employee for consumption:

- A. At the same table or counter at which the food or beverages are served; or
- B. Elsewhere within the building; or
- C. Within a motor vehicle parked on the premises; or
- D. Off the premises as carry-out orders.

**RETAIL USE**

A business that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser.

**RIGHT-OF-WAY, HIGHWAY OR ROAD**

A strip of land owned or controlled by the Town government for the purpose of providing access to abutting lots or for providing a bed for a future improved roadway. All Town rights-of-way are shown on the Town of Ulysses Official Map. Unless otherwise indicated, all Town rights-of-way are 60 feet wide.

**ROAD**

A street, avenue, lane, highway or other public way; a public right-of-way improved or intended to be improved for traffic. A private drive is not considered to be a road.

**ROAD, DEAD-END**

A road or a portion of a road with only one vehicular traffic outlet.

**ROAD, MAJOR**

A road with the capacity to serve heavy flows of traffic and intended primarily as a route for traffic between areas generating heavy volumes of traffic.

**ROAD, MINOR**

A road intended to serve primarily as an access to abutting properties.

**ROAD PAVEMENT**

The wearing or exposed surface of a roadway used by vehicular traffic.

**ROADSIDE STAND**

A temporary or permanent accessory structure, wagon or trailer, not exceeding 240 square feet in size, for the purpose of retail sale of produce, baked goods and handicraft items to the public.

**ROAD WIDTH**

The width of a right-of-way, measured at right angles to the center line of the road.

**SAUNA**

A steam bath or heated bathing room used for the purposes of bathing and relaxation, with steam or hot air used as a cleansing and relaxing agent.

**SAWMILL, COMMERCIAL**

A facility, generally operating on one or more full-time work shifts, five or more days per week, constructed for the processing of timber logs into forestry products, such as milled lumber, cants, treated posts, firewood and wood by-products, such as slab wood, wood chips, bark chips and sawdust, and including planing and sizing facilities, kilns, storage yards and accessory maintenance facilities incidental to sawmill operations.

**SAWMILL, SMALL-SCALE**

A facility for the processing of timber logs into forestry products, such as milled lumber, cants, treated posts, firewood and wood by-products, such as slab wood, wood chips, bark chips and sawdust, and which may include planing and sizing facilities, kilns, storage yards and accessory maintenance facilities incidental to sawmill operations, but which is generally operated for the custom cutting of timber for local craftsmen.

**SELF-SERVICE STORAGE FACILITY**

A building comprised of small self-contained units that are leased to individuals or businesses for the storage of household or business goods and supplies.

**SETBACK**

The distance between any building on a lot or parcel of land and a property line. The highway right-of-way shall be deemed a property line for the purpose of measuring setback.

**SHOPPING CENTER**

A number of businesses located on single parcel, or adjacent parcels under single ownership, or in every case, adjacent parcels having shared access to a public thoroughfare.

**SIDE YARD**

See "yard, side."

**SIGN**

Any permanent or portable structure, or part thereof, or any device attached to a structure or painted or represented on a structure which displays or includes any lettering, wording, image, model, drawing, banner, flag, insignia, device, marking or representation used as, or which is the in the nature of an announcement, direction, or advertisement visible from a right-of-way whose purpose and design is to convey messages by means of words or images. Public art that contains no commercial messages is not a sign.

**SIGN, BUSINESS DIRECTIONAL**

Any sign, not exceeding nine square feet per side in area, posted by a business along a public road or highway for the purpose of guiding prospective customers to their location.

**SIGN COPY**

The graphic content or message of a sign.

**SIGN FACE**

The surface or side of an outdoor advertising sign on which advertising for goods, services or places is displayed, and including both the surface on which advertising is placed and any surrounding frame and decorative trim.

**SIGN FACE**

The surface upon, against, or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

**SIGN, FREESTANDING**

Any sign not affixed to a building.

**SIGN, TEMPORARY**

Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure which is permanently embedded in the ground.

**SITE PLAN**

A plan for the development or use of one or more lots or parcels of land that is prepared and presented to the Town for site plan review and consideration of approval pursuant to applicable sections of this chapter.

**SILVICULTURE**

An on-going practice involving the dedicated and cyclic cultivation of trees expressly for the periodic production of timber including harvesting operations, tree nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, surface drainage, and directly associated road construction and maintenance including the felling, skidding, preparation (e.g., delimiting and trimming), loading and initial transport of forest products from an active harvest site. Tree removal in preparation for development or other conversion to a non-forestry use is not silviculture.

**SKIRTING**

Siding that covers the area from the ground to the base of a manufactured home or porch, as defined by New York State Residential Building Code, Appendix E, Section E503.

**SLOPE OVERLAY AREA**

- A. Area in Conservation and Lakeshore Districts where soils are highly erodible because of soil characteristics and/or slope steepness. The slope overlay area consists of soils with the following map unit symbol (with map unit name in parentheses): BtF (Bath, Valois, and Lansing soils, 35 to 60% slopes); HpE (Howard and Palmyra soils, 25 to 35% slopes); HsD3 (Hudson silty clay loam, 12 to 20% slopes, eroded); HuD (Hudson-Cayuga silt loams, 12 to 20% slopes); HzE (Hudson and Dunkirk soils, 20 to 45% slopes); and Ro (Rock outcrop).
- B. The soil survey for Tompkins County (1965) was classified and delineated using second order mapping techniques at a scale that might not be adequate for site level evaluation. An applicant may hire a professional soil scientist/classifier, certified by the American Society of Agronomy, to complete a first order survey of the building site in order to determine the soil suitability for the proposed type of land disturbance.

**STABLE, COMMERCIAL**

A facility where one or more horses are kept for riding, driving, training, breeding or sale, or are boarded for a fee, including indoor and outdoor riding arenas and paddocks, and where more than 50% of feed, bedding and other supplies are produced at off-premises locations, and manure and other wastes are disposed of off-premises.

**STOOP**

A stoop is a small raised platform that serves as an entryway to a building.

**STORAGE FACILITY, SELF-SERVICE**

See "self-service storage facility."

**STREAM**

A watercourse that carries water for six months or more throughout a year. The edge of the stream is the bank of the stream or the edge of the embankment if the stream is more than 10 feet below grade.

**SUBDIVISION**

The division of any parcel of land into two or more lots, including the original lot, and plots, sites, or other division of land, with or without streets, for the purpose of immediate or future sale, transfer of ownership, or development after the date of adoption of § 212-140, subsection A. The term "subdivision" includes any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the County Clerk. Subdivisions are classified as "major," "minor," "simple" or "cluster," according to the review procedures and criteria set forth in these subdivision regulations.

**TAVERN**

See "bar."

**TEMPORARY BUILDING**

A structure used for office, sales, storage or fabrication activities related to the development of a site for residential purposes, that is placed on a lot or tract of land for a period of not more than one year except upon receipt of a special permit.

**TOURIST COURT**

See "motel."

**TREE**

A living woody plant with an erect perennial trunk greater than four inches in diameter at breast height with a definitely formed crown of foliage and a total height of at least 13 feet from the ground.

**UNIQUE NATURAL AREA (UNA)**

Designated by the Tompkins County Environmental Management Council, an area of outstanding environmental qualities that deserves special attention for preservation in its natural state.

**VEHICLE SIGN**

Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary sign.

**VINEYARD**

Land used in the cultivation of grape-bearing vines, grown for winemaking, raisins, table grapes and non-alcoholic grape juice.

**WALL SIGN**

A sign that is attached flat to or mounted away from, but parallel to, any exterior wall of a structure.

**WAREHOUSE**

A building used primarily for storage of goods and materials, also referred to as "wholesale distribution center or truck terminal."

**WHOLESALE DISTRIBUTION CENTER**

See "warehouse."

**WINERY**

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law §76 or §76-c to produce wine.

**WRECKING YARD**

See "junkyard."

**YARD**

The unoccupied space, open to the sky, within a lot containing one or more buildings.

**YARD, FRONT**

The land between the public highway right-of-way and the front line of the principal building on a lot and extending to the side lot lines of the lot. In the case of lots that bound on a lake shore, the land between the published mean high-water line and the principal building and extending to the side lot lines of the lot.

**YARD, REAR**

The land between the rear lot line of a lot and the rear line of the principal building on a lot and extending to the side lot lines of the lot.

**YARD, SIDE**

The land between the principal building and the side lot lines of a lot, and extending through from the front yard to the rear yard.

**ZONING DISTRICT**

A portion of the territory of the Town of Ulysses shown on the Zoning Map and designated for a specific land use or uses, and within which certain yards and open spaces are required and certain height limits are established for buildings, as provided for in this chapter.

**ZONING OFFICER**

The person or their designee appointed by the Town Board and charged with the authority and responsibility for enforcing the provisions of this chapter and the decisions of the Board of Zoning Appeals.