

ARTICLE 2
INTERPRETATION AND DEFINITIONS

A. Interpretation:

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

1. Words used in the present tense include the future tense.
2. Words used in the singular include the plural, and words used in the plural include the singular.
3. The word "person" includes an individual, firm or corporation.
4. The word "lot" includes the word "plot" or "parcel".
5. The term "shall" is always mandatory; the word "may" is always permissive.
6. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
7. The word "building" includes the word "structure".
8. A "building" or "structure" includes any part thereof.
9. The phrases, "to erect", "to construct", and "to build" a building, all have the same meaning and includes to excavate for a building and to relocate a building by moving it from one location to another.
10. Any word or term not defined herein shall be used with a meaning of standard usage.

B. Definitions:

ACCESSORY APARTMENT: A second dwelling unit contained within a single-family dwelling, for use as a complete independent living facility providing complete housekeeping facilities including kitchen, sleeping, and sanitary facilities for the inclusive use of the occupant(s), and subject to the requirements of Article 5-A of this Law.

ACCESSORY STRUCTURE: A structure subordinate to a principal structure on the same lot and used for purposes customarily incidental to those of the principal structure. Accessory structures do not include movable, demountable, or temporary enclosures, and are subject to the requirements of Article 5-B of this Law.

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

ADULT ORIENTED BUSINESS: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on premises by use of motion-picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to specific sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT ESTABLISHMENT: A public or private establishment, which is licensed to serve food, drink, and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers.

ALTERATIONS: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

AQUIFER: An underground water bearing area of permeable rock, sand or gravel.

AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all of the principal building and all of its accessory buildings exclusive of un-enclosed porches, patios, terraces, and steps.

AREA, LOT: The total area within the lot boundary lines excluding any area included in a public street right-of-way.

ATTIC: That space of building which is between the top of the uppermost floor construction immediately below and wholly or partly within the roof framing and that is not finished as habitable space (See **STORY, HALF**).

BANK: A Business establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

BAR: A business establishment licensed by the State of New York to serve alcoholic beverages and which establishment is designed primarily for the consumption of

such alcoholic beverages on the premises, irrespective of whether or not food and/or entertainment are also provided as accessory uses.

BASEMENT: Any space of a building which is partly below finished grade, but having more than one-half of its height measured from floor to ceiling above average finished grade.

BED AND BREAKFAST: A building containing a single dwelling and in which one (1), but not more than four (4), sleeping rooms are provided by the owner/occupant for compensation for the accommodation of transient guests with or without meals.

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

BUILDING, DETACHED: A building surrounded by open space on the same lot.

BUILDING, FRONT LINE OF: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps. The area between the front line of the lot and the front line of a building is the front yard.

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

BUILDING PERMIT: A permit to construct, reconstruct, enlarge, relocate, extend or alter any building or structure that is in compliance with the provisions of the Village of Victory Zoning Law that is issued by the Code Enforcement Officer.

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

BUILDING, SEMI-DETACHED: A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

BUILDING GROUP: A group of two (2) or more principal buildings and any buildings accessory thereto, occupying a lot in one (1) ownership and having any yard in common.

BUILDING, LINE: The line, established by statute, Local Law, or ordinance, beyond which the exterior surface of a building on any side shall not extend, as specifically provided by law. In the instance of a cantilevered section of a building or projected roof or porch, said line shall coincide with the most projected surface.

BULK: A term to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and all open spaces required in connection with a building, other structure, or tract of land.

CAR WASH: A building; premises or portions thereof, where automobiles are washed either by the patron or others using machinery and mechanical devices specifically designed for this purpose.

CELLAR: Any space in a building, the structural ceiling level of which is less than four (4) feet above average finished grade where such grade meets the exterior walls of the building.

CERTIFICATE OF COMPLIANCE: A certificate issued by the Code Enforcement Officer upon completion of construction, alteration, or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this Law and such adjustments thereto granted by the Board of Appeals.

CERTIFICATE OF OCCUPANCY: A certificate to be issued by the Code Enforcement Officer upon completion of construction, alteration, and/or change in occupancy or use of a building, stating that the building is safe and habitable. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.

CHURCH (or PLACE OF WORSHIP): A building or premises used for regular public worship by members or representatives of a religious sect or organization as defined by State statute.

CLEAR CUT: The indiscriminate removal of trees, shrubs, or undergrowth, usually for the purposes of preparing real property for non-agricultural development purposes. This definition shall not include the selective removal of non-native tree or shrub species when the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.

CLUB, PRIVATE: An organization catering exclusively to members and their guests, or premises and buildings for social, recreational or athletic purposes, which are conducted primarily for gain providing there are no vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

COMMERCIAL VEHICLE: A vehicle of more than one (1) ton capacity used for the transportation of persons or goods primarily for gain, or any vehicle carrying a sign or lettering of a commercial nature exceeding eighteen (18) inches by twenty-four (24) inches.

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

CONTIGUOUS PARCEL: A tract of land under the control of the applicant or his agent that is not divided by any natural or manmade barriers such as existing streets and highways, public rights-of-ways identified on the official map and is not bisected by water bodies.

CURB LEVEL: The officially established grade of the curb in front of the mid-point of the lot.

DAY CARE CENTER: A building or structure where care, protection, and supervision are provided, for three (3) or more children away from their homes for more than three (3), but less than twenty-four (24) hours per day, by an individual, association, corporation, institution or agency, whether or not for compensation or reward.

DEC: New York State Department of Environmental Conservation.