

~~Article X~~ Part 2

Word Usage and Definitions

~~§ 230-79~~ §2-1 Word usage.

Except where specifically defined, all words used in this chapter shall carry their customary meanings. The following rules shall apply to the text of this chapter:

- A. Words in their present tense include the future.
- B. Words in the singular include the plural and the plural the singular.
- C. The word "shall" is intended to be mandatory.
- D. The word "lot" shall include the word "plot" or "parcel."
- E. The word "person" shall include an individual, firm, corporation, society, agency or institution.
- F. 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."
- G. A building or structure includes any part.
- H. The word "and" indicates that all connected items, conditions, provisions or events shall apply.
- I. The word "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- J. The words "either ...or" indicate the connected items, conditions, provisions or events may apply singly or in any combination.
- K. Any question as to the precise meaning of any word used in this chapter may be appealed to the Zoning Board of Appeals and clarified under their powers of interpretation.

~~§ 230-80~~ §2-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

1-Unit Housing - One-unit housing, or single-family housing, refers to a single dwelling unit built as a principal use on an individual lot. 1-unit housing can be detached, semi-detached, or attached (like a townhome)

2-Unit Housing - Two-unit housing refers to two dwelling units built as a principal use on an individual lot. 2-unit housing, sometimes called duplexes, can appear as two units in the same building, two buildings attached, or two buildings detached.

3-Unit Housing - Three-unit housing refers to three dwelling units built as a principal use on an individual lot. 3-unit housing, sometimes called triplexes, can appear as three units in the same building, three buildings attached, or three buildings detached

Multi-Unit Housing- Multi-unit housing refers to four or more dwelling units built as a principal use on an individual lot. These building types, often referred to as multi-family housing, apartments, or quadplexes (if four units exactly), are designed to accommodate multiple households within a single building, or can appear as a group of interconnected structures, like condominiums, townhouses, or large apartment blocks.

Accessory Dwelling Unit - A separate dwelling unit that is within or substantially attached to a principal residential dwelling used for the living, sleeping, cooking, and bathroom facilities of individuals for a period of time longer than 6 months. =

~~ACCESSORY USE OR STRUCTURE~~

~~A use or structure which is customarily incidental and subordinate to the principal use of a lot, water area, or a building, and located on the same lot or water area therewith. All roof top solar heat or electric energy production systems in compliance with all height and setback requirements shall be considered an accessory use, as shall all ground-mounted solar energy structures on the same parcel as a principal building or structure of not less than 100,000 square feet used primarily for commercial or manufacturing purposes, provided said ground-mounted solar energy structures principal users utilizing 55% of the heat and 55% energy produced from the lot are on the same lot or within 5,000 feet of the lot boundaries.~~

~~[Amended 6-7-2016]~~

Accessory Use or Structure - A use or structure which is customarily incidental and subordinate to the principal use of a lot, water area, or a building, and located on the same lot or water area therewith.

ADT

Average daily traffic.

ADULT USES

Whenever used in this Zoning Chapter, the words “adult use” or “adult uses” apply to the following types of establishments:

- A. **ADULT BOOKSTORE** - An establishment which has as a substantial or significant portion of its stock-in-trade books, pamphlets, magazines and other periodicals, sculptures, photographs, pictures, slides, videotapes, films or sound recordings and which establishment excludes any minor by reason of age.
- B. **ADULT ENTERTAINMENT CABARET** - A public or private nightclub, bar, restaurant or similar establishment which presents topless or bottomless dancers, go-go dancers, strippers, male or female impersonators, exotic dancers or other similar entertainment, and which establishment excludes any minor by reason of age.

- C. ADULT VIDEO STORE - An establishment having as a substantial or significant portion of its stock-in-trade videotapes or films for sale or viewing on premises by use of motion picture devices, video equipment or other coin-operated means and which establishment excludes any minor by reason of age.
- D. PEEP SHOW- A theater which presents material in the form of live shows, films or videotapes viewed from an enclosure for which a fee is charged and which excludes any minor by reason of age.
- E. 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 or duly licensed physical therapist or duly licensed massage therapist, or barber shops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs that 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.
- F. ADULT MOTEL- A motel which excludes minors by reason of age or which make available to its patrons in their rooms films, slide shows or videotapes which if presented in a public movie theater would exclude any minor by reason of age.
- G. ADULT THEATER- A theater that customarily presents motion pictures, films, videotapes or slide shows and which excludes minors by reason of age.
- H. BODY PAINTING STUDIO- An establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body and which excludes minors by reason of age.
- I. ADULT MODEL STUDIO- Any establishment where, for any form of consideration or gratuity, figure models are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons other than the proprietor, paying such consideration or gratuity and which excludes any minor by reason of age. This provision shall not apply to any school of art which is operated by an individual firm, association, partnership, corporation or institution which meets the requirements established in the NYS Education Law for the issuance or conferring of and is in fact authorized to issue or confer a diploma.

ALTERNATIVE ENERGY SYSTEM

~~Structures, equipment, devices or construction techniques used for the production of heat, light, cooling or electricity or other forms of energy on site and may be attached to or separate from the principal structure. Current examples include windmills, solar collectors, heat pumps or other related devices. For the purposes of this chapter, this~~

~~definition shall apply to individual residents or businesses. Commercial generating plants are excluded.~~

~~AMUSEMENT CENTER~~

~~Any indoor place or enclosure in which is maintained or operated for the amusement, patronage or recreation of the public three or more coin-controlled amusement devices, including the type commonly known as bagatelle, baseball, football, pinball, and video games.~~

~~ANIMAL SERVICE FACILITY~~

~~Any place or establishment, public or private, where animals receive medical, grooming or day-care services for a fee.~~

Animal Service Facilities - establishments primarily engaged in the care, grooming, training, boarding, or medical treatment of domesticated animals. This use includes, but is not limited to, veterinary clinics, animal hospitals, pet grooming salons, boarding kennels, pet daycare centers, and animal training facilities.

~~AUTOMOTIVE SALES FACILITY~~

~~Premises on which new or used passenger automobiles, trailers, mobile homes or trucks in operating condition are displayed in the open for sale or trade.~~

Automotive Sales - business primarily engaged in the retail sale, lease, or rental of new or used motor vehicles, including but not limited to cars, trucks, motorcycles, and recreational vehicles.

~~AUTOMOTIVE SERVICE STATION~~

~~A building or place of business where motor fuel, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where minor repair service is rendered.~~

Automotive Service Stations - a commercial establishment primarily engaged in the sale of motor fuel, automotive repair, maintenance, and related services. Automotive services uses can include fuel dispensing (gas stations), minor and major vehicle repairs, oil changes, tire services, and engine diagnostics, as well as auto detailing services such as cleaning, polishing, and cosmetic vehicle restoration.

~~AUXILIARY HOUSING UNITS~~

~~The portion of an existing dwelling unit, with or without separate entry, specifically designed to accommodate not more than two members of the household otherwise occupying the dwelling. At least one of the persons housed in the auxiliary housing unit must be at least 60 years of age or disabled to the extent that independent housing is not practical.~~

BERM

A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways, noise or control the flow of surface water.

~~BUFFER, RESIDENTIAL~~

~~A strip of land densely planted with trees or shrubs between a residential and more intense use and intended to mitigate the negative impacts of the more intense use.~~

~~BUILDABLE AREA~~

~~The area of a lot that is calculated by subtracting from the gross area of the parcel the following:~~

- ~~A. State regulated wetlands;~~
- ~~B. Federal regulated wetlands;~~
- ~~C. Federal Emergency Management Agency designated floodplains;~~
- ~~D. Land designated for open space; and~~
- ~~E. Land required for roadways and public improvements.~~

BUILDING

A structure designed, used, or intended to be used as a shelter of humans, animals or objects, permanently fixed to a site or hauled to a site using an external source of propulsion. Mobile homes shall be buildings for purposes of this code.

BUILDING AREA

The maximum horizontal projected area measured from the exterior walls of the building and its accessory buildings. The building area includes all overhanging building parts such as the edges of roofs and window ledges. The extension of the building area across lot lines is prohibited.

BUILDING COVERAGE

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

BUILDING HEIGHT

The vertical distance measured from the average level of the ground surrounding the building to the highest point of the roof, but not including: chimneys, spires, towers, tanks and similar projections; elevator or stair bulkheads, roof tanks or cooling towers, provided such structures do not occupy more than 10% of the roof area; or parapet walls less than four feet high.

BUILDING INSPECTOR

The Building Inspector of the City of Lackawanna, New York.

~~BUILDING, PRINCIPAL~~

~~A structure in which is conducted the principal use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be a "principal building" on the lot on which the same is located.~~

Building, Principal- A structure in which the principal use of the site is situated or conducted. In any residential district, any dwelling shall be deemed to be a "principal building" on the lot on which the structure is located.

~~CAMPING TRAILER~~

~~A vehicle, less than 30 feet in length, and used for temporary living or sleeping purposes and standing on wheels.~~

~~CAMPING TRAILER PARK~~

~~A parcel of land upon which two or more travel trailers or camping vehicles are temporarily parked and occupied.~~

Car Wash - An establishment for the washing of motor vehicles, which may employ production-line methods, mechanical devices, staffed hand wash facilities, or unstaffed self-wash facilities.

~~CEMETERY~~

~~A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.~~

~~CHILD CARE CENTERS~~

~~Any place operated under license by New York State wherein are received seven or more children under 17 years of age for care for periods of less than 24 hours a day, who are not related to the facility operator and whose parents or guardians are not immediately available to the child.~~

Civic/Government Buildings - Offices owned, operated, or occupied by a government agency, including government officials and departments, social service facilities, public works facilities, and courthouses.

~~CLUB~~

~~Any organization catering to members and their guests, or premises and building for recreational, general social or athletic purposes and not open to the general public.~~

~~CLUSTER DEVELOPMENT~~

~~A planned development of five or more acres in which lots are plotted which have less~~

than the minimum lot size and setback requirements but which have access to common open space that is part of the overall site development plan approved by the Planning and Development Board. However, not more than the maximum density of dwelling units permitted by the existing zoning shall be allowed.

~~COMMERCIAL ENTERTAINMENT FACILITIES~~

~~Commercial entertainment uses conducted within an enclosed building, including, but not limited to, motion picture theaters, concert and music halls, roller skating rinks and bowling alleys.~~

~~COMMERCIAL USES – AUTOMOBILE ORIENTED~~

~~A business use or activity involving retail or wholesale marketing of goods or services located in a building no less than 10,000 square feet in size designed to serve customers arriving in passenger automobiles.~~

~~COMMERCIAL USE – PEDESTRIAN ORIENTED~~

~~A business use or activity involving retail or wholesale marketing of goods or services located in a building no more than 10,000 square feet in size where customers will access the facility on foot, by public transit or by car.~~

COMMON PARTY WALL

Any interior wall or portion thereof located between adjacent residential units or uses provided for the separation of the individual and separate living or use areas.

COMMON PROPERTY

A parcel or parcels of land together with improvements, the use of which is shared by the owners or occupants of the individual building sites.

COMPREHENSIVE PLAN

A plan as defined and adopted in accordance with § 20, Subdivisions 24 and 25 of the General City Law of the State of New York and any amendments or master plans attached thereto by resolution of the City Council of the City of Lackawanna.

Community Scale Agriculture - A form of agricultural activity that has a gross area of greater than 1,000 gross SQFT intended primarily to serve local markets and meet the food needs of the surrounding community. These practices typically occur on small to medium-sized parcels of land and include the cultivation of crops or related food production activities.

~~CONDOMINIUM~~

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

~~CONVENIENCE BUSINESS~~

~~Small commercial establishments and shops catering primarily to nearby residential areas providing convenience goods and services, including but not limited to grocery stores (of less than 5,000 square feet in floor area), drug stores, beauty salons, barber shops, carry-out dry cleaning and laundry pickup stations.~~

COUNCIL

The City Council of the City of Lackawanna, Erie County.

COUNTY

Erie County, New York.

Cultural Facility - A facility open to the public for cultural services and exhibitions including, but not limited to, museums, cultural centers, historical societies, and libraries operated by a government.

DENSITY

The number of individual residential units divided by the buildable area available for residential units reduced by an allowance for recreation space and dedication of streets and other public improvements. Expressed as units per acre.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings, structures, minim, dredging, filling, grading, paving, excavation or drilling.

~~DRIVE-THROUGH COMMERCIAL FACILITIES~~

~~A commercial establishment, such as drive-in restaurants, refreshment stands, banks and similar establishments, designed or operated to serve patrons who remain in their automobiles.~~

Drive-Through/Drop-Off Window- An outdoor service window or similar area that allows for a service to be provided from a building to persons in vehicles.

~~DUPLEX HOUSE~~

~~A house consisting of two family units.~~

~~DWELLING~~

~~Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, except a manufactured home or camping trailer.~~

~~DWELLING, MULTIPLE~~

~~A dwelling used or designed for use as a "multiple dwelling" as defined in the New York State Multiple Residence Law.~~

~~DWELLING, SINGLE-FAMILY ATTACHED~~

~~An independent single-family dwelling unit with a common party wall between adjacent units and each having a private outside entrance, including but not limited to duplexes, townhouses and condominiums.~~

~~DWELLING, SINGLE-FAMILY DETACHED~~

~~An independent single-family dwelling unit.~~

DWELLING UNIT

One or more rooms, including cooking facilities and sanitary facilities in a dwelling structure, designed as a unit for owner occupancy, rent or lease on a weekly, monthly or longer basis by not more than one family for living and sleeping purposes.

~~EMPLOYEE SERVICE FACILITY~~

~~Commercial service and retail facilities which occupy no more than 10% of a commercial or industrial building's floor area and designed to serve the needs of the building or development's employees. Employee service facilities include, but are not limited to, credit unions, health clinics, day care centers, newsstands and convenience stores.~~

ENLARGEMENT

An increase in floor area of an existing building or an increase in the size of an existing structure or an increase in the area of land use for an existing open space. The word "enlargement" shall include the word "extension."

Electric Vehicle Charging Station - An element in an infrastructure that supplies electric energy for the recharging of electric vehicles, such as plug-in electric vehicles, including electric cars, neighborhood electric vehicles and plug-in hybrids.

ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance by public utilities, City or other governmental agencies of underground or overhead gas, electrical, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment, buildings and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or City or other governmental agencies or for the public health or safety or general welfare.

EXTRACTION INDUSTRY

Any use involving on-site extraction of surface or subsurface mineral products, industrial by-products or natural resources. Typical uses include quarries, borrow pits, sand and gravel mining operations, mining and soil. The grading and removal of dirt associated with an approved site plan is specifically excluded from this use.

Floor Area- The total horizontal area of a building as outlined by its exterior main walls, not including any space the habitation of which is prohibited by any law, built-in or attached garages, porches, or terraces.

Footcandle- The amount of light that is produced by a candle at the distance of one foot. A footcandle is also the equivalent of one lumen per square foot.

Fraternal Organization/Private Club - A facility for the use of a membership organization or association with elected officers and directors, pursuant to a charter or bylaws, that excludes the general public from its premises and holds property for the common benefit of its members.

Freight Terminal - A facility for freight pick-up, transfer, or distribution by rail, truck, or water.

Funeral Services - A facility where the deceased are prepared for burial displays and for rituals before burial or cremation. Such facilities may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

GROUP HOME

~~Any group living facility which provides lodging for people who are elderly, mentally ill or chemically dependent under the supervision of professional social service or health care providers.~~

Group Home - A dwelling licensed, certified, or accredited by the appropriate local, state, or federal agencies, in which unrelated persons with disabilities, including those who have undergone treatment for alcohol or drug addiction, function as a single housekeeping unit and share responsibilities, meals, recreation, social activities, and other aspects of residential living. A group home does not include a residence that services persons as an alternative to incarceration, or that services people transitioning from incarceration.

HEALTH CARE FACILITIES

~~A facility or institution principally engaged in providing services for health maintenance, diagnosis or treatment, including but not limited to a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory or clinic.~~

HISTORIC RESOURCES

Any historic building, structure, facility, site or prehistoric site that is listed on the State and/or National Registers of Historic Places. Any historic building, structure, facility, site or district or prehistoric site that has been proposed by the NY Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for a nomination for inclusion in the National Register of Historic Places. Any locally significant historic resource designated pursuant to Article 5-K of the NYS General Municipal Law is also included.

~~HOME OCCUPATIONS~~

~~An occupation carried on in a dwelling unit by the bona fide resident thereof; provided that the use occupies no more than 25% of the gross floor area of the dwelling unit and remains incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.~~

Home Occupation – an occupation carried on inside of a dwelling unit by the resident thereof, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit and does not change the character thereof.

HOUSE OF WORSHIP

An institution that people regularly attend to participate in or hold religious services, meetings or other activities normally referred to as churches, synagogues, monasteries or temples.

~~INDUSTRIAL USES, LIGHT~~

~~Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building.~~

Industrial Uses, Light – businesses that are engaged in the processing, assembly, packaging, storage, and distribution of products. Light industrial uses generally take place within an enclosed building and generate limited noise, odor, traffic, vibration, or air pollution.

INDUSTRIAL USES, MEDIUM

Enterprises in which goods are generally mass-produced from raw materials on a large scale through the use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industrial uses produce moderate external effects such as smoke, noise, soot, dirt, vibration or odor. Medium industrial uses shall exclude enterprises which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides or other hazardous materials in the manufacturing or other process.

JUNKYARD

A building, structure, parcel of land or portion thereof, used for the storage, abandonment or sale of junk, scrap material or similar waste, including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts. Automobile junkyards as defined in General Municipal Law § 136 shall be included within this definition. "Junkyard" shall be synonymous with "salvage yard."

KENNEL

~~Any establishment, including cages, dog runs and structures in which more than three dogs that are more than six months old are harbored.~~

Kennel - An establishment where four or more dogs over six months of age are boarded, bred, raised, and trained.

Lodging - establishments primarily engaged in providing temporary accommodation for travelers, tourists, and other short-term occupants (less than 3 months). This includes, but is not limited to, hotels, motels, inns, bed-and-breakfasts, and similar facilities that offer sleeping accommodation.

LOT

A parcel or piece of land, designated as a separate parcel on a plat map or deed filed or recorded in the office of the Erie County, New York Clerk, occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this chapter, and having frontage on a public street.

LOT, CORNER

A lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135°. The point of intersection of the street lot lines is the "corner."

LOT, COVERAGE

The portion of a site that is covered by impervious surfaces, including structures and paving.

LOT, DEPTH

The mean horizontal distance between the front and rear lot lines.

LOT, FRONTAGE

The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abut a street shall be considered lot frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

~~**LOT LINE, FRONT**~~

~~The line separating the lot from a street.~~

Lot Line, Front - The line separating the lot from the public right-of-way.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line.

LOT LINES

The property lines bounding the lot.

LOT LINE, SIDE

Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."

~~LOT LINE, STREET~~

~~A lot line separating the lot from a street.~~

Lot, Interior – A lot other than a corner lot.

Lot, Through - An interior lot having frontage on more than one street.

LOT, NONCONFORMING

A lot that lawfully existed prior to the enactment of the requirements of this chapter, but which, because of the enactment of this chapter, no longer conforms to the minimum lot size or use regulations of the zone in which it is located.

~~LOT, THROUGH~~

~~An interior lot having frontage on two parallel or approximately parallel streets.~~

LOT WIDTH

The distance between the two side lot lines measured at the required setback line, which is determined by the minimum front yard permitted in the district.

MARITIME ACTIVITIES

Retail sales and service activities required for, supportive of or commonly associated with the construction, repair, operation, storage, loading and unloading of boats, waterfront dock and port facilities, marinas, navigation aids, boat fuel and equipment supply, fishing or water-dependent recreation activities.

MOBILE HOME

~~A vehicle of movable dwelling which is less than 20 feet wide, not including expanding sections thereof, and which is designed to be used for living or sleeping quarters and which stands on wheels or on rigid supports or on a foundation and which contains no more than one dwelling unit. "Mobile home" shall not be interpreted to include prefabricated homes or sections thereof, camping trailers as herein defined or construction field offices required on site for specific projects completed within the City of Lackawanna, provided said offices are removed within seven days of project completion.~~

MOBILE HOME PARK

~~A parcel of land held by one owner that has been planned and improved for the placement of two or more mobile homes for living purposes.~~

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Manufactured Home Park - A parcel of land held by one owner that has been planned and improved for the placement of two or more mobile homes for living purposes.

MUNICIPALITY

The City of Lackawanna, New York.

Neighborhood Garden - A small-scale agricultural use that has an area of less than 1,000 gross SQFT intended primarily for personal consumption, community sharing, or donation. Neighborhood gardens typically consist of individual or shared plots used for the cultivation of vegetables, fruits, herbs, and ornamental plants.

NONCONFORMING USE OR STRUCTURE

A use or structure or land lawfully occupied at the time of the enactment of this chapter by a use that does not conform to the regulation of the district in which it is situated.

OPEN SPACE

Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; (2) protect streams or water supply; (3) promote conservation of soils, wetlands or beaches; (4) enhance the value to the public of abutting parks, forests, wildlife preserves or nature reservations; or (5) enhance recreation opportunities.

OVERLAY ZONE

Zoning districts that superimpose certain additional requirements upon a zoning district to protect certain critical features and resources. Where the standards of the overlay and base zoning district are different, the more restrictive standards shall apply.

PARK

Any public or private land available for recreational, educational, cultural or aesthetic use.

PLANNING AND DEVELOPMENT BOARD

The City of Lackawanna Planning and Development Board.

Personal Services - businesses providing personal or household services typically by appointment or on a walk-in basis during normal business hours with some limited weekend hours. Examples include barber and beauty shops, nail salons, spas, shoe repair, tailors, massage therapists, dry cleaning and laundry pickup and drop-off locations without on-site processing equipment and other personal or household services accomplished on or off site.

Place of Worship - a facility primarily used for religious ceremonies, services, and activities conducted by a faith-based organization. This use includes, but is not limited to, churches, temples, synagogues, mosques, and similar religious institutions.

Places of Assembly - a facility primarily used for gatherings of people for civic, cultural, educational, social, or entertainment purposes. This use includes, but is not limited to, auditoriums, conference centers, banquet halls, event venues, theaters, community centers, and similar establishments designed to accommodate groups of people.

PROFESSIONAL OFFICE

~~The office or place of business where professional services are offered which 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, dentists, surgeons, psychologists, chiropractors, attorneys, architects, engineers, planners, accountants, real estate brokers and insurance brokers.~~

Professional Office - a commercial or institutional establishment primarily used for conducting business, administrative, or professional services. This use includes, but is not limited to, offices for businesses, government agencies, nonprofit organizations, and professionals such as attorneys, accountants, consultants, architects, engineers, and similar occupations. Professional Offices do not include retail sales or the on-site storage of goods.

Public Safety Facility - A facility operated by a public safety agency, including fire stations and firefighting facilities, police and sheriff substations and headquarters, emergency medical services substations

PUBLIC BUILDINGS AND USES

~~A City hall, police station, fire station, library, schools; also including playgrounds, City parks, community or senior centers, water and sewer plants and other City facilities.~~

Public Utility – Facilities and services that primarily serve local distribution needs, including, but not limited to, water and sewer pump stations, electrical transforming substations, water conveyance stations, gas regulating stations, telephone exchange/switching centers, and emergency communication warning/ broadcast facilities.

Railway facilities - Facilities for switches, spurs, tracks, structures, rail yards, and other facilities used in connection with the transportation of persons or goods by rail, including related equipment such as locomotives and shipping containers.

Recreation Facility, Indoor – A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, and pool halls.

Recreation Facility, Outdoor - A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as fairgrounds, campgrounds, batting cages, drive-in movie theater, recreational vehicle parks, petting zoos, golf courses, miniature golf courses, and amusement parks.

Recycling Facility- A building in which discarded nontoxic objects and materials are sorted and reclaimed using means that do not require chemical, electrical, or heating processes. This term shall specifically exclude the reclamation or treatment of any liquids, gases, vehicles or parts thereof, machinery, tools, or toxic solids. This term further excludes the outdoor stockpiling of material to be processed.

Research & Development Facility - A facility where research and development is conducted in industries including, but not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication and information technology, electronics and instrumentation, and computer hardware and software. A research/laboratory facility does not involve the manufacture, fabrication, processing, or sale of products, with the exception of prototype development.

Residential Care Facility - A licensed care facility that provides 24-hour medical or non-medical care to persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. Residential care facilities include nursing homes, independent living, assisted living, continuum of care, and hospice facilities.

Restaurant/Tavern - A business enterprise engaged in serving and preparing food and beverages selected from a full menu by patrons seated at a table or counter and consumed on the premises. Alcoholic beverages may also be sold for consumption on the premises

Retail Establishment - a business primarily engaged in the sale of goods, merchandise, or consumer products directly to the general public for personal or household consumption. This use typically includes, but is not limited to, department stores, specialty shops, supermarkets, convenience stores, pharmacies, and similar commercial enterprises. Retail establishments may operate within standalone buildings, shopping centers, or mixed-use developments and may include incidental services related to the sale of goods, such as delivery or repair services, provided they remain subordinate to the primary retail function.

SCENIC RESOURCE

Any road, highway, lane, district or corridor designated pursuant to Article 49 of the NYS Environmental Conservation Law. Any area designated a Scenic Area of Statewide Significance pursuant to the NYS Coastal Management Program is also included.

SCHOOL

A facility, either public or private, that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools and/or high schools.

School, Public or Private- An educational facility concerned with the teaching of students which satisfies the applicable laws of the State of New York for students in including but not limited to pre-school, early childhood learning centers, elementary or secondary levels of education. Accessory facilities may include recreational fields, gymnasiums, auditoriums, and stadiums.

School, Vocational or Trade- A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in the arts, industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

Self-Storage- A building or group of buildings in a controlled access and fenced outdoor area that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares.

Short Term Rental- The rental of a dwelling unit for a period of time between 1 and 30 days.

SITE PLAN

Site plans shall, in narrative or graphic form, illustrate the intended design, arrangement and planned improvements to the land and describe the proposal's physical, social and economic effects on the community. The terms "site plan" and "site development plan" are interchangeable.

STRUCTURE

Anything constructed, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground, including stationary and portable carports.

Solar Energy System – See §230-##: Solar Energy Systems

Storage Yard - The use of land to store material, equipment, or vehicles for a period greater than 24 hours, and any structures associated with the outdoor storage.

Swimming Pool- Any receptacle for water having a depth at any point of more than two feet, or having a surface area exceeding 250 square feet, which is intended for recreation purposes, and including all appurtenant decks, walks and equipment constructed, installed, and maintained in or above the ground outside of the principal structure to which the pool is accessory

Telecommunication 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 are 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 accessory telecommunication equipment and supporting masts, wires, structures, and buildings.

TOWNHOUSE

~~A building or dwelling designed for or occupied by no more than one family and attached to other similar buildings or dwellings by not more than two common walls extending from the foundation to the roof thereof and providing two direct means of access from the outside. A townhouse is individually owned, with an owner receiving a deed enabling him/her to sell, mortgage or exchange his/her dwelling unit independent of the owners of any other dwelling unit attached thereto by common wall.~~

Utility Shed (Shed) – An accessory building used or intended for use as vehicle or equipment storage.

USE

The specific purpose for which land, water or a building or structure is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

[Added 6-7-2016]

Vehicle Use Area- an area primarily used for parking, circulation, and storage of vehicles, including but not limited to parking lots, loading areas, stacking spaces, and driveways.

WATER LINE, MEAN

The annual average water height of a water body.

Warehouse & Distribution Facility - A facility for the storage, wholesaling, and distribution of goods. If a warehouse/distribution use is ancillary to another principal use and has a floor area of less than 10,000 square feet, it is considered part of the principal use and is not considered a separate principal use.

Waste Transfer Station - A facility for the collection, storage, and transference of solid waste, which may include the collection, storage, processing, and transference of recyclables, and organic and yard waste. A waste transfer facility does not include industrial or sanitary landfills, or waste incineration facilities.

Wind Energy System – See §#-# Wind Energy Conservation Systems.

YARD

Any open space which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as herein permitted.

YARD, FRONT

An open space which lies between the principal building or group of buildings and the street lot line, unoccupied and unobstructed from the ground upward. In case of a corner lot or a through lot, the owner may select either street lot line as the front and shall designate same on any request for a building or use permit; however, the front yard requirements shall apply to yards fronting on any street.

YARD, REAR

An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.

YARD, SIDE

An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

ZONING BOARD OF APPEALS

The City of Lackawanna, New York Zoning Board of Appeals.