

## CHAPTER 230-ZONING

### ARTICLE II: DEFINITIONS

#### § 230-3. Word usage.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings herein indicated. Words used in the present tense include the future, the singular number includes the plural and the plural the singular, the word "person" includes a corporation as well as an individual, and the word "lot" includes the word "plot." The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used."

#### § 230-4. Terms defined.

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

**ACCESSORY** – A building or use clearly incidental or subordinate to and customarily in connection with the principal building or use on the same lot.

**ACCESSORY APARTMENT** – A dwelling unit in a permitted one-family residence which is subordinate to the principal one-family dwelling unit in terms of size, location and appearance and provides complete housekeeping facilities for one family, including independent cooking, bathroom and sleeping facilities, with physically separate access from any other dwelling unit. [Added 10-18-1982 by L.L. No. 8-1982]

**AMUSEMENT DEVICE** – Any coin-controlled pinball and video amusement game or device. [Added 3-8-1982 by L.L. No. 3-1982]

**BASEMENT** – A story in a building, the structural ceiling level of which is four feet or more above the average level of finished grade where such grade abuts that exterior wall of such building which fronts on any street and the floor level of which is below finished grade at any point on the periphery of the building.

**BED-AND-BREAKFAST ESTABLISHMENT** – A residential dwelling that makes available a room or rooms for overnight accommodation to transient paying guests with or without inclusion of one daily morning meal per paying guest as part of the accommodations provided. [Added 1-21-1985 by L.L. No. 1-1985]

**BILLBOARDS** – The type of sign commonly known as a "billboard," which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot or elsewhere than on the same lot where such sign is displayed. [Amended 2-16-1999 by L.L. No. 4-1999]

**BUILDING** – Any combination of materials forming any construction. The term "building" shall include the term "structure" as well as the following:

- A. Signs.
- B. Fences over six feet in height and more than 25% solid. [Amended 9-12-1994 by L.L. No. 7-1994]
- C. Walls, other than retaining walls projecting above the ground not more than three feet at the higher ground level and not more than six and one-half (6 ½) feet at the lower ground level. [Amended 3-17-1997 by L.L. No. 1-1997]
- D. Radio and television antennas, except for such antennas installed on the roof of a "building" and extending not more than 15 feet above the highest level of the roof of such "building."
- E. Pergolas, porches, outdoor bins and other similar structures.
- F. Swimming pools either contemplated by § 230-9A(6) or conforming to § 230-9A(10)©. [Amended 5-7-1990 by L.L. No. 2-1990]

G. Fallout shelters.

CELLAR – Any space in a building, the structural ceiling level of which is less than four feet above the average finished grade where such grade abuts that exterior wall of such building which fronts on any street.

CHANGE OF USE – Any use that substantially differs from the previous use of a building or land.

COURT, INNER – An open space enclosed on all sides by exterior walls of a building.

COURT, OUTER – An open space enclosed on three sides by exterior walls of a building.

COURT, DEPTH OF OUTER – The linear average dimension measured from the unenclosed side of the court to the farthest wall thereof.

COURT, WIDTH OF OUTER – The linear dimension of the unenclosed side of the court.

CURB LEVEL – The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

DAY-CARE CENTER – A facility, by whatever name known, which provides custody, care, training or babysitting for three or more children not related to the owner or operator. The term includes but is not limited to facilities commonly known as “day-care centers,” “family day-care centers,” “day nurseries,” “nursery schools,” “preschools” or “babysitting facilities.” [Added 1-21-1985 by L.L. No. 1-1985]

DISH ANTENNA (SATELLITE RECEIVING ANTENNA) – Any parabolic or spherical dish-type antenna, the purpose of which is to receive, but not transmit, microwave or other electronic signals from satellites or other sources for television or radio reception, data transmission, teleconferencing or other types of telecommunication. [Added 12-16-1985 by L.L. No. 11-1985]

DWELLING, ATTACHED – A one-family dwelling having one or two side-party walls constructed on common interior lot lines, situated upon a separate lot, and having private entrances, each contiguous dwelling shall have an undivided ½ interest in each party wall.

DWELLING, MULTIPLE – A building or portion thereof containing three or more dwelling units.

DWELLING, ONE-FAMILY – A detached building containing one dwelling unit only, or one primary dwelling unit and one accessory apartment. [Amended 10-18-1982 by L.L. No. 8-1982]

DWELLING, TWO-FAMILY – A detached building containing two dwelling units only.

DWELLING UNIT – A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space, other than vestibules, entrance or other hallways or porches, or cooking or sanitary facilities in common with any other “dwelling unit.” A boarding or rooming house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing or other similar home or other similar structure shall not be deemed to constitute a “dwelling unit.”

FAMILY – One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five persons, exclusive of domestic servants, not related by blood, marriage or adoption shall not be considered to constitute one “family.”

FLOOR AREA – The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the centerline of party walls separating

two buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building.

**FLOOR AREA, HABITABLE** – All spaces within the exterior walls of a dwelling unit exclusive of garages, cellars, heater rooms, unheated porches and breezeways, but shall include all spaces not otherwise excluded, such as habitable basements, principal rooms, utility rooms, bathrooms and all closets and hallways opening directly into and appurtenant to any rooms within the dwelling unit, and all attic space having a clear height of six feet from finished floor level to pitch of roof rafter and a clear height of seven feet six inches from finished floor level to ceiling level over 50% of the area of such attic space. [Amended 1-21-1985 by L.L. No. 1-1985EN]

**FLOOR AREA RATIO** – The floor area, in square feet, of all buildings on a lot divided by the area of such lot in square feet. For purposes of calculating residential floor area ratio, floor area shall mean habitable floor area.

**FRONTAGE** – In connection with the issuance of a building permit, a minimum of 20 feet abutting directly on an approved street or highway and suitable for ingress and egress of motor vehicles including police cars, fire apparatus, ambulances or emergency vehicles.

**HEIGHT:**

- A. For buildings the front wall of which is within five feet of the street, the vertical distance in feet and in stories measured from the curb level to the highest level of the roof surface of roofs, the slope of which is not more than one inch vertical to one foot horizontal, or the mean point between the eaves and the highest point of the roof if the roof is of any other type.
- B. For buildings located in their entirety more than five feet from the street line, the “height” in feet and in stories shall be established by the Village Engineer in such a way that no building shall be prevented from attaining at least at one point the maximum “height” permitted in the district in which such building is proposed to be erected, such “height” to be measured above the elevation of the pre-construction grade abutting such building at that point.
- C. For one- or two-family dwellings, the vertical distance from the average level of the finished grade along the wall or walls of the building facing the street to the highest level of the roof surface of roofs, the slope of which is not more than one inch vertical to one foot horizontal, or the mean point between the eaves and the highest point of the roof if the roof is of any other type. For purposes of this definition, where the finished ground surface is made by filling, the level of such finished grade shall not be deemed to be more than four feet above the pre-construction grade as determined by the Village Engineer, and as is consistent with the regulations set out in Chapter 120, Excavation, Filling, Topsoil, of the Municipal Code.

**LOT** – Any parcel of land, not necessarily coincident with a lot or lots shown on a map of record, which is occupied or which is to be occupied by a building and its accessory buildings, if any, or by a group of buildings having any land in common and the buildings accessory thereto, if any, together with the required open spaces appurtenant to such building or group of buildings.

**LOT AREA** – The area of a lot measured on the basis of the horizontal distance between lot lines or between a lot line and a street line or between street lines.

**LOT, CORNER** – A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135°. A lot abutting a curved street shall be deemed a “corner lot” if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

**LOT DEPTH** – The minimum distance from the street line of a lot to the rear lot line of such lot.

**LOT LINE** – Any boundary of a lot other than a street line.

LOT LINE, REAR – The lot line generally opposite to the street line.

LOT WIDTH – The average distance between side lot lines measured along two lines parallel to a line connecting the end points of the front lot line and drawn through those two points of the principal building closest to and farthest from the street.

MAIN FLOOR – The largest area found by the projection of a horizontal plane through the habitable floor area which is enclosed by the exterior walls of the building. [Amended 1-21-1985 by L.L. No. 1-1985]

MANUFACTURING – Any process whereby the nature, size or shape of articles or raw materials is changed or where articles are assembled or packaged in quantity.

MIXED OCCUPANCY – A building which has nonresidential use of the street level and residential use of another level or levels. [Added 7-7-1993 by L.L. No. 4-1993]

NONCONFORMING BUILDING OR USE – A building or use lawfully existing at the effective date of this chapter or any amendment thereto which does not conform to the regulations prescribed for the district in which it is situated. [Amended 5-7-1990 by L.L. No. 2-1990]

OPEN SPACE – Any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the conservation of natural or scenic resources. [Added 9-6-1988 by L.L. No. 6-1988]

- A. PASSIVE OPEN SPACE – Space or area left permanently open and undeveloped, save for foot trails or paths. [Added 9-6-1988 by L.L. No. 6-1988]
- B. ACTIVE OPEN SPACE – Space or area which has been set aside and developed for activities, such as playing fields, pools, swimming ponds, tennis courts and skating rinks. [Added 9-6-1988 by L.L. No. 6-1988]
- C. OPEN SPACE, USABLE – An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25% is roofed for shelter purposes only, the minimum dimension of which is 40 feet, and which is available and accessible to all occupants of the building or buildings on said lot for purposes of active or passive outdoor recreation. Accessory building roof space may be substituted for ground space, provided that such space is available and accessible to all said occupants by means of access other than stairs.

RESTAURANT – A business establishment engaged in preparing and serving food and beverages for consumption on the premises, which offers a full food menu and which provides table or counter service for patrons. An establishment shall be classified as a “restaurant” only if more than 50% of its revenues are derived from the service of food, as opposed to the service of alcoholic beverages, the charging of admission fees or any other source of revenue. Excluded from the definition of “restaurant” are business establishments which offer curb service, drive-through window service or any other type of drive-in or drive-through service. [Added 1-23-1995 by L.L. No. 3-1995]

RETAIL STORES – Includes but is not limited to stores pertaining to, connected with or engaged in the sale of commodities in small quantities directly to the general public or ultimate consumer, such as but not limited to beverages, whether alcoholic or nonalcoholic; household maintenance goods; soaps and toiletries; medicines; linen; wearing apparel; household appliances; furniture and furnishings; electric and electronic goods, including radio and television sets and sound and/or light recording and/or reproducing equipment and apparatus; toys; stationery goods; hardware goods; paints; craftsmen’s supplies; notions; and novelty goods.

**SIGN** [Amended 5-7-1990 by L.L. No. 2-1990; 3-19-2001 by L.L. No. 3-2001] – Any structure or part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, pennant, insignia, trademark, device or other representation used as or which is in the nature of an advertisement, announcement, designation, display, attraction or directive not required by law of any person, firm, group, organization, commodity, service, profession or enterprise, when placed in such manner that it provides visual communication to the general public out-of-doors, but not including:

- A. Signs maintained or required to be maintained by law or governmental order.
- B. The flag or insignia of any government or governmental agency.
- C. The flag of any civic, political, charitable, religious, fraternal or similar organization, which is hung on a flagpole or mast.
- D. Religious or other seasonal holiday decorations, which do not contain commercial lettering, wording, designs, symbols or other devices.

**SIGN AREA** [Amended 3-19-2001 by L.L. No. 3-2001] – Includes all faces of a sign measured as follows:

- A. When a sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included. The signage supports which affix the sign to the ground or to a structure shall not be included in the sign area, unless such supports are evidently designed to be part of the sign as defined herein. Where a sign consists of several individual faces, the sign area shall be the aggregate area of all such faces which can be observed from any one point.
- B. When a sign consists only of letters, symbols, designs or figures engraved, painted, projected or in any manner affixed on a wall, the “area” of such sign shall be deemed to be that of the smallest single basic geometric shape (e.g. square, rectangle, triangle or circle) which encompasses all the letters, symbols designs or figures.

**SIGN, FREESTANDING** – A sign which does not depend upon a building for its main support. [Amended 3-19-2001 by L.L. No. 3-2001]

**SIGN, PORTABLE** – Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs designed to be transported on wheels or by other means, blimps, or other similar vessels such as large balloons. [Amended 3-19-2001 by L.L. No. 3-2001]

**STORY** – That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of roof beams.

**STORY, HALF** – Any space partially within the roof framing where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is seven feet six inches or more.

**STREET** – A street shown on the Official Map of the Village of Croton-on-Hudson and improved to the satisfaction of the Planning Board.

**STREET LINE** – The dividing line between a lot and a street.

**STRUCTURAL ALTERATION** – Any change in the supporting members of a building.

**TOWNHOUSE** – A one-family dwelling having one or two side-party walls and having private entrances in a single building on land in common ownership.

**TRAILER** – Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle and equipped to be used for living or sleeping quarters or so as to permit cooking. The term “trailer” shall include such vehicles if mounted on temporary or permanent foundations with the wheels removed. The term “trailer” shall include mobile homes, motor homes, travel trailers, campers and other similar vehicles. [Amended 5-7-1990 by L.L. No. 2-1990]

**USE, ACCESSORY** – A use customarily incidental and subordinate to the main use on a lot, whether such “accessory use” is conducted in a principal or accessory building.

**YARD, FRONT** – An unoccupied ground area fully open to the sky between the street line and line drawn parallel thereto.

**YARD, REAR** – An unoccupied ground area fully open to the sky between the rear lot line and a line drawn parallel thereto. [Amended 5-7-1990 by L.L. No. 2-1990]

**YARD, SIDE** – An unoccupied ground area fully open to the sky between any property line other than a street or rear lot line and a line drawn parallel thereto and between the front and rear yards.