

§ 300-3 Definitions; word usage.

A. General construction of language. All words used in the present tense include the future tense; all words in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. The word "use" shall be deemed also to include "designed, intended or arranged to be used." The word "person" includes any legal entity, as well as an individual. Unless otherwise specified, all distances shall be measured horizontally. The word "Town" means the Town of Yorktown; the term "Town Board" means the Board of Councilmen and the Supervisor of said Town; the term "Board of Appeals" means the Zoning Board of Appeals of said Town; the term "Planning Board" means the Town Planning Board of said Town; the term "Town Plan" means the plan adopted by the Town Planning Board pursuant to § 272-a of the Town Law.

B. Definitions. For the purposes of this chapter, certain words and terms used herein are defined as follows:

ABACA

The Town's Advisory Board on Architecture and Community Appearance.
[Added 5-18-1999 by L.L. No. 7-1999]

ACCESSORY DWELLING UNIT

A subordinate dwelling unit having its own kitchen and bathroom facilities, located within the confines of the main building, including the garage, if attached thereto. A garage or other accessory structure attached to the main building by a breezeway or other covered means shall not qualify as an accessory dwelling unit.[1] [Amended 2-15-1983 by L.L. No. 2-1983; 1-5-1988 by L.L. No. 3-1988]

ADULT BOOKSTORE

A person, establishment or business, whether retail or wholesale, having as more than a minimal portion of its stock-in-trade recordings, books, magazines, periodicals, films, video tapes/cassettes or other viewing materials for sale or viewing on or off the premises which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas. For purposes of this definition, "minimal portion" means 10% of gross sales or receipts for any calendar year. [Added 6-6-1995 by L.L. No. 8-1995]

ADULT ENTERTAINMENT CABARET

A public or private establishment which presents topless dancers, bottomless dancers, strippers, male or female impersonators or exotic dancers or other similar entertainments and which establishment is customarily open to the public generally, but excludes any minor by reason of age. [Added 6-6-1995 by L.L. No. 8-1995]

ADULT MOTEL

A motel which is open to the public generally, but excludes minors by reason of age or which makes available to its patrons in their rooms films, slide shows or videotapes which, if presented

in a public movie theater, would be open to the public generally, but would exclude any minor by reason of age. [Added 6-6-1995 by L.L. No. 8-1995]

ADULT MOTION-PICTURE THEATER

An enclosed or unenclosed building, structure or portion thereof used for presenting materials distinguished or characterized by primary emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas for observation by patrons. [Added 6-6-1995 by L.L. No. 8-1995]

ADULT USE ENTERTAINMENT

Any activity covered by the definitions of "adult bookstore," "adult motion picture theater," "adult entertainment cabaret," "adult motel" and "massage establishment." [Added 6-6-1995 by L.L. No. 8-1995]

ADVERTISING

Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment or real or personal property. [Added 5-18-1999 by L.L. No. 7-1999]

ALTER

To change or rearrange the walls, roof, ceiling, floors, supporting beams, columns, other structural parts, interior plan or layout, the exterior architectural features or the exit facilities of a structure or the moving of a building from one location or position to another, but not including the moving of a house trailer.

AMUSEMENT CENTER

Any place or enclosure in which is maintained or operated for the amusement, patronage or recreation of the public four or more coin-controlled amusement devices of any description and particularly, but not by way of limitation, the type commonly known as "bagatelle," "baseball," "football," "iron claw," "pinball" and "video amusement games." [Added 10-20-1981 by L.L. No. 17-1981]

APPROVAL AUTHORITY

The approval authority with respect to any sign application shall be the Town agency having jurisdiction over the underlying land use application or proceeding. [Added 5-18-1999 by L.L. No. 7-1999]

AREA, BUILDING

The total of areas taken on a horizontal plane at the main grade level of principal buildings and all accessory buildings, exclusive of uncovered porches, parapets and steps.

AREA, SITE

The total horizontal area within the property lines of a site, excluding external streets.

BANQUET HALL

An establishment which is rented by individuals or groups to accommodate private functions, including, but not limited to, banquets, weddings, meetings and other similar celebrations or events as its primary use. Such a use may or may not include: [Added 7-19-2005 by L.L. No. 8-2005]

- (1) Kitchen facilities for the preparation or catering of food.
- (2) The sale of alcoholic beverages for on-premises consumption.
- (3) Outdoor gardens or reception facilities.

BASEMENT

That portion of a building wholly or partly underground which extends no more than four feet above the adjoining finished grade.

BEVERAGE CONTAINER REDEMPTION CENTER

An establishment or business operating within an enclosed building that accepts beverage containers from the public for a fee per container as prescribed by state law and excluding and prohibiting any other household or commercial recycling of any kind.

BOARDINGHOUSE

A dwelling occupied by one family with three or more boarders, roomers or lodgers in the same household, who are lodged with or without meals and in which there are provided such services as are incidental to its use as a temporary residence for part of the occupants. A rooming house or a furnished rooming house shall be deemed a "boardinghouse."

BUILDING

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

(13) C-4 Commercial General District.

(a) Permitted main uses shall be as follows:

[1] The same main uses as for C-3 District.

[2] Bottling works, dry-cleaning and dyeing establishments, frozen food lockers, ice cream plants, laundries, motion-picture or other theaters, except drive-in theaters, and veterinary hospitals.

[3] Any business similar to those above, but not including any use which would be a nuisance to surrounding property because of the emission of smoke, odor or other atmospheric pollutant or excessive noise, vibration or light.

[4] Public garages, provided that no outdoor storage (except vehicles) shall be permitted.

[5] Cabinetmaking, woodworking or carpenter shops; heating, plumbing, ventilating or air-conditioning supply shops; printing, bookbinding or electrical shop; tinsmith or sheet metal shop; or similar commercial service not primarily industrial or manufacturing in nature, but not including any lumberyards or builders' supply yards.

[6] The business of designing, assembling, packaging, engraving, and/or shipping of various electromechanical components, automated equipment, related cabling, as well as mechanical parts and enclosures where the business is to be conducted in an existing building. [Added 2-16-2016 by L.L. No. 3-2016]

{7} Beverage Container Redemption Center

(b) Main uses permitted by special permit shall be as follows:

[1] The same special uses as specified by Subsection C(12)(b) [3], [4], [5], [7], [8] and [9] in the C-3 District. [Amended 8-8-2024 by L.L. No. 7-2024]

[2] Builders' supply yards, lumberyards and contractors' yards.

[3] Hospitals.

[4] Amusement centers as provided in § 300-77.

[5] Automobile sales lot as provided in § 300-71.

[6] Mobile house trailers.

[7] Aboveground fuel storage.

(c) Permitted accessory uses shall be as follows:

[1] The same accessory uses as for the C-2 District.

[2] (Reserved)