

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

Town of North Hempstead

Local Law No. 14 of the year 2006.

A local law amending Chapter 70 Entitled "Zoning."

Be it enacted by the Town Board of the Town of North Hempstead as follows:

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
NOV 30 2006

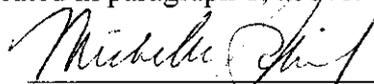
MISCELLANEOUS
& STATE RECORDS

PLEASE SEE ATTACHED:

- 1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 14 of 2006 of the Town of North Hempstead was duly passed by the Town Board on October 3, 2006, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



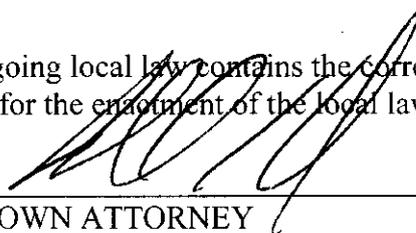
Clerk of the Town legislative body

Date: November 28, 2006

(Seal)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



TOWN ATTORNEY
TOWN OF NORTH HEMPSTEAD

Date: November 28, 2006

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 14 OF 2006**

**A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE, ENTITLED
“ZONING.”**

Section 1. Legislative Intent.

The Town Board of the Town of North Hempstead finds it to be in the best interest of the Town to amend Chapter 70 entitled “Zoning” to allow below-grade parking structures as a conditional use in certain zoning districts.

Section 2.

Chapter 70 of the Town Code is hereby amended by amending Article XII, Section 70-103(P) as follows:

§ 70-103. Off-street parking requirements. [Amended 10-10-1967; 1-30-1973; 8-12-1980 by L.L. No. 11-1980; 12-17-1985 by L.L. No. 13-1985; 3-25-1986 by L.L. No. 3-1986; 7-17-1990 by L.L. No. 5-1990; 12-16-1997 by L.L. No. 25-1997; 10-6-1998 by L.L. No. 16-1998; 6-8-1999 by L.L. No. 7-1999; 10-2-2001 by L.L. No. 8-2001]

P. All parking spaces provided on a site located in the Business AA, Business A, Business B, Service Commercial, Industrial A and Industrial B Districts shall be open-air, ground-level parking except as provided in Section 70-203 herein. No building or structure or portion thereof may be constructed over any parking space except as provided for in Section 70-203(T) herein. [Amended 2-15-2000 by L.L. No. 1-2000]

Section 3.

Chapter 70 of the Town Code is hereby amended by amending Article XV, Sections 70-114 and 70-114.1 and repealing Section 70-114.3 as follows:

§ 70-114. Permitted uses.

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this article and for no other:

A. Bank, hotel, theater other than an open-air drive-in or automobile theater, studio, offices, showrooms, art galleries, church, library, telephone exchange and office, telegraph, cable and radio communication offices. [Amended 5-20-1969]

B. Shops for personal service, which shall include barbershops, beauty shops, shops for repair of clocks, watches and jewelry, tailors, dressmakers, millinery and shoe repair.

C. Retail stores for the sale of dry goods, hardware, clothing, furniture, household furnishings and supplies, sporting goods, toys, stationery, books, optical goods, watches, clocks and jewelry, phonographs, radios, televisions, musical and scientific instruments, art supplies, cameras and photographic equipment and supplies, plants and flowers, drugs and cosmetics, except for retail stores of a type known as "big-box commercial use" as defined in § 70-140B. [Amended 4-4-1995 by L.L. No. 4-1995; 9-27-2005 by L.L. No. 7-2005]

D. Building and outdoor facilities for recreational purposes other than carnivals, professional baseball, football or other professional sports, as approved by the Town Board after public hearing. The outdoor space occupied by such recreational facilities may be included in determining the size of the landscaped areas as may be required in this ordinance. [Amended 2-27-1973]

E. In the event that a retail store for the sale of goods or for community service not mentioned in the preceding sections is desired, application shall be made to the Board of Zoning and Appeals and, if the said Board determines that the use requested is equal to or of higher classification than those mentioned in this Article, such use will be permitted.

F. Accessory uses on the same lot and customarily incidental to any of the above permitted uses, except for accessory drive-through facilities, which shall be subject to the provisions of §70-203(S), and for below grade parking structures, which shall be subject to the provisions of §70-203(T). [Added 1-24-2006 by L.L. No. 2-2006]

§ 70-114.1. Conditional uses. [Added 9-13-1983 by L.L. No. 6-1983; amended 4-4-1995 by L.L. No. 4-1995; amended 6-8-1999 by L.L. No. 7-1999]

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this article when authorized by the Board of Zoning and Appeals pursuant to the provisions of Article XXIV and for no other:

A. The operation of not more than two amusement devices in conjunction with a lawfully established business. No amusement device shall be operated as authorized herein except on the following conditions:

(1) No amusement device shall be located outside of a building.

(2) No amusement device shall be located in any premises within 500 feet of any public, private or parochial school. For the purposes of this section only, the term "public, private or parochial school" shall not include schools whose students are primarily over the age of 18 years or are high school graduates.

(3) An amusement device may be operated only between the hours of 9:00 a.m. and 9:00 p.m. This limitation shall not apply to amusement devices located in bars, inns, diners, taverns and bowling alleys.

B. Restaurants, or retail grocery, delicatessen or other store primarily selling food items packaged in units of more than one portion for consumption off the premises.

C. Senior day-care facilities.

(1) Senior day-care facilities shall provide means for the dropoff and pickup of clients in a manner which does not interfere with the orderly flow of traffic.

D. Nursing homes.

E. Child care, nursery school or similar facility, subject to the standards and requirements set forth in § 70-203.1 of this chapter. [Added 10-2-2001 by L.L. No. 8-2001]

§ 70-114.3. Repealed

Section 4.

Chapter 70 of the Town Code is hereby amended by amending Article XVI, Sections 70-125 and 70-126, and repealing Section 70-126.1 as follows:

§ 70-125. Permitted uses. [Amended 1-9-1968; 5-20-1969; 1-21-1975 by L.L. No. 1-1975; 6-8-1999 by L.L. No. 7-1999]

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this article and for no other:

- A. Offices, financial institution.
- B. Retail store, except those listed in § 70-126B and F and stores of the type known as "farmers' markets" and stores of a type known as "big-box commercial use" as defined in § 70-140B. [Amended 9-27-2005 by L.L. No. 7-2005]
- C. Sale or repair of jewelry, watches, clocks or optical goods, musical, professional or scientific instruments.
- D. Shops for personal services, including beauty shops, barbershops, self-service laundrettes, and dry cleaning pickup shops.
- E. Hand laundry, custom tailoring, hand dressmaking, millinery, shoemaking and repairing.
- F. Employment office.
- G. Funeral homes, funeral directing and embalming.
- H. Greenhouse; flower shops.
- I. A regularly organized institution of learning approved by the State Board of Regents and supported by public funds.
- J. A public library, public art gallery, public museum, municipal or volunteer firehouse, municipal park for recreational use, railway passenger station.
- K. Church or other building used for religious purposes.
- L. Parish house, parochial school, private school.
- M. Philanthropic or eleemosynary uses or institutions other than correctional institutions.
- N. Hospital or sanatorium except those prohibited under § 70-207.
- O. Nursing home.
- P. Clubhouse, fraternity house, lodge, golf house or other recreational building.
- Q. Public utility.
- R. Government or municipal buildings, regardless of whether said buildings are erected for the purpose of discharging governmental or corporate functions.
- S. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, except for accessory drive-through facilities, which shall be subject to the provisions of §70-203(S), and for below grade parking structures, which shall be subject to the provisions of §70-203(T). [Amended 1-24-2006 by L.L. No. 2-2006]
- T. Buildings and uses provided in § 70-125J to S, inclusive, shall conform to the provisions of Article VI as to height, plot areas, lot coverage and open spaces. [Amended 12-14-1999 by L.L. No. 14-1999]
- U. Dry-cleaning establishments employing a maximum of five workers, and provided that the dry-cleaning equipment utilizes nonflammable fluids and bears the approval of the Fire Underwriters' Laboratory.

V. Mixed-use buildings within the New Cassel Urban Renewal Area. [Added 9-30-2003 by L.L. No. 12-2003]

§ 70-126. Conditional uses. [Amended 1-9-1968; 5-20-1969; 6-23-1970; 1-21-1975 by L.L. No. 1-1975; 2-1-1977 by L.L. No. 2-1977; 9-13-1983 by L.L. No. 6-1983; 6-8-1999 by L.L. No. 7-1999]

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this article when authorized by the Board of Zoning and Appeals pursuant to the provisions of Article XXIV and for no other:

A. Hotel, as defined in § 70-231 of Article XXV of this chapter; theater other than an open-air, drive-in or automobile theater; restaurant other than a diner and/or lunchwagon; and bar and grill.

B. Retail store for storage, sale or distribution of ice, coal, wood, used lumber, used plumbing equipment, material or fittings, used household equipment or materials, used automotive parts, equipment or supplies, live poultry markets.

C. Pet shops.

D. Parking space for the parking, storage and sale of automobiles.

E. Commercial parking lot.

F. Retail grocery, delicatessen or other store primarily selling food items packaged in units of more than one portion for consumption off the premises.

G. The operation of not more than two amusement devices in conjunction with a lawfully established business. No amusement device shall be operated as authorized herein except on the following conditions:

(1) No amusement device shall be located outside of a building.

(2) No amusement device shall be located in any premises within 500 feet of any public, private or parochial school. For the purposes of this section only, the term "public, private or parochial school" shall not include schools whose students are primarily over the age of 18 years or are high school graduates.

(3) An amusement device may be operated only between the hours of 9:00 a.m. and 9:00 p.m. This limitation shall not apply to amusement devices located in bars, inns, diners, taverns and bowling alleys.

H. Accessory parking in a greater restricted district in accordance with the following and subject to such other conditions and safeguards as the Board may impose. Where a plot in a Business A District in single ownership at the effective date of this ordinance extends in depth beyond the said district into a greater restricted district, the rear portion of said plot extending into the greater restricted district may be used for accessory parking for the building erected and the use maintained on the front portion of said plot. Such accessory use, however, shall not extend to a depth greater than 200 feet when measured from the front property line of said plot, nor shall it extend to a point where the rear boundary line will be less than 100 feet from the front property line of an adjoining plot fronting on a residential street and situated in a residence district. In no event shall any part of such area permitted to be used for accessory parking be used for the storage or abandonment of any article.

I. Senior citizen facilities, including the following. A single building may contain any combination of the senior citizen facilities listed below.

(1) Senior independent-living facilities.

(2) Senior congregate-living facilities.

(3) Senior assisted-living facilities.

(4) Senior day-care facilities.

J. Accessory uses for senior citizen facilities. Senior citizen facilities and nursing homes may contain or provide uses necessary to and customarily incidental to such facilities where such uses are limited to use by residents, their guests and employees, as follows:

(1) All accessory uses, as set forth in Article VIII, applicable to Multiple Residence Districts.

K. Child care, nursery school or similar facility, subject to the standards and requirements set forth in § 70-203.1 of this chapter. [Added 10-2-2001 by L.L. No. 8-2001]

§ 70-126.1. Repealed

Section 5.

Chapter 70 of the Town Code is hereby amended by amending Article XVII, Sections 70-138 and 70-139, and repealing Section 70-139.1 as follows:

§ 70-138. Permitted uses.

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this Article and for no other:

A. All permitted uses set forth in Article XVI applicable to Business A Districts.

B. Shops for carpenters, hand cabinetmaking, furniture repair or upholstery, electrical work, hand metalworking, blacksmith, tinsmith, new and unused plumbing, gas, steam or hot water fittings, bicycle repair.

C. Barber, drafting, hairdressing or secretarial schools.

D. Medical or dental laboratories.

E. Radio or television studios.

F. Research laboratories in electronics or precision instruments.

G. Accessory uses on the same lot and customarily incidental to any of the above permitted uses, except for accessory drive-through facilities, which shall be subject to the provisions of §70-203(S), and for below grade parking structures, which shall be subject to the provisions of §70-203(T). [Added 1-24-2006 by L.L. No. 2-2006]

§ 70-139. Conditional uses. [Amended 9-13-1983 by L.L. No. 6-1983; 6-8-1999 by L.L. No. 7-1999]

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this Article, when authorized by the Board of Zoning and Appeals pursuant to the provisions of Article XXIV and for no other:

A. All conditional uses set forth in Article XVI applicable to Business A Districts.

B. Building used for storage and sale of materials at wholesale, provided that the materials handled are of the same general character as those permitted to be sold at retail in a Business B District.

C. Animal hospital, dog kennel, livery stable.

D. Creamery, butter or cheese making, milk or other bottling or distributing station.

E. Newspaper or job printing, bookbinding.

F. Manufacturing of articles not prohibited under Article XIX when carried on in existing buildings and when adequate provision is made for off-street parking.

G. Places of amusement and recreation areas as follows:

- (1) Bowling alleys.
- (2) Billiard hall.
- (3) Skating rink.
- (4) Miniature golf.
- (5) Batting or golf driving range.
- (6) Kiddie amusement center, except go-cart, trampoline, midget auto uses or amusement arcades.

H. Automatic car wash carried on in an enclosed building, subject to the provisions of §70-203(S). [Amended 1-24-2006 by L.L. No. 2-2006]

I. Accessory building on the same lot with and customarily incidental to any of the above permitted uses in accordance with a plot plan approved by the Board of Zoning and Appeals. [Amended 1-24-2006 by L.L. No. 2-2006]

J. Senior citizen facilities, including the following. A single building may contain any combination of the senior citizen facilities listed below.

- (1) Senior independent-living facilities.
- (2) Senior congregate-living facilities.
- (3) Senior assisted-living facilities.
- (4) Senior day-care facilities.

K. Accessory uses for senior citizen facilities. Senior citizen facilities and nursing homes may contain or provide uses necessary to and customarily incidental to such facilities where such uses are limited to use by residents, their guests and employees, as follows:

- (1) All accessory uses, as set forth in Article VIII, applicable to Multiple Residence Districts.

§ 70-139.1. Repealed

Section 6.

Chapter 70 of the Town Code is hereby amended by amending Article XIX, Sections 70-172 and 70-172.1, and repealing Section 70-172.2 as follows:

§ 70-172. Permitted uses.

In the Industrial A District, a building may be erected, altered or used and a lot or premises may be used for the following uses and no other:

A. Laboratories for scientific and industrial research, testing and development, excluding basic chemical and nuclear research and testing installations.

B. Office buildings and banking institutions, provided that such banking institutions are located within the structure of an office building and do not occupy more than 25% of the main floor area of such structure.

C. Warehousing and distributing plant, but not including the outdoor storage of goods or materials.

D. Light industrial uses in which the principal activity shall be the manufacture, intermediate processing or assembly of goods for consumer use, or the storage or distribution of such goods, as follows:

- (1) Storage or distribution of food products, including beverage blending or bottling, bakery products, and manufacture of ice cream and dairy products, but not including distillation of

beverages or slaughtering and meat-packing.

(2) Manufacture of textiles and clothing.

(3) Publishing, printing and bookbinding.

(4) Manufacture or assembly of furniture and cabinets.

(5) Manufacture or assembly of toys, games, musical instruments, watches, clocks.

(6) Manufacture, assembly or repair of mechanical, optical, photographic, scientific, electrical or electronic instruments or components.

(7) Compounding of cosmetics and pharmaceuticals.

E. Municipal or Town use.

F. Uses clearly accessory and incidental to a permitted use, including but not limited to the following:

(1) Buildings for the storage of materials necessary to a permitted use and architecturally harmonious with the general site development.

(2) Employee cafeteria or employee restaurant within the main building.

(3) Overnight storage of commercial vehicles out-of-doors, subject to the issuance of a special use permit by the Town Board.

(4) Accessory drive-through facilities, subject to the provisions of §70-203(S). [Added 1-24-2006 by L.L. No. 2-2006]

(5) Accessory below grade parking structures, subject to provisions of §70-203(T).

§ 70-172.1. Conditional uses. [Added 4-28-1987 by L.L. No. 10-1987]

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in the following subsections only when authorized by the Board of Zoning and Appeals pursuant to the provisions of Article XXIV.

A. Health club.

B. Restaurant serving the general public.

C. Child care, nursery school or similar facility, subject to the standards and requirements as set forth in § 70-203.1 of this chapter. [Added 10-2-2001 by L.L. No. 8-2001]

§ 70-172.2. Repealed

Section 7.

Chapter 70 of the Town Code is hereby amended by amending Article XIX, Sections 70-187, 70-188 and 70-189 as follows:

§ 70-187. Conditional uses.

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in the following sections only when authorized by the Board of Zoning and Appeals pursuant to the provisions of Article XXIV.

A. Bag-cleaning establishment.

B. Brick, pottery, tile, concrete block or terra-cotta manufacture, transit mix hopper or hopper for the storage and/or manufacture of sand, stone, cement or gravel or other materials used for the processing or manufacture of concrete mix.

C. Burlap manufacture.

D. Carpet-cleaning establishment.

- E. Dismantling of motor vehicles, storage and sale of used parts, only when carried on within an enclosed building.
- F. Dry-cleaning establishment conforming to the requirements of § 70-203R. [Amended 5-19-1998 by L.L. No. 10-1998]
- G. Paper and pulp manufacture.
- H. Perfume and extract manufacture.
- I. Plating works.
- J. Sausage manufacture.
- K. Storage or baling of scrap paper, iron, bottles, rags or junk, only when carried on within an enclosed building.
- L. Tobacco manufacture or treatment.
- M. Central station power plant.
- N. Gas; illuminating or heating, manufacture or storage, in excess of 10,000 cubic feet.
- O. The operation of not more than two amusement devices in conjunction with a lawfully established business. No amusement device shall be operated as authorized herein except on the following conditions: EN [Added 9-13-1983 by L.L. No. 6-1983]
 - (1) No amusement device shall be located outside of a building.
 - (2) No amusement device shall be located in any premises within 500 feet of any public, private or parochial school. For the purposes of this section only, the term "public, private or parochial school" shall not include schools whose students are primarily over the age of 18 years or are high school graduates.
 - (3) An amusement device may be operated only between the hours of 9:00 a.m. and 9:00 p.m. This limitation shall not apply to amusement devices located in bars, inns, diners, taverns and bowling alleys.
- P. Accessory building on the same lot with and customarily incidental to any of the above permitted uses in accordance with a plot plan approved by the Board of Zoning and Appeals. [Amended 1-24-2006 by L.L. No. 2-2006]
- Q. Food service. [Added 12-3-1985 by L.L. No. 12-1985]

§ 70-188. Additional conditional uses.

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in the following section when authorized by the Town Board:

- A. Storage or sale of petroleum or other inflammable liquids; bulk storage of inflammable liquids.

§ 70-189. Accessory uses.

- A. Accessory uses on the same lot with and customarily incidental to any permitted use will be allowed, except for accessory drive-through facilities, which shall be subject to the provisions of §70-203(S), and for below grade parking structures, which shall be subject to the provisions of §70-203(T). [Amended 1-24-2006 by L.L. No. 2-2006]
- B. Signs, as permitted by the provisions of Article XXI.

Section 8.

Chapter 70 of the Town Code is hereby amended by amending Article XXII by adding Section 70-203(T) as follows:

§ 70-203. Public health, safety and general welfare. [Amended 7-26-1966; 12-3-1985 by L.L. No. 12-1985; 3-25-1986 by L.L. No. 3-1986]

T. Below Grade Parking Structures.

- (1) No permits for the construction or alteration of a below grade parking structure shall be issued without first obtaining approval from the Town Board after a public hearing.
- (2) In considering applications for approval hereunder, the Town Board shall consider the general standards set forth herein, and in § 70-225B(1) of this Code and shall also follow the review procedures and requirements listed in § 70-219.
- (3) Below Grade Parking Structures shall be subject to the following requirements:
 - (a) A below grade parking structure may be permitted provided it is demonstrated that it will reduce adverse visual impacts to adjoining properties; that the amount of surface paving will be reduced; or that the below grade structure is necessitated by existing topographical conditions.
 - (b) The number of levels below grade shall not exceed three nor a maximum depth of thirty-five feet.
 - (c) The minimum vertical distance between the bottom of the foundation slab or footing and the groundwater table shall be not less than ten feet. The groundwater table elevation shall be determined by not less than five soil borings, generally one at each corner of the foundation and one at the center of the parking structure.
 - (d) Vehicular access ramps shall not face adjoining residential properties nor shall access and egress drives be located on a residential street.
 - (e) In the case of partially below-grade structures, parked vehicles shall be shielded from public view by structural walls.
 - (f) Non-residential buildings in which some or all of their required parking spaces are located in below-grade structures shall be subject to the following maximum floor area ratios:

Warehouse, industrial	0.60
Hotel, institutional	0.95
Retail, general business:	0.45
General office:	0.40
Medical office:	0.33

Restaurant, public assembly 0.30

- (g) All parking spaces shall be clear of columns or other projections and shall conform to the minimum dimensional standards set forth in § 70-103. A minimum vertical clearance of seven (7') feet must be provided for all drive aisles and parking spaces. If loading areas are provided for in a below-grade parking structure, than the minimum vertical clearance shall be fifteen (15') feet in accordance with the provisions of § 70-103.F.
- (h) Parking spaces and access aisles shall not exceed a maximum gradient of 3%. Access ramps to the exterior and between parking levels shall not exceed a maximum gradient of 8%.
- (i) A mechanical ventilation system is required for all below-grade parking structures in accordance with the *Mechanical Code of New York State*. Exhaust openings shall not be permitted on any side of the parking structure adjoining a residence district.
- (j) Below-grade parking structures must be equipped with 24-hour closed-circuit television (CCTV) security cameras. Security cameras may be either monitored or recorded, but must cover all public entrances and exits and at least half the parking area. Recordings from security cameras shall be maintained for a minimum of thirty days and shall be made available to police if requested. It shall be the responsibility of the owner to install, maintain and operate the security cameras, however, it shall be within the sole discretion of the owner to determine whether personnel shall be assigned to monitor the cameras in real time.
- (k) The Town Board may permit valet parking to be provided within a below grade parking structure, subject to the following requirements:
 - [1] Parking stall and aisle dimensions shall be required to be shown on the site plan.
 - [2] Valet parking spaces need not be immediately accessible provided spaces are arranged so that no more than two (2) parking spaces would be crossed in the parking of any vehicle.
 - [3] The owner of the parcel proposed for development submit a valet parking agreement to the Town which includes the following:
 - i. a legal description of the parcel where the below grade parking structure will be located;
 - ii. the total number of valet parking spaces to be provided;
 - iii. the restriction that attendants will be provided one hundred percent (100%) of the operating hours of the principal use.
 - iv. The valet parking agreement shall be approved as to form by the office of the Town Attorney and shall be recorded in the public records of Nassau County at the owner's expense.

- v. The valet parking agreement shall be considered a restriction running with the land and shall bind the heirs, successors and assigns of said owner.
- (4) When an application for a proposed development is subject to site plan review in accordance with the provisions of § 70-219, an application to permit a below-grade parking structure, as defined in § 70-231, shall be filed simultaneously and will be reviewed by the Town Board in consolidated proceedings with the site plan approval.

Section 9.

Chapter 70 of the Town Code is hereby amended by amending Section 70-231 as follows:

§ 70-231. Definitions.

For the purpose of this ordinance, the terms used herein are defined as follows:

ABATTOIR -- A slaughterhouse for the slaughtering of livestock other than poultry.

ACCESSORY BUILDING OR USE -- A subordinate building or use customarily incidental to and located on the same lot occupied by the main building or use.

AFFORDABLE SENIOR CITIZEN FACILITY [Added 6-8-1999 by L.L. No. 7-1999] -- A residential dwelling unit made available for sale or rent such that the shelter portion of the housing cost is below the market price of such units, to be determined as follows:

A. Units for rent. Rent shall not exceed 80% of the county median income, as determined by the United States Department of Housing and Urban Development (HUD), times 30%.

B. Units for sale. Sales price shall not exceed 45% of the average sales price of single-family homes in the county for the prior 12 months, and be for sale to households whose income is 80% of the county median income as determined by HUD.

AGRICULTURE -- The cultivation of the soil for food products or other useful or valuable growths, crops or products of the field or garden, tillage or husbandry, but shall not include dairying, raising of livestock, fowls or birds where the same is carried on as a gainful operation.

ALTERATION -- As applied to a building or structure, the change or rearrangement of the structural parts or any enlargement, whether by extending on any side or by increasing in height, or the moving from one location to another. It does not include ordinary repairs to buildings or structures.

AMUSEMENT ARCADE -- Any premises where three (3) or more amusement devices are available for operation. [Added 9-13-1983 by L.L. No. 6, 1983]

AMUSEMENT DEVICE -- Any coin or token-operated machine, apparatus or contrivance which is used or which may be used as a game of skill or amusement wherein or whereby the player initiates, employs or directs any force or action to, or generated by, the machine, including, but not limited to billiard tables; casino-type games; computerized games; electronic bowling; electronic shuffleboard; pinball machines; shooting galleries; and skill boards. "Amusement devices," for the purpose of this local law, shall not include bowling alleys and duckpin bowling alleys. [Added 9-13-1983 by L.L. No. 6, 1983]

ATTIC -- The space between the ceiling joists of the top story and the roof rafters. An "attic" shall not be used or occupied as living or sleeping quarters.

BAR AND GRILL -- Any business use in which the primary service offered is the sale of

alcoholic beverages for consumption on the premises, regardless of whether food is also served and entertainment of any type is offered. [Added 2-1-1977 by L.L. No. 2, 1977]

BASEMENT -- That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building. [Added 2-19-1991 by L.L. No. 5-1991; amended 12-14-1999 by L.L. No. 14-1999]

BELOW GRADE PARKING STRUCTURE – An accessory use in which the final paved surface is located more than twenty-four inches below the preexisting grade of a building site, and that provides for the parking of vehicles, including drive aisles, and which may include loading areas.

BILLBOARD or POSTER PANEL -- A sign erected and maintained by an outdoor advertiser.

BLOCKFRONT – The street and the space surrounding it, including the buildings and open space fronting on both sides of the streets.

BUILDING -- A combination of materials other than a structure to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residence, business or storage purposes; the term "building" shall be construed as if followed by the words "or part thereof."EN

BUILDING DEPARTMENT -- The Building Department of the Town of North Hempstead.

BUILDING HEIGHT -- The vertical distance measured from the average level of the preexisting grade at the perimeter of the building to the highest point of the roof. [Amended 2-26-1985 by L.L. No. 4-1985; 12-14-1999 by L.L. No. 14-1999; 6-25-2002 by L.L. No. 9-2002]

BUILDING OFFICIAL -- The officer or other person specifically charged by the Town Board with the administration and enforcement of this ordinance, or his duly authorized representative.

CELLAR -- That portion of a building with half or more of its floor-to-ceiling height below the average level of the adjoining ground. A "cellar" shall not be used or occupied as living or sleeping quarters.

CHILD-CARE FACILITY -- Any program or facility providing care for children for more than three hours but less than 24 hours per day per child on a regular basis away from the child's residence, in which care is provided by someone other than the parent, step-parent, guardian, or other relative within the third degree of consanguinity of the parent or step-parent. [Added 10-2-2001 by L.L. No. 8-2001]

A. This definition shall apply whether or not care is given for compensation.

B. This definition shall include any facility that provides child-care services as defined in § 390 of the New York State Social Services Law.

C. This definition shall not include child-care facilities located in private dwellings and multiple-dwelling units licensed and operated in accordance with the regulations set forth by the New York State Office of Children and Family Services.

D. Medical care or delinquency correction may not be the principal use of the facility.

E. Child-care facilities shall be licensed by and operated in accordance with the regulations set forth by the New York State Office of Children and Family Services.

COMMERCIAL PARKING LOT -- Any lot or premises, other than one owned or maintained by the municipality, used for parking automobiles or other motor vehicles by the public upon the payment of a fee, whether or not such use is an accessory use.

CONVENIENCE STORE – A retail sales area that offers for sale prepackaged food or beverages for off-site consumption. Such retail sales area shall not exceed seven hundred fifty (750) square feet, including the cashier area. A convenience store shall co-locate or coexist only with a

gasoline service station or automobile service station, and only as approved by the Town Board.

CORNER LOT -- A lot situated at the intersection or junction of two or more streets.

COURT -- A required open and unoccupied space on the same lot and enclosed on at least three sides by walls of a building.

DEPARTMENT OF HEALTH -- The Department of Health of the County of Nassau and any other Health Board or department established pursuant to the laws of the State of New York and entrusted with the regulations, control and/or supervision of matters pertaining to and affecting the public health in the Town of North Hempstead.

DEPTH OF A LOT -- The mean distance from the street line of the lot to its opposite rear line, measured along the side lines of the lot.

DISPLAY SURFACE -- The total number of square feet of sign space on one side of a sign, exclusive of moldings.

DRIVE-THRU FACILITY -- A business, establishment, building or other structure intended, in whole or in part, to accommodate in-vehicle customer service. Such facilities shall also include, but not be limited to, establishments such as drive-thru oil change and/or car wash operations which utilize a drive-thru lane or lanes, but perform their services while customers wait outside their motor vehicles, and establishments that provide in-vehicle customer service via a free-standing box.

DWELLING -- A building containing not more than two dwelling units occupied principally for residential uses. [Added 2-19-1991 by L.L. No. 5-1991]

DWELLING UNIT -- A portion of a row dwelling housing not more than one family.

EAVE HEIGHT -- The top of the uppermost wall plate, as measured from the average level of the preexisting grade at the perimeter of the building. [Added 6-25-2002 by L.L. No. 9-2002]

ELEEMOSYNARY -- A not-for-profit organization, public or private, primarily engaged in charitable activities or primarily supported by charitable contributions. [Added 3-12-2002 by L.L. No. 2-2002]

ERECTED -- Includes constructed, reconstructed, altered, placed or moved.

EXISTING BUILDING -- A building erected prior to the effective date of this ordinance.

FAMILY -- One individual or a collective group of individuals either: [Amended 10-15-1968; 1-28-1997 by L.L. No. 2-1997EN]

A. Related to each other by blood, marriage or adoption who live together in the same dwelling unit, cook together and function as a single, stable housekeeping unit with common access to all rooms and facilities; or

B. Not related by blood, marriage or adoption but who together constitute the functional equivalent of a natural family, all living together in the same dwelling unit, cooking together and generally functioning as a single, stable housekeeping unit, all with common access to all rooms and facilities, with no member or members of such group subletting, subleasing or otherwise controlling any part of the dwelling separately from the others. EN

FOOD SERVICE -- See definition of "restaurant" contained in this section. [Added 3-25-1986 by L.L. No. 3, 1986]

FRONT OF BUILDING -- On an interior lot, the exterior wall facing the street. The "front of a building" on a corner lot is the exterior wall where the main entrance is established.

FRONT STREET -- The street upon which a lot abuts. If a lot abuts upon more than one (1) street, it means the street upon which the lot has the most frontage in an application for a building permit.

FRONT YARD -- A yard across the full width of the lot extending from the front line of the building to the front line of the lot measured between the side property lines.

GASOLINE SERVICE STATION or AUTOMOBILE SERVICE STATION (used synonymously in this chapter) -- The use of premises for the dispensing of motor fuels, lubricants and other materials used in the operation of motor or other vehicles and/or where minor repairs to motor or other vehicles are made. [Amended 12-31-1974 by L.L. No. 22, 1974; 2-1-1977 by L.L. No. 2, 1977]

GASOLINE SERVICE STATION/CONVENIENCE STORE -- The co-location of a gasoline service station and a convenience store. No use other than a convenience store may coexist or co-locate with a gasoline service station. A gasoline service station/convenience store contains a convenience store that offers for sale prepackaged food or beverages for off-site consumption, in conjunction with the sale of automotive fuel. Other prepackaged goods, household items, automotive fluids and wiper blades, automotive cleaning supplies, oils, waxes and windshield fluids, newspapers, magazines may also be sold at a gasoline service station/convenience store.

GROSS FLOOR AREA (NONRESIDENTIAL) -- The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured from the exterior faces of the walls of each such floor, including roofed porches having more than one (1) wall. The "gross floor area" of accessory buildings shall include the floor area of accessory buildings on the same lot, measured the same way. In computing the "gross floor area," there shall be excluded any floor area of a story whose ceiling is less than four (4) feet above grade at the nearest building line and attic space having a headroom of less than seven (7) feet, provided that those areas are non-habitable and are used for storage or mechanical equipment. [Added 12-17-1985 by L.L. No. 13, 1985; amended 3-25-1986 by L.L. No. 3, 1986]

GROSS FLOOR AREA (RESIDENTIAL) -- The sum of the gross horizontal area of all floors or stories of a dwelling as measured to the outside surfaces of exterior walls as well as attached garages, enclosed porches and roofed porches having more than 50% of the perimeter enclosed or screened and basements with ceiling heights in excess of eight feet. Attics and cellars shall be excluded from the gross floor area. The gross floor area of detached garages greater than 300 square feet shall be included in their entirety. Gross floor area in dwellings for areas exceeding 10 feet in height shall be counted at 1.5 times the actual floor area. [Added 2-19-1991 by L.L. No. 5-1991; amended 12-14-1999 by L.L. No. 14-1999; 3-11-2003 by L.L. No. 1-2003]

GROUND OR FIRST STORY -- The lower story entirely above the average level of the ground surrounding a building.

GROUND SIGN and POLE SIGN -- A "ground sign" is one securely fastened to the ground by means of two or more supporting posts. A "pole sign" is one attached to the upper part of a single pole securely fastened to the ground.

GROUP GARAGE -- A building one story in height divided into separate units or with a common means of access, used for the storage of noncommercial automobiles, but not used for servicing or making repairs to automobiles.

HABITABLE FLOOR AREA IN A DWELLING -- Rooms occupiable by one or more persons for living, eating and/or sleeping, but not including garages, open porches or terraces, or rooms in cellars. On the first floor, it shall be construed to mean all finished floor area having a clear headroom of 7 ½ feet or over, including stairwells; on all floors above the first, it shall include all finished or unfinished floor area having a clear headroom of 7 ½ feet or over for a minimum horizontal measurement of six feet, including all floor area with a height of 5 ½ feet or greater. [Amended 12-14-1999 by L.L. No. 14-1999; 3-11-2003 by L.L. No. 1-2003]

HALF STORY -- A half story is that part of any building above a story and having at least two

opposite exterior walls meeting a sloping roof at a level no higher above the floor than ½ the floor to ceiling height of the story below. [Added 12-14-1999 by L.L. No. 14-1999]

HIOTEL -- A commercial building primarily for transient guests, consisting of three (3) or more stories and having only one (1) dining room and one (1) kitchen for the serving of food to be consumed primarily in said dining room.

INDUSTRIAL PARK -- A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. [Added 12-17-1985 by L.L. No. 13, 1985]

INDUSTRY -- The manufacturing, fabricating, finishing, assembly, treating or processing of articles to be sold at wholesale or retail on a scale exceeding a maximum of five (5) horsepower and requiring more than five (5) operators.

INTERIOR LOT -- A lot other than a corner lot.

JUNKYARD -- The use of any space, whether open or enclosed, for the collecting, handling, sale, discarding, wrecking, salvage, storage, keeping or abandonment of worn, salvaged, dismantled, used or discarded wastepaper, junk, rags, scrap, metals, materials, articles, equipment, machinery, vehicles inoperative or not intended to be repaired or any parts thereof.

LANDBANKED PARKING AREA -- A designated area or areas on a plot specifically allocated and designed for parking but which is not immediately developed as such. The location of landbanked parking areas shall be in conformance with all restrictions relating to required parking and to any other restrictions specified within this chapter or by any decision of a board or commission having jurisdiction over a specific application. [Added 6-8-1999 by L.L. No. 7-1999]

LODGE -- A building used by fraternal organizations.

LOT -- Includes plot, tract, premises or parcel of land with or without buildings or structures located thereon, as surveyed and apportioned for sale or other purpose.

LOT AREA -- The area of a lot measured within the boundaries thereof.

LOT COVERAGE -- The area of the maximum horizontal cross section of the buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than 24 inches, steps, one-story open porches, bay windows extending not more than one story and projecting not more than five feet, balconies and terraces. [Added 12-14-1999 by L.L. No. 14-1999]

MAIN BUILDING -- The building which houses the principal purpose for the utilization of the lot, as permitted under this ordinance.

MIXED USE -- The combination of retail or office use, accessible to the public, with residential use in the same structure. [Added 9-30-2003 by L.L. No. 12-2003]

MOTHER-DAUGHTER RESIDENCE [Added 4-28-1987 by L.L. No. 10-1987; amended 5-21-1997 by L.L. No. 9-1997]

A. A one-family home or residence altered to include an apartment for which a conditional use permit shall have been duly approved by the Board of Zoning and Appeals pursuant to § 70-225B(6) and which complies with the following conditions:

- (1) The apartment is no larger than 700 gross square feet;
- (2) The cooking facilities in the apartment do not exceed 60 square feet;
- (3) The fee owner resides within the premises;
- (4) The apartment resident is either the parent or the child of the fee owner;
- (5) The premises do not have a separate entrance for the exclusive use of the apartment;
- (6) There is no exterior stairway to the second floor of the building;
- (7) The premises have only one set of stairs leading from any one floor to any other floor;

(8) The premises are served by only one meter for each utility supplied; and

(9) There is no exterior deck attached to any floor above ground level.

B. If any of the conditions listed above cease to exist, then the premises shall cease to be a mother-daughter residence, the conditional use permit shall expire immediately and the cooking facilities shall be removed in accordance with § 70-225B(6).

MOTOR VEHICLE REPAIR SHOP -- A use or building or portion of a building in which mechanical, electrical or other similar power is used in the repair of motor vehicles or in which commercial motor vehicle repair work is done.

MULTIPLE-FAMILY DWELLING -- A residence building accommodating three or more families living independently of each other and allowed to do their own cooking on the premises.

NEW CASSEL URBAN RENEWAL PLAN -- The urban renewal plan, as same may be amended from time to time, formulated and considered in accordance with Article 15 of the General Municipal Law, and approved by the Town Board of the Town of North Hempstead at its meeting held on August 12, 2003, pursuant to Resolution No. 280-2003. [Added 9-30-2003 by L.L. No. 12-2003]

NONCONFORMING BUILDING OR USE -- One that does not conform to the regulations of the district in which it is situated.

NURSERY SCHOOL -- A social and educational program, not located in a private residence, that provides care for three to five year olds, and often follows a school-year schedule. Care is restricted to a maximum of three hours per day per child. [Added 10-2-2001 by L.L. No. 8-2001]

NURSING HOME -- A skilled nursing facility licensed by the State of New York to provide full-time convalescent or chronic health care under medical supervision to individuals of any age who are unable to fully care for themselves, but not including facilities for surgical care or institutions dedicated to the care and treatment of mental illness, alcoholism or narcotics addiction. No nursing home shall contain any uses other than those permitted pursuant to applicable regulations of the State of New York and the nursing home's operating certificate issued pursuant thereto. [Added 6-8-1999 by L.L. No. 7-1999]

OPEN PORCH -- A roofed open structure projecting from the outside wall of a building without a window sash or any other form of enclosure. [Amended 12-14-1999 by L.L. No. 14-1999]

OPEN SPACE -- The area on a lot that is not covered by structures or paving for parking of automobiles and the access to that parking. Open space includes all landscaped area and patios on grade. [Added 12-14-1999 by L.L. No. 14-1999]

PARKING SPACE -- The off-street paved or surfaced area available and usable for the parking of one (1) motor vehicle, having dimensions of not less than ten by twenty (10 x 20) feet, exclusive of aisles, driveways, passageways and other necessary space appurtenant thereto and having direct usable access to a street. In satisfying the off-street parking requirements as set forth in § 70-103, for nonmedical office use and industrial use, up to but not exceeding twenty percent (20%) of the off-street parking spaces may have dimensions of not less than nine by eighteen (9 x 18) feet and shall be so designated. With respect to all other uses, all off-street parking spaces must have dimensions of not less than ten by twenty (10 x 20) feet. Whenever parking requirements are calculated on the basis of floor area or space, all calculations should be made using the gross floor area, as defined in § 70-231. [Amended 8-12-1980 by L.L. No. 11, 1980; 12-17-1985 by L.L. No. 18, 1985]

PERSON -- Includes individual, firm, corporation, partnership, association or other agency of voluntary action.

PORTABLE SHED -- A structure of no more than one hundred (100) square feet, with a

maximum height of ten (10) feet, not having a firm attachment to the ground, for the storage of garden and recreational equipment. [Added 3-25-1986 by L.L. No. 3, 1986]

PREEXISTING GRADE -- The elevation of the land prior to commencement of any alteration, grading or construction at the premises. [Added 3-18-1997 by L.L. No. 6, 1997]

PREMISES -- Includes the land and all buildings or structures thereon.

PRIVATE GARAGE -- A detached accessory building or part of the main building used for the storage of not more than two (2) noncommercial automobiles or one (1) commercial vehicle and one (1) noncommercial automobile, owned and used by the occupant of the plot on which the main building is erected and in which no business or service is conducted. Any such commercial vehicle must be kept within the garage at all times and shall not contain any flammable, combustible, explosive, toxic or offensive-smelling material. Such accessory structure shall not exceed twenty-six (26) feet in width and twenty-four (24) feet in depth, with garage doors not to exceed eight (8) feet in height. [Amended 7-23-1968; 4-28-1987 by L.L. No. 10, 1987]

PROFESSIONAL OFFICE -- An office maintained by a doctor, dentist, lawyer, teacher, artist, architect, engineer, accountant, ophthalmic dispenser or musician in the dwelling in which such person resides, provided that such office does not occupy more than fifty percent (50%) of the habitable floor space on the first floor or more than twenty-five percent (25%) of the habitable floor space of a one-story dwelling and not more than one (1) assistant or employee is employed by such person, and further provided that there is no alteration or change to the exterior of such dwelling which modifies its residential character or use or the use thereof has no feature which is offensive, annoying or harmful to public health, safety or general welfare by reason of noise, glare, vibration, odor, radiation, dust, fumes or undue traffic.

PUBLIC GARAGE -- A use or building or portion of a building used for the commercial storage, rental and/or minor repair of motor vehicles.

REAR YARD -- A yard across the full width of the lot extending from the rear line of the building to the rear line of the lot measured between the side property lines.

RESIDENCE UNIT -- A portion of a residence building housing not more than two (2) families and separated from another unit by a party wall. Such unit shall be considered a separate building.

RESTAURANT -- A business engaged in the preparation and sale of food and beverages selected from a full menu and consumed on the premises by patrons seated at a table or counter and served by a waiter or waitress. [Added 3-25-1986 by L.L. No. 3, 1986; amended 12-16-1997 by L.L. No. 25-1997]

RESTAURANT, FAST-FOOD -- A business enterprise primarily engaged in the sale of ready to consume food and beverages generally served in disposable or prepackaged containers or wrappers and where patrons usually select their orders from a posted menu offering a limited number of specialized items, such as but not limited to hamburgers, chicken, fish and chips, hero sandwiches, pizza, tacos and hot dogs, which are prepared according to standardized procedures for consumption either on or off the premises in a facility where a substantial portion of the sales to the public is by drive-in or takeout services. [Added 12-16-1997 by L.L. No. 25-1997]

RETAINING WALLS -- All walls and other structures of any construction which are intended to, or which in fact, retain or support adjoining earth or rock. [Added 5-21-1996 by L.L. No. 8, 1996]

ROW DWELLING -- A building consisting of non-communicating one-family dwelling units, each having its own front and rear entrance. Where a row dwelling contains more than two (2) dwelling units, the walls separating dwelling units shall be constructed and have fire-resistant ratings as follows: The wall separating the second and third dwelling units shall be constructed of wire lath and cement plaster having a fire-resistant rating of not less than one (1) hour. The wall

separating the fourth and fifth dwelling units shall be of eight-inch masonry construction with a fire-resistance rating of not less than four (4) hours. Similar construction of separating walls shall continue throughout the building, so that for a row dwelling containing the maximum of sixteen (16) families, there shall be four (4) separating walls of wire lath and cement plaster and three (3) separating walls of eight-inch masonry. The determination of the location of separating walls as required herein may be made from either the left or right exterior sidewalls of the building.

SANATORIUM -- An institution other than one required to be licensed under the Mental Hygiene Law of the State of New York.

SENIOR ASSISTED-LIVING FACILITY-- A building, portion of a building or group of buildings that provide dwellings in a residential environment where individual cooking facilities are limited to microwave ovens and/or cooktops, with assistance available by way of common meals, housekeeping and personal services. Occupancy is restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older who may have difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility.

[Added 6-8-1999 by L.L. No. 7-1999]

SENIOR CITIZEN FACILITY-- A facility intended to provide for the specialized living and/or daily care giving needs of persons 62 years of age or older, including senior independent-living facilities, senior congregate-housing facilities, senior assisted-living facilities and senior day-care facilities. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR CONGREGATE-LIVING FACILITY-- A building, portion of a building or group of buildings containing three or more dwelling units where individual cooking facilities are limited to microwave ovens and/or cooktops, specially designed for use and occupancy by the elderly, including a common dining facility and other common amenities and whose occupancy is restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR DAY-CARE FACILITY-- A facility with limited operating hours where specialized care-giving and supervision are provided for three or more adults who may have difficulties with one or more essential activities of daily living, such as feeding or mobility, away from their own homes for less than 24 hours per day. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR INDEPENDENT-LIVING FACILITY-- A building, portion of a building or group of buildings containing dwelling units with full kitchens specially designed for use and occupancy by the elderly which may have common amenities but no common dining and whose occupancy is restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR RESIDENCE DISTRICT (R-S)-- A building or group of buildings that contain any combination of two or more residential senior citizen facilities, nursing homes or senior day-care facilities on the same site restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older, not necessarily regulated under Article 46 of the New York State Public Health Law. [Added 6-8-1999 by L.L. No. 7-1999]

SHOPPING CENTER -- Any two (2) or more contiguous retail stores, restaurants, shops for personal services and other places of business, originally planned and developed as a single unit, with adjoining off-street parking. [Added 8-26-1980 by L.L. No. 13, 1980]

SIDE YARD -- A yard between the side of the building and the corresponding side line of the lot and extending from the front lot line to the rear lot line in the case of a single building on the front portion of the lot. In the case of a rear building on the back portion of a lot, the side yard shall be the yard between the side of said rear building and the corresponding side line of the lot and

extending from the front face of said rear building to the rear line of the lot.

SIGN -- Includes every kind of billboard, signboard and other shape or device or display arranged, intended, designed or used as an advertisement, announcement or direction, including any text, symbol, marks, letters or figures painted on or incorporated in the composition of the exterior surface of a building or structure.

SINGLE-FAMILY DWELLING -- A building designed for and occupied exclusively as a home or residence for not more than one (1) family.

SKY EXPOSURE PLANE -- A theoretical inclined plane through which no portion of a building other than cornices or eaves projecting not more than 18 inches, gutters projecting not more than eight inches and chimneys may penetrate. It begins at a lot line or other predetermined plane and rises over the zoning lot at a ratio of vertical distance to horizontal distance as set forth in the district regulations. [Added 12-14-1999 by L.L. No. 14-1999]

STORY -- That part of any building between the surface of one floor, except a cellar or basement floor, and the surface of the next highest floor or, if there is no higher floor, then that part of the building between the surface of the highest floor and the ceiling above, except an attic ceiling. [Amended 12-14-1999 by L.L. No. 14-1999]

STREET -- Any public thoroughfare or space more than twenty (20) feet in width which may or may not have been dedicated or deeded to the public for public use.

STREET FRONTAGE -- The distance between the boundary lines of a lot when measured along any property line abutting a public street.

STREET LINE -- The line dividing a lot from a street.

STRUCTURE -- A combination of materials other than a building to form a construction that is safe and stable, including among others, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, piers, wharves, sheds, commercial coal bins, display signs, fences, retaining walls, outdoor fireplaces, pools and pergolas. The term "structure" shall be construed as if followed by the words "or part thereof."

TELEPHONE EXCHANGE -- A building erected or used exclusively as a central station where telephone lines meet and where connections are made between them and where no trucks or materials are stored.

TERRACE -- An open porch without a permanent roof.

TOTAL LOT COVERAGE - That part of the lot that is covered by impervious surfaces including, but not limited to, buildings, structures, roads and parking areas.

TOWN OF NORTH HEMPSTEAD -- Includes all areas of the town unincorporated as a village on January 1, 1938, and all areas within the town and within a village incorporated prior to January 1, 1938, which did not have a valid zoning ordinance on January 1, 1938.

TRAFFIC SEPARATOR -- A structure of sufficient height and width to divide traffic flowing in opposite directions.

TRAILER or CAMP CAR -- Any vehicle designed or equipped to be used or used for sleeping, living or eating, and designed to move or be moved from place to place on wheels, and to be propelled by its own power or drawn or propelled by another vehicle.

TRANSFER STATION -- A solid waste management facility, other than a recyclables handling and recovery facility exclusively handling nonputrescible recyclables, that can have a combination of structures, machinery or devices, where solid waste is taken from collection vehicles and placed in other transportation units for movement to another solid waste management facility. For the purposes of this Chapter 70, the definitions of "solid waste" and "solid waste management facility" shall be those which appear at Chapter 46 of this Code. [Added 7-9-1991 by L.L. No. 10, 1991]

TWO-AND-ONE-HALF-STORY BUILDING -- One where the provisions of the definition for "two-story building" are complied with and where the main eaves are below the midheight of the

third story.

TWO-FAMILY ATTACHED RESIDENCE BUILDING -- Residence units, as defined by this ordinance, each arranged for two (2) families, separated by an eight-inch masonry fire wall as a party wall.

TWO-FAMILY DETACHED DWELLING -- A dwelling designed for and occupied exclusively as a home or residence for not more than two (2) families.

TWO-STORY BUILDING -- Any building where the area of the second floor is equal to at least seventy-five percent (75%) of the area of the first floor.

USES -- The listed uses permitted in various districts. The listing of any uses as being permitted uses in any district shall be deemed to mean that such uses and no other shall be permitted in such district unless specifically permitted in this chapter. The listing of any use as being permitted in or as being excluded from a particular district shall be deemed to be an exclusion of such use from any more restricted district unless specifically permitted by this chapter. Each of the hereinafter-named districts shall be deemed to be more restricted than the districts which succeed it and less restricted than the districts which precede it: Residence AAA, Residence AA, Residence A, Residence B, Residence C, Residence D, Multiple Residence, Public Housing Residence, Golden Age Residence, Parking, Transportation, Business AA, Business A, Business B, Planned Industrial Park, Industrial A, Modified Planned Industrial Park, Service Commercial and Industrial B Districts. [Amended 3-27-1979 by L.L. No. 3, 1979; 8-12-1980 by L.L. No. 12, 1980]

USED -- Includes designed, intended or arranged to be used.

VALET PARKING -- A service providing for attendants to receive, park and deliver the automobiles of occupants, tenants, customers and visitors.

VEHICULAR STANDING SPACE -- A space located within a drive-thru lane, having dimensions set forth in § 70-203S, utilized for the temporary stopping or queuing of a vehicle accessing or waiting to access a drive-thru facility.

WIDTH OF A LOT -- The mean width measured at right angles to its depth.

YARD -- An open and unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky, except as otherwise provided in this ordinance.

Section 10.

This Local Law shall take effect immediately upon filing with the Secretary of State.