

ARTICLE NO. 40

Zoning Law

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ZONING LAW
VILLAGE OF ADAMS, NEW YORK

PURPOSE

The purpose of the Adams Zoning Law is to promote and guide development in an orderly and efficient manner. This will reduce land use conflicts, promote traffic safety, enhance and protect the historical and recreational attributes of the Village, retain and improve land values, encourage quality development, insure wise use of utilities, and promote the general health and welfare of Village residents. This Law is designed to protect existing development while providing some control of growth so that future development will not be a detriment to the Village and its residents.

ARTICLE I

TITLE

Section 1. Title

This Law shall be known as the "Village of Adams Zoning Law".

ARTICLE II

APPLICATION OF REGULATIONS

1. No building, structure, or land shall hereafter be used or occupied and no building, structure, or part thereof shall be erected, moved or altered (to expand the exterior physical dimensions) un-less in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered:
 - a. to exceed the maximum height requirements of the District in which they are located.
 - b. to have narrower or smaller rear yards, front yards, side yards, then are specified in this Law for the district in which such building is located.
3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Law shall be included as a part of a yard or other open space similarly required for another building.

4. The regulations of this Law shall not apply to buildings, structures, land, or use thereof, existing at the time of enactment of this Law. Any physical alteration of existing buildings or structures, or any change in use of any buildings, structures, or land happening after adoption of this Law shall be regulated to the extent provided under this Law.

ARTICLE III

DEFINITIONS

Section 1. Definitions

When used in this Law, words in the present tense include the future and words of one gender include all genders. The singular number includes the plural and the plural includes the singular. The term "shall" is intended to be mandatory. Whenever a word or term is defined to "include" certain items or matters, such inclusion is intended to be by way of specification and not of limitation. The word lot includes the word plot or parcel and the word building includes structure. If interpretation or clarification of any word used in this Law is needed it shall be provided by the Village Zoning Board of Appeals in accordance with such powers granted to them.

ACCESSORY BUILDING/USE: Any building or use which is subordinate to and whose use is incidental to the principle building or use on the same lot or on adjoining lot under the same ownership.

AGRICULTURAL USE: Land which is used for raising livestock, or agricultural products, including farm structures and storage of agricultural equipment; riding and boarding stables; and as an accessory use the sale of agricultural products raised on the property.

ALTER/ALTERATION: To change or rearrange any exterior structural part of the existing facilities of a building or structure, by enlarging the building or structure, whether by extending any side or increasing the height thereof, or to move the same from one location or position to another. It shall be considered an alteration if there is no expansion of exterior dimensions. For instance; replacement of windows, doors, siding, roofing, etc; as well as interior alterations; shall not be considered an alteration for the purpose of this Law.

AUTOMOBILE SERVICE STATION OR GASOLINE STATION: Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fumes, oils, or lubricants, or for the polishing, greasing, washing or servicing (but not painting) of motor vehicles.

BOARDING/ROOMING HOUSE: Building wherein more than four people are sheltered for profit.

BUILDING: Any structure having a roof supported by columns or by walls which is used or occupied for the shelter, housing or enclosure of animals, persons or property. The term, unless specified, includes both principal and accessory buildings.

BUILDING AREA: The total area, taken on a horizontal plane at main grade level, consumed by the principal building and all accessory buildings, excluding chimneys, uncovered porches, patios, terraces, steps and open areaways.

BUILDING INSPECTOR: The building inspector is the person appointed by the Village Board to carry out the regulations of this Ordinance. This person may also be known as the Enforcing Officer, Zoning Inspector, building officer, etc.

BUILDING LINE: The line formed by the face of the building/structure, or the attached part of the building/structure, nearest the lot line. This shall include measurement from such structures as chimneys, uncovered porches, patios, terraces, steps, open areaways, roof overhangs, cornices, eaves and other similar protrusions.

BUILDING PERMIT: The approval and permit that must be obtained from the Building Inspector before construction of a building or structure, demolition, institution of a new use, placement of a new structure or some similar activity requiring such approval as outlined in this Law.

CAR WASH: A building structure or facility which obtains commercial income from the washing, cleaning or waxing of motor vehicles. Such a use may be the principle function of the building or land on which it is situated, or an ancillary use thereof.

CLUB, PRIVATE: A building or use catering exclusively to club members and their guests for fraternal or recreational purposes.

COMMUNITY FACILITY: A building, structure or use operated for the benefit of the general well being, health, safety, welfare and enjoyment of the public. This use shall include but not be limited to fire stations, libraries, community owned buildings, schools, hospitals, nursing homes, etc.

DRIVE-IN SERVICES: A commercial facility building or use which relies upon the motoring public for its business. Such facilities contain appropriate traffic/parking, arrangements to serve motor vehicles. Examples of such facilities include drive-in restaurants, banks, etc.

DWELLING UNITS: Any building used in whole or part for human habitation, (trailers or mobile homes are defined separately). All such dwelling units shall be at least 300 sq. ft. of interior floor area.

- a. **DWELLING SINGLE FAMILY:** A detached building, designated for or occupied exclusively by one family and containing not more than one dwelling unit.
- b. **DWELLING, TWO FAMILY:** A detached building where not more than two individual families live, or where two dwelling units; with separate cooking, sanitary, living and sleeping facilities exist.
- c. **DWELLING, MULTIPLE:** A building or portion thereof used or designed as a residence (including cooking, sanitary, living or sleeping facilities) for each of the three or more families who reside therein.

ERECT: To construct, build, re-erect, reconstruct, rebuild or excavate for a building or structure.

FAMILY: Any number of individuals living together as a single housekeeping unit.

FENCE: Same definition as wall.

FLOOR AREA: The total horizontal area of all floors of a building excepting the basement and attic thereof measured along the faces of the interior walls.

GRADES, FINISHED: Completed surfaces of ground, lawns, walks, paved areas and roads brought to finished (final) grade, as shown on plans relating thereto.

HEIGHT: The verticle distance measured from the average elevation of the main grade at the front of the building/structure to the highest point of the roof.

HIGHWAY RIGHT OF WAY LINE: Same definition as Street Line.

HOME OCCUPATION: Any accessory use of a service character customarily conducted within a dwelling by the resident thereof which is clearly secondary to the use of the dwelling for living purposes and does not substantially change the character thereof or have an exterior evidence of such use, other than an approved advertising sign and parking requirements associated therewith. Not more than two persons, outside the immediate family, shall be employed by the home occupation. Occupations such as physician, dentist, lawyer, insurance sales, beauty salon, musical instructor, seamstress shall be deemed to be home occupation uses.

HOSPITAL: An institution in which sick or injured persons are given medical or surgical treatment. It does not include an establishment for permanent occupation by the poor, convalescent or mentally ill.

HOTEL: A building which has a common entrance, and general dining room; and contains seven (7) or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for short or extended periods of time.

*See
Amendment* INOPERATIVE MOTOR VEHICLE: Any motor vehicle which is unregistered and inoperative for a period of six successive months or more.

JUNKYARD: An area of land, with or without buildings; primarily used for the storage, outside of a completely enclosed building; of used and discarded materials, house furnishings, machinery, vehicles or parts thereof, including junk, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage of two or more inoperative motor vehicles, or the major parts of two or more such vehicles, shall be deemed to make the lot a "junk" yard.

KENNEL: Land or building used for the harboring of five or more dogs and cats over six months.

LAW: For the purpose of this act the word Law shall refer to the "Zoning Law of the Village of Adams", unless otherwise specified.

LIGHT INDUSTRIAL OPERATIONS: A light industry is a facility which manufactures a product for wholesale or retail sale and does not produce high volumes of polluting wastes and is compatible with other uses of the Industrial District.

LIVESTOCK OPERATIONS: A livestock operation shall include the raising of cattle, pigs, horses, chickens and other similar farm animals for commercial gain.

LOT: A parcel of land with fixed boundaries used or intended to be used by a building or structure and its accessory building/structures or uses, and not divided by any public highway or alley.

LOT AREA: Total area within the property lines excluding any part thereof lying within the boundaries of a public street, or proposed public street.

LOT, CORNER: A parcel of land at the junction of and bounded on two or more intersecting streets.

LOT, DEPTH: A mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT LINE: Any line dividing one lot from another or from the street or waterway.

- a. LOT LINE, FRONT: The lot line adjoining any street/highway right-of-way line. If a lot adjoins two or more streets or highways, it shall be deemed to have a front lot line respectively on each.
- b. LOT LINE, REAR: The lot line opposite and most distant from the front lot line.
- c. LOT LINE, SIDE: Any lot line other than the front or rear lot lines.

LOT WIDTH: The horizontal distance between the side lot lines measured at the required setback lines.

LOT OF RECORD: Any lot which individually or as a part of a subdivision has been recorded in the County Clerks Office and for which proof can be given that the lot was intended for development prior to adoption of this Law.

MEDICAL FACILITIES: Any building, portion of a building or use thereof which is used in the diagnosis and/or treatment of medical ailments.

MOBILE HOME: A transportable single family dwelling which may be towed on its own running gear, and which shall be permanently affixed to real estate and used for living, sleeping, cooking and sanitary purposes. All mobile homes shall have a minimum of 480 square feet of interior floor area, etc. This does not include camping or recreation vehicles or sectional prefabricated houses.

MOBILE HOME PARK: Any lot under single ownership on which three or more mobile homes are located, regardless of whether or not a charge is made for accommodations.

MODULAR HOME: A dwelling unit which is manufactured in two or more sections off-site and transported to the construction/placement site and assembled there. All modular homes shall only be permitted on a permanent foundation.

MOTEL: A building, or group of buildings, whether detached or in connected units, used as individual sleeping or living quarters with direct outside access and related office, with or without restaurant facilities, designed primarily for transient automobile travelers, and provided with accessory off-street parking facilities.

MOTOR VEHICLE SALES: Enclosed establishment for display and sale of new and used motor vehicles, trailers, mobile homes or boats.

NON-CONFORMING USE: A building, structure, or use of land and structure which is not in conformity with the terms of this Law at the time of enactment thereof.

NURSING HOME: A dwelling where persons are lodged and furnished with meals and nursing care for commercial purposes. This shall not include homes for the mentally handicapped, drug or alcohol rehabilitation patients, etc.

OFF-STREET PARKING FACILITY: A space for parking off the public streets and places in the Village.

PARCEL: The amount of contiguous land falling under a single deed.

PARKING SPACE: An off-street space available for the parking of one motor vehicle and having an area of not less than nine ft. wide by 22 ft. long exclusive of passageways and access thereto, and having direct access to a street or highway.

PERMITTED USE: Any use permitted under the provision for the district in which the land, building or structure is located.

PLANNING BOARD: The Planning Board of the Village of Adams.

POOL, SWIMMING: A structure or facility constructed to hold water at least three (3) feet deep and used by either private or public parties for recreational purposes.

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

PRINCIPAL USE: The main or principal purpose for which any land, building or structure is used or occupied.

PUBLIC ASSEMBLY USE: Includes an auditorium, theater, public hall, school hall, meeting hall, church and temple.

PUBLIC GARAGE: Any garage operated for commercial gain which is used or occupied for the storage, repair, rental, servicing, adjusting or equipping of automobiles or other motor vehicles.

PUBLIC UTILITIES FACILITY: A privately or publicly owned structure or facility that serves the general public or some of the public. Such facilities shall include, but not be limited to sewage treatment plants, water supply facilities, power generating and distribution facility, radio transmitting centers, telephone operating centers, etc.

RECREATION FACILITY, PUBLIC OR PRIVATE: A municipally or privately owned (for commercial purposes) and operated swimming pool, open space, tennis court, athletic field or similar facility for recreational use.

RECREATION VEHICLE: Includes a motor home, a truck camper or camping trailers less than forty-eight feet in length and used for recreational purposes.

RELIGIOUS INSTITUTION: Includes church, temple, parish house, convent, seminary and retreat house.

SCHOOL: Includes parochial, private, public and nursery school; college university and accessory uses; and shall exclude commercial operated school of beauty culture, business, dancing, driving, music and similar establishments.

SERVICE STATION: (See definition for Automobile Service Station).

SHOPPING CENTER: A group of commercial establishments, three or more, built on a site that is planned, developed, owned and managed as an operating unit related in location, size, and type of shops to the trade area that the unit serves; providing on-site parking in definite relationship to the type and total size of the stores.

SIGN: Any kind of billboard, sign-board, pennant, or other shape or device or display, used as an advertisement, announcement, or direction. Such a notice may be incorporated onto a building surface, be free standing, or attached.

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered on the premises or elsewhere than where the sign is located.

STREET: A public thoroughfare for motor vehicles which affords the primary means of access. All streets must meet Village construction standards.

STREET LINE OR HIGHWAY RIGHT OF WAY LINE: The dividing line between a lot and a street right of way line.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term includes dwelling units, buildings, swimming pools, platforms, stadiums, towers, but is not intended to include conventional sidewalks, driveways, curbs, fences, hedges, walls or signs.

TOURIST ACCOMMODATIONS: Any permanent building or part thereof, which is used or occupied for the overnight accommodation of transient guests; and for which compensation is given. The term includes tourist homes, tourist cabins, hotels, autocourts and motels, but does not include camps or trailer camps.

TOWER: Any structure that is quite high, compared to its lateral dimensions and usually constructed for a singular or specific purpose (i.e. radio tower).

TRAILER: Includes any vehicle used as sleeping or living quarters mounted on wheels, or a camper body usually mounted on a truck; and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

VETERINARY SERVICES: A building, portion thereof or use which is principally used in the treatment and convalescence of ailing animals. Such a facility may also be used to board animals. It is usually staffed by a trained veterinarian and/or other professionals/workers.

WALL: A facility of wood, stone or other materials or combination thereof intended for defense, security, screening, partitioning, or enclosure; or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads. A fence shall be considered a wall.

WAREHOUSE: Includes warehouse, wholesale establishment, discount house, bulk storage and bulk sales outlet.

YARD: Generally determined to mean that unoccupied open space (from the ground upward) between the building line and the nearest lot line or street line.

- a. YARD, FRONT: The yard between the front building line and the front lot line and extending the full width of the lot.
- b. YARD, REAR: The yard between the rear building line and the rear lot line and extending the full width of the lot.
- c. YARD, SIDE: An unoccupied space extending from the front yard to the rear yard between the required side setback line and the nearest side lot line.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

Section 1. Districts and Zoning Map/Law Certification:

For the purpose of promoting the health, safety and general welfare of the community, the land within the Village of Adams is divided into the following four (4) zoning districts:

RESIDENTIAL DISTRICT - RES
GENERAL COMMERCIAL - GC
INDUSTRIAL DISTRICT - IND
PLANNED DEVELOPMENT DISTRICT - PD (floating)

These zoning districts are shown, defined, and bounded on a map entitled "Zoning Map, Village of Adams, Jefferson County, New York dated February 20, 1984", and are further described by this Law. This Law includes both explanatory materials and the Map. The Law (as well as any amendments thereto) must be filed in the office of the Village Clerk. The Clerk shall certify (by recording the nature and date) of any changes to the Law or Map.

Section 2. Interpretation of District Boundaries

1. If a mete and bound description has been filed for a change of zone, such description shall be used instead of other provisions of this Section.
2. Where uncertainty exists with respect to the exact boundaries of districts as shown on the Zoning Map, the final decision will be made by the Village Zoning Board of Appeals.
3. Where a district boundary line divides a lot in single or joint ownership existing at the time of enactment of this Law, the use authorized on, and the district requirements of, the least restricted portion of such lot shall be understood as extending to the entire lot.
4. District boundary lines generally follow or parallel, at set distances, center lines of roads, waterways, railroads, existing lot lines, and other man-made and natural features. The Zoning Officer shall be given the authority to scale these districts from the Zoning Map and relate them to accurate ground points when they are not appropriately delineated on the Map.

ARTICLE V - DISTRICT REGULATIONS

SCHEDULE 1 - USE CONTROLS

DISTRICT	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED ACCESSORY USES WITHOUT SITE PLAN REVIEW	SPECIAL USES WITH SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW
RESIDENTIAL	The purpose is to promote residential uses and compatible development. Historic, cultural, and recreational resources will also be enhanced.	Single family dwellings.	Private garages, signs, swimming pools, carports, patios, private greenhouses (non-commercial), and similar uses.	Mortuary establishments, (in keeping with uses in District), cemeteries, schools, home occupations, medical facilities.	Public utility facility, two family and multiple family dwelling, replacement of existing mobile homes, churches, convents, community facilities (excluding facilities for treatment of alcoholics, mentally handicapped, drug addicted, etc.) public parks, private recreational facilities (excluding miniature golf courses), charitable institutions (excluding penal or correctional facilities), boarding houses, tourist homes, replacement or new use of existing property.
GENERAL COMMERCIAL	The purpose of this district is to promote the business and commercial nature of the area. Historic, cultural, business and recreational resources will be enhanced.	Any uses permitted in Residential.	Signs, private garages, swimming pools, carports, patios, private greenhouses (non-commercial), and similar uses.	Automobile Service Station, motor vehicle sales, drive-in services, hotel, motels, public assembly facilities.	Public utility facility, shopping center, lending institutions, insurance companies, business and professional offices, retail and wholesale stores, theaters, commercial service establishments, recreational and amusement centers, restaurants, private club, recreational facility, car wash, commercial greenhouses.

See Art # 77 - 1998

Telecommunications
Water Towers

New
Amended Art # 54
1/1/09

See Amendment #54 Chg of Chart

ARTICLE V - DISTRICT REGULATIONS

SCHEDULE I - USE CONTROLS

DISTRICT	PURPOSE	PERMITTED USES	PERMITTED ACCESSORY USES	SPECIAL USES	SITE PLAN REVIEW
RESIDENTIAL - RES	The purpose is to promote residential uses and compatible development. Historic, cultural, and recreational resources will also be enhanced.	Single and two family dwellings, churches, convents, community facilities (excluding facilities for treatment of alcoholics, mentally handicapped, drug addicted, etc.) public parks, private recreational facilities (excluding miniature golf courses), charitable institutions (excluding penal or correctional facilities), boarding houses, tourist homes.	Private garages, signs, swimming pools, carports, patios, private greenhouses (non-commercial), and similar uses.	Farm and farm structures, livestock operations and boarding stables are not permitted, mortuary establishments, (in keeping with uses in District), cemeteries, school, home occupations, medical facilities.	Public utility facility, multiple family dwelling, replacement of existing mobile homes.
GENERAL COMMERCIAL - GC	The purpose of this district is to promote the business and commercial nature of the area. Historic, cultural, business and recreational resources will be enhanced.	Any uses permitted in RES and lending institutions, insurance companies, business and professional offices, retail and wholesale stores, theaters, commercial service establishments, recreational and amusement centers, restaurants, private club, recreational facility, car wash, commercial greenhouses.	Signs, private garages, swimming pools, carports, patios, private greenhouses (non-commercial), and similar uses.	Automobile Service Station, motor vehicle sales, drive-in services, hotels, motels, public assembly facilities.	Public utility facility, shopping center.
INDUSTRIAL DISTRICTS - IND	The purpose of this district is to promote the industrial sector and economy of the Village.	All uses listed herein are permitted only when they meet "site plan review criteria" established elsewhere in this law. Manufacturing plants (including assembling, processing, and fabricating), light industrial operation, public utility facility, freight or trucking terminals, contractors yard, automobile service station, business and commercial uses listed in GC District are permitted. Places of public assembly and residential uses are not permitted.	Signs and billboards, service buildings for the industrial or business uses, necessary utility structures and facilities and other similar accessory uses.	Hotels, motels, fraternal clubs	Petroleum storage areas.

Telecommunication Towers
Water towers
#77

See amendment #54-1

ARTICLE V - CONTINUED

DISTRICT	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED ACCESSORY USES WITHOUT SITE PLAN REVIEW	SPECIAL USES WITH SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW
INDUSTRIAL DISTRICTS - IND	The purpose of this district is to promote the industrial sector and economy of the Village.	All uses listed herein are permitted only when they meet "site plan review criteria" established elsewhere in this Law. Manufacturing plants (including assembling, processing, and fabricating), light industrial operation, public utility facility, freight or trucking terminals, contractors yard, automobile service station, business and commercial uses listed in GC District are permitted. Places of public assembly and residential uses are not permitted.	Signs and billboards, service buildings for the industrial or business uses, necessary utility structures and facilities and other similar accessory uses.	Hotels, motels, fraternal clubs.	Petroleum storage areas.

PLANNED DEVELOPMENT DISTRICT - PD (floating)	The purpose of this district is to allow the Village the flexibility to vary certain requirements of this Law providing the development adheres to basic criteria, is of quality nature, and meets the overall intent and conditions set forth in this Law. The District allows a combination of residential, commercial and recreational uses in designated areas. A rezoning must be implemented to attain PDD status.	Permitted uses include those residential uses previously mentioned including: retail and service businesses, other commercial establishments, churches, recreational enterprises, home occupations, parks, etc. No industrial uses will be permitted. P.D. District permitted uses shall comply with requirements of Article IX and site plan review criteria.	Signs, service buildings, private garages, community facility, swimming pools, patios, private greenhouses (non-commercial), etc.	Hotels, motels	Mobile home parks
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New
Amended Act #541 1489

See Amendment
54

DISTRICT	PURPOSE	PERMITTED USES	PERMITTED ACCESSORY USES	SPECIAL USES	SITE PLAN REVIEW
PLANNED DEVELOPMENT DISTRICT - PD (floating)	<p>The purpose of this district is to allow the Village the flexibility to vary certain requirements of this Law providing the development adheres to basic criteria, is of quality nature, and meets the overall intent and conditions set forth in this Law. The District allows a combination of residential, commercial and recreational uses in designated areas. A rezoning must be implemented to attain PDD status.</p>	<p>Permitted uses include those residential uses previously mentioned including: retail and service businesses, other commercial establishments, churches, recreational enterprises, home occupations, parks, etc. No industrial uses will be permitted. P.D. District permitted uses shall comply with requirements of Article IX and site plan review criteria.</p>	<p>Signs, service buildings, private garages, community facility, swimming pools, patios, private greenhouses (non-commercial), etc.</p>	<p>Hotels, motels</p>	<p>Mobile home parks</p>

ARTICLE V - DISTRICT REGULATIONS

SCHEDULE II - LOT DIMENSIONS

DISTRICT AND USE	MAX. LOT COVERAGE	MIN. LOT AREA	MIN. LOT WIDTH	MIN. FRONT YARD	MIN. SIDE YARD	MIN. REAR YARD	MAX. BUILDING HEIGHT
RESIDENTIAL - RES							
Permitted Uses	50 %	15,000 sq. ft. *	100 ft.	30 ft.	15 ft.	25 ft.	35 ft.
Accessory Uses			30 ft.	30 ft.	6 ft.	6 ft.	20 ft.
Special/Site Plan Uses	50 %	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	25 ft.	45 ft.
Lot of Record	50 %	7,500 sq. ft.	50 ft.	30 ft.	6 ft.	25 ft.	35 ft.
GENERAL COMMERCIAL - GC							
Permitted Uses		3,000 sq. ft.	50 ft.	10 ft.		15 ft.	50 ft.
Accessory Uses			50 ft.	10 ft.		15 ft.	50 ft.
Other Permitted and Special/Site Plan Uses		3,000 sq. ft.	50 ft.	10 ft.		15 ft.	50 ft.
Lot of Record		1,500 sq. ft.	25 ft.	10 ft.		10 ft.	50 ft.
INDUSTRIAL DISTRICT - IND							
Permitted Uses		15,000 sq. ft.	100 ft.	30 ft.	20 ft.	25 ft.	50 ft.
Accessory Uses			30 ft.	30 ft.	20 ft.	25 ft.	50 ft.
Special/Site Plan Uses		15,000 sq. ft.	100 ft.	30 ft.	20 ft.	25 ft.	50 ft.
Lot of Record		7,500 sq. ft.	50 ft.	30 ft.	20 ft.	25 ft.	50 ft.
PLANNED DEVELOPMENT - PD (Floating)							
all permitted uses							35 ft. (all structure)

All lot dimensions for permitted uses, as noted, will be waived and will be at the discretion of the Planning Board and Village Board as per the requirements of Article IX and Article XII.

* Minimum lot area - 15,000 square feet for one and two family dwellings, and an additional 5,000 square feet for each additional unit. Local Law #3, 1990.

Amended Art #59 - 1990

See
Amendment
#59

ARTICLE V - DISTRICT REGULATIONS

SCHEDULE II - LOT DIMENSIONS

DISTRICT AND USE	MAX. LOT COVERAGE	MIN. LOT AREA	MIN. LOT WIDTH	MIN. FRONT YARD	MIN. SIDE YARD	MIN. REAR YARD	MAX. BUILDING HEIGHT
RESIDENTIAL - RES							
Permitted Uses	50 %	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	25 ft.	35 ft.
Accessory Uses							
Special/Site Plan Uses	50 %	15,000 sq. ft.	100 ft.	30 ft.	6 ft.	6 ft.	20 ft.
Lot of Record	50 %	7,500 sq. ft.	50 ft.	30 ft.	15 ft.	25 ft.	45 ft.
					6 ft.	25 ft.	35 ft.
GENERAL COMMERCIAL - GC							
Permitted Uses		3,000 sq. ft.	50 ft.	10 ft.		15 ft.	50 ft.
Accessory Uses			50 ft.	10 ft.		15 ft.	50 ft.
Other Permitted and Special/Site Plan Uses							
Lot of Record		3,000 sq. ft.	50 ft.	10 ft.		15 ft.	50 ft.
		1,500 sq. ft.	25 ft.	10 ft.		10 ft.	50 ft.
INDUSTRIAL DISTRICT - IND							
Permitted Uses		15,000 sq. ft.	100 ft.	30 ft.	20 ft.	25 ft.	50 ft.
Accessory Uses							
Special/Site Plan Uses		15,000 sq. ft.	100 ft.	30 ft.	20 ft.	25 ft.	50 ft.
Lot of Record		7,500 sq. ft.	50 ft.	30 ft.	20 ft.	25 ft.	50 ft.
					20 ft.	25 ft.	50 ft.
PLANNED DEVELOPMENT - PD (Floating)							
all permitted uses							

All lot dimensions for permitted uses, as noted, will be waived and will be at the discretion of the Planning Board and Village Board as per the requirements of Article IX and Article XII.

35 ft. (all structure)

ARTICLE VI
SPECIAL USES

Section 1. Procedure

Following are the procedural steps that an applicant shall undertake for a special permit review. Only those actions listed under Article V - Schedule I as special uses need to undergo this review. A special permit must be approved by the Village Planning Board if it meets the conditions established for the respective use.

1. Application for special use permit must be made to the Village Planning Board on a form prescribed by the Village.
2. The Planning Board may require the applicant to furnish such information as may be required for an understanding of the proposed use. In reaching its decision on the proposed use, the Planning Board shall consider, among other things, the need for the use in the specified location, the existing character of the area in which the use would be located, the potential affect of the use on the neighborhood, the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property and the manner in which the use meets the criteria established in this Article.
3. The Planning Board shall hold a public hearing on the proposal, with appropriate public notice, as provided by Village Law.
4. The Planning Board prior to their hearing and vote thereon shall refer special permit actions under the jurisdiction of General Municipal Law Article 12 B Section 239 m, to the Jefferson County Planning Board for their review and action.
5. The Planning Board shall approve or deny the special permit request based upon its conformance with Village Law, legal parameters and the criteria established in this Law for such special uses.
6. No changes in the project, as shown on approved plans, shall be permitted without following the same procedure as originally required. If the project is abandoned, the special permit is nullified.
7. The cost of the hearing, publication in newspaper and other public notice provisions shall be paid by the applicant.

Section 2. Specific Special Uses and Their Requirements

Following is a list of special use requirements. These are specific requirements for some uses and must be followed. Uses that are not listed herein and are listed as special uses in Article V - Schedule I shall meet the general criteria for all special uses found in Section 3 of this Article.

1. Farms and Farm Structures -
 - a. such structures shall be located at least 100 feet from any lot line.

- b. No animal wastes or remnants shall be disposed of within the Village limits, except in the case of gardening.
- c. On-lot drainage shall be acceptable to carry run-off water to an off-site location.

2. Hotels and Motels

a. Traffic Access -

Roads shall be adequate in grade, width, alignment, visibility and properly related to other nearby traffic circulation conditions to meet Village standards.

b. Off-Street Parking -

There shall be provided on the site of such development an area or areas devoted to the parking of automobiles. The required number of off-street parking spaces shall be determined from the Off-Street Parking Schedule.

c. Exterior Lighting and Signs -

Illuminated signs and other exterior lighting shall be directed away, or shielded from, adjoining properties in such a manner as not to disturb the occupants thereof.

d. Proper Landscaping -

The proposed site shall be properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening and buffer zones may be required. Proper landscaping shall be provided along all walks and streets and around recreation areas.

e. Open Space -

A minimum of twenty-five percent of the site shall be developed as open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.

f. Such uses shall have a minimum area of 150 square feet of rentable space for each unit, exclusive of bathroom facilities.

g. Each rentable unit shall include a minimum of one (1) bedroom and a shower or bathroom with toilet.

3. Sales and rental operations for motor vehicles, marine uses, recreational vehicles, trailers.

a. Such sales and rental operations shall be located at least 50 feet from the nearest residential lot line.

b. When within 200 feet of a residential structure, such operations shall be screened from adjacent residential property by a fence,

hedge or other planting or structure so as not to be visible from the adjacent property.

- c. The use shall not cause undue noise, odor or lighting glare that is objectionable or harmful to the neighborhood.
- d. Such operations that also have service facilities for the same equipment shall meet the special requirements of "Automobile Service Stations and Public Garages" in this Section.
- e. The use shall not cause electrical disturbances that will disrupt communications reception in neighboring areas.
- f. The lot where the products are displayed and the parking spaces on-lot shall be constructed of all-weather (e.g. gravel, paved, etc.) materials to meet Village standards.
- g. The use shall provide sufficient parking spaces to accommodate business uses as listed under the off-street parking requirements. In addition the lot shall be of adequate size to accommodate the maximum number of products that are for sale or rent.

4. Automobile service station and public garages -

- a. All motor vehicle service stations shall be so arranged and all gasoline and/or fuel pumps shall be so placed, as to require all servicing on the premises no closer than 20 feet to any street right-of-way line. No gasoline pump shall be placed closer than 20 feet to any side property line.
- b. All junk, waste, and servicing materials shall be stored within a structure or enclosed within fencing so as not to be visible from off the property.
- c. Underground tanks shall be not less than 50 feet from the property line, unless otherwise approved by the Planning Board.
- d. Entrance and exit driveways shall be located at least five feet from any side or rear property line.

5. Fraternal clubs, private clubs, sportsmen's associations, and other places of public and private assembly -

- a. A sufficient number of parking spaces shall be provided to comply with the off-street parking requirements of this Law.
- b. All such clubs shall be at least 50 feet from any residential lot line.
- c. Adequate lighting shall be provided in parking and walk areas to reduce safety hazards.
- d. There shall be no excessive noise, odors or dust arising from the use.

Section 3. General Special Use Criteria

Following is a list of the general criteria that those special uses not listed above, as well as those listed, must meet before special permit approval is granted by the Planning Board.

1. The proposed special use must not conflict, by virtue of its character, with neighboring uses.
2. The proposed special use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact on adjacent properties.
3. When a commercial special use abuts a residential property the Planning Board may find it necessary to require screening of sufficient height and density (i.e. fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned. The Board shall use similar uses found elsewhere in this Law to specify the type of screening required.
4. Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.
5. The proposed use shall meet the off-street parking and loading requirements of similar uses.
6. Appropriate on-lot drainage is required to eliminate any potential on-site water related problems. The drainage systems instituted shall not detrimentally impact on adjacent properties.
7. All uses shall meet State sanitary waste provisions (N.Y.S. Health and Environmental Conservation Departments) or the Village sanitary waste provisions.
8. Proposed uses shall meet the sign requirements for the respective district.
9. Traffic access to and from the site, as well as on-lot, shall be so constructed as to reduce traffic hazards. The Planning Board shall review and approve all such proposals.
10. All such uses shall be attractively landscaped. This shall involve grading, seeding, and regular mowing of the front yard area at a minimum.

ARTICLE VII

SUPPLEMENTAL USES AND REGULATIONS

Section 1. Residential District Regulations

In the Residential District (RES) the following supplemental uses shall apply:

1. A nonconforming Lot of Record may be constructed upon provided minimum yard requirements (as set forth in Article V - Schedule II), permitted uses (as set forth in Article V - Schedule I), Village sanitary waste standards, and other Village regulations are followed. Any deviation from the above requirements requires a variance. A permit is required for any proposed construction on such a lot, as set forth under this Law.
2. The following sign regulations shall apply:
 - a. No sign shall exceed six square feet in area.
 - b. Two temporary special event signs shall be permitted. These signs shall advertise events, activities or other similar instances that will be terminated on a set date. Yard sales, garage sales and similar on-lot sales shall be considered temporary activities and as such, signs advertising such events shall fall under the requirements of this section. No such sign shall exceed four square feet in area. Such signs shall be removed at the end of the event by the sponsor of the event or those who placed the sign.
 - c. Signs may be placed in required yards, providing such placement does not interfere with traffic safety.
 - d. No sign shall be placed closer than five feet to a street line, or lot line.
 - e. Mechanically moving, flashing or self illuminating signs shall not be permitted unless required for public safety purposes as identified by a unit of government.
 - f. Flood lights and other external lighting fixtures used in the illumination of signs shall be permitted if located and/or shielded so as not to produce direct glare at neighboring residences and highway traffic.
 - g. Any nonconforming sign existing in a Residential District at the time of the adoption of this Law or an amendment thereto, shall only be replaced by a sign conforming to the regulations for this District.
 - h. Any business, enterprise, institution, or other advertising entity that ceases operations shall remove its sign(s) within 90 days of such cessation (extensions may be granted).
 - i. Only one permanent sign per lot or use may be erected.
 - j. Church signs may be 24 sq. ft. in area. There shall be only once such sign permitted on church property.
3. A private garage or other accessory structure that is connected to a dwelling or structure becomes a part of the principal building rather than an accessory building. A garage shall not be required to have a setback distance from the principal building. It shall only maintain required setbacks from adjacent lot and street lines. A garage cannot be erected on a required front yard.

See
amendment
Art 76

Section 2. General Commercial District Regulations

In the General Commercial District (GC) the following supplemental uses shall apply:

1. A nonconforming Lot of Record may be constructed upon provided minimum yard requirements (as set forth in Article V - Schedule II), permitted uses (as set forth in Article V - Schedule I), Village sanitary waste standards, and other Village regulations are followed. Any deviation from the above requirements requires a variance. A permit is required for any proposed construction on such a lot, as set forth under this Law.
2. The following sign regulations shall apply:
 - a. No sign shall exceed one square foot for each one lineal foot of building front.
 - b. Two temporary special event signs shall be permitted. These signs shall advertise events, activities or other similar instances that will be terminated on a set date. Yard sales, garage sales and similar on-lot sales shall be considered temporary activities and as such, signs advertising such events shall fall under the requirements of this section. No such signs shall exceed four (4) square feet in area. Such signs shall be removed at the end of the event by the sponsor of the event or those who placed the sign.
 - c. Signs may be placed in required yards, providing such placement does not interfere with traffic safety.
 - d. On residential property, no sign shall be placed closer than five feet to a street line or lot line.
 - e. Mechanically moving, flashing or self illuminating signs shall not be permitted unless required for public safety purposes, as identified by a unit of government.
 - f. Any nonconforming sign existing in the General Commercial District at the time of the adoption of this Law or an amendment thereto, shall only be replaced by a sign conforming to the regulations for this District.
 - g. Any business, enterprise, institution, or other advertising entity that ceases operations shall remove its signs within 90 days of such cessation (extensions may be granted).
 - h. No signs shall be permitted which overhang walkways and streets.
3. A private garage or other accessory structure that is connected to a dwelling or structure becomes part of the principle building rather than an accessory building. A garage shall not be required to have a setback distance from the principle building. It shall only maintain required setbacks from adjacent lot and street lines. A garage shall not be placed in a required front yard.

See
amendment
Art 76

4. Public assembly facilities, hotels, and motels shall meet the special use criteria established for such uses under Article VI.

Section 3. Industrial District Regulations

In the Industrial District (IND) the following supplemental uses shall apply:

1. A nonconforming Lot of Record may be constructed upon provided minimum yard requirements (as set forth in Article V - Schedule II), permitted uses (as set forth in Article V - Schedule I), Village sanitary waste standards, and other Village regulations are followed. Any deviation from the above requirements requires a variance. A permit is required for any proposed construction on such a lot, as set forth under this Law.
2. The following sign regulations shall apply:
 - a. No sign shall exceed one square foot in area for each lineal foot of building front.
 - b. Two temporary special event signs shall be permitted. These signs shall advertise events, activities or other similar instances that will be terminated on a set date. Yard sales, garage sales and similar on-lot sales shall be considered temporary activities, and as such, signs advertising such events shall fall under the requirements of this section. No such sign shall exceed four square feet in area. Such signs shall be removed at the end of the event by the sponsor of the event or those who placed the sign.
 - c. Signs may be placed in required yards, providing such placement does not interfere with traffic safety.
 - d. No sign shall be placed closer than five feet to a street line or lot line.
 - e. Mechanically moving, flashing or self illuminating signs shall not be permitted unless required for public safety purposes as identified by a unit of government.
 - f. Any nonconforming sign existing in the Industrial District at the time of the adoption of this Law or an amendment thereto, shall only be replaced by a sign conforming to the regulations for this District.
 - g. Any business, enterprise, institution, or other advertising entity that ceases operations shall remove its signs within 90 days of such cessation (extensions may be granted).
 - h. Signs shall not be placed over walkways and streets.

See
amendment
Art 76

Section 4. General Provisions Regulating Certain Uses

1. In all districts, or specific districts as noted, the following uses and regulations apply:

a. In the case of a corner lot both yards fronting on streets shall be considered front yards and must meet the appropriate setbacks.

b. In determining the yard requirements of a lot, porches, carports, or similar attached structures are considered a part of the principal building.

c. Fences and walls are acceptable in all districts and a permit is not required for their construction. They shall not be placed so as to cause traffic hazards. They shall not be more than four feet in height unless approved by the Zoning Board of Appeals. They shall be kept in good structural repair so that they are not a safety hazard.

*See
amendment
Art 76*

d. In all zoning districts, with the exception of General Commercial Districts, any structures, fences, signs or shrubbery over four (4) feet in height above street level are not permitted to be maintained in a triangular area of any corner lots. This area is formed by lines along both streets to points forty (40) feet distant from the intersection and then a line connecting these points.

e. Off-Street Loading Requirements:

(1) In all districts, in connection with every building or building group or part thereof and having a gross floor area of 4,000 square feet or more, which is to be occupied by a new manufacturing use similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

4,000-25,000 sq. ft. - 1 berth
25,001-40,000 sq. ft. - 2 berths
40,001-60,000 sq. ft. - 3 berths

For each additional 50,000 sq. ft. - 1 space

(2) The loading berth required in each instance shall be not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard. Such space may also be a part of a required parking area.

f. In all districts, buildings classified as unsafe by the Village Board under the Village's Unsafe Building Law and/or State Health or Building Code regulations, shall be corrected to remedy such violations.

g. All streets, or roadways that are constructed by private individuals or enterprise, and which serve or are intended to serve the public

as a public thoroughfare, shall meet highway and road standards as established by the Village Board. Such standards include grade, horizontal curves, right of way, width of surface, type of surface, line of sight, tangents, shoulders, driveways and drainage.

- h. Uses in all districts shall meet the following off-street parking requirements. The applicant may count adjacent, or nearby parking spaces that are not on-lot (or owned by the applicant) to meet the following requirements. These off-lot spaces, however, must not be already in use during the proposed time of use by the applicant. The owner of such parking spaces must agree to this counting of spaces. All such proposals shall be first approved by the Village Planning Board as meeting the intent of these regulations.

<u>USES</u>	<u>REQUIRED PARKING SPACES</u>
(1) Churches or Synagogues	- 1 for each 3.5 seats
(2) Community Buildings and Social Halls, places of public and private assembly	- 1 for each 200 sq. ft. of gross floor area, or 1 for each 3.5 seats, whichever is greater.
(3) Motels, Hotels, Resorts, Boarding and Rooming Houses	- 1 for each sleeping room or dwelling unit.
(4) Industrial Operations	- 1 for each employee in the maximum working shift.
(5) Restaurants, Bars, Night Clubs, Recreation Facilities	- 1 for each 50 square foot of patron space.
(6) Retail Stores, Store Groups, Shops, Small Commercial Establishments, Business Uses	- 1 space for each 200 square feet of floor space, plus 1 for each employee.
(7) Wholesale Establishments or Warehouses	- 1 for each employee in maximum shift.
(8) Offices-General	- 1 for each employee
(9) Doctor or Dentist Office	- 10 for each office.
(10) Home Occupation	- Minimum of 3 spaces.
(11) Dwellings & Mobile Homes	- 2 for each dwelling unit.
(12) Roadside Stands	- Minimum of 3 spaces.

- i. Placement of the parking lot and parking spaces shall not be closer than five feet from lot or street lines.

See
amendment

- j. In all zoning districts on residential lots, fences or walls over four (4) feet in height are not permitted, except where allowed under this Law. They may exceed four (4) feet only when enclosing the immediate grounds of a swimming pool or other essential community or public facility. No fence or wall shall be so placed as to cause traffic hazards (e.g. blocking line of sight).
- k. In all districts a private garage or other accessory structure that is connected to a dwelling or structure becomes a part of the principal building rather an accessory building. A garage shall not be required to have a setback distance from the principal building. It shall only maintain required setbacks from adjacent lot and street lines.
- l. A buffer or transition zone shall be established between residential and general commercial or industrial districts when a new physical development (not use of an existing structure) is proposed for a lot adjoining such a district line. Development on such lots shall be set back at least 25 feet from the district line; however, where this is impossible the Planning Board may grant a waiver allowing a 10 foot set back provided the new development will not conflict with neighboring uses by means of noise, odor, pollution, safety, health or general welfare. However, the 10 foot setback shall incorporate plantings (i.e. shrubs, trees, etc.) of such density and height to reduce nay such detrimental effects.
- m. Home occupation uses are permitted in all districts. Following are a list of criteria that they must meet:
 - (1) Not more than two people shall be employed at such a use.
 - (2) The use is customarily conducted within the dwelling.
 - (3) One identification sign is permitted and shall not exceed six square feet in area.
 - (4) Off-street parking space requirements, as identified in this Article, shall be adhered to.
 - (5) No unsafe traffic conditions shall be produced by vehicles at the use, sign placement, etc.
 - (6) No objectionable odors, noise or unsightly conditions shall be encountered by neighboring properties.
- n. Public and private recreation, as permitted in the General Commercial districts, shall meet the following list of criteria.
 - (1) They shall be located at least 50 feet from a lot or a street line.
 - (2) If it is a commercial facility and is intended to serve a membership or clientele over 25 people on a regular basis the facility shall not be closer than 100 feet to a residential lot line.

- (3) Appropriate screening to reduce noise and dust shall be required when such a commercial use is adjacent to a residential lot. This screening may include fencing or hedges of appropriate density.
- (4) Off-street parking spaces shall be provided in compliance with the off-street parking requirements of this Article.
- o. Swimming pools are permitted structures in all districts and may be located within a required side or rear yard. However, swimming pools shall:
 - (1) not be closer than ten feet to a lot line.
 - (2) in the Residential and Business Districts, have a fence that is at least four feet tall around the entire structure. The fence shall be constructed of such materials so as to prevent unauthorized entrance by children or other individuals. This shall not apply to above-ground pools which have attached fences and restraining devices. Existing pools must also meet this fencing requirement.
- p. Community Facilities are permitted in all districts and shall meet the following requirements:
 - (1) The approval of such facilities shall require proof that the use will not be out of character with similar neighboring uses.
 - (2) Sufficient parking spaces must be provided to meet the Off-Street Parking requirements of this Article.
 - (3) The use shall not produce dust, noise, lighting glare or other objectionable environmental conditions to neighboring residential properties. If it does the use shall install adequate screening (fences, hedges, etc.) to eliminate such conditions.
 - (4) Interior thoroughfares shall be arranged so as to insure public safety.
- q. Public parks, playgrounds, athletic fields and accessory buildings are permitted in all the districts provided buildings on such lots are located at least one hundred (100) feet from any adjacent lot line.
- r. In all districts inoperative motor vehicles are not permitted to be kept on the premises for a period longer than 45 days, unless they are enclosed within a structure or fence so as not to be visible from off the property.
- s. In addition to other provisions of this Law, the following uses and activities are not permitted within two hundred (200) feet of any residential districts:
 - (1) Garages or shops for painting of automobiles or for the repairing of automobile bodies involving hammering or other

work causing loud or unusual noise, fumes, or odors.

- (2) Kennels or places for the stabling of animals.
 - (3) Any Industrial District uses.
- t. In any zoning districts, the removal of sod, loam, sand, gravel, or quarried stone is subject to the following requirements:
- (1) No below ground level excavation (creating a pit) of materials shall be located within 200 feet of any public road or other property line.
 - (2) All blasting shall be done by a licensed and insured blaster and subject to the approval of the Planning Board.
 - (3) All such sites shall be entirely fenced to eliminate off-premises visibility and unauthorized entrance. No excess noise or dust shall be created that detrimentally affects neighboring properties.
 - (4) All sites must first meet the State Mined Land Reclamation Act.
- u. In all districts there shall be no placement of materials, wood, debris, litter or structures in a required yard; unless so authorized by this LAW, or a Board thereof. Firewood shall be neatly stacked in side or rear yards, within a reasonable time, as established by the Planning Board.

ARTICLE VIII

SITE PLAN REVIEW

1. Introduction and Authority

The purpose of the site plan review procedure is to allow flexibility in both the review and development of those uses specified for such elsewhere in this Law. Pursuant to authority delegated in accordance with Village Law of the State of New York, the Village Board hereby authorizes the Village Planning Board to review and approve site plans. Before starting development of structures or uses specified for site plan review, the developer shall submit a site plan together with any supporting data for review and approval in accordance with the standards and procedures set forth in this local law and applicable administrative regulations. No permit shall be issued by the enforcement officer, except upon authorization by the Village Planning Board. The Planning Board shall review the proposed use in accordance with the procedures outlined herein and then applicability to the respective standards found in this Article and Article VI, Special Uses (when appropriate).

2. Procedure

- a. Application for site plan review shall be made to the Village Planning Board on a form prescribed by the Village. This form shall contain the following information.
- (1) Name and address of applicant and authorization of owner if different from applicant.
 - (2) Name and address of person or firm preparing the plan and map.

- (3) Current zoning classification of property, including exact zoning boundary if in more than one district.
- (4) Property boundary line plotted; with distances, angles and area shown.
- (5) North arrow, scale and date.
- (6) Locations, widths, construction types and names of existing and proposed adjacent streets, walkways, etc. Traffic circulation directions shall be plotted.
- (7) Written description of the proposed use, including all activities.
- (8) Location of the use plotted on a map of the property with dimensions of the use, distances to lot and street lines, distances to outstanding natural features, distance to flood plains, distances to existing buildings and structures, etc.
- (9) Listing (and map plotting) of significant or outstanding natural features of property (e.g. wetlands, creeks, high water lines, cliffs, dense vegetation, etc.).
- (10) Listing of other local, State and Federal permits necessary to have the development completely operational, as proposed.
- (11) Utility standards to be used (i.e. water, sewer, electric, etc.).
- (12) Location of all proposed and existing drainage facilities.
- (13) Type of construction materials to be used.
- (14) Curb cuts and other traffic accessways plotted on the map.
- (15) Location and type of signs.
- (16) Landscaping plan
- (17) Project construction schedule and staging phases, if applicable.
- (18) Type of outdoor lighting and any public address system.
- (19) Height of buildings/structures and location of fences, walls, etc.
- (20) Other features required by the Planning Board to insure complete understanding.

- b. The applicant may request a pre-submission conference with the Planning Board prior to formal application submittal. This conference can be used to discuss site plan review procedure/criteria and other zoning matters. The Planning Board shall honor this request and convene such a conference.

- c. Once a completed application has been formally received by the Planning Board the Board shall have a maximum of 45 days (from the date of receipt) to review and approve, approve with conditions, or disapprove the proposal. If no decision has been rendered by the Board within that time the action will be deemed approved.
 - d. Within 30 days from the application receipt by the Planning Board a public hearing shall be held on the proposed to entertain public comment. A ten (5) day advance public notice of the hearing shall be published in the official newspaper.
 - e. The final decision by the Planning Board must be made in writing, specifying any conditions that may be attached to an approval, the reasons that the Board approved or denied the proposal and the motions/vote by Board members. All decisions shall be filed in the Office of the Village Clerk and a copy mailed to the applicant.
 - f. The Planning Board may attach additional conditions to the proposed development, providing they are in keeping with the intent of these procedural regulations and the site plan review standards found in this Article and Article VI, Special Uses (when applicable).
 - g. The Planning Board may grant a waiver to the uses which have to undergo site plan review criteria if they feel that the proposed use will not have a significant affect (from an economic, environmental and developmental stand-point) on the zoning district or community at large.
 - h. The Planning Board shall refer all site plan review matters that fall within those areas specified under General Municipal Law, Article 12 B, Section 239 m to the County Planning Board prior to their hearing and vote thereon. All filing provisions of General Municipal Law Article 12 B, Section 239 m shall be adhered to.
 - i. The Planning Board may require a performance bond to cover the development impact on Village public improvement costs, local inspections, bond approval and other Village liabilities incurred.
 - j. Appeals from any determination of the Planning Board under this Section shall be made in accordance with the provisions of Article 78 of the Civil Practice Law and Rules of the State of New York.
3. General Performance Site Plan Review Criteria

Following is a list of performance site plan review criteria that the quality of the development proposal must be assessed against. The Planning Board may specify certain standards in line with these criteria that the developer must then comply with. The Board shall not be limited to reviewing and setting criteria only in the following areas.

- a. Adequacy and arrangement of safe vehicular traffic access and circulation, including intersections, road widths, curb cuts, channelization structure and traffic controls. Such facilities must be constructed to Town specifications and standards.
- b. Adequacy and arrangement of pedestrian traffic access and circulation including: separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian convenience. This shall also include specifications and standards to which such facilities shall be constructed.
- c. Location, arrangement, appearance and sufficiency of off-street parking and loading to meet the proposed uses. Construction specifications may be required by using the off-street parking and loading requirements (found in Article VII), as a guide.
- d. Location, arrangement, size and design of buildings, lighting and signs. All uses shall compliment each other and not be offensive to the District or adjacent areas.
- e. Adequacy, type and arrangement of trees, shrubs and other landscaping which constitutes a visual and/or a noise deterring buffer between competing adjacent uses and adjoining lands. The proposed use shall be landscaped to insure a sightly appearance. This shall insure adequate vegetative ground cover to eliminate erosion and promote aesthetics. Trees shall be retained where possible. The Board may set minimum standards in this regard.
- f. In the case of apartment houses, mobile home parks, or multiple dwellings, the adequacy and availability of open space for playgrounds and informal recreation.
- g. Adequacy and quality of storm water, drainageways, sanitary waste disposal facilities, and other utilities that will serve the site. The applicant shall assure that all water and sewer connections and installations are made in a timely fashion and prior to project approval and operation. Such connections and installation shall be made according to specifications of the Village.
- h. Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion. Construction specifications may be required.
- i. Protection of adjacent properties against noise, glare, unsightliness or other objectionable features from conflicting uses.
- j. Conformance with other specific intents of the Village Zoning Law.
- k. Individual developments within the proposed Districts must meet the following minimum dimensional requirements.
 - (1) front yard - 30 ft.

(2) side yard - 15 ft.

(3) rear yard - 15 ft.

1. Open space may be required for recreation, circulation and other reasons. The area shall be of sufficient size to accommodate these purposes in relation to the residential and non-residential uses. Access to such areas will be considered. Such areas may be publicly or privately owned.
- m. Adequacy in preserving the scenic, historical and cultural attributes of the site. The integrity of existing historic sites or structures on the National Register of Historic Places shall not be endangered by the development.
- n. Architectural design compatibility with surrounding areas.
- o. The proposed use (either in operation or construction) shall not cause erosion or drainage problems. The Planning Board may specify conditions to alleviate such situations.

4. Industrial and Commercial Site Plan Review Criteria

Commercial and Industrial uses shall meet the following site plan review criteria, in addition to the appropriate criteria listed above, when specified for site plan review in Article V, Schedule I.

- a. Such uses shall meet the off-street parking and loading requirements of Article VII, Supplemental Regulations.
- b. Such uses shall not produce high volumes of polluting wastes as identified under State Environmental Conservation Law and specified by the New York State Department of Environmental Conservation.
- c. Any manufacturing, fabricating or servicing related to the operation must take place within a building designed to accommodate the use.
- d. Materials used in the manufacturing, fabricating or servicing operation may be stored outside the building accommodating the use; provided, they shall be arranged in a neat and orderly fashion and shall be enclosed by a fence at least five feet in height so as to prohibit unauthorized entrance by children and individuals. The outside storage area shall not be larger than the square footage of the first floor of the building used to house the operation. The Planning Board may require enclosure of such materials involved in such an operation if it deems the materials to be offensive, from a visual or health standpoint. The Board shall establish reasonable enclosure standards.
- e. The use shall be setback a sufficient distance from neighboring residential property to reduce any possibly land use conflicts, traffic problems, noise, dust, odors, unsightliness, or other unhealthy/objectionable conditions. The Board shall determine the status of these conditions and establish the setback requirement accordingly. The Board may also impose various screening techniques (i.e. plantings, fences, etc.) of such character that alleviates or reduces these conditions.

- f. The use shall not produce exterior noise levels that are detrimental to off-lot residential areas. Such levels shall not exceed 90 dcb at off-lot locations.
- g. There shall be no on-lot burning or landspreading of solid or liquid wastes, unless in accordance with State and local laws.

5. Additional Site Plan Review Uses and Criteria

Following is a more specific list of uses which are identified for site plan review criteria. Particular criteria is associated with the respective uses and they must comply with these, in addition to the appropriate criteria previously listed in this Article.

a. Quarrying of Stone, Sand and Gravel

- (1) The standard found under Quarrying in Article VI, Special Uses, shall apply here also.

b. Multiple Dwellings

- (1) Traffic Access All on-site traffic access roads shall be composed of all-weather materials and shall be built to Village Highway standards. The interior roadways shall enter or exit onto State, County or local highways only with the permission of those respective Highway Departments. Such entrances or exits shall not be closer than 50 feet to street corners. Visibility on interior roadways or at exits and entrances shall not be impeded so as to cause unsafe traffic conditions as determined by the Village Planning Board. Any of these conditions may be waived or altered by the Planning Board.
- (2) Circulation and Parking That the interior circulation system is not congested and allows the concurrent flow of entering and exiting traffic. As stated above, the surface shall be of all-weather material, as specified by the Town Highway standards. There shall be two parking spaces for each dwelling unit. All units shall have ready access to the interior roadways and parking spaces. No interior public roadway shall be closer than 10 feet to any building. Any of these conditions may be waived or altered by the Planning Board.
- (3) Arrangement of Buildings That adequate provision has been made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.
- (4) Proper Landscaping Within one month of such construction, or at least by September 1, the bare grounds must be seeded. Where construction takes place later than this date or it is impractical to seed the site shall be mulched to reduce erosion until seeding can take place. Where adjacent land use districts or uses are of a commercial, industrial or business nature the Board may require that proper screening and buffer zones be required to reduce noise, dust and disturbances.

- (5) Certificate of Occupancy No certificate of occupancy shall be issued for any such building or buildings, unless the proposed use conforms in all respects to the site plan and the conditions stated herein.
- (6) Distance Between Buildings
 - (a) The front and rear of any principle building shall be no closer to the front or rear of any other principle building than 40 feet.
 - (b) The side of any principle building shall be no closer to the side, front, or rear of any other principle building than 30 feet.
- (7) Recreation Space There shall be provided on the site of such a use an area or areas devoted to the joint recreational use of the residents thereof. Such recreation space shall consist of an area not less than twenty-five (25) percent of the total living space of all dwelling units served.
- (8) Drainage Drainageways on the lots and at the interior or public roadsides shall be constructed so as to handle the capacity flows at any given time. The Soil Conservation Service or the respective Highway Department may be contacted to provide technical assistance on the size of the drainageway or culverts therein.
- (9) Lighting Exterior lighting shall be adequate to promote safety in the parking areas and on-lot adjacent to the multiple dwelling.
- (10) Each dwelling unit shall have at least 300 sq. ft. of interior floor space.

C. Hotels, Motels and Resorts

(1) Traffic Access -

Roads adequate in grade, width, alignment, visibility and properly related to other nearby traffic circulation considerations to meet Village standards.

(2) Off-Street Parking -

There shall be provided on the site of such development an area or areas devoted to the parking of automobiles. The required number of off-street parking spaces shall be determined from the Off-Street Parking Schedule.

(3) Exterior Lighting and Signs -

Illuminated signs and other exterior lighting shall be directed away, or shielded from, adjacent residential properties in such a manner as not to disturb the occupants thereof.

(4) Proper Landscaping -

Where adjacent land use is residential in nature and within 50 feet of the property line buffer zones shall be required to eliminate visibility, noise, and dust from the use. The area shall be seeded before September 1, or if this is impossible, mulched until seeding can take place.

(5) Open Space -

A minimum of twenty-five percent of the site shall be developed as open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.

(6) Such uses shall have a minimum area of 150 square feet of rentable space for each unit, exclusive of bathroom facilities.

(7) Each rentable unit shall include a minimum of one (1) bedroom and a shower or bathroom with toilet.

d. Mobile Home Park

(1) An applicant who proposed to construct a mobile home park shall state that he, as agent or owner, shall be responsible for the proper maintenance and upkeep of the proposed park, and shall furnish the following information as part of the site plan review application:

- (a) Boundaries of plot areas
- (b) Entrances, exits, walkways and parking spaces
- (c) Mobile home sites or lots
- (d) Method and plan of garbage disposal
- (e) Electric lighting
- (f) Owners and operators name and address
- (g) Compliance with N.Y.S. Health Department regulations
- (h) On-lot drainage proposals

(2) A mobile home park must meet the following criteria:

- (a) A mobile home park shall have an area of not less than four acres, and no mobile home or service building shall be closer to a street line than 55 feet or other property line than 30 feet.
- (b) The park shall be located on a well drained site, properly graded to insure rapid drainage and free from stagnant pools of water.

- (c) The park shall have an adequate entrance road at least 24 feet wide. The roadway shall be constructed of all-weather materials as specified by the Village.
- (d) Individual mobile home lots shall have an area of not less than 5,000 square feet with a minimum width of 50 feet and a minimum depth of 100 feet.
- (e) The total number of mobile home lots shall not exceed seven per gross acre.
- (f) Side and rear property lines shall be densely planted with trees and shrubs.
- (g) Mobile home parks which accommodate 25 or more mobile homes shall provide at least one recreation area consisting of at least 10 percent of the gross site area of the mobile home park.
- (h) Refuse shall be disposed of in a manner acceptable to the Village and to the New York State Health Department or other appropriate State agency. There shall be no on-lot exposed garbage, junk or other wastes. Each lot shall have a garbage can and weekly refuse pickup shall be assured.
- (i) A mobile home shall be so placed on each lot that it shall be a distance of at least twenty (20) feet from any mobile home in such park.
- (j) Each mobile home park shall provide weatherproof electric service connections and outlets for each lot, all such connections and outlets to be of a type approved by the New York State Fire Underwriters.
- (k) Lighting shall be provided along park roadways and walkways to insure safety for residents. It shall meet Village standards.
- (l) The entire park shall be landscaped to insure a sightly appearance. Individual lots shall be graded and seeded. They shall be mowed on a regular basis.
- (m) Requirements for individual mobile homes found elsewhere in this Ordinance shall be adhered to for mobile homes in parks as well.
- (n) All mobile homes or modular homes located in the park shall be placed on concrete pads or solid concrete/block foundation.

e. Shopping Centers -

A proposed shopping center development shall be in accordance with a unified site plan and architectural scheme. A site plan proposal showing: layout of center, occupancy commitments, parking, drainage, utilities, landscaping, walkways, and other similar features

shall be provided by applicant.

- (1) Off-street parking shall meet the requirements outlined for store groups in the off-street parking requirements of Article VII, Supplemental Regulations.
- (2) Off-street loading and unloading space shall be provided in addition to the space required by (1) above. It shall meet the off-street loading requirements of Article VII, Supplemental Regulations.
- (3) The Planning Board shall determine the appropriate setback distance from adjacent residential property lines based upon such conditions as traffic, noise, odor, dust and other environmental characteristics of the use. The Board may require screening (i.e. plantings, fences, etc.) of such nature as to reduce or eliminate such unfavorable characteristics.
- (4) Access patterns (both on-lot and exiting/entering onto the public thoroughfares) shall not cause safety hazards. The Planning Board shall review and approve such plans.

f. Public Utility Facility -

- (1) Such uses shall include the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of: underground or overhead gas, electrical, steam or water transmission generation or distribution systems; electronic communications apparatus; solid waste transfer sites; sewage treatment plants, etc., and other similar equipment and accessories used in connection therewith for the furnishing of adequate services for the public health or safety or general welfare.
- (2) The location, design, noise and operation of such facility shall not adversely affect the character of any nearby residential area.
- (3) Adequate fences, barriers and other safety devices shall be provided around such new uses at a height of at least six feet.
- (4) Such new uses shall be setback at least 150 feet from the nearest residential lot line. This shall not apply to existing uses or additions thereto.

g. Individual Mobile Homes (Replacement of)

- (1) Mobile homes shall be skirted with an all-weather, solid material around the entire carriage base. This shall be so placed as to prevent the wind from circulating under the floor of the mobile home.

- (2) All mobile homes shall be anchored to at least six "tie-down points". The cable, strapping and other anchoring devices used for such tiedowns shall be of sufficient carrying strength to hold 4,800 pounds in place.
- (3) All mobile homes shall be placed on a concrete pad or permanent foundation.
- (4) The Planning Board must review replacement to insure appropriate screening, clearance to lot lines, fire protection safety, etc. If these safety conditions are not met the Board may reject such an application.

h. Petroleum Storage Areas -

- (1) Such areas shall be located at least 200 feet from the nearest residential lot line.
- (2) Such areas shall be enclosed by a fence at least six feet tall and of sufficient design to keep out the public.

ARTICLE IX

PLANNED DEVELOPMENT DISTRICTS

1. General Intent and Objectives

From time to time, Planned Development Districts may be established in the Village and designed at specific locations on the Zoning Map. The purpose for establishing such Districts is to allow compatible development of a variety of uses (e.g. residential, commercial, recreational, historic, etc.) to exist and vary from the strict application of this Law's regulations.

It is the intent of this Article to provide flexible land use and design regulations through the use of performance criteria so that small-to-large scale neighborhoods or portions thereof may be developed within the Village. These may incorporate a variety of residential and non-residential uses; containing both individual building sites and common property which are planned and developed as a unit. This Article specifically encourages innovations in residential development so that the growing demands for housing at all levels may be met by greater variety in type, design, and siting of dwellings and by the more efficient use of land in such developments. Planned developments do not require mix of residential and non-residential uses to be considered for Planned Development District status.

This Article recognizes that while the standard zoning functions, (use, bulk and area) are appropriate for the regulation of land use in some areas or neighborhoods, these controls represent a type of regulatory strictness which may be detrimental to the innovative techniques of quality land development contained in the Planned

Development District concept. Further, this Article recognizes that a rigid set of space requirements along with area and use specifications would frustrate the application of this concept. Thus, where PDD techniques are deemed appropriate through the rezoning of land to a Planned Development District by the Village Board, the set of use and dimensional specifications found elsewhere in this Law are herein replaced by an approval process based upon the performance criteria outlined in Article VIII, Site Plan Review, and as prescribed by the Village Planning Board.

2. General Requirements and Site Plan Review Criteria for the Planned Development District.

a. Requirements for Consideration as a PD District: Following are a list of the requirements that a proposal must meet to be considered for P.D.D. status.

- (1) Minimum area: The district must comprise at least three acres of contiguous land.
- (2) Ownership: The tract of land for a project may be owned, leased or controlled either by a single person, or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
- (3) Location of PDD: The PDD shall be applicable to any area of the Village where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article.
- (4) Permitted Uses: Following are descriptions of residential and non-residential uses permitted in the PD District. These uses may be mixed, separated or the development may accommodate only one type of use (i.e. residential or non-residential).
 - (a) Residential Uses: Residences may be of any variety of types including single family dwellings, two family dwellings, multiple dwellings and mobile home parks.
 - (b) Accessory, commercial, business, recreational, historic, service and other non-residential uses: Non-residential uses shall include, but not be limited to, retail and wholesale commercial operations, theaters, places of amusement and recreation, cultural and historic facilities, public and private parks, home occupations, community facilities, restaurants, and tourist facilities. All such uses shall be in keeping with the residential character of the proposed district and adjacent areas. No industrial uses shall be permitted.

- (i) In a mixed use development, the non-residential uses of a commercial or business nature shall not exceed the square footage devoted to residential, and its accessory, uses. This shall be determined by building floor area. Such commercial or service area may be in separate buildings or incorporated within two family or multi-family structures or in suitable combinations of these alternatives.
 - (ii) Customary accessory or associated uses, such as private garages, storage spaces, community activity centers, churches and schools shall also be permitted as appropriate to the PDD.
- (5) Setback Requirements: The applicant shall propose to the Planning Board specific setback distances for acceptable permitted uses. These distances may be different for similar uses, or different uses. There shall be distances proposed for front, side and rear yards; which assure environmental quality from such concerns as noise, fire, sanitary, odor, traffic, etc. The Planning Board shall review these proposals and determine their acceptability in assuring environmental soundness of such conditions. The Planning Board shall specify yard setback requirements if the applicant's proposal is not acceptable.
- (6) Common property in the PDD: Common property is not required to be considered for PDD status, however it is often characteristic of such proposals. Common property in a PDD is a parcel or parcels of land, with or without the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be presented for the improvement, operation and maintenance of such common property and facilities, including private street, drives, service and parking areas, and recreational and open space areas.

3. Procedure

Following are procedural steps that shall be followed when applying for PDD status:

- a. In order to establish Planned Development Districts, this Zoning Law must be amended by the following procedures herein outlined and the prescribed regulations for amendments to this Zoning Law.
- b. Application for establishment of a Planned Development District shall be made to the Village Board by the owner(s) of property proposed to be included in the District. The Village Board shall refer such application to the Village Planning Board for consideration within seven (7) working days of receipt of such an application.

- c. Within fourteen (14) days following referral, the Planning Board must request in writing that the applicant send a development plan and detailed program which would enable the Planning Board to evaluate the proposed development and its effect on nearby land uses and public services. Such a plan and program must consist of the application requirements of Article VIII, Section 2.
- d. The Planning Board must discuss the proposal with the applicant at a regular meeting of the Board within thirty (30) days of the submission of the required information by the applicant (Item c, above). Within ten (10) working days of such a meeting, the Planning Board must approve, approve with modifications and conditions, or disapprove such an application and then report these recommendations to the Village Board of Trustees. The Planning Board will base this decision upon the development's ability to meet the Site Plan Review standards established under Article VIII, Section 3.
- e. In determining its recommendations on the proposed development, the Planning Board must consider, where appropriate, the need for the proposed use in the proposed location; its consistency with the Village Development/Comprehensive Plan; and the existing character of the neighborhood in which the use would be located. It also must consider the safeguards to minimize possible detrimental effects of the proposed use on the adjacent properties, on public services and on the historic character of the area.
- f. It shall be the authority of the Planning Board to set conditions under No. 3 d, of this Section and make a recommendation for PDD status based upon this. It is the Village Board's authority to review this PDD status recommendation (from the Planning Board) and enact or disapprove an amendment thereon. Within forty-five (45) days of receipt of the recommendations, the Village Board must, following public notice provided by this Law, hold a public hearing on the proposal; and then deny or approve this proposal by the procedures prescribed for amendments under this Zoning Law.
- g. If such an amendment is enacted, the permitted development must be confined to the specific designated area, while having followed the approved development plan and program. If it does not it will constitute a violation of this Zoning Law.
- h. In order to exceed any of the above time frames for adoption of a PD District there must be agreement by both the applicant and the Village Board.
- i. A PD District that is in effect shall only be expanded if in compliance with original permits granted. Expansions requiring new permit action shall undergo the site plan review procedure of Article VIII.
- j. A Planned Development District that is in effect, shall be considered abandoned if completion of a project is not achieved within three years of the date of establishment of the Planned Development District and shall automatically revert to its previous zoning use.

ARTICLE X

NONCONFORMING USES AND STRUCTURES

1. Every structure or use not conforming to the regulations of the district in which it is located at the time of adoption of this Law, shall be a "Nonconforming Use".
2. A nonconforming structure or use may not be altered, or resumed except in conformity with the regulations for the district in which it is located.
3. A nonconforming use of a structure or land that has ceased for a consecutive period of twelve months or for twenty-four months during any three year period, may not be altered, rebuilt, or resumed unless in conformity with Law regulations.
4. A nonconforming use may be continued subsequent to adoption of this Law but the structure shall not be enlarged in a way which increases its nonconformity, and the use shall not be enlarged or increased to occupy a greater land area.
5. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this Law.
6. Nothing in this Law shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming structure declared unsafe by a duly designated official.
7. Nothing in this Law shall be deemed to prevent the reconstruction or replacement of a nonconforming structure to its original configuration when destroyed by fire or Act of God.
8. District Changes/Amendments: Whenever an area is transferred from a district of one classification to a district of a different classification, or amendments are adopted which change permitted uses or other regulatory measures governing such, the above regulations shall apply to nonconforming uses created by such transfer.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

1. Building Permits
 - a. No building or structure shall be erected, or use instituted, until a permit therefore has been issued. The exterior structural area of a building shall not be enlarged until a permit therefore has been issued.

- b. A building permit shall not be required for:
- (1) Fences or walls, provided they meet the requirements of Article VII, Section 4.
 - (2) Interior structural alterations. No building permit is needed for routine maintenance and improvements (e.g. roofing, window replacement, siding replacement, etc.) that do not expand the exterior dimensions of the structure.
 - (3) Chimneys, placement of posts, and other similar accessory uses.
 - (4) No building 100 sq. ft. or under, however it must be placed in a side or rear yard.
- c. When establishing measurements to meet the required front yards and structure setbacks, the measurements shall be taken from the street line or lot line to the point attached to the structure which projects out the furthest. This shall include such projecting facilities as cornices, chimneys, eaves, porches, carports, attached garages, etc.
- d. No such building permit or certificate of occupancy shall be issued for any building where said construction, addition, and exterior expansion or use thereof would be in violation of any of the provisions of this Law.
- e. A building permit issued under this Law, shall expire six months from the date of issue if construction is not started.
- f. Any use that has been discontinued for a period of 12 months or longer shall be termed abandoned and may not be reinstituted without applying for a new building permit.
- g. Applications for building permits shall be submitted to the Zoning Officer and shall include two (2) copies of a plat plan showing the actual dimensions of the lot to be built upon; the size, location and height (on the lot) of the building and accessory buildings to be erected; the distances from the building line to all lot lines, road right-of-way line, structures, streams and any other features of lot; and such other information as may be necessary to determine and provide for the enforcement of this Law. This information and other relevant application data, shall be provided on a form issued by the Village.
- h. A fee, as determined by the Village Board, shall be levied for each building permit issued.

- i. Temporary building permits may be issued by the Zoning Officer for a period not exceeding one year, for conforming and non-conforming uses. Such permits, for nonconforming structures, are conditioned upon agreement by the owner or operation to remove the nonconforming structure(s) or equipment upon expiration of the permit or to bring the use into compliance by a specific time. Such permits may be renewed.
- j. Parking lots for places of public assembly and commercial, business, or industrial uses shall require a permit for placement. They shall meet the requirements of Article VII, Section 4.
- k. Building permits are required to place or erect a sign. Before issuance of such a permit, signs must meet the appropriate regulations of the respective district in which they are located. Such regulations are found in Article VII, Supplemental Regulations. No permit is needed for temporary signs, as identified and defined in this Law.

2. Zoning Officer

This Law shall be enforced by the Zoning Officer, who shall be appointed by the Village Board.

a. The Zoning Officer's authorities shall include:

- (1) Issue and deny permits
- (2) Scale and interpret district boundaries on the Zoning Map
- (3) Issue or deny Certificates of Occupancy
- (4) Refer appropriate appeal, special review and amendment matters to the Planning Board, Village Board, and Zoning Board of Appeals.
- (5) Revocation of a permit where there is false, misleading or insufficient information. Revocation of a permit and/or certificate of occupancy where the applicant has not done what was proposed on the application
- (6) Issue stop work orders and apprise the appropriate Board or official of legal matters which must be pursued.
- (7) The Zoning Officer shall report to the Village Board the number of permits issued and fees collected at regular Village Board meetings.

3. Certificate of Occupancy

- a. No land shall be occupied or used and no building hereafter constructed, erected, extended, used, or changes made in the use until a certificate of occupancy shall have been issued by the Zoning Officer stating that the buildings or proposed use thereof complies with the provisions of this Law.

- b. All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within ten (10) days after the erection, alteration or institution of new use and shall have been approved as complying with the provisions of this Law.
- c. The Zoning Officer shall maintain a record of all permits, certificate and other appropriate correspondence/paperwork. Copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

4. Board of Appeals

- a. Creation, appointment, and organization: A Board of Appeals is hereby created. Said Board shall consist of five (5) members. The Village Board shall appoint the members of the Board of Appeals on a staggered term basis in conformance with Village Law. The Board of Appeals shall select a Chairman and secretary and shall prescribe rules for the conduct of its affairs.
- b. Powers and duties: The Board of Appeals shall have all the power and duties prescribed by Village Law and by this Law, which are more particularly specified as follows:
 - (1) Interpretation: To decide any question involving the interpretation of any provision of this Law upon appeal from a decision by an administrative official or citizen, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
 - (2) Variances: To vary or adapt the strict application of any of the requirements of this Law in the case of exceptionally irregular, narrow, shallow, or steep lots, and other exceptional physical conditions; or undue use hardships; whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or buildings. Variances must meet the criteria of Village Law, legal parameters and the regulations and intent of this Law. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.
- c. Procedure: The Board of Appeals shall act in strict accordance with the procedure specified by Village Law and by this Law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the Village. Every appeal or application shall refer to the specific provisions of the Law being appealed and shall exactly set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance and special permit actions in conformance with the requirements of Village Law. Every decision of the Board of Appeals shall contain a full description of reasons for granting or denying the permit. The reasons for

the action shall be set forth in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. Final appeal decisions by the Board shall be rendered in public session. All appeals shall first be referred to the Planning Board for its recommendation before any final action by the Board of Appeals. The Planning Board shall have 15 days from the date of receiving information on the appeal to issue a recommendation. If a recommendation is not issued in this time it shall be deemed that the Planning Board concurred with the appeal. All recommendations from the Planning Board to the Board of Appeals shall be made in writing and are non-binding on the final decision of the Board of Appeals. The Planning Board's recommendation should consider the appeal's relevancy in terms of the general intent of the Law, Comprehensive Plans and other long range planning concerns.

- d. All variance actions that fall under the jurisdiction of General Municipal Law 239 m shall be referred to the Jefferson County Planning Board for their review and action thereon, prior to any local decision. The requirements of this section of the Law shall be followed by the Village.

5. Planning Board

- a. Creation, appointment and organization: A Planning Board is hereby created. Said Board shall consist of five (5) members. The Village Board shall appoint the members of the Planning Board on a staggered term basis in conformance with Village Law. The Planning Board shall select a Chairman and secretary and shall prescribe rules for the conduct of its affairs.
- b. Powers and Duties: The Planning Board shall have all the power and duties prescribed by Village Law and by this Law, some of which are specified below:
 - (1) Appeals Actions: All appeals shall first be referred to the Planning Board for its recommendation before any final action by the Board of Appeals. The Planning Board shall have 15 days from the date of receiving information on the appeal to issue a recommendation. If a recommendation is not issued in this time it shall be deemed that the Planning Board concurred with the appeal. All recommendations from the Planning Board to the Board of Appeals shall be made in writing and are non-binding on the final decision of the Board of Appeals. The Planning Board's recommendation should consider the appeal's relevancy in terms of the general intent of the Law, Comprehensive Plans and other long range planning concerns.
 - (2) Amendments: The Village Board shall refer all amendment proposals to the Planning Board for a 20 day (maximum) review and recommendation period, prior to Village Board action thereon. If the Planning Board does not recommend on the proposal (to the Village Board) within this period it shall

be deemed that they have approved the proposal. The Planning Board's recommendation shall be made in writing to the Village Board. The Planning Board's recommendation should consider the amendment and its impact on the intent of the Comprehensive Plan, the Zoning Law and other long range planning concerns of the Village.

- (3) Site Plan Review: The Planning Board shall have the authority to administer the site plan review requirements of this Law, found in Article VIII. In so administering these regulations, it is recognized that Site Plan Review allows the Planning Board to vary the strict application of this Law, in order that the applicant meet generally prescribed performance criteria. However, the Planning Board shall be empowered to establish specific conditions, dimensions and other requirements to meet these performance standards. In performing this duty, the Planning Board shall act in accordance with the legal authority of this Law, as well as the appropriate section of Village Law.
- (4) Special Permits: The Planning Board is empowered to issue or deny special permits in accordance with the requirements of this Law, and Village Law. All appropriate procedures outlined in Article VI shall be followed. Special permits can only be approved if they are listed as an acceptable special use in Article V, Schedule I, and if they meet the appropriate requirements for such a use in Article VI.
- c. All site plan or special permit actions that fall under the jurisdiction of General Municipal Law 239 m shall be referred to the Jefferson County Planning Board for its review and action thereon, prior to any local decision. The requirements of this section of the Law shall be followed by the Village.

6. Violations and Penalties

- a. Violations and penalties: A violation of this Law is an offense punishable by a fine not exceeding one-hundred dollars (\$100.00). Each week's continued violation shall constitute a separate offense.
- b. Complaints of violations: Whenever a violation of this Law occurs, the Zoning Officer, Village or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer who shall properly record such complaint and immediately investigate and report thereon to the Village Board. The Village Board shall institute appropriate legal procedures to correct the violation or issue penalties. This shall be done by a stop work order, or order to correct the violation, being issued. If the violation is not corrected within the specified time the Village shall issue an injunction against the violator and require his appearance in court. The seeking of an injunction shall not preclude the Village from enforcing the penalty provisions contained in the above paragraph.

ARTICLE XII
AMENDMENTS

1. The Village Board may from time to time on its own motion, or on petition, amend, supplement, or repeal the regulations and provisions of this Law after appropriate public notice and hearing (as provided for in Village Law).
2. Procedure: The Village Board by resolution adopted at a stated meeting shall fix the time and place of public hearing on the proposed amendments and cause notice to be given as follows:
 - a. By publishing a notice at least ten (10) days prior to the time and place of such hearing in a paper of general circulation in the Village.
 - b. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any city, village, town or county, or within 500 feet of any existing or proposed State or County highway right-of-way shall be given to the clerk of such municipality and referred to the Jefferson County Planning Board for its review and action thereon (within at least thirty (30) days from the date of receipt of the application). The requirement of this section of Law shall be followed by the Village.
 - c. Other provisions of posting, publication and action on the amendments; as set forth in Village Law; shall be adhered to.
 - d. The Village Board shall refer all amendment proposals to the Planning Board for a 20 day (maximum) review and recommendation period prior to Village Board action thereon. If the Planning Board does not recommend on the proposal (to the Village Board) within this period it shall be deemed that they have approved the proposal. The Planning Board's recommendation shall be made in writing to the Village Board. The Planning Board's recommendation should consider the amendment and its impact on the intent of the Comprehensive Plan, the Zoning Law and other long range planning concerns of the Village.

ARTICLE XIII
INTERPRETATION AND SEPARABILITY

1. Interpretation: Interpretation and application, of the provisions of this Law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Law differ with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.
2. Separability: Should any section or provisions of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

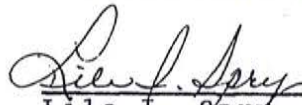
2. Separability: Should any section or provisions of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE XIV

EFFECTIVE DATE

The provisions of this Law shall take effect upon filing with the Secretary of State.

Passed and adopted by the Board of Trustees of the Village of Adams, County of Jefferson, State of New York on the 20th day of February 1984



Lila I. Spry, Clerk/Treasurer

Note: The zoning map to which this law refers to, is on file in the office of the Village Clerk.