

## ARTICLE I: ENACTMENT AND INTENT

### SECTION 100 TITLE

The title of this Local Law is the "Zoning Local Law of the Village of Lyndonville, Orleans County, New York", and shall include this text and the Official Zoning Map. All existing Zoning Ordinances and Local Laws of the Village of Lyndonville Orleans County, New York, are hereby repealed upon the effective date of this Local Law.

### SECTION 101 PURPOSE

This Zoning Local Law is adopted pursuant to the Village Law of the State of New York, to promote and protect the public health, safety and general welfare and in furtherance of the following related and more specific purposes:

- A. To protect and preserve the small-town character of the Village.
- B. To guide and regulate the orderly growth, development and redevelopment of the Village of Lyndonville in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people.

### SECTION 102 APPLICATION OF REGULATIONS

The regulations set by this Local Law shall be the minimum regulations within each district and shall apply uniformly to each class or kind of structure or use of land, except as hereinafter provided:

- A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or structure shall hereafter be erected or altered which:
  - 1. Exceeds the height limitation for any structure within a specified district;
  - 2. Accommodates or houses a greater number of dwelling units than is permitted within a specified zoning district;
  - 3. Occupies a greater percentage of lot area than is permitted by the zoning schedule; or
  - 4. Has narrower or smaller yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Local Law or the requirements of the Codes of New York State.

- C. No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the regulations set forth herein, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building except as provided in Sections 601 and 602 of this Local Law.
  
- D. No yard or lot existing at the time of enactment of this Local Law shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Local Law shall meet or exceed the minimum requirements established herein.

**SECTION 103            CONFLICTS WITH OTHER LAWS**

Whenever the requirements of this Local Law are in conflict with the requirements of any other lawfully adopted rule, regulation, code, ordinance or local law, the most restrictive of such rules, regulations, codes, ordinances or local laws or those imposing the higher standards shall govern.

**SECTION 104            VALIDITY AND SEVERABILITY**

Should any section or provision of this Local Law be decided by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the Local Law as a whole, or any part thereof, other than the part so decided to be unconstitutional or otherwise invalid.

**SECTION 105            FEES**

Permit fees shall be collected and paid according to the fee structure in effect at the time of application. A fee schedule is posted at the Village Clerk's Office and Zoning Officer's Office. Said fee schedule may be amended, from time to time, by the Village Board of Trustees by resolution.

**SECTION 106            VIOLATIONS AND PENALTIES**

Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any provision of this Local Law including of any terms or requirements stipulated by the Village Planning Board as conditions on Special Use Permits issued by such Board or any terms or requirements stipulated by the Zoning Board of Appeals as conditions on any Variances issued by such Board shall be guilty of an offense, and upon conviction thereof, shall be subject to a fine of not more than \$250.00 or imprisonment for a period not more than six (6) months or both. Each week a violation is continued shall be deemed a separate offense.

**SECTION 107            ACTIONS**

- A. If the Zoning Enforcement Officer discovers a project commencing or operating without the required permits, he shall undertake enforcement actions as authorized by this Local Law and other provisions of New York State Law.

- B. The Village may maintain an action for a temporary restraining order, temporary injunction, or injunction to restrain, correct, or abate any violation of this Local Law or any failure to comply with any of the provisions of this Local Law including of any terms or requirements stipulated by the Village Planning Board as conditions on Special Use Permits issued by such Board or any terms or requirements stipulated by the Zoning Board of Appeals as conditions on any Variances issued by such Board.

**SECTION 108 ENFORCEMENT OF ZONING LOCAL LAW**

Any building or structure erected, or any use conducted without a zoning permit or certificate of compliance, where required, or not in conformity with the provisions of this Local Law including of any terms or requirements stipulated by the Village Planning Board as conditions on Special Use Permits issued by such Board or any terms or requirements stipulated by the Zoning Board of Appeals as conditions on any Variances issued by such Board, may be removed, closed or halted at once by the Zoning Enforcement Officer with the issuance of a stop order, with assistance, if deemed necessary, of any appropriate Village office or employee.

**SECTION 109 CONSISTENCY WITH COMPREHENSIVE PLAN**

The provisions and regulations of this Zoning Local Law and interpretations thereof shall be made in accordance with the objectives of the Village's Comprehensive Plan.

**SECTION 110 EFFECTIVE DATE**

This Local Law shall take effect 30 days after the adoption and filing with the Department of State as provided by the New York State Village Law and Municipal Home Rule Law.

**SECTION 111 AMENDMENTS TO ZONING**

**A. PROCEDURE**

The Village Board of Trustees may, from time to time, on its own motion, on petition or on recommendation of the Village Planning Board, and in accordance with the laws of the State of New York, amend, supplement or repeal the regulations, provisions or district boundaries of this Local Law, after public notice and hearing.

**B. FILING OF PETITION**

A petition to amend, change or supplement the text of this Local Law or any zoning district as designated on the Official Zoning Map established herein shall be filed with the Village Clerk and accompanied by the appropriate fees. The Village Clerk shall transmit the documentation to the Village Board of Trustees. A petition for a change to the Zoning Map shall contain a map which clearly describes the affected property and its boundaries and shall indicate the existing zoning district and the requested zoning change. In addition, every petition for a change to the Official Zoning Map shall contain an environmental assessment form completed and signed by the petitioner, or agent, in accordance with the procedures set forth in the State Environmental Quality Review (SEQR) regulations.

**C. REFERRAL TO VILLAGE PLANNING BOARD**

Every such proposed amendment or change, whether initiated by the Village Board of Trustees or by petition, shall be referred to the Village Planning Board for report thereon before the public hearing and within forty-five (45) days after the date of referral by the Village Board of Trustees. Such forty-five (45) day period shall be deemed to commence at the time the referral is first presented at a duly called meeting of the Village Planning Board. If the Village Planning Board shall fail to file such a report, it shall be conclusively presumed that the Village Planning Board has approved the proposed amendment, supplement or change.

**D. PUBLIC HEARING; NOTICE; REFERRALS; RECORDING OF ACTIONS**

The Village Board of Trustees by resolution adopted shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as provided by New York State Village Law or Municipal Home Rule Law.

Unless otherwise provided, the provisions of the State of New York Village Law pertaining to public hearings, official notices, referrals to the County Planning Board, and proper recording of zoning actions taken by the Village Board of Trustees shall apply to all amendments to this Local Law.

**E. NOTIFICATION OF PROPERTY OWNERS**

For zoning map amendments initiated by petition, all property owners within a distance of five hundred (500) feet of any proposed change or amendment shall be notified by mail by the Zoning Enforcement Officer. The notification shall specify the date, time and place of the public hearing and a telephone number to call for more specific information. Such notification shall be mailed so that property owners receive the notification not less than ten (10) days prior to the public hearing. All expenses associated with the preparation and distribution of the notification shall be paid by the petitioner or petitioners.

**F. DISPOSITION FINAL; REHEARING ON PETITION**

The disposition of a petition for amendment by the Village Board of Trustees shall be final and disapproval or denial of the proposed amendment shall void the petition. No new petition for an amendment which has been previously denied by the Village Board of Trustees shall be considered by it, except for a vote to table or to receive and file, and no public hearing shall be held on such amendment within a period of one (1) year from the date of such previous denial unless the Village Planning Board shall submit a recommendation, with reasons stated therefore, certifying that there have been substantial changes in the situation which would merit a rehearing by the Village Board of Trustees. Such rehearing may be granted only upon a favorable vote of a majority of the Village Board plus one (1).

**ARTICLE II:      DEFINITIONS**

**SECTION 200      WORD USAGE**

For the purpose of this Local Law, certain words and terms used herein shall be interpreted as follows:

The word "person" includes a firm, association, partnership, trust, company, corporation or other entity as well as an individual.

Words used in the present tense include the future tense.

All words in the plural number include the singular number and all words in the singular number include the plural number, except as to the number of permitted structures, unless the natural construction of the wording indicates otherwise.

The word "building" includes the word "structure".

The words "shall" and "must" are mandatory and not discretionary; "may" is permissive.

The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied".

The word "lot" includes the words "plot", "parcel", "tract" or "site".

The word "premises" includes a lot and all buildings or structures thereon.

To "erect", to "construct" and to "build" a building or structure each have the same meaning and also include to "excavate" for a building and to "relocate" a building by moving it from one location to another.

**SECTION 210 DEFINITIONS**

**ACCESSORY USE OR STRUCTURE:** Contributory use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure and may include alternate energy systems.

**ACCESSORY:** When used to modify buildings, structures or uses, those buildings or uses customarily incidental to and located on the same lot with the permitted use.

**ACCESSORY BUILDING OR STRUCTURE:** A detached building or structure which: (1) is customarily incidental and subordinate to, and serves a principal building; (2) is subordinate in area, extent or purpose to the principal building served; (3) contributes to the comfort, convenience or necessity of occupants of the principal building use; and, (4) is located on the

same parcel as the principal building. This definition shall include private garages, but shall exclude Accessory Furnace Buildings.

**ACCESSORY FURNACE BUILDING:** An accessory building or structure attached to or detached from the principal building and which is constructed primarily for the purpose of housing a wood, coal or other solid fuel furnace that serves to provide heat and/or hot water to the principal building. For purposes of this definition, freestanding furnaces designed to be placed outside of a building shall be considered an Accessory Furnace Building.

**ACCESSORY USE:** A use incidental and subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

**AGRICULTURAL PRODUCT PROCESSING FACILITY:** A facility in which agricultural products, which are not produced on the premises, are altered for the purpose of canning, freezing, or other packaging, or are converted or incorporated into other products.

**AGRICULTURAL PRODUCT DISTRIBUTION CENTER:** A facility in which agricultural products, which are not produced on the premises, are graded, sorted, and/or packaged for the purpose of distribution by truck, rail, or other means.

**AGRICULTURE/ (FARMING):** The use of land for agricultural production purposes including, tilling of the soil, dairying, pasture, animal and poultry husbandry, apiculture, arboriculture, horticulture, floriculture, viticulture, and accessory uses for packing, storing, processing and retail sales of products, provided that the operation of any such accessory uses shall be secondary to that of the principal agricultural production activities.

**ALTERATION:** As applied to a building or structure; (1) the change or rearrangement in the supporting members of a building or structure such as bearing walls, columns, beams or girders or in the exit facilities; (2) an enlargement of a building or structure, whether by extending on a side or by increasing in height; (3) the moving from one location or position to another; (4) any alteration whereby a structure is adapted to another or different use, including any separation into rooms or spaces by the installation of non-bearing partitions, and (5) the installation, replacement or alteration of mechanical systems.

**ALTERNATIVE ENERGY SYSTEMS:** Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure. Current examples include windmills, solar collectors and solar greenhouses, heat pumps, or other related devices. For the purposes of this Local Law, this definition shall apply to individual residences and businesses. Commercial generating plants, the prime function of which is selling energy, are excluded.

**ALTERNATIVE MEMBER OF THE PLANNING BOARD:** An individual appointed as provided in Article VIII of this Local Law to serve on the Planning Board when required to obtain or maintain a quorum.

**ALTERNATIVE MEMBER OF THE ZONING BOARD OF APPEALS:** An individual appointed as provided in Article VII of this Local Law to serve on the Zoning Board of Appeals when required to obtain or maintain a quorum.

**AMUSEMENT CENTER:** Any indoor place or enclosure in which is maintained or operated for the amusement, patronage, or recreation of the public three (3) or more coin-controlled amusement devices, including the type commonly known as bagatelle, baseball, football, pinball, and video games.

**ANIMAL HOSPITAL OR VETERINARY CLINIC:** The premises or buildings used for the diagnosis, treatment or other care of the ailments of domesticated, household or farm animals, which may include related facilities, such as laboratories, offices and temporary quarters for such animals.

**ANIMAL HUSBANDRY:** The raising or keeping of one (1) or more cows, cattle, horses, mules, hogs, sheep, goats, donkeys, oxen, or other similar animals, or the raising or keeping of more than four (4) ducks, chickens, rabbits, geese, quail, chinchillas, mink, or any similar small animals, but not including dogs and cats. Such uses include the pasturing, feeding, and sheltering of such animals.

**ANIMAL UNIT:** The equivalent of one thousand (1,000) pounds of farm animal.

**ANTENNA(E):** A system of electrical conductors that transmit or receive electronic frequency signals. Such signals shall include, but not be limited to radio, television, cellular, paging, and personal communication services (PCS).

**APARTMENT:** A dwelling unit within a two-family or multi-family dwelling that is intended to be leased or rented. This term shall not be deemed to include a motel, hotel, boarding house or travel trailer.

**APARTMENT, ACCESSORY:** A supplemental, self-contained dwelling unit within or attached to a single-family detached dwelling for the temporary occupancy of the property owner's parent or parents or the property owner's adult child.

**AUTOMOBILE SALES/ RENTAL:** A business where automobiles are displayed for the purpose of sale or rental.

**AUTOMOBILE OR TRAILER SALES AREA:** An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.

**AUTOMOBILE SERVICE STATION OR FILLING STATION:** A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail, or where minor repair service and vehicle state inspections may be rendered.

**AUTOMOBILE WRECKING:** The dismantling or disassembling of used motor vehicles, mobile homes or manufactured housing; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**BED AND BREAKFAST INN:** A single-family dwelling where overnight lodging, with or without the service of meals, is offered to transient guests for compensation. Such use shall be clearly incidental and secondary to the principal use of the dwelling. This term includes hostels and Tourist Homes establishments but does not include hotels, tourist courts, motor lodges, tourist cabins or similar terms.

**BUFFER AREA:** A continuous strip of land area covered with grass, vegetation, trees, fencing, embankments or berms, designed to provide a physical screen to limit visibility between uses and reduce the escape and/or intrusion of litter, fumes, dust, noise, or other noxious or objectionable elements.

**BUILDING:** Any structure that is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals, or property.

**BUILDING CODE:** The Codes of New York State.

**BUILDING COVERAGE, PERCENT OF:** The percent of building coverage of any lot shall be equal to one hundred (100) times the ratio of the gross horizontal area of all principal and accessory buildings that have roofs on them (including covered breezeways, covered porches, covered cantilevered structures, etc.) measured from the exterior faces of the exterior walls but shall not include any structure (such as a patio or deck) that does not have a roof, divided by the horizontal area of the lot.

**BUILDING HEIGHT:** The vertical distance measured from the mean level of the ground surrounding the structure to the highest point of the structure, but not including chimneys, spires, tanks, and similar projections

**BUILDING LINE:** A line formed by the intersection of a horizontal plane at an average grade level and a vertical plane that coincides with the exterior surface of the building or a projected roof or porch. The vertical plane will coincide with the most projected surface, excluding steps and overhanging eaves less than two (2) feet in width. All yard and setback requirements are measured to the building lines.

**BUILDING PERMIT:** A document issued pursuant to the Codes of New York State by the Code Enforcement Officer authorizing the construction and occupancy of structures.

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated. In any residential district any dwelling shall be deemed to be a principal building on the zone lot on which the same is located.

**BUSINESS:** Includes the purchase, sale or any other transaction involving the handling, servicing or disposition of any article, substance or commodity, tangible or intangible, and includes offices, recreational and amusement enterprises and any operation where the

above-described activities are conducted in return for remuneration of any type. For the purpose of this Local Law, "business" shall have the same meaning as commercial, and reference to commercial districts or zones shall be interpreted as referring to business districts.

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

**BUSINESS, DRIVE-IN:** A traffic-generating facility where a product is sold or a service performed for customers while they are in or near their motor vehicles in off-street parking or service areas. This term includes convenience store, drive-in banking, restaurant, fast food service, drive-in photo processing, drive-in outdoor theatres, autowash or similar use. This term shall not include retail gasoline services.

**BUSINESS, GENERAL:** Any establishment engaged in the sale of goods or services not otherwise identified in this section.

**BUSINESS, NEIGHBORHOOD:** Small commercial establishments, containing less than 10,000 square feet in gross floor area, catering primarily to nearby residential areas or tourists and providing convenience and/or specialty goods and services including but not limited to grocery stores, gift shops, drug stores, beauty salons, barber shops, carryout dry cleaning and laundry pickup stations.

**BUSINESS, RETAIL:** A commercial activity designed for and primarily characterized by the on-premises sale of goods directly to the ultimate individual and household consumer, but also including servicing, preparation, storage and wholesale business transactions related to such goods and customarily associated therewith but clearly incidental thereto. This term shall not include commercial activity which may also be similarly characterized, but which is separately identified as a use permitted within a zoning district.

**BUSINESS, SERVICE:** A business primarily involved in the provision of services, rather than goods, to other businesses or to the general public. This term shall not include any service activity which may also be similarly characterized, but which is separately identified as a use permitted within a zoning district.

**CAMP:** See Dwelling, Seasonal.

**CAMPGROUND:** A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy by travel trailers, campers, tents, recreational vehicles, motor homes and the motor vehicles propelling or carrying the same, but excluding mobile homes or manufactured housing designed for year-round occupancy or as a place of residence.

**CAR WASH:** A structure or building designed for the washing, waxing, or similar treatment of automotive vehicles as its principal function. A GAS STATION having portable washing equipment shall not be deemed to be a car wash where such is an accessory service to the principal service of the GAS STATION.

**CARPORT:** A roofed structure without enclosing walls, used for the storage of one or more vehicles.

**CEMETERY OR BURIAL GROUND:** A tract of land for the disposal or burial of deceased human beings or remains in a grave, mausoleum, vault, columbarium or other receptacle. The provisions of this Local Law shall apply to all cemeteries and burial grounds including those owned by a religious corporation, municipal corporation, or a cemetery corporation owning a cemetery operated, supervised or controlled by or in connection with a religious corporation.

**CERTIFICATE OF COMPLIANCE:** A certificate issued by the Zoning Enforcement Officer upon completion of the change in use of an existing building or upon the completion of a project. Said certificate shall acknowledge compliance with all requirements of the Village's Code, Local Laws, Variances and Special Use Permits in existence as of the date of the issuance of the Certificate of Compliance.

**CERTIFICATE OF OCCUPANCY:** A certificate issued by the Code Enforcement Officer upon completion of construction or alteration of a building. Said Certificate shall acknowledge compliance with all of the requirements of the Codes of New York State.

**CHURCH:** Any structure used for worship or religious instruction including social and administrative rooms accessory thereto.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.

**CLUB:** Any organization catering to members and their guests, or a building or premises used for recreational, general, social, or athletic purposes not open to the general public. Clubs shall not be conducted primarily for gain, and vending stands, merchandising, or commercial activities shall not be conducted except as required for the membership and purposes of such club. For the purpose of this Local Law, this term shall include: religious organizations; lodges; fraternal organizations; mutual benefit societies; snowmobiling, archery or hunting clubs; and other similar organizations.

**CLUSTER DEVELOPMENT:** A development of residential lots, some of which may contain less area than the minimum lot area required for the zone within which such development occurs, while maintaining the density limitation imposed by said minimum lot area through the provision of open space as part of the site development plan.

**COMMERCIAL USE:** Includes the purchase, sale or any other transaction involving the handling, servicing or disposition of any article, substance or commodity, tangible or intangible, and includes retail or wholesale trade, services, offices, recreational and amusement enterprises and any operation where the above-described activities are conducted in return for remuneration of any type.

**COMMERCIAL VEHICLE:** Any vehicle in excess of twenty (20) feet in length carrying a valid commercial New York State registration plate, which is used for the transportation of persons, animals or goods, primarily for profit or carries permanently affixed business identification sign exceeding one (1) square foot in area, or any vehicle used for earthmoving or construction purposes.

**COMMON AREA:** Space reserved for use by any and all residents of a housing development including, but not limited to, halls, stairways and landings in apartment houses.

**COMMUNICATION TOWER:** See "TELECOMMUNICATIONS FACILITY".

**CONFERENCE/ RESORT COMPLEX:** Grounds or facilities used or designed for use by the public or for groups for meetings, conferences or recreational purposes. This definition shall not include membership clubs or public parks and playgrounds, as defined under "Public and Semi-Public Buildings and Grounds."

**CONVENIENCE STORE:** A retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and household supplies to customers who purchase relatively few items. Such an establishment may include the sale of prepared foods, such as sandwiches, soups, ice cream, etc. for consumption on or off the premises and may include indoor seating for such purposes. A convenience store shall meet all of the requirements for a "gas station" if it includes the retail sale of gasoline or other vehicular fuels.

**COUNTY PLANNING BOARD:** The Planning Board of the County of Orleans.

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

**CURB CUT:** The opening along a street at which point vehicles may enter or leave the roadway.

**DAY CARE, CHILD -** The care for a child on a regular basis provided away from the child's residence for less than twenty-four (24) hours per day by someone other than the parent, step-parent, guardian or relative within the third degree of consanguinity of the parents or step-parents of such child.

**DAY CARE HOME, FAMILY -** A residence in which child day care is provided on a regular basis for more than three (3) hours per day per child for three to six children for compensation or otherwise.

**DAY CARE CENTER, CHILD -** A program or facility which is not a residence in which child day care is provided on a regular basis to more than six (6) children for more than three (3) hours per day per child for compensation or otherwise.

**DAY CARE HOME, GROUP FAMILY -** A residence in which child day care is provided on a regular basis for more than three (3) hours per day per child for seven (7) to twelve (12) children for compensation or otherwise.

CHILD CARE PROGRAM, SCHOOL-AGE - a program or facility which is not a residence in which child day care is provided to an enrolled group of seven (7) or more children under thirteen (13) years of age during the school year before and/or after the period such children are ordinarily in school or during school lunch periods.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION: The New York State Department of Environmental Conservation (NYS DEC)

DEPARTMENT OF HEALTH: The New York State Department of Health and any other health board or department established pursuant to the laws of the State of New York and having authority for the regulation of matters pertaining to the public health of the Village.

DEVELOPMENT: Any change made to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, excluding normal maintenance to farm roads.

DISTRIBUTION CENTER: A truck terminal facility at which any storage of goods or chattels is minor, transitory and merely incidental to the purpose of facilitating the transportation of goods or chattels.

DRIVE-IN BUSINESS: See BUSINESS, DRIVE-IN

DRIVEWAY: A roadway providing a means of access from a street to a property or off-street parking area. An accessway may also be deemed a driveway.

DRIVEWAY APRON: The portion of a driveway that is located within a public right-of-way and which abuts a public street or alley.

DWELLING: Any building or portion thereof designed or used exclusively as a residence or sleeping place for one (1) or more persons.

DWELLING, SINGLE-FAMILY: A detached residential dwelling designed for and occupied by one family only.

DWELLING, TWO-FAMILY: A detached or semi-detached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

DWELLING, MULTIPLE: A building or portion thereof used or designed as a residence for three (3) or more apartment or dwelling units.

DWELLING, SEASONAL: A dwelling unit intended for occupancy only during certain seasons of the year, principally for recreational use by the owner, including beach cottages, hunting cabins, vacation cottages, summer cottages, and vacation lodges. This definition does not include recreational vehicles, travel trailers, or other vehicles.

**DWELLING UNIT:** One room or rooms connected together for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, designed for occupancy by one family.

**EASEMENT:** A specified (limited) use of private land for a public or quasi-public purpose.

**EFFICIENCY APARTMENT:** A multiple dwelling unit in which the sleeping area and living room are one.

**ESSENTIAL SERVICES AND PUBLIC UTILITIES:** Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities, but shall not include telecommunications facilities as defined herein, and shall not include landfills, waste transfer stations or other facilities with the primary purpose of handling or disposing of household or industrial waste.

**EXCAVATION (Quarry, Sand Pit, Gravel Pit, Topsoil Stripping):** A lot or land or part thereof used for the purposes of extracting stone, sand, or gravel for sale, as an industrial or commercial operation, but does not include the process of grading a lot preparatory to the construction of a building which has an approved zoning permit.

**FAMILY:** One or more persons, usually but not necessarily related by blood, marriage or adoption, living together as a single, not-for-profit housekeeping unit.

**FAMILY DAY CARE HOME:** See DAY CARE, HOME (FAMILY)

**FARM:** See AGRICULTURE

**FARM ANIMAL:** This term shall include horses, cows, goats, sheep, pigs, rabbits, fowls, llamas, and other similar animals.

**FARM BUILDING:** Any building used for the housing of agricultural equipment, produce, livestock or poultry or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with, and necessary to the operating of the farm as defined herein.

**FARMER:** Any person who grosses an income of \$10,000 from agriculture and who files a Schedule F, IRS Farm Income Form, with their Federal Tax Return.

**FARM LABOR CAMP:**

**PRIVATE:** Any structure or combination of structures, building or buildings in which people are housed on a farmer's own land who are employed in the individual farmer's personal farming operation, on that farmer's land or land that he has under his control by a valid and existing lease.

COMMERCIAL: .Any structure or combination of structures designed or intended to be used for the housing of persons engaged in casual or per diem labor on a profit basis for farmers other than the owner of the camp.

FARM MARKET: A structure with more than 120 square feet of gross floor area intended for the display and sale of farm produce and other agricultural products or crafts.

FARM PRODUCE STAND OR SEASONAL ROADSIDE STAND: Retail outlet, consisting of non-permanent structures (movable and temporary), for the sale of agricultural products grown principally by the operator during the harvest season. (See also "Farm Market.")

FENCE: A structure of wood, masonry, wire mesh or other material, which prohibits or inhibits unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and a property.

Other fence-related terms:

BARBED WIRE: Strands of wire twisted together with bars at regular, close intervals.

BOUNDARY-LINE FENCE: A barrier of wood, metal, transite, fabricated materials or natural vegetative growth maintained on or within two (2) feet of a property boundary

HEDGE: A row of closely planed shrubs, bushes, etc. forming a boundary or fence.

FARM FENCE: Any barrier, fencing, screening or buffering that specifically meets the needs of agricultural land use.

FENCE HEIGHT: The distance measured from the average grade to the top of the fence.

LIVING FENCE: Any fence or hedge composed of live materials.

PICKET: A stake or slat, usually pointed, used as an upright in a fence.

POST: A piece of wood, metal, etc. usually square or cylindrical, set upright to support a fence.

RAIL: A bar of wood or metal, etc. placed horizontally between upright posts to serve as a barrier or support.

RAZOR WIRE: Strands of wire with a continuous or combination of continuous and barbed or sharp cutting edge.

RETAINING WALL: A wall built to keep a bank of earth from sliding.

WALL: An upright structure of wood, stone, brick, etc. serving to enclose, divide, support or protect.

**FLAG LOT:** A type of lot (commonly flag-shaped in configuration) in which street frontage is provided by a strip of land which is narrow in relation to the remainder of the lot and which extends from the main body of the lot to the street. A lot which does not physically front on or abut a street, but which has access to a street by means of an easement over other property, shall be deemed to be included in this definition. The portion of the lot that provides access to the interior portion of the lot shall not be less than twenty (20) feet in width, shall not be considered buildable and shall not be used in the calculation of the minimum lot area requirements for the zone district. The interior portion of the lot shall meet the minimum lot area requirements for the zone district.

**FLAG LOT, ACCESS PORTION:** The panhandle portion of a flag lot having at least twenty (20) feet in lot width and which provides an access corridor between a public road, street or highway right-of-way to the interior portion of a flag lot.

**FLAG LOT, INTERIOR PORTION:** That portion of a flag lot having sufficient lot area, width and depth to meet the minimum requirements of the zone district, and which excludes the access portion of the lot.

**FLOOD HAZARD AREA:** Refer to Village of Lyndonville Flood Hazard Ordinance.

**FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the floor(s) of a building or buildings, measured from the inside faces of exterior walls or from the center line of walls separating two uses.

**FLOOR AREA, HABITABLE:** The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business. All dimensions shall be measured from the interior faces of exterior walls or from the center line of the base of walls separating two dwelling units.

**FRONTAGE:** All of the property abutting one side of a road, street, or thoroughfare, measured along the road, street or thoroughfare line.

**FUEL OIL STORAGE:** Premises used for the storage of fuel oil, kerosene or other combustible fuel in tanks for the sale by motor vehicle or other means of conveyance to purchasers at some other location, and excluding gasoline storage tanks used at gasoline stations for retail sales or tanks used by individuals when fuel is not sold.

**FUNERAL HOME:** A building or portion thereof, with or without an accessory dwelling unit, used principally for preparing cadavers for interment, including embalming, holding wakes or conducting funeral services. The term shall include a mortuary, but shall not include a crematorium.

**GARAGE, PRIVATE:** An accessory building which provides for the storage of motor vehicles or household items by the occupants on the lot upon which it is erected, with no provision for repairing or servicing such vehicles for profit. A garage cannot serve as the principal use on any lot.

**GARAGE, PUBLIC:** Any garage other than a private garage, operated for gain, available on a rental basis for the storage of motor vehicles, recreational vehicles, boats or other tangible personal property.

**GASOLINE STATION:** Any building, land area or other premises or portion thereof used or intended to be used primarily for the retail dispensing or sales of vehicular fuels and which may include, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories. A convenience store shall meet all of the requirements of a "gasoline station" if it includes the retail sales of gasoline or other vehicular fuels.

**HARD SURFACE:** Minimum shall mean 3 inches of asphalt, 4 inches of concrete or 6 inches of crushed stone except that the hard surfaces on which motor vehicles will be parked or driven shall mean 6 inches of asphalt, concrete or crushed stone.

**HISTORIC DISTRICT OR LANDMARK** Any area in the Village identified as a site of historical or cultural significance with certain rules and regulations governing both land and structures therein.

**GASOLINE STATION:** Any building, land area or other premises or portion thereof used or intended to be used primarily for the retail dispensing or sales of vehicular fuels and which may include, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories. A convenience store shall meet all of the requirements of a "gasoline station" if it includes the retail sales of gasoline or other vehicular fuels.

**GRAVEL OR SAND PIT :** See "Extraction of stone and other mining operation."

**GREEN SPACE:** Land areas covered only by grass, trees or other vegetation.

**HOME BUSINESS (CLASS A):** Any occupation or profession conducted as an accessory and special use entirely within a dwelling by the occupant or occupants of the dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof. For purposes of these regulations, Class A Home Business involve limited client and customer traffic and/or limited shipment and delivers to and from the premises. Said business shall comply with all of the conditions set forth in the regulations in this Local Law that govern the operation of Class A Home Businesses. For purposes of this definition, motor vehicle repair shall not be considered a Class A Home Business.

**HOME BUSINESS, (CLASS B) -** Any occupation or profession conducted as an accessory and special use within a building accessory to the dwelling by the occupant or occupants of the dwelling which is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the residential character thereof. For purposes of these regulations, Class B Home Businesses shall be conducted in such a manner such that it will involve no client or customer traffic nor deliveries or shipments to and from the premises and shall comply with all of the conditions set forth in the regulations that govern the operation of a

Class B Home Business. For purposes of this definition, motor vehicle repair shall not be considered a Class B Home Business.

HOME OCCUPATION: Any occupation or profession conducted entirely within a dwelling by the occupant(s) of the dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof. For purposes of these regulations, a Home Occupation shall be conducted in such a manner such that it will involve no client or customer traffic nor deliveries or shipments to and from the premises and the operation of the business shall not be evident by observation from the street or any of the adjoining properties. Said business shall comply with all of the conditions set forth in the regulations in this Local Law that govern the operation of Home Occupations. For purposes of this definition, motor vehicle repair shall not be considered a Home Occupation.

HOSPITAL: An institution providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from illness, disease, injury, deformity or other abnormal physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities or training facilities.

HUNTING/ FISHING CLUB: A facility, whether open to the public or limited to members of a group, which offers such activities as game hunting, fishing, trap or skeet shooting, target shooting, target practice, game farms, and related uses such as assembly halls or sales of bait or equipment. The term includes rod & gun clubs and sportsmen's clubs.

JUNK YARD: A lot, land or structure or part thereof used for the collection, storage, disassembly, packing, sorting, salvage, buying, selling or exchange of waste paper, rags, scrap, or discarded materials or machinery, or parts of any sort. More than two (2) abandoned, unregistered, disabled, dismantled, or partly dismantled vehicles, or pieces of equipment, allowed to remain unhoused on a premises for a period of more than thirty (30) days shall constitute a junkyard. Also, the unhoused storage, sale, or abandonment of waste paper, rags, scrap metal, discarded materials, or the collecting, dismantling, storage, salvaging or abandonment of machinery, appliances or vehicles not in operating condition shall constitute a junkyard. Automobile junkyards as defined in General Municipal Law, Section 136 shall be included within this definition.

KENNEL: Any lot or premises on which four (4) or more domestic animals more than four (4) months of age are, for commercial purposes, housed, groomed, bred, boarded, trained, or sold.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for public pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles.

LOT: A parcel or area of land, the dimensions and extent of which are determined by the latest official records or recordings.

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

**THROUGH LOT:** An interior lot having frontage on two parallel or approximately parallel streets, roads, or thoroughfares.

**LOT AREA:** The square footage or acreage contained within the boundaries of a lot. Any portion of a lot included in a public road, street or highway right-of-way shall not be included in calculating lot area.

**LOT DEPTH:** The mean distance from the right of way line of the street to the rear lot line measured in the general direction of the side lines of the lot.

**LOT FRONTAGE:** The linear distance along a lot line which adjoins the road or highway which provides access to the lot.

**LOT LINE:** The property lines bounding the lot:

1. Lot Line, Front: The line separating the lot from a street right-of-way.
2. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
3. Lot Line, Side: Any lot line other than a front or rear lot line.

**LOT OF RECORD:** A parcel of land properly recorded with the County Clerk and assigned a unique tax parcel identification number at the time of passage of this Local Law.

**LOT WIDTH:** The width of the lot between side lot lines at the front building line as prescribed by the front yard and setback regulations.

**MANUFACTURED HOME:** A factory manufactured home built on a permanent steel-framed chassis in accordance with federal Department of Housing and Urban Development (HUD) standards and designed to be transported to a site in one or more sections, which is intended to be used as permanent living quarters by a single-family unit when connected to the required plumbing, heating and electrical utilities. For the purpose of this Local Law, the removal of transport wheels and/or anchoring of the home to a permanent foundation shall not remove it from this definition. The term shall include double-wide manufactured homes.

**MANUFACTURED HOME PARK:** Any site, lot, field, plot, parcel or tract of land on which two (2) or more or group of manufactured homes are parked or located and are occupied or intended for occupancy on the premises, and for which either the said premises or manufactured home is offered to the public for a fee of any type, including cost sharing. This includes the rental of the premises and/or the manufactured homes.

**MANURE STORAGE FACILITY:** A facility constructed as an accessory use to an animal husbandry use, riding stable, or kennel, intended to collect, hold, process, store, treat, or distribute animal solid and liquid waste. Included within this definition are storage tanks, lagoons, seepage pits, drains, and collection systems intended to handle animal waste. Not included within this definition are systems designed and constructed to handle human waste.

**MARINA:** A waterfront facility having docks, moorings, supplies, and other facilities for small boats, including the sale or rental of boats, and maintenance thereto.

**MEDICAL OFFICES/CLINICS:** A facility or institution, whether public or private, where medical or dental care is furnished to persons on an outpatient basis by one (1) or more doctors or dentists; a place for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention but who are not provided with board or room or kept overnight on the premises; a facility for human ailments operated by a group of physicians, dentists, chiropractors or other licensed practitioners for the treatment and examination of outpatients.

**MINING:** The use of an area of land to remove minerals, metals or other items of value from the ground for a profit, including gas and oil wells.

**MODULAR HOME:** A structure designed primarily for residential occupancy and constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation.

**MOTEL:** A building or group of buildings, whether detached or in connected unities, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and providing accessory off-street parking facilities. A restaurant, tearoom or similar establishment located on the same premises as a motel shall be considered as an accessory use. The term motel includes facilities designated as tourist courts, motor lodges and similar uses.

**MOTOR VEHICLE:** Any vehicle designed to be propelled or drawn by power other than muscle power, except electrically driven wheelchairs being operated or driven by an invalid. This term shall include automobiles, trucks, buses, motorcycles, tractor-trailers, boats, motorhomes, snowmobiles, all-terrain vehicles and garden and lawn tractors.

**MOTOR VEHICLE REPAIR SHOP:** A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles for compensation.

**MOTOR VEHICLE SALES:** Any area of land, including structures thereon, the principal use of which is the display or sale of new and/or used automobiles, motorcycles, trucks, cargo trailers, boats, recreational vehicles or other vehicles, and which may or may not include the repair of vehicles as an accessory use. Enclosed showrooms and open display areas are included in this definition. The sale of motor fuels is not included in this definition.

**NON-CONFORMING BUILDING OR STRUCTURE:** A building or structure legally existing at the time of enactment of this Local Law or any amendment thereto, and which does not conform to the dimensional regulations of the district or zone in which it is situated.

**NON-CONFORMING LOT:** A lot of record existing at the date of the enactment of this Local Law which does not have the minimum width, depth or area for the district in which it is located.

**NON-CONFORMING USE:** A building, structure, or use of land which was lawfully existing prior to the adoption or amendment of this Local Law, but which fails to conform to the regulations of the zoning district in which it is now located by reason of such adoption or amendment.

Any use of land, buildings or structures, legally existing at the time of enactment of this Local Law, and which does not legally conform to the regulations of the district or zone in which it is located.

**NURSING OR CONVALESCENT HOME:** A structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital.

**OFFICE BUILDING:** A building in which office use comprises more than fifty (50) percent of the total floor area. This does not include home occupations, where offices are a secondary or incidental use.

**OPEN STORAGE:** An unenclosed area used for temporary or seasonal storage of vehicles, materials, building supplies, stock, or supplies for later use in conjunction with a permitted principal use, accessory use, or special permitted use.

**OUTDOOR RECREATION FACILITY:** Land developed by a private sponsor with facilities for passive recreation, e.g., trails and picnic areas, and/or with facilities for active outdoor individual or organized recreation, e.g., ball fields, tennis courts, swimming pools, ski trails, and ice-skating areas. This definition includes golf courses, riding stables, hunting and/or fishing clubs, and open air theaters or drive-in theaters. This definition does not include arenas, stadia or other facilities for the accommodation of more than 200 spectators, campgrounds, or racetracks or other facilities featuring activities involving motorized vehicles.

**PARK, PRIVATE, NON-COMMERCIAL:** Outdoor recreation facilities, operated by a non-profit organization and open only to bona fide members of such non-profit organization.

**PARK OR RECREATION AREAS, PUBLIC:** Outdoor recreation facilities or other entertainment facilities operated as a non-profit enterprise by the Village of Lyndonville, any other governmental entity or any non-profit organization and open to the general public.

**PARKING SPACE:** Space available for the parking of one motor vehicle and having an area of not less than 200 square feet (10 by 20 feet), exclusive of passageways and driveways providing access thereto.

**PARKING, OFF-STREET:** An off-street area with an appropriate means of vehicular access to a street, intended for the temporary storage of vehicles.

**PERCOLATION RATE:** The rate in minutes per inch as determined by following the test procedure as set forth in the most recent edition of the New York State Waste Treatment Handbook as published by the New York State Department of Health. Said percolation rates must be obtained from the area of the site on which a septic system leach bed is intended to be

constructed, or would normally be constructed. For the determination of minimum lot sizes in accordance with this Local Law, such percolation tests must be taken in native soil.

**PERMITTED USE (or USE OF RIGHT):** A land use listed in the Zoning District regulations of this Local Law as permitted.

**PLACE OF WORSHIP:** Any church, synagogue, temple, mosque or similar structure used for worship or religious instruction and which may include social and administrative rooms accessory thereto.

**POND, FARM:** Any artificially constructed body of water whose use is to enhance the agricultural process, or for protection, conservation water supply, or flooding or drainage control.

**PRINTING/PUBLISHING ESTABLISHMENT:** A business for the printing of books, magazines or other publications, excluding retail sales of such products on the premises.

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

**PRINCIPAL USE:** The main or primary purpose for which a building, structure or lot is to be used.

**PROFESSIONAL OFFICES:** The office or place of business where professional services are offered and does not involve the sale of goods, or the keeping of a stock in trade. Professional offices include but are not limited to, medical doctors, dentists, attorneys, architects, engineers, planners, accountants, real estate brokers, insurance brokers, psychologists and chiropractors.

**PUBLIC AND SEMI-PUBLIC USES:** This definition is intended to include, but not be limited to, any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

1. Cemeteries and associated uses.
2. Churches, places of worship, parish houses and convents.
3. Public or semi-public parks, playgrounds and recreational areas when authorized or operated by a governmental authority, school, or religious institution.
4. Nursery schools, elementary schools, high schools, colleges, or universities.
5. Public libraries and museums.
6. Not-for-profit fire, ambulance and public safety buildings.
7. Administrative office buildings and related facilities operated by public agencies.

8. Proprietary or not-for-profit hospitals for the care of human beings, nursing homes, convalescent homes for adults, or homes for the aged as the same are defined under the Public Health Law or the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.
9. Not-for-profit membership corporation or club established for cultural, social, or recreational purposes.
10. Day care centers approved by the New York State Department of Social Services.

**PUBLIC MARKET:** A site that provides space, on a rental or fee basis, for growers to sell agricultural products to the general public.

**RECREATION, COMMERCIAL INDOOR:** A building, structure or portion thereof used principally for indoor recreation, sports or leisure activity, conducted as a commercial enterprise or otherwise as a principal use. The term includes, but is not limited to, billiard parlors, bowling halls, live or motion-picture theaters, amusement or video game centers, indoor sports facilities, gymnasiums, physical fitness centers, martial arts schools and dance schools. The term does not include adult entertainment establishments, special events facilities or indoor recreation as a community facility or as an accessory use for an institutional use, membership club or nonprofit organization.

**RECREATION FACILITY, OUTDOOR:** Land developed by a private sponsor with facilities for passive recreation, e.g., trails and picnic areas, and/or with facilities for active outdoor individual or organized recreation, e.g., ball fields, tennis courts, swimming pools, ski trails, and ice-skating areas. This definition includes golf courses, riding stables, hunting and/or fishing clubs, and open air theaters or drive-in theaters. This definition does not include arenas, stadiums or other facilities for the accommodation of more than 200 spectators, campgrounds, or racetracks or other facilities featuring activities involving motorized vehicles.

**PARK, PRIVATE, NON-COMMERCIAL:** Outdoor recreation facilities, operated by a non-profit organization and open only to bona fide members of such non-profit organization.

**PARK OR RECREATION AREAS, PUBLIC:** Outdoor recreation facilities or other entertainment facilities operated as a non-profit enterprise by the Village of Lyndonville, any other governmental entity or any non-profit organization and open to the general public. This definition includes areas used for recreation or conservation purposes, such as picnic areas; swimming pools and beach areas; scenic overlooks and preservation areas; camping grounds and campsites; hiking trails; riding stables and trails; playgrounds; stadiums and arenas for games and sports; amphitheaters and other performing arts facilities; sites for historical monuments and markers; and related service buildings, including those for dining and refreshments, roads, trails, automobile parking areas and signs of an informational, directional and identificational nature.

RECREATIONAL VEHICLE: A vehicle type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic types are:

A. Travel Trailer

A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and of a body width of no more than eight feet and six inches (8'6"), excluding awnings, and a body length of no more than forty (40) feet when factory equipped for the road.

B. Tent Camper

A portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.

C. Truck Camper

A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two basic types:

1. Slide-in camper - A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.
2. Chassis-mount camper - A portable unit designed to be affixed to a truck chassis.

D. Motorhome

A vehicular unit built on a self-propelled motor vehicle chassis.

RESIDENTIAL CONVERSION: The conversion of the use of a building from non-residential to residential use or the structural alteration of an existing residential structure to increase the number of residential units in the structure.

RESTAURANT: Any establishment, however designated, at which food or drink is sold for consumption to patrons seated within an enclosed building or on the premises.

RESERVOIR SPACE: Any temporary storage space for a vehicle waiting for service or admission. Such space shall be in addition to drives, aisles or parking space required by this Local Law. One (1) reservoir space shall be twenty-four (24) feet long and ten (10) feet wide.

RETAIL ESTABLISHMENT: See BUSINESS, RETAIL.

RIDING STABLE: A horse stable used for the purpose of renting horses or ponies for rides, riding lessons, or for training of horses for specific purposes.

RIGHT-OF-WAY: Land set aside for use as a street, alley, or other means of travel.

RIGHT-OF-WAY LINE: The line determining the street or highway limit of public ownership. For the purposes of this Local Law, the right-of-way line and the street line shall have the same meaning.

ROAD:

MAJOR: Streets or highways connecting through roads with each other and also handling internal movement within the Village.

SECONDARY: Streets serving to connect major roads with each other and also to handle internal movement within the Village.

LOCAL: Streets which primarily function to give direct access to abutting property. Local roads are the internal part of the system to provide movement within residential or to other land use areas.

PRIVATE: Roads, streets, or highways whose primary function is to serve private needs on private property. Private roads for commercial purposes shall be built to Village Standards. Example: Road for mobile home parks, subdivisions, campgrounds.

ROADSIDE STAND: (See FARM PRODUCE STAND):

ROOMING or BOARDING HOUSE: A dwelling other than a hotel, motel or tourist home, where more than two (2) persons are housed or lodged for hire with or without meals. A rooming house is distinguished from a bed and breakfast or tourist home in that it is designed to be occupied by longer term residents as opposed to overnight or weekly guests.

SATELLITE DISH ANTENNA: Shall mean a combination of: an antenna whose purpose is to receive communications or other signals from orbiting satellites and other extraterrestrial sources; and a low noise amplifier whose purpose is to carry signals into the interior of a building, but shall not include a telecommunications facility as defined herein.

SCHOOL OR COLLEGE: An institution or place of learning, including private, public and parochial facilities that provide a curriculum of elementary and secondary academic instruction, as well as higher education, including kindergartens; elementary, middle, junior and senior high schools; and two-year, four-year and advanced degree institutions. This definition shall not include day care centers (nursery schools) or specialized, trade, professional or business schools as defined below.

SCHOOL, SPECIALIZED, TRADE, PROFESSIONAL OR BUSINESS: A school giving regular instruction in: trades or specialized skills such as welding, hair dressing, cosmetology, or massage; or professional subjects, such as the dramatic or graphic arts, business, dancing, languages, music, or sciences; or business skills such as computer programming, stenography

and secretarial courses. For the purpose of these regulations, such schools shall be deemed to be commercial service establishments.

SEASONAL SERVICE RESTAURANT: A restaurant which operates only seasonally. Included are coffee shops, lunch counters, and ice cream parlors.

SERVICE ESTABLISHMENT: See Business, Service

SETBACK: The horizontal distance between the street line, rear or side lines of the lot and the front, rear or side lines of the building. All measurements shall be made at right angles to or radially from the lot lines to the building lines. Setbacks from street lines to building lines are defined as "front setbacks". Setbacks from side lot lines are "side setbacks". Setbacks from rear lot lines are "rear setbacks".

SHOPPING CENTER: A group of stores, shops and similar establishments occupying adjoining structures or two (2) or more commercial buildings located on a single lot or adjacent lots, with such buildings developed as part of a single integrated development with a common architectural design.

SIGN: Any device, structure, or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

SIGN: Any material, structure or devise, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person, business or cause when such is place in view of the general public.

Definitions for other types of signs:

AWNING SIGN: Any visual message incorporated into an awning attached to a building.

BANNER SIGN: Any sign intended to be hung either with or without frames, possessing characters, letters or illustrations applied to paper, plastic or fabric of any kind, stretched across or hung over a public right-of-way.

BILLBOARD SIGN: Any sing that attracts attention to an object, product, service, place activity, institution, organization or business not available or located on the lot where the sign is located.

CHANGEABLE LETTER SIGN: A sign where the supporting frame or structure is permanent and only the letters, displays or illustrations thereon are changeable or temporary.

**CONSTRUCTION SIGN:** Any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

**DIRECTIONAL SIGN:** A sign limited to providing information on the location of an activity, business or event.

**FREESTANDING OR PEDESTAL SIGN:** Any sign not attached or part of any building but separate and permanently affixed by any other means in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs.

**ILLUMINATED SIGN:** Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign which includes reflective and phosphorescent light.

**OFF-PREMISES SIGN:** A sign unrelated to a business or a profession conducted, or to a commodity, or service sold or offered, upon the premises where such sign is located.

**PORTABLE SIGN:** A sign where on its own trailer wheels or otherwise designed to be moveable and not structurally attached in the ground or to a building, a structure or another sign.

**PROJECTING SIGN:** A sign which is attached to the building wall or structure and which extends horizontally from the place of such wall or structure.

**REAL ESTATE SIGN:** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

**REPRESENTATIONAL SIGN:** A three-dimensional sign built so as to physically represent the object advertised.

**ROOF SIGN:** Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

**DIRECTORY SIGN:** A listing of two (2) or more business enterprises, consisting of a matrix and sign components.

**TEMPORARY SIGN:** A sign related to a single activity or event having a duration of no more than thirty (30) days.

**WALL SIGN:** A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

**WINDOW SIGN:** A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four (4) feet of the

window, but not including graphics in connection with customary window display of products.

**SIGN FACE AREA:** The entire area within the single, continuous perimeter enclosing the extreme limits of writing representation, emblem or any figure or similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The supports, uprights or structures on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structures are designed in such a manner as to form an integral part of the display. Where a sign has two (2) or more faces, the area of all faces shall be the face area of the sign.

**SIGN STRUCTURE:** The support, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides where the angle formed between any two (2) of the sides or the projections thereof exceed thirty degrees (30°), each side shall be considered a separate sign structure.

**SIGHT DISTANCE:** The maximum extent of unobstructed vision along a street from a vehicle located at any given point on the street.

**SITE PLAN:** A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

**SITE PLAN, FINAL:** A complete and exact subdivision or site plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

**SITE PLAN, PRELIMINARY:** A tentative subdivision or site plan, in lesser detail than a final plan, showing approximate proposed streets and lot layout as a basis for consideration prior to preparation of a final plan.

**SITE PLAN, SKETCH:** An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings, and the general layout of the proposed subdivision or site.

**SITE PLAN REVIEW:** A review and approval process, conducted by the Planning Board, whereby Site Plans are reviewed utilizing criteria stated in this Local Law.

**SOLAR ACCESS:** Space open to the sun and clear of overhangs or shade.

**SPECIAL PERMIT USES:** Those particular uses that are specifically permitted in a given district only when conditioning criteria enumerated in this Local Law are met.

**STORAGE FACILITY, SELF-SERVICE:** Any building or group of buildings on a single parcel made of individual storage compartments, which are rented or leased to individuals or businesses for storage of nonhazardous materials, personal property and equipment.

**STREETLINE:** The limit of the street width or highway right-of-way, whichever is greater.

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. For example, structures include buildings, mobile homes, walls, fences, signs, sheds, billboards and poster panels, docks, and/or similar construction types. For the purpose of regulating setbacks and other zoning requirements, a shed or other assembly of materials that is not a motor vehicle, is larger than 12 feet by 10 feet in gross floor area and is placed on wheels or skids shall be included in the definition of "structure."

**SUB-DIVISION:** All property sold for development consisting of four (4) or more parcels will be considered a sub-division and subject to all existing sub-division regulations.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the assessed value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

**SWIMMING POOL:** Any body of water, or receptacle for water, with a surface area less than one thousand nine hundred twenty (1,920) square feet having a capability of a depth of twenty-four (24) inches or more at any point, used or capable to be used for swimming, bathing, or wading, and permanently installed or constructed either above or below ground.

**TAVERN:** Any establishment, licensed by the State of New York, that engages in the sale for on premise consumption of alcoholic and non-alcoholic beverage(s).

**TELECOMMUNICATIONS FACILITY:** Any commercial equipment used in connection with the provision of wireless communication services, including cellular telephone services, personal communications services, radio and television broadcast communications and private radio communications services, and are regulated by the Federal Communications Commission, both in accordance with the Telecommunications Act of 1996 and other federal laws. A Telecommunication Facility shall include monopole, guyed, or latticework tower(s), as well as antenna(s), switching stations, principal and accessory telecommunication equipment and supporting masts, wires, structures, and buildings.

**TEMPORARY USE:** An activity or use conducted for a specified limited period of time, which may not otherwise be permitted by the provisions of this Local Law not exceeding six months. This term shall include those uses incidental to construction projects, festival tents/refreshments stands, temporary real estate sales offices incidental to a subdivision project, and similar type uses.

**TRANSIENT DWELLING:** Includes hotels, lodging houses, boarding and nursery schools, sorority houses, fraternity houses, college and school dormitories, convalescent, old-age and nursing homes and dwellings used for single-room occupancy.

**TOURIST FACILITIES:** Uses and amenities including rest rooms, snack bars, information areas, public cultural and recreational facilities, places of public assembly and self service laundries.

**TOWNHOUSE:** An independent single family dwelling unit which is one (1) of a series of dwelling units, having a common party wall between each adjacent unit, each with private outside entrance.

**USE:** The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**UTILITY SHED:** Wood, metal or masonry building for the storage of personal property. This excludes any devices previously used for highway use, such as truck trailers or mobile homes.

**VARIANCE:** A variance is any departure from the strict letter of these regulations granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variances run with the land and are not particular to any one landowner.

**VILLAGE PLANNING BOARD:** The Planning Board of the Village of Lyndonville

**WATER DEPENDENT USES:** Land uses, structures and/or economic activities that would not exist without a waterfront location.

**WATER ENHANCED USES:** Land uses that receive added value or importance because of proximity to a shoreline, often functioning as support services for water uses and water dependent uses.

**WAREHOUSE:** A building or part of a building used or intended to be used primarily for the storage of goods or products that are to be sold retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods or products to be shipped on mail order; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes, or stored for use in connection with industrial assembly operations. The term "warehouse" shall not include a retail establishment whose primary purpose is for the sale of goods or products stored on the premises. However, this definition is may include purely incidental retail sales as an accessory use.

**WHOLESALE ESTABLISHMENT:** A business which is primarily involved in sales to other businesses, either directly or as a broker, rather than to the general public.

**WINDMILL:** An alternative energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein. (See also SETBACK)

**YARD, FRONT:** The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front line. Corner lots and through lots shall have two (2) front yards.

**YARD, REAR:** An open space extended across the entire width of the lot between the rear wall of the principal building and the rear line of the lot, and unoccupied except for accessory building and open porches. Corner lots and through lots do not have a rear yard.

**YARD, SIDE:** An open space on the lot with a principal building between the principal building and the side line of the lot extending through from the front yard to the rear yard, into which space there shall be no extension of building parts other than two (2) feet for rain water leaders, window sills, and other such fixtures and open steps.

**YARD SALE:** The temporary displaying, for no more than three (3) consecutive days in the same location, of household items and clothing for sale on a yard, porch or in a barn or garage. This term shall include garage sales, barn sales, porch sales, tag sales and other sales similar in nature.

**ZONING BOARD OF APPEALS:** The Zoning Board of Appeals of the Village of Lyndonville

**ZONING ENFORCEMENT OFFICER:** The official designated to administer and enforce this Local Law by granting or denying development permits in accordance with its provisions.

**ZONING PERMIT:** A document issued by the Zoning Enforcement Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses in conformity with this Local Law.

## ARTICLE III: PERMITS AND PROCEDURES

### SECTION 300 PERMITS REQUIRED

No building or structure shall be erected, enlarged, structurally altered or moved, no new use shall be established, and no building permit shall be granted pursuant to the Codes of New York State, until a zoning permit therefor has been issued by the Zoning Enforcement Officer. No alterations to an existing building shall be made without a zoning permit, unless such alterations are exempt from a building permit pursuant to the Codes of New York State. No zoning permit, nor any certificate of occupancy or compliance pursuant to the Codes of New York State, shall be issued for any building where said construction, addition, alteration, moving or use thereof would be in violation of any of the provisions of this Local Law, or where any necessary Village Planning Board Subdivision approval has not been granted.

### SECTION 301 PREAPPLICATION CONFERENCES

Pre-application conferences with the Village Planning Board are encouraged for all applications for zoning permits for all uses that may require a special use permit or site plan review.

### SECTION 302 APPLICATION PROCEDURE AND REQUIRED INFORMATION

- A. Applications for zoning permits shall be filed with the Zoning Enforcement Officer on forms approved by the Village Board of Trustees. Application forms shall be made available to the public at the offices of the Zoning Enforcement Officer and the Village Clerk.
- B. Information
1. Completed Application - All information on the application form shall be completed.
  2. Property Map - Two copies of a property map shall be submitted with all applications. The map shall be either:
    - a. Sketch Map - A sketch map is required with all applications for a zoning permit for one or two family dwellings, their customary accessory uses, or farm use. The sketch map shall be drawn to scale and show the dimensions and location of the lot, exact size and location of all existing and proposed buildings on the lot, proposed location of water and sewage disposal systems, parking areas and driveway location, natural water courses, ponds, surface drainage patterns or location of existing or proposed easements.
    - b. Site Plan - A site plan is required with applications for all other uses. The requirements and procedures for site plan approval are set forth in Article X of this Local Law.

- C. Approval of Water and Sewage Disposal Systems - Evidence of approval of the water supply and the sewage disposal system plans by the Orleans County Health Department or its agent, or design plans signed by a licensed engineer, shall be submitted at the time of application. Applications lacking such information shall not be accepted.
- D. Approval for Driveway Drain Pipes or Culverts - Evidence of the approval by the Village Superintendent of Public Works for the installation of any driveway pipes or culverts in Village street rights-of-way.
- E. Evidence of Property Ownership or Intent to Purchase - Copies of deeds, titles, purchase agreements or other proof of ownership or intent to purchase shall be attached to an application before it will be accepted.
- F. Licenses - Any use currently licensed by Federal, State, County or Village Agencies and already operating within the Village shall present evidence of currently valid licenses before any expansion permits are considered.
- G. Fee - The appropriate non-refundable fee established by the Village Board in its fee structure shall be collected at the time of application. This fee structure shall be filed and posted in the Offices of the Zoning Enforcement Officer and Village Clerk.

### **SECTION 303          ZONING PERMIT TYPES**

Under the terms of this Local Law, the following types of Zoning Permits may be issued:

- A. Permitted Use - A zoning permit for a permitted use may be issued by the Zoning Enforcement Officer on his own authority.
- B. Site Plan Approval - A zoning permit for a permitted or special permit use that requires Site Plan Review may be issued by the Zoning Enforcement Officer after special permit and/or site plan approval from the Village Planning Board, as more fully described in Article X.
- C. Zoning Permit after a Request for Variance - A Zoning Permit for a use or structure which requires a variance may be issued by the Zoning Enforcement Officer upon order of the Zoning Board of Appeals, after a public hearing, as more fully described in Article VIII of this Local Law.

### **SECTION 304          ZONING PERMIT ISSUANCE**

When all requirements of this Local Law have been met, the Zoning Enforcement Officer shall issue a Zoning Permit and return one approved copy of the map to the applicant no later than fifteen (15) days after approval. The Zoning Enforcement Officer shall file one copy of the approved permit in the office of the Zoning Enforcement Officer.

**SECTION 305            TERMINATION OF PERMIT**

- A.     Any zoning permit for which construction or use has not commenced one (1) year after issuance shall be become null and void.
  
- B.     The Zoning Enforcement Officer may grant an extension of time for completion. Unless such an extension is requested and approved, further work as described in the null and void permit shall not proceed until a new permit has been issued.
  
- C.     If a project is not initiated within six (6) months of the issuance of the extension, the permit issued shall become null and void.

**SECTION 306            CERTIFICATE OF ZONING COMPLIANCE**

The applicant shall notify the Zoning Enforcement Officer when the structure or use is ready for final inspection. The Zoning Enforcement Officer shall then make a final inspection and, if satisfied that the regulations pertaining to the project have been complied with and that the project has been completed as specified on the approved application, the Zoning Enforcement Officer shall issue a Certificate of Compliance. The issuance of a Certificate of Occupancy by the Code Enforcement Officer in accord with the Codes of New York State is required before a building or structure may be occupied or used. The Certificate of Zoning Compliance may be issued at the same time, and may be administered using the same form as the Certificate of Occupancy.

**ARTICLE IV: ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS**

**SECTION 400 ESTABLISHMENT OF DISTRICTS**

The Village of Lyndonville is hereby divided into zoning districts as hereinafter set forth and as the same may, from time to time, be amended.

- AR Agricultural-Residential
- R-1 Single-Family Residential
- CBD Central Business District
- GB General Business
- LI Light Industrial
- PRD Planned Residential Development District
- F Flood Hazard Overlay District
- MH Manufactured Home District (Floating District)

**SECTION 401 ZONING MAP**

- A. There shall exist only one (1) official zoning map which shall be kept in the Office of the Village Clerk, and it shall bear certification that it is the official zoning map of the Village of Lyndonville and its date of adoption. Said zoning map shall show the boundaries of the zoning districts herein established, and, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Local Law.
- B. Said zoning map shall be on material suitable for reproduction. Copies of this map, which may from time to time be published and sold, would be accurate only as of the date of their printing and shall bear words to that effect.
- C. Changes made in zoning district boundaries, or other matters portrayed on the zoning map under the provisions set forth herein, shall be permanently affixed to the zoning map promptly after an amendment has been approved by the Village Board of Trustees and shall convey information as to the date and nature of the change. No amendment to this Local Law, which involves matters portrayed on the zoning map, shall become effective until such change and entry has been made on said zoning map and has been attested to by the Village Clerk.

**SECTION 402 INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map of the Village of Lyndonville the following rules shall apply:

- A. District boundaries indicated as approximately following the center lines of streets or highways shall be construed as following such center lines.

- B. District boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. District boundaries indicated as being approximately parallel to the center lines or right-of-way lines of streets or highways shall be construed as being parallel thereto and at such distances therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.
- D. District boundaries indicated as approximately following a stream, lake or other body of water shall be construed to follow the center lines of such stream or other body of water.
- E. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through D above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- F. Where physical or cultural features on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections A through E above, the Zoning Enforcement Officer shall request the Zoning Board of Appeals to render its interpretation.

**SECTION 403           LANDS ANNEXED TO THE VILLAGE**

- A. Each parcel of land annexed to the Village shall be considered to be within the R-1 Single-Family Residential District. Any uses on the parcel at the time of annexation which are prohibited in the R-1 Single-Family Residential District shall be designated as legal non-conforming uses.
- B. At any time subsequent to the annexation, the Village Board, may amend this zoning local law to change the designation of the zoning district that encompasses the annexed land and to change or modify the regulations that govern the uses permitted in the zoning district that encompasses the annexed land.

## **ARTICLE V: DISTRICT REGULATIONS**

### **SECTION 500 AR - AGRICULTURAL- RESIDENTIAL DISTRICT**

#### **A. PURPOSE**

The purpose of the AR Agricultural/ Residential District is to protect agricultural lands and uses from incompatible uses and development, to maintain a rural character of the community; and to assure compatible types and densities of development.

#### **B. PERMITTED USES**

1. Single family dwellings
2. Agriculture (farming) as defined herein
3. Storage, packing and sale of field, garden, orchard, nursery, and vineyard crops, but not including agricultural product processing facilities or distribution centers.
4. Private schools and preschools

#### **C. PERMITTED ACCESSORY USES**

1. One (1) private attached or detached garage or carport with a maximum capacity of eight hundred (800) square feet for the parking of automobiles or storage of property belonging to residents on the premises. Garages and carports shall be located to the rear of the front building line of the principal building and may be located in a side yard with a minimum side yard setback in compliance with the setback requirements specified in this Local Law.
2. Customary accessory structures serving residential uses including, but not limited to, private swimming pools, storage buildings, greenhouses, barbecues and pet shelters for not more than two (2) pets.
3. Customary farm accessory buildings for the storage or packing of products or equipment, but not including agricultural product processing facilities or distribution centers.
4. The keeping, breeding, and raising of farm animals in association with a residential use, subject to the following restrictions:
  - a. No stable, similar animal housing or confining areas shall be allowed on lots of less than two (2) acres.

- b. No structure housing such animals shall be located closer than fifty (50) feet to any street or property line.
  - c. Not more than one (1) adult or fully grown horse, cow, beef steer, sheep, goat or other four-legged domestic-type farm animal, or combinations thereof, may be kept per acre of land in the residential parcel.
  - d. Not more than a total of any combination of twelve (12) adult or fully-grown chickens, ducks, geese or other fowl or birds of any type may be kept per acre of land in the residential parcel.
- 5. Yard sales, provided that not more than three (3) such sales shall occur during one (1) calendar year, and that the duration of each such sale not exceed three (3) consecutive days.
  - 6. Off-street parking, fencing and signs in accordance with the provisions of this Local Law.
  - 7. Home Occupations (as an accessory use only)
  - 8. Family Day Care and Group Family Day Care
  - 9. Roadside Farm Stands, under the following conditions:
    - a. The stand shall be set back not less than thirty (30) feet from the edge of the right-of-way line.
    - b. Sufficient land area shall be provided to accommodate off-street parking for not less than three (3) vehicles on site.
    - c. Such stands (including signs associated with such uses) shall be removed and appropriately stored within ten (10) days of the end of the harvest season.
  - 10. Other accessory uses not specified herein may be approved, provided that the Zoning Board of Appeals renders an interpretation indicating that such uses are clearly accessory to the permitted principal use and consistent with the purpose and intent of the zone district and this Local Law. Accessory furnace buildings shall be prohibited.

**D. USES REQUIRING A SPECIAL PERMIT ISSUED BY THE VILLAGE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT REGULATIONS, ARTICLE VII)**

- 1. Veterinarian's office / Animal Hospital (with in-door facilities only)
- 2. Bed and Breakfast Inns (as an accessory use only)

3. Cluster residential development
4. Essential Services
5. Senior Citizen Independent/ Assisted Living Apartment Buildings.
6. Convalescent and Nursing Homes
7. Commercial Greenhouses and Nurseries
8. Riding Stables
9. Medical Clinics/Medical Centers/ Medical Labs for humans
10. Child and Adult Day Care Centers
11. Libraries and Museums
12. Places of Worship
13. Cemeteries
14. Accessory Apartment (as an accessory use only)
15. Home Businesses Class A and Class B (as an accessory use only)

**E. SPECIFICATIONS**

Minimum Setback Requirements for Agricultural Uses:

Front:	75 feet (measured from right-of-way line)
Side:	50 feet
Rear:	75 feet
Minimum Lot Width:	300 feet
Minimum Lot Size	5 acres
Maximum Building Height:	35 feet except agricultural storage facilities 50 feet for agricultural storage buildings
Maximum Building Coverage:	15%
Minimum Green Space	70%

Minimum Setback Requirements for Single-Family Dwellings:

Front:	35 feet (measured from right-of-way line)
Side:	12 feet each
Rear:	25 feet
Minimum Lot Width:	90 feet
Minimum Lot Size	12,000 square feet
Maximum Building Height:	35 feet
Maximum Building Coverage:	40%
Minimum Green Space	50%

1. Where a lot has a width less than ninety (90) feet at the time of the enactment of this Local Law, the side yard requirements shall be modified in proportion of the lot width to the required lot width, so that one (1) side

yard shall have a width of not less than six (6) feet and the other not less than eight (8) feet.

2. For corner lots, there shall be a yard along the lot line adjacent to the side street, having a width from the right-of-way line of not less than twelve feet (12) feet and extending from the front right-of-way line of the lot to the real line of the lot.
3. Where yards have been established to greater or lesser depths or widths than required by this section within three hundred (300) feet of the premises for which a building permit application is filed, the Board of Appeals may vary the yard depth or width requirements so as to be in harmony with the development of the neighborhood.

## **SECTION 501 R-1 – SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **A. PURPOSE**

The purpose of the R-1 Residential District is to provide a stable environment for rural residential development, free from incompatible uses.

### **B. PERMITTED USES**

1. Single-Family Dwellings
2. Private Schools and Pre-schools

### **C. PERMITTED ACCESSORY USES**

1. One (1) private detached garage or carport with a maximum capacity of eight hundred (800) square feet for the parking of automobiles or storage of property belonging to residents on the premises. Garages and carports shall be located to the rear of the front building line of the principal building and may be located in a side yard with a minimum side yard setback in compliance with the setback requirements specified in this Local Law.
2. Customary accessory structures serving residential uses including, but not limited to, private swimming pools, storage buildings, greenhouses, barbecues and pet shelters for not more than two (2) pets.
3. Gardens for growing produce, herbs and/or flowers for the exclusive consumption by or of the occupants of the dwelling on the parcel.
4. Yard sales, provided that not more than three (3) such sales shall occur during one (1) calendar year, and that the duration of each such sale not exceed three (3) consecutive days.

5. Off-street parking, fencing and signs in accordance with the provisions of this Local Law.
6. Home Occupations (as an accessory use only)
7. Family Day Care and Group Family Day Care
8. Other accessory uses not specified herein may be approved, provided that the Zoning Board of Appeals renders an interpretation indicating that such uses are clearly accessory to the permitted principal use and consistent with the purpose and intent of the zone district and this Local Law. Accessory furnace buildings shall be prohibited.

**D. USES REQUIRING A SPECIAL PERMIT ISSUED BY THE VILLAGE PLANNING BOARD (SUBJECT TO SPECIAL USE REGULATIONS, ARTICLE VII)**

1. Accessory Apartments (as an accessory use only)
2. Bed and Breakfast Inns (as an accessory use only)
3. Cluster Residential Development
4. Essential Services
5. Senior Citizen Independent/ Assisted Living Apartment Buildings
6. Libraries and Museums
7. Places of Worship
8. Cemeteries
9. Home Business Class A and Class B (as an accessory use only)

**E. SPECIFICATIONS**

Minimum Setback Requirements for single-family dwellings:

Front:	35 Feet (measured from right-of-way line)
Side:	12 Feet each side
Rear:	25 Feet
Minimum Lot Width:	90 Feet
Minimum Lot Size	12,000 Square Feet
Maximum Building Height:	35 Feet
Maximum Building Coverage:	40%
Minimum Green Space	50%

1. Where a lot has a width less than ninety (90) feet at the time of the enactment of this Local Law, the side yard requirements shall be modified in proportion of the lot width to the required lot width, so that one (1) side

yard shall have a width of not less than six (6) feet and the other not less than eight (8) feet.

2. For corner lots, there shall be a yard along the lot line adjacent to the side street, having a width from the right-of-way line of not less than twelve feet (12) feet and extending from the front right-of-way line of the lot to the real line of the lot.
3. Where yards have been established to greater or lesser depths or widths than required by this section within three hundred (300) feet of the premises for which a building permit application is filed, the Board of Appeals may vary the yard depth or width requirements so as to be in harmony with the development of the neighborhood.

## **SECTION 502      CBD CENTRAL BUSINESS DISTRICT**

### **A.      PURPOSE**

The purpose of the CBD Central Business District is to provide for a concentration of principally retail and personal service businesses within a short walking distance of each other to serve the needs of area residents.

### **B.      PERMITTED USES**

1. Retail business establishments including, but not limited to, the following:
  - a. Stores selling groceries, meats, baked goods, and other such food items.
  - b. Drugstores
  - c. Stationery, tobacco, newspaper and confectionery stores.
  - d. Clothing, millinery and shoe stores
  - e. General merchandise and variety stores and specialty shops.
  - f. Hardware, appliance, computer, radio and television sales and service.
  - g. Furniture sales and furniture rental stores
  - h. Convenience stores without gasoline sales
  - i. Sales of farm and gardening supplies
2. Personal service establishments which shall include but not be limited to, the following:
  - a. Barber and beauty shops, tanning salons and spas.
  - b. Shoe repair and fix-it shops tailor shops
  - c. Dry cleaners, laundries and laundromats.
3. Hospitality businesses including, but not limited, to the following:

- a. Hotels and motels
- b. Restaurants, coffee shops, luncheonettes and ice cream shops
- c. Taverns and night clubs with entertainment
4. Business and professional offices, including, but not limited to, the following:
  - a. Physicians, dentists, chiropractors, psychologists and counselors offices / Medical clinics and medical laboratories
  - b. Real estate offices
  - c. Travel agency offices
  - d. Accounting and tax return preparation offices
  - e. Attorneys offices
  - f. Architects, engineers and consultants offices
  - g. Stockbrokers and investment counselors offices
5. In-door recreation, fitness and entertainment businesses including, but not limited to, the following;
  - a. Dance halls
  - b. Assembly halls and theaters, excluding drive-in theaters.
  - c. Bowling alleys and billiard halls
  - d. Exercise and fitness clubs, dance and martial arts studios
6. Banks, credit unions mortgage company offices and similar financial businesses.
7. Funeral Homes
8. Custom shops including, but not limited to, printing, electrical, heating, plumbing, woodworking, and furniture restoration and re-upholstering.
9. Wholesale establishments provided that all sales activities are conducted in a completely enclosed building.
10. Assembling, converting, altering, finishing, cleaning, or any other processing of products, provided that:
  - a. Goods so produced or processed are to be sold at retail, exclusively on the premises;
  - b. Space used for such purposes shall not occupy more than twenty percent (20%) of the area devoted to retail sales, shall be clearly incidental to such retail use and shall be fully concealed from any street;
  - c. Not more than two (2) persons shall be engaged in such production/processing at any one time.
11. Machine tool sales, rental or service.

12. Business service establishments, including, but not limited to accounting, computer services and repairs, and consulting.
13. Bus stations and taxi stations
14. Medical clinics and medical laboratories for humans
15. Veterinarian offices and animal hospitals with inside facilities only
16. Public and Semi-Public uses limited to government office buildings, libraries, fire halls / ambulance buildings, places of worship, civic and social clubs and lodges.
17. Other business uses which, in the opinion of the Zoning Board of Appeals, are similar in nature and scale to those permitted above.

**C. PERMITTED ACCESSORY USES**

1. Off-street parking, loading and unloading facilities, signs, fences and landscaping subject to the provisions of this Local Law.
2. Private garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises and which are used in conjunction with a permitted business use.
3. Restaurants, cafeterias, swimming pools, newsstands, pharmacies, barber shops, hairdressers, gift shops, and other personal service shops for the convenience of guests may be permitted as accessory uses to hotels or motels. With the exception of an identifying sign for the restaurant, no external evidence of such internal commercial activities is permitted.
4. Other accessory uses not specified herein may be approved, provided that the Zoning Board of Appeals renders an interpretation indicating that such uses are clearly accessory to the permitted principal use and consistent with the purpose and intent of the zone district and this Local Law. Accessory furnace buildings shall be prohibited.

**D. USES REQUIRING A SPECIAL PERMIT ISSUED BY THE VILLAGE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT USE REGULATIONS, ARTICLE VII)**

1. Drive-in businesses
2. Pinball or video arcades
3. Motor vehicle repair and/or motor vehicle servicing
4. Gasoline Stations with or without convenience stores (underground fuel storage tanks required)

5. Motor vehicle, boat, recreational vehicle, camping trailer sales and rentals
6. Essential Services and Utilities

**E. OTHER PROVISIONS AND REQUIREMENTS**

1. Buffer Strip - Commercial structures shall provide a natural buffer strip to be perpetually maintained so as to provide visual screening and separation between commercial and residential uses.
2. Refuse Containers - Commercial structures shall provide a commercial type refuse container on site. Such containers shall be placed on concrete or stone areas and visually screened, and shall provide rodent control.
3. Residential Lot Line - No commercial structure shall be permitted within fifty (50) feet of the nearest lot line of any residential district.

**F. SPECIFICATIONS**

Minimum Setback Requirements:

Front:	None
Side:	None except for lots in the Business District with yards that abut the residential district in which case the setbacks from the Residential District shall be a minimum of ten (10) feet.
Rear:	None except for lots in the Business District with yards that abut the residential district in which case the side setbacks from the Residential District shall be a minimum of ten (10) feet

Minimum Lot Width:	None
Minimum Lot Size	None
Maximum Building Height:	35 Feet
Maximum Building Coverage:	85%

**SECTION 503 GB GENERAL BUSINESS DISTRICT**

**A. PURPOSE**

The purpose of the General Business District is to provide for retail and personal service businesses in areas more remotely located from residential neighborhoods, that are not in close walking distance to each other and are less accessible by foot.

**B. PERMITTED USES**

1. Pre-existing single-family, two-family and multiple-family dwellings. Structures used exclusively for residential use at the time of the enactment of these zoning regulations may be altered or enlarged for residential purposes subject to the

provisions of the R-1 District. The construction of new buildings designed exclusively for residential use or for mixed business and residential use shall be prohibited.

2. Retail business establishments including, but not limited to, the following:
  - a. Stores selling groceries, meats, baked goods, and other such food items.
  - b. Drugstores
  - c. Stationery, tobacco, newspaper and confectionery stores.
  - d. Clothing, millinery and shoe stores
  - e. General merchandise and variety stores and specialty shops.
  - f. Hardware, appliance, computer, radio and television sales and service.
  - g. Furniture sales and furniture rental stores
  - h. Convenience stores without gasoline sales
  - i. Sale of farm and garden supplies
  
3. Personal service establishments which shall include but not be limited to, the following:
  - a. Barber and beauty shops, tanning salons and spas.
  - b. Shoe repair and fix-it shops tailor shops
  - c. Dry cleaners, laundries and laundromats.
  
4. Hospitality businesses including, but not limited, to the following:
  - a. Hotels and motels
  - b. Restaurants, coffee shops, luncheonettes and ice cream shops
  - c. Taverns and night clubs with entertainment
  
5. Business and professional offices, including, but not limited to, the following:
  - a. Physicians, dentists, chiropractors, psychologists and counselors offices / Medical clinics and medical laboratories
  - b. Real estate offices
  - c. Travel agency offices
  - d. Accounting and tax return preparation offices
  - e. Attorneys offices
  - f. Architects, engineers and consultants offices
  - g. Stockbrokers and investment counselors offices
  
6. In-door recreation, fitness and entertainment businesses including, but not limited to, the following:
  - a. Dance halls
  - b. Assembly halls and theaters, excluding drive-in theaters.
  - c. Bowling alleys and billiard halls

- d. Exercise and fitness clubs, dance and martial arts studios
7. Banks, credit unions mortgage company offices and similar financial businesses.
8. Funeral Homes.
9. Custom shops including, but not limited to, printing, electrical, heating, plumbing, woodworking, and furniture restoration and re-upholstering.
10. Wholesale establishments provided that all sales activities are conducted in a completely enclosed building.
11. Assembling, converting, altering, finishing, cleaning, or any other processing of products, provided that:
  - a. Goods so produced or processed are to be sold at retail, exclusively on the premises;
  - b. Space used for such purposes shall not occupy more than 20 percent of the area devoted to retail sales, shall be clearly incidental to such retail use and shall be fully concealed from any street;
  - c. Not more than two (2) persons shall be engaged in such production/processing at any one time.
12. Machine tool sales, rental or service.
13. Business service establishments, including, but not limited to accounting, computer services and repairs, and consulting.
14. Veterinarian offices and animal hospitals with inside facilities only
15. Bus stations and Taxi stations
16. Medical clinics and medical laboratories for treatment of humans
17. Hospitals, nursing and convalescent homes
18. Automobile, boat, recreational vehicle, and farm equipment sales and service
19. Motor Vehicle Service Stations, Auto Repair Shops, Auto Paint Shops, Oil Change Shops and Brake and Muffler Shops (with no gasoline sales)
20. Public and Semi-Public uses limited to government office buildings, libraries, fire halls / ambulance buildings, places of worship, civic and social clubs and lodges.

21. Administrative offices
22. Other business uses which, in the opinion of the Zoning Board of Appeals, are similar in nature and scale to those permitted above.

**C. PERMITTED ACCESSORY USES**

1. One (1) private attached or detached garage or carport with a maximum capacity of eight hundred (800) square feet of parking of automobiles or storage of property belonging to residents on the premises. Garage and carports shall be located to the rear of the front building line of the principal building and may be located in a side yard with a minimum side yard setback in compliance with the setback requirements of this Section.
2. Customary accessory structures servicing residential uses including, but not limited to, private swimming pools, storage buildings, greenhouses, barbecues and pet shelters for not more than two (2) pets.
3. Gardens for growing produce, herbs or flowers for the exclusive consumption by or use of the occupants of the dwelling on the parcel.
4. Yard sales, provided that not more than three (3) such sales shall occur during one (1) calendar year, and that the duration of each such sale not exceed three (3) consecutive days.
5. Off-street parking, loading and unloading facilities, signs, fences and landscaping subject to the provisions of this Local Law.
6. Private garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises and which are used in conjunction with a permitted business use.
7. Restaurants, cafeterias, swimming pools, newsstands, pharmacies, barber shops, hairdressers, gift shops, and other personal service shops for the convenience of guests may be permitted as accessory uses to hotels or motels. With the exception of an identifying sign for the restaurant, no external evidence of such internal commercial activities is permitted.
8. Home Businesses - Classes A and B (in pre-existing single family residential dwellings only)
9. Family Day Care and Group Family Day Care (in pre-existing single family residential dwellings only)
10. Bed and breakfast inns (in pre-existing single-family dwellings only.)

11. Other accessory uses not specified herein may be approved, provided that the Zoning Board of Appeals renders an interpretation indicating that such uses are clearly accessory to the permitted principal use and consistent with the purpose and intent of the zone district and this Local Law. Accessory furnace buildings are prohibited.

**D. USES REQUIRING A SPECIAL PERMIT ISSUED BY THE VILLAGE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT USE REGULATIONS, ARTICLE VII)**

1. Drive-in Businesses
2. Pinball or video arcades
3. Outdoor recreation excluding motorized recreation
4. Gasoline stations with or without convenience stores (underground fuel storage tanks required)
5. Essential Services and Utilities
6. Child and adult day care centers

**E. OTHER PROVISIONS AND REQUIREMENTS**

1. Buffer Strip - Commercial structures shall provide a natural buffer strip to be perpetually maintained so as to provide visual screening and separation between commercial and residential uses.
2. Refuse Containers - Commercial structures shall provide a commercial type refuse container on site. Such containers shall be placed on concrete or stone areas and visually screened, and shall provide rodent control.
3. Residential Lot Line - No commercial structure shall be permitted within fifty (50) feet of the nearest lot line of any residential district.

**F. SPECIFICATIONS**

1. Business and Other Nonresidential Uses - The minimum dimensional requirements for lot size, lot width and lot line setback vary according to the type of use and are set forth in the Dimensional Requirements Table attached hereto and in the Special Use Permit Criteria.

2. Residential Uses (limited to alterations or expansion of pre-existing residential dwellings:

Minimum Setback Requirements:

Front:	15 feet
Side:	12 feet
Rear:	25 feet
Minimum Lot Width:	90 feet
Minimum Lot Size	12,000 Square Feet
Maximum Building Height:	35 Feet
Maximum Building Coverage:	40%
Minimum Green Space	50%

- a. Where a lot has a width less than ninety (90) feet at the time of the enactment of this Local Law, the side yard requirements shall be modified in proportion of the lot width to the required lot width, so that one (1) side yard shall have a width of not less than six (6) feet and the other not less than eight (8) feet.
- b. For corner lots, there shall be a yard along the lot line adjacent to the side street, having a width from the right-of-way line of not less than twelve feet (12) feet and extending from the front right-of-way line of the lot to the real line of the lot.
- c. Where yards have been established to greater or lesser depths or widths than required by this section within three hundred (300) feet of the premises for which a building permit application is filed, the Board of Appeals may vary the yard depth or width requirements so as to be in harmony with the development of the neighborhood.

**SECTION 504 LI - LIGHT INDUSTRIAL DISTRICT**

**A. PURPOSE**

The purpose of the LI Light Industrial District is to provide for light manufacturing, assembly and storage facilities and other compatible business uses, and to ensure that these uses will not be detrimental or hazardous to the surrounding community.

**B. PERMITTED USES**

- 1. Any use of an industrial or agri-industrial nature is permitted which involves only the processing, assembly, or packaging of previously manufactured, prepared or refined materials or components, provided that at no time will such use result in or cause:

- a. Dust, smoke, smog, observable gas, fumes or odors, or other atmospheric pollution, objectionable noise, glare or vibration shall not be discernable beyond the property lines of the industry.
  - b. Hazard of fire or explosion or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site of the uses.
2. The following industrial uses are indicative of those that are intended to be permitted:
- a. Scientific or research laboratories devoted to research, design and/or experimentation.
  - b. Administration, educational and other related activities and facilities in conjunction with a permitted use.
  - c. The manufacture or assembly of electric, electronic, optical or photographic instruments and devices
  - d. Light manufacturing, assembly, fabrication or packaging of products from previously prepared materials and/or previously manufactured components such as: cloth, plastic, paper, cardboard, leather or precious or semi-precious metals or stones.
  - e. Precision machining and tool and die manufacturing
  - f. Custom shops including, but not limited to printing, electrical, heating, plumbing, woodworking, machining, welding and/or metal fabrication, metal finishing, painting and/or polishing.
  - g. The manufacture, assembly or packaging of pharmaceuticals, medical supplies, medical devices or cosmetics.
  - h. The warehousing or storage of goods and products such as building supplies and materials, farm supplies, fruits and produce, and the like, which may be sold from the premises to the general public. The bulk storage of fuel, petroleum products, nuclear or radioactive products, toxic chemicals is explicitly prohibited.
  - i. Administrative and support offices for insurance companies, banks, telemarketing centers, catalog-order call centers, and similar types of businesses.
  - j. Newspaper and book printers
  - k. Industrial laundries
  - l. Self-service storage facilities

- m. Motor vehicle repair shops and farm equipment sales and repair shops
- n. Commercial greenhouses and farm and garden supply stores
- o. Farm equipment sales and service
- p. Food processing, canning and/or packaging, commercial bakeries (see exceptions under “Prohibited Uses” below.
- q. Storage and/or retail sale of domestic or commercial liquid or gaseous fuels with above-ground or underground storage tanks.
- r. Other light industrial uses which, in the opinion of the Zoning Board of Appeals, are similar in nature and scale to those permitted above.

**C. PERMITTED ACCESSORY USES**

- 1. Signs shall be permitted for advertising industrial activities on the premises. Such signs shall not exceed, in aggregate, fifteen percent (15%) of the area of the front façade of the building. Signs shall otherwise be subject to the provisions of Section 600 of this Local Law.
- 2. Private garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises and which are used in conjunction with a permitted use.
- 3. Off-street parking, loading and unloading facilities and signs, fences and landscaping subject to the provisions of this Local Law.
- 4. Other industrial or commercial uses that, in the opinion of the Zoning Board of Appeals, are incidental and subordinate to those uses permitted above.

**D. USES REQUIRING A SPECIAL PERMIT ISSUED BY THE VILLAGE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT USE REGULATIONS, ARTICLE VII)**

- 1. Adult Entertainment Uses (permitted in the Adult Use Overlay District only)
- 2. Telecommunications Facilities

**E. PROVISIONS AND REQUIREMENTS**

- 1. Residential uses shall be prohibited except for a caretaker's residence on-site and pre-existing single-family, two-family and multiple-family dwelling units.
- 2. All manufacturing, assembly, research, engineering, administration, storage and other related activities shall be conducted wholly within enclosed buildings.

Incidental storage out of doors may be permitted provided that such materials are shielded from view from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.

3. The architectural treatment and general appearance of all buildings and grounds shall be in keeping with the purpose of this district and shall be of such quality and design as to be a visual asset to the area in which they are located as well as to adjacent development.
4. All uses permitted shall set aside not less than ten percent (10%) of the lot area to be devoted to seeding, planting, retention of tree cover, or other landscaping. This area shall be used for no other purposes. This area shall not be used for industrial, storage, or commercial purposes.
5. Each use shall provide truck loading and unloading areas in an amount sufficient to permit the transfer of goods and products in other than a public street, off-street parking area or front yard. Parking areas may be located in any of the required yard areas provided they are not less than fifty (50) feet from a right-of-way line or thirty (30) feet from any other property line. Off-street parking and Off-Street Loading shall be subject to the additional provisions of Sections 601 and 602 of this Local Law.
7. Industrial structures and outdoor storage areas shall be located a minimum of seventy-five (75) feet from any non-industrial district. A natural buffer strip shall be placed and maintained so as to provide visual screening and separation between industrial and non-industrial uses.
8. Refuse containers shall be placed on concrete slabs and visually screened, and rodent control shall be provided.

**F. SPECIFICATIONS**

Minimum Setback Requirements:

Front:	75 feet (measured from right-of-way line)
Side:	50 feet
Rear:	50 feet
Maximum Building Height:	35 feet
Minimum Lot Width:	150 feet
Minimum Lot Size	One (1) acre
Maximum Building Coverage:	35%
Minimum Green Space	15%

1. Chimneys, water tanks and towers, elevators, silos, ventilators and other accessory industrial facilities are exempt from the fifty (50) foot height restriction.

2. Industrial uses abutting a residential district shall have a setback from the residential district boundary line of not less 50 feet. No parking lot or accessory facilities may be constructed in the setback area.

**G. PROHIBITED USES**

1. Acetylene Gas manufacture
2. Oxygen manufacture
3. Celluloid manufacture
4. Disinfectant or insecticide manufacture
5. Asphalt manufacture or refining
6. Coal or tar distillation, including manufacture or treatment
7. Boiler making
8. Steel Furnace manufacture
9. Blooming or rolling mill
10. Soap manufacture
11. Chlorine or Hydrochloric, nitric, picric or sulfuric manufacture
12. Smelting of copper, tin, zinc, lead or iron ores
13. Manufacture of fertilizers or explosives and the storage of explosives in bulk
14. Glue, size or gelatin manufacture where the process includes the refining or recovery of products from fish or animal refuse or offal
15. Rendering of fats or oils
16. Slaughterhouses

**SECTION 505 PRD - PLANNED RESIDENTIAL DEVELOPMENT DISTRICT**

**A. PURPOSE**

The purpose of the PRD District is to accommodate in appropriate locations within the Village, multifamily and compact single-family and two-family residential dwellings intermixed in new residential developments that are innovatively designed and laid out.

**B. LOCATION**

The Village Board may approve rezoning to PRD Planned Residential District a parcel or a group of parcels located in the AR Agriculture-Residential and the R-1 Single-Family Residential Districts.

**C. PETITION FOR REZONING**

1. Petition - The owners of the subject property, or their duly appointed representatives, shall petition the Village Board for rezoning of the subject property(ies) to PRD Planned Residential Development by submitting twelve (12) copies of such petition. Such petition shall be in writing on a petition form

prescribed by the Village and available at the Office of the Village Clerk. The petition shall be accompanied by a preliminary site plan prepared in accord with Article X of this Local Law.

2. Referral to Village Planning Board - Upon receipt of twelve (12) copies of a complete petition and preliminary site plan such petition and preliminary site plan shall be referred to the Village Planning Board for review and recommendation in accord with the provisions of Section 111 of this Local Law.
3. Village Planning Board Recommendation - The Village Planning Board may, in its report to the Village Board, recommend approval, conditional approval or disapproval of the rezoning and establishment of the PRD Planned Residential Development District.
  - a. Recommendation for Approval - If the recommendation of the Village Planning Board is for approval, the Village Planning Board shall state therein how the proposed zoning amendment and development complies with the intent and objectives of the Village's Comprehensive Plan and whether or not adequate utility facilities and services exist or are proposed to be constructed to serve the proposed development.
  - b. Recommendation for Conditional Approval - If the Village Planning Board recommends conditional approval contingent on certain conditions being met to protect the public health, safety, welfare and environment and to carry out the intent of the Comprehensive Plan, the Village Planning Board shall enumerate said conditions in its recommendation.
  - c. Recommendation for Denial - If the Village Planning Board recommends denial, such report shall state clearly the reason(s) for such recommendation, and if appropriate, identify what modifications the petitioner could make to the proposed development project for the Village Planning Board to issue a report recommending approval.

#### **D. ENACTMENT OF ZONING AMENDMENT**

After complying with the public hearing requirements, the State Environmental Quality Review (SEQR) regulation requirements and referral of the proposal to the County Planning Board, if required, as set forth in Section 804 of this Local Law, the Village Board may enact a Local Law to approve the rezoning of the subject property(ies) conditioned on the subsequent final site plan review and approval of the Village Planning Board.

#### **E. PERMITTED PRINCIPAL USES**

1. Multiple-family structures consisting of townhouses, apartments, garden apartments, or similar residential uses. All types of ownership arrangements

may be permitted, including condominium or other ownership structures that involve both private and common ownership of land, structures, and interior space.

2. Compact single-family dwellings
3. Compact two-family dwellings

**F. GENERAL REQUIREMENTS**

**1. Density of Development**

- a. The permitted maximum residential density for multiple-family dwellings shall not exceed eight (8) dwelling units per acre.
- b. The Planning Board may approve a site plan for a portion of the total planned residential development which includes areas of higher residential density than the permitted maximum, provided that the overall density for the entire parcel would not be increased beyond the specified maximum.

**2. Minimum and Maximum Parcel Size**

The minimum parcel size for a Planned Residential Development shall be five (5) contiguous acres and the maximum size shall be fifty (50) contiguous acres.

**3. Frontage**

The property must contain at least sixty-six (66) feet of road frontage.

**4. Services and Utilities**

- a. The property shall be served by or proposed to be served by both public water and public sewer services. All sewage and water facilities shall comply with all applicable State, County, and Village standards, and shall be approved by same prior to the issuance of a building permit.
- b. All utilities (sewer, water, electric, natural gas, cable television, etc.) shall be provided to the dwellings below grade (underground).

**5. Landscaping and Buffer Areas**

There shall be provided proper landscaping for screening from adjacent properties and public streets and roads.

**6. Maintenance of Common Areas**

Where land, structures or interior space is proposed to be owned in common by the owners of individual residences, adequate provisions shall be made in advance of site plan approval for the continued maintenance of such common areas. All required legal agreements and approvals shall be in place before final site plan approval.

**G. REQUIREMENTS AND SPECIFICATIONS FOR MULTI-FAMILY DWELLINGS**

1. Setbacks

	Front Yard <u>(from right-of-way line)</u>	Side Yard	Rear Yard
Principal Buildings	30 ft.	15 ft.	30 ft.
Accessory Buildings	30 ft.	10 ft.	10 ft.

Every multifamily building shall have a minimum setback of thirty (30) feet from every access road, internal road, and parking area.

2. Maximum building height shall be thirty-five (35) feet and two and one-half (2 1/2) stories.
3. Minimum distance between multifamily buildings shall be fifty (50) feet.
4. Apartment buildings shall contain no more than eight (8) dwelling units.
5. Townhouse buildings shall contain no more than six (6) dwelling units.
6. Minimum Habitable Floor Area Requirements:
  - a. Townhouse dwelling unit:
    - (i) 1 or 2 bedroom: 850 square feet
    - (ii) 3 or more bedroom: 1,000 square feet
  - b. Apartment dwelling unit:
    - (i) Efficiency: 550 square feet.
    - (ii) 1 or 2 bedroom: 750 square feet
    - (iii) 3 or more bedroom: 1,000 square feet
7. Unit distribution
  - a. No more than thirty percent (30%) of the dwelling units in a multifamily development shall be efficiency units.
  - b. No more than twenty percent (20%) of the dwelling units in a multifamily development shall be three or more bedroom units.
8. Recreation and Open Space:

One (1) area equal to a minimum of twenty percent (20%) of the total lot area of the multifamily development shall be designated as a recreational area to be

used in common by all residents of the multifamily development. Such recreational area shall be in addition to the required setbacks, parking areas, streets, roads, rights of ways, and parking areas as otherwise required by this Local Law.

9. Access
  - a. Access to the development shall be through a sixty-six (66) ft. wide right of way dedicated to the Village of Lyndonville or a sixty-six (66) ft. wide portion of the multifamily parcel leading to a public road.
  - b. The access road and any internal roads shall be constructed to the standards for dedicated roads in the Village of Lyndonville. Pavement should be twenty (20) ft. wide for both the access road and all internal roads within the development.
10. Every exterior wall of a townhouse building must be constructed with two (2) lateral offsets of at least two (2) feet, with each offset no closer than twenty (20) feet to the end of the building.
11. All stairways to the second story must be located internally within the building, and not exposed to ambient weather conditions.
12. Each dwelling unit must have a storage area within the unit or in the same building of at least forty (40) square feet, and not less than four (4) feet wide at the smallest dimension.
13. Space shall be provided for safe and sanitary storage of solid waste and refuse. It shall be screened from the view of the residents of the buildings on the parcel and from adjoining parcels, but easily accessible to residents of the buildings.

**H. REQUIREMENTS AND SPECIFICATIONS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DWELLINGS**

1. Size of house lot, dwelling and required setbacks:
  - a. Minimum size lot for single-family dwelling: 7,200 square feet.  
Minimum size lot for two-family dwelling: 10,000 square feet
  - b. Minimum width of lot: 60 feet
  - c. Minimum depth of lot: 80 feet
  - d. Maximum lot coverage by a dwelling and all appurtenant structures shall not exceed twenty-five percent (25%) of lot area.
  - e. The minimum floor area of a dwelling, exclusive of any accessory structure, shall be five hundred seventy-five (575) square feet
  - f. Front yard setback: 20 feet (from right-of-way line)
  - g. Side yard setback: 12 feet each
  - h. Rear yard setback: 15 feet
  - i. Setback from adjacent zoning district boundaries : 60 feet

2. Streets, Roads, Parking, and Drainage

- a. All access roads to the compact single family residential development shall have a pavement width of at least twenty (20) feet, with five (5) foot shoulders on each side.
- b. All internal streets shall have a pavement width of at least twenty (20) feet, with two (2) foot shoulders on each side. All streets and roads shall be paved with blacktop or equivalent. All streets and roads shall be properly maintained.
- c. Each house lot shall have provided an off-street parking area of at least four hundred (400) square feet of either gravel and crushed stone or blacktop. In addition, there shall be provided a paved common parking area for the parking of guests and accessory vehicles.
- d. No unlicensed or unregistered motor vehicles, parts thereof, junk of any nature or description shall be parked or stored outdoors within the development, except within a designated common storage area, designed and maintained to be screened from view from adjacent property. Unregistered recreational vehicles and boats shall be stored in a road trailer.
- e. There shall be adequate drainage to handle runoff of storm waters from streets, roads, and lots. Such drainage shall not adversely affect adjacent landowners. All drainage plans shall be prepared by a licensed engineer.

4. Recreational Areas and Open Space

There shall be provided designated recreational areas of at least two-hundred (200) square feet for each house lot, and in no event, less than five thousand (5,000) square feet. Such recreational areas shall not include required yards, roads, streets, or parking areas.

5. Accessory Buildings

Each house lot shall have one (1) accessory building, which may be pre-constructed, not exceeding one hundred (100) square feet. Each accessory building shall be anchored down to a permanent foundation and shall be located no closer than five (5) feet to the side or rear lot lines and to the rear of the front building line of the principal structure.

6. Flooding

No house lot shall occupy an area that is subject to periodic flooding from water flows from any adjacent streams, waterways, drainage swales, or drainage areas and no lot shall be designed so as to collect or hold standing waters.

7. One (1) service structure is permitted for each development. The uses proposed for such structure shall be specified in the application for rezoning and approved by the Village Board of Trustees. Such structure shall be intended primarily to serve residents of the compact residential development. The parking, setback

requirements, etc., shall conform to the requirements specified in this Local Law for the particular use.

**SECTION 506 F - FLOOD HAZARD OVERLAY DISTRICT**

- A. The F Flood Hazard Overlay District is established to conform to the “Flood Insurance Rate Map and Flood Boundary Floodway Map prepared by the Federal Emergency Management Agency (FEMA).
- B. Such areas shall be subject to the provisions of Chapter 106 titled “Flood Damage Prevention” of the Lyndonville Village Code.
- C. The provisions of such “Flood Damage Prevention” chapter of the Lyndonville Village code shall take precedence over any other zoning regulations to the extent that the provisions of the zoning regulations are inconsistent with such provisions in the Flood Damage Prevention chapter.

**SECTION 507 MH MANUFACTURED HOME PARK DISTRICT**

**A. PURPOSE**

The purpose of the MH Manufactured Home Park District regulations is to regulate manufactured home parks, to promote the health, safety and general welfare of the community and to protect and preserve the property of the Village and its inhabitants.

**B. LOCATION**

The Village Board may approve the rezoning to MH of a parcel or group of parcels of land located in the AR Agricultural-Residential District.

**C. PETITION FOR REZONING**

- 1. Petition - The owners of the subject property, or their duly appointed representatives, shall petition the Village Board for rezoning of the subject property(ies) to MH Manufactured Home Park by submitting twelve (12) copies of such petition. Such petition shall be in writing on a petition form prescribed by the Village and available at the Office of the Village Clerk. The petition shall be accompanied by a preliminary site plan prepared in accord with Article X of this Local Law.
- 2. Referral to Village Planning Board - Upon receipt of twelve (12) copies of a complete petition and preliminary site plan such petition and preliminary site plan shall be referred to the Village Planning Board for review and recommendation in accord with the provisions of Section 106 of Article I of this Local Law.

3. Village Planning Board Recommendation - The Village Planning Board may, in its report to the Village Board, recommend approval, conditional approval or disapproval of the rezoning and establishment of the MH Manufactured Home Park District.
  - a. Recommendation for Approval - If the recommendation of the Village Planning Board is for approval, the Village Planning Board shall state therein how the proposed zoning amendment and development complies with the intent and objectives of the Village’s Comprehensive Plan and whether or not adequate utility facilities and services exist or are proposed to be constructed to serve the proposed development. of the development.
  - b. Recommendation for Conditional Approval - If the Village Planning Board recommends conditional approval contingent on certain conditions being met to protect the public health, safety, welfare and environment and to carry out the intent of the Comprehensive Plan, the Village Planning Board shall enumerate said conditions in its recommendation.
  - c. Recommendation for Denial - If the Village Planning Board recommends denial, such report shall state clearly the reason(s) for such recommendation, and if appropriate, identify what modifications the petitioner could make to the proposed development project for the Village Planning Board to issue a report recommending approval.

**D. ENACTMENT OF ZONING AMENDMENT**

After complying with the public hearing requirements, the State Environmental Quality Review (SEQR) regulation requirements and referral of the proposal to the County Planning Board, if required, in accord with Section 106 of Article I of this Local Law, the Village Board may enact a Local Law to approve the rezoning of the subject property(ies) conditioned on the subsequent final site plan review and approval of the Village Planning Board.

**E. DEFINITIONS**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and administration of this Section:

**MANUFACTURED HOME LOT:** A lot within a manufactured home park for the placement of a single manufactured home and for the exclusive use of its occupants.

**MANUFACTURED HOME PARK:** Any site, lot, field, plot, parcel or tract of land on which two (2) or more or group of manufactured homes are parked or located and are occupied or intended for occupancy on the premises, and for which either the said premises or manufactured home is offered to the public for a fee of any type, and includes the rental of the premises and/or the manufactured home.

**MANUFACTURED HOME STAND:** That part of a manufactured home lot which has been reserved for the placement of the manufactured home and appurtenant structures and/or additions.

**WATER CONNECTION:** All pipes, fittings and appurtenances form the water riser pipe to the water inlet pipe of the distribution system within the manufactured home.

**WATER RISER PIPE:** That portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point of each manufactured home lot.

**WATER SERVICE PIPE:** Consists of all pipes, fittings, valves and appurtenances form the watermain of the manufactured home park distribution system to the water outlet of the distribution system within the manufactured home park.

**SERVICE BUILDING:** A structure housing sanitary, operational, office recreational, maintenance and other facilities within a manufactured home park.

**SEWER CONNECTION:** Pipes, fittings and appurtenances form the drain outlet of the manufactured home to the inlet of the corresponding sewer riser pipe of the sewer system that services the manufactured home park.

**SEWER RISER PIPE:** That portion of the sewer lateral which extends vertically to the ground elevation and terminates at a designated point at each manufactured home lot.

**F. GENERAL SITE CONDITIONS**

1. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property of the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property or hazards.
2. Exposed ground surfaces in all parts of every manufactured home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
3. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
4. No part of any manufactured home park shall be used for nonresidential purposes, except as permitted by this Section or this Local Law.

5. Nothing contained in this Section shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home stand and connected to the pertinent utilities.

**G. DIMENSIONAL REQUIREMENTS FOR MANUFACTURED HOME PARKS:**

1. The minimum parcel size for a manufactured home park shall be ten (10) acres.
2. All manufactured homes shall be located at least forty (40) feet from any manufacture home park boundary line that abuts upon a public street or highway and at least twenty (20) feet from other manufactured home boundary lines.
3. There shall be a minimum distance of fifteen (15) feet between an individual manufactured home and adjoining pavement of a manufactured home park walkway, sidewalk, street or common parking area or other common areas.
4. All manufactured home parks shall be provided with screening such as attractive and well-maintained fences or natural growth along the property boundary line separating the manufactured home park from adjacent uses.

**H. LOT AND AREA REQUIREMENTS:**

1. No lot in any manufactured home park shall be less than sixty (60) feet wide and have less than seven thousand two hundred (7,200) square feet of total area, exclusive of easements and rights-of-way. No structure or manufactured home or any part thereof shall be located on any lot closer to any front lot line than twenty-five feet, or any side lot line than fifteen (15) feet nor to any rear lot line than twenty (20) feet.
2. Tapered lots occurring along curvilinear roads and culs-de-sac shall have an average lot width of sixty (60) feet. The “average lot width” is defined as the sum of the lengths of the front and back lot lines divided in half. In no case, however, shall the front lot width on such tapered lot be less than thirty-five (35) feet. The minimum requirements for the total area and yard dimensions as hereinabove stated shall apply to such tapered lots.
3. Any accessory structure which covers an area exceeding twenty-five (25) square feet and is attached to a manufactured home or is located within ten (10) feet of a window in such manufactured home and has an opaque top or roof that is higher than the nearest window shall be considered a part of the manufactured home for the purpose of determining its distance from lot lines.

**I. RECREATION AREAS**

1. In all manufactured home parks that accommodate or are designed to accommodate five (5) or more manufactured homes, there shall be one (1) or more recreation areas which shall be easily accessible to all park residents.

2. The combined size of such recreation areas shall be based upon a minimum of three hundred fifty (350) square feet per manufactured home lot. No outdoor recreation area shall be smaller than five thousand (5,000) square feet of area.
3. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.
4. Playground equipment shall be installed in each required recreation area.

**J. STREET SYSTEM**

1. All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Alignment and gradient shall be properly adopted to topography.
2. Access to manufactured home parks shall be designed to minimize congestion and hazards at the entrances and exists, and allow free movement of traffic on adjacent streets. The entrance road connecting the streets in the manufactured home park with a public street or road shall have a minimum road pavement width of thirty-four (34) feet where parking is permitted on both sides or a minimum road pavement width of twenty-seven (27) feet where parking is limited to one (1) side. Where the primary entrance road is more than one hundred (100) feet long and does not provide access to abutting manufactured home lots within such distance, the minimum road pavement width may be twenty-four (24) feet, provided parking is prohibited on both sides.
3. Internal surfaced roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:
  - a. All streets, except minor streets, shall have a width of twenty-four (24) feet.
  - b. Minor streets with no parking shall have a width of eighteen (18) feet. This is acceptable only if the street is less than five hundred (500) feet long and serves fewer than twenty-five (25) manufactured homes or of any length if the street is one-way and provides access to abutting manufactured home lots on one side only.
  - c. Dead-end streets shall be limited in length to one thousand (1,000) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least sixty (60) feet.

**K. STREET ILLUMINATION**

All manufactured home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average of maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

1. All parts of the street systems: six-tenths (0.6) foot-candle with a minimum of one-tenth (0.1) foot-candle.
2. Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated with a minimum of three-tenths (0.3) foot-candle.

**L. STREET CONSTRUCTION DESIGN STANDARDS**

1. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surfaces and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes, and other hazards.
2. Grades of all streets shall be sufficient to ensure adequate surface drainage but be not more than eight percent (8%). Short runs with a maximum grade of ten percent (10%) may be permitted, provided that traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves.
3. Streets shall be at approximately right angles within one hundred (100) feet of an intersection. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two (2) streets at one (1) point shall be avoided.

**M. OFF-STREET PARKING**

1. Off-street parking areas shall be provided in all manufactured home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least one and one-quarter (1-1/4) parking spaces for each manufactured home lot.
2. Required parking spaces shall be so located as to provide convenient access to the manufactured home, but shall not exceed a distance of two hundred (200) feet from the manufactured home that it is intended to serve.
3. Each manufactured home lot shall have not less than two (2) off-street parking spaces. Such parking spaces shall be connected to the entrance of the manufactured home by a paved sidewalk having a minimum width of thirty-six (36) inches.

**N. WALKWAYS**

1. All manufactured home parks shall be provided with safe, convenient, all-season, dust-free pedestrian access to adequate width for intended use, durable and convenient to maintain between individual manufactured park homes, the streets and all community facilities provided for the residents of the manufactured home park. Sudden changes in alignment and gradient shall be avoided.
2. A common walk system separated for the road system by a minimum of two (2) feet shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3-1/2) feet.
3. All manufactured home lots shall be connected to common walks, to paved streets or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

**O. LANDSCAPING**

Trees and shrubs shall be provided along all walks and streets, around recreation areas and along the outer property line of the manufactured home park. Trees shall be planted at an interval of not less than fifty (50) feet where feasible.

**P. MANUFACTURED HOME STANDS**

The area of the manufactured home stand shall be improved to provide adequate foundation for the placement and tie-down of the manufactured home, thereby securing the superstructure against uplift, sliding, rotation or overturning.

1. The manufactured home stand shall not heave, shift or settle unevenly under the weight of the manufactured home or due to frost action, inadequate drainage, vibration, or other forces acting on the superstructure. The manufactured home stand shall be either drilled piers, trench footers or concrete slabs in accordance with the specifications hereinafter set forth:
  - a. Such drilled piers shall be constructed of cast-in-place concrete having a minimum load-carrying capacity of three thousand (3,000) pounds per square inch; be a diameter of not less than twelve (12) inches; be a depth of not less than forty-two (42) inches; and be spaced at intervals of not more than eight (8) feet and centered on the manufactured home rails.
  - b. Such trench footers shall be constructed of cast-in-place concrete having a load-carrying capacity of not less than three thousand (3,000) pounds per square inch; be a width of not less than sixteen (16) inches; be a depth of not less than forty-two (42) inches and be spaced at intervals of not more than eight (8) feet and be of sufficient length to accommodate the width of the manufactured home rails.

- c. Such concrete slabs shall be constructed of cast-in-place concrete having a thickness of not less than six (6) inches and shall be placed on top of cast-in-place concrete footer constructed along the entire perimeter of the concrete slab and shall have a width of not less than twelve (12) inches and a below-grade depth of not less than forty-two (42) inches.
2. The manufactured home stand shall be provided with anchors and tie-downs such as cast-in-place “dead men,” eyelets imbedded in concrete foundations or runways, sore augurs, arrowhead anchors or other devices to secure the stability of the manufactured home.
3. Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand, and each shall be capable of sustaining a minimum tensile strength of two thousand eight hundred (2,800) pounds.

**Q. WATER SUPPLY**

1. An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park. Where a public water supply of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the New York State Department of Health.
2. Source of Private Water Supply:
  - a. The water supply shall be capable of supplying a minimum of one hundred fifty (150) gallons per day per manufactured home.
  - b. Every well or suction line of the water supply system shall be located and constructed in such manner that neither underground nor surface contamination will reach the water supply from any source. The following minimum distance between wells and various sources of contamination shall be required:

<b>Contamination Source</b>	<b>Distance from Well or Suction Line (feet)</b>
Building sewer	50
Septic tank	50
Disposal field	100
Seepage pit	100
Dry well	50
Cesspool	150

- c. No well-casings, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above the ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage to the surface of the ground.
- d. The treatment of private water supply shall be in accordance with applicable New York State laws and regulations.

3. Storage Facilities

All water storage reservoirs shall be covered watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

4. Distribution System

- a. The water supply system of the manufactured home park shall be connected by pipes to all manufactured homes, buildings and other facilities requiring water.
- b. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and local regulations and requirements and shall be of a type and in locations approved by the health authority.
- c. The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.
- d. The system shall be designed and maintained as to provide a pressure of not less than twenty (20) pounds per square inch under normal operating conditions at service buildings and other locations requiring potable water.

5. Water Risers

- a. Individual water riser pipes shall be located within the confined area of the manufactured home stand at a point where the water connection will approximate a vertical position.
- b. Water riser pipes shall extend at least four (4) inches above the ground elevation. The inside pipe diameter shall be at least three-fourths (3/4) of an inch.

- c. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- d. A shutoff valve below the frost line shall be provided near the water pipe riser on each manufactured home lot.
- e. Underground stop and waste valves shall not be installed on any water service.

**R. SEWAGE DISPOSAL**

- 1. An adequate and safe sewage system shall be provided in all manufactured home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with State and local laws.
- 2. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grad which will ensure a velocity of two (2) feet per second when flowing. All sewer lines shall be constructed of materials approved by the New York State Health Department, shall be adequately vented and shall have watertight joints.
- 3. Sewer Connections
  - a. Each manufactured home stand shall be provided with at least a four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured home drain outlet will approximate a vertical position.
  - b. The sewer connection shall have a normal inside diameter of at least three inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one (1) pipeline only without any branch fittings. All joints shall be watertight.
  - c. All materials used for sewer connections shall be semi-rigid, corrosive-resistant, nonabsorbent and durable. The inner surface shall be smooth.
  - d. Provision shall be made for plugging the sewer riser pipe when a manufactured home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) inches above the ground elevation.

4. Treatment and Discharge

Where the sewer lines of the manufactured home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the New York State Health Department prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of New York State, except with prior approval of the New York State Department of Health.

**S. ELECTRICAL DISTRIBUTION**

1. General. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with codes and regulations governing such systems.

2. Power Distribution Lines

a. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any manufactured home, service building or other structure.

b. All direct-burial conductors or cable shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one (1) foot of radial distance from water, sewer, gas or communication lines.

3. Electrical Connections

a. Each manufactured home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be one hundred twenty/two hundred forty (120/240) volts AC, fifty (50) amperes.

b. Outlet receptacles at each manufactured home stand shall be located not more than twenty-five (25) feet from the overcurrent protective devices in the manufactured home, and a three-hole, four-wire grounding type shall be used. Receptacles shall be of weatherproof construction, and configurations shall be in accordance with American Standard Outlet Receptacle C- 73.1.

c. The manufactured home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.

- d. Where the calculated load of the manufactured home is more than fifty (50) amperes, either a second outlet receptacle shall be installed.

4. Grounding

All exposed non-current-carrying metal parts of manufactured homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for manufactured homes or other equipment.

**T. COMMUNITY SERVICE FACILITIES**

- 1. The requirements of this Article shall apply to service buildings, recreation buildings and other community service facilities such as:

- a. Management offices, repair shops and storage areas
- b. Sanitary facilities
- c. Laundry facilities
- d. Indoor recreation areas

- 2. Every manufactured home park shall be provided with the following emergency sanitary facilities: For each one hundred (100) manufactured home lots, there shall be one (1) flush toilet, one (1) lavatory and one (1) shower for each sex. The building containing such emergency sanitary facilities shall be accessible to all manufactured homes. Such facilities and the structure housing the same shall be constructed and operational not later than thirty (30) days following the occupancy of each one hundred (100) lots in any such park.

3. Structural Requirements

- a. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

- b. All rooms containing sanitary or laundry facilities shall:

- (i) Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

- (ii) Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent (10%) of the floor area served by them.
    - (iii) Have at least one (1) window which can be easily opened or a mechanical device which will adequately ventilate the room.
    - (iv) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
  - c. Illumination levels shall be maintained as follows:
    - (i) General seeing tasks: five (5) footcandles.
    - (ii) Laundry room work area: forty (40) footcandles.
    - (iii) Toilet room, in front of mirrors: forty (40) footcandles.
  - d. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture and cold water shall be furnished to every water closet and urinal.
- 4. Cooking shelters, barbecue pits, fireplaces and wood- burning stoves shall be so located constructed, maintained and used as to avoid fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. No refuse shall be burned at any time.

**U. GARBAGE, RUBBISH AND REFUSE**

- 1. The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
- 2. All refuse shall be stored in fly tight, watertight, rodent proof containers, which shall be located not more than one hundred fifty (150) feet from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- 3. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

4. All refuse containing garbage shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, the manufactured home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.
5. Where municipal or private disposal service is not available, the manufactured home park operator shall dispose of the refuse by transporting it to the Village disposal site.
6. Refuse incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the manufactured home park.

**V. INSECT AND RODENT CONTROL**

1. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the New York State Department of Health and the Orleans County Department of Health.
2. Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
3. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building materials shall be stored at least one (1) foot above the ground.
4. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
5. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

**W. FUEL SUPPLY AND STORAGE**

1. Natural Gas System.
  - a. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
  - b. Each manufactured home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The

outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. Liquefied Petroleum Gas Systems.

- a. Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
- b. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- c. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the manufactured home and shall be maintained in effective operating condition.
- d. All liquefied petroleum gas piping outside of the manufactured home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured homes.
- e. Liquefied petroleum gas containers installed on a manufactured home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than twelve (12) nor more than sixty (60) United States gallons' gross capacity.
- f. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured home or any other structure, unless such installation is approved by the health authority.

3. Fuel Oil Supply Systems

- a. All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
- b. All piping from outside fuel storage tanks or cylinders to manufactured homes shall be permanently installed and securely fastened in place.
- c. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any manufactured home or less than five (5) feet from any manufactured home exit.
- d. Storage tanks located in areas subject to traffic shall be protected against physical damage.

**X. FIRE PREVENTION**

1. The manufactured home area shall be subject to fire-prevention ordinances which may be adopted by the Village.
2. Manufactured home parks shall be kept free of litter, rubbish and other flammable materials.
3. Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in service buildings and at all other locations designated by such fire prevention authority and shall be maintained in good operating conditions.
4. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.
5. Fire Hydrants
  - a. Fire hydrants shall be installed if the park water supply system is capable of serving them in accordance with the following requirements:
    - (i) The water supply system shall permit the operation of a minimum of two (2) one-and-one-half-inch hose streams.
    - (ii) Each of two (2) nozzles, held four (4) feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest elevation point of the park.
  - b. Fire hydrants, if provided, shall be located within five hundred (500) feet, measured along or through roads or other open public areas, of any manufactured home, service building or other structure of the park.

**Y. RESPONSIBILITIES OF PARK MANAGEMENT**

1. The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this Section and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The park management shall notify park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section and regulations issued hereunder.
3. The park management shall supervise the placement of each manufactured home on its manufactured home stand, which includes securing its stability and installing all utility connections.

4. The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.
5. The park management shall notify the State Health Department immediately of any suspected communicable or contagious disease within the park.

**Z. RESPONSIBILITIES OF PARK OCCUPANTS**

1. The park occupants shall comply with all applicable requirements of this Section and regulations issued hereunder and shall maintain their manufactured home lots, facilities and equipment in good repair and in a clean and sanitary condition.
2. The park occupant shall be responsible for proper placement of his manufactured home on its manufactured home stand and proper installation of all utility connections in accordance with the instruction of the park management.
3. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any manufactured home lot.

**AA. CONDITIONS REQUIRED PRIOR TO OCCUPANCY**

A manufactured home shall not be occupied for dwelling purposes unless it is properly placed on a manufactured home stand and connected to water, sewerage and electrical utilities.

**BB. LICENSE REQUIRED**

It shall be unlawful for any person to construct, alter or extend any manufactured home park within the Village of Lyndonville or to locate a manufactured home therein without a valid license issued by the Zoning Enforcement Officer. Licenses are issued and valid for a twelve-month period, but may be renewed as provided for in this Section.

**CC. PRE-EXISTING MANUFACTURED HOME PARKS**

Manufactured home parks operating under a valid license issued prior to the effective date of this Local Law may continue to operate under the terms of such license until the expiration of such license. Before renew of the license, such manufactured home park shall be brought into compliance with the provisions of this Section.

**DD. LICENSE APPLICATION REQUIREMENTS**

1. All applications for licenses or for renewal of licenses shall be submitted to the Zoning Enforcement Officer and shall contain the following:
  - a. The name and address of the applicant; if the applicant is a partnership, the names and addresses of the partners; and if the applicant is a corporation, the names and addresses of the officers and directors.
  - b. The name and address of the owner of the property.
  - c. A copy of a current lease agreement between the applicant and the owner of the property if the applicant is not the property owner.
  - d. the location and legal description of the manufactured home park.
  - e. Plans and specifications for the water supply and refuse and sewage disposal facilities to be constructed, altered or extended within the manufactured home park.
  - f. Plans and specifications for all buildings to be constructed, altered or extended within the manufactured home park.
  - g. All applications for licenses or renewals or licenses shall be accompanied by application fee which shall be set from time to time by a resolution of the Village Board.
2. Upon review of the application and evidence that the manufactured home park meets the minimum requirements of the New York State Department of Health and subject to the Village Planning Board approving a Special Use Permit. The Zoning Enforcement Officer shall issue or renew a license when a review of the application and inspection of the site demonstrates that the proposed or existing manufactured home park satisfies the requirements of this Local Law and any provisions imposed by the Village Planning Board as conditions to the approval of the Special Use Permit.

**EE. INSPECTIONS**

1. The Zoning Enforcement Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Local Law.
2. The Zoning Enforcement Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Local Law.

3. The Zoning Enforcement Officer shall have the power to inspect the register containing a record of all residents of the manufactured home park.

**FF. REVOCATION OF LICENSES**

Any license for a manufactured home park may be revoked when it is found to be in violation of the provisions of this Section.

1. Should the Zoning Enforcement Officer find a violation of any provision of this Local Law or the Special Use Permit, the Zoning Enforcement Officers shall give notice, in writing, to the licensee, that unless such violations are corrected within ten (10) days, the permit shall be revoked.
2. If, at the end of the ten (10) days, a further inspection reveals that the violation(s) have not been corrected, the Zoning Enforcement Officer shall revoke the permit and give notice of such revocation, in writing, to the licensee. Upon notice of revocation, the licensee shall cease operation of the manufactured home park.

**GG. APPEALS**

1. Petition - Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Section or of any regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Village Board, provided such person shall file in the office of the Village Clerk a written petition to request such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and suspension, except in the case of an order issued in accord with Subsection F of this Section. Upon receipt of such petition, the Village Board shall set a time and place for such hearing and shall give the petitioner written notice thereof.
2. Hearing - At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be held not later than ten (10) days following the day on which the petition was filed, provided that, upon application of the petitioner, the governing body may postpone the date of the hearing for a reasonable time beyond such ten-day period when, in the judgment of the governing body, the petition has submitted good and sufficient reasons for such postponement.
3. Order of the Village Board - After such hearing, the Village Board shall make findings as to compliance with the provisions of this Section and regulations issued hereunder and shall issue an order to sustain, modify or withdraw the notice of violation, which shall be served in writing on the petitioner. Upon failure to comply with any order sustaining or modifying the notice of violation within ten (10) days

following the service of said order, the license of the manufactured home park affected by the order shall be revoked.

**HH. EMERGENCY CONDITIONS**

Whenever the Zoning Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, Zoning Enforcement Officer may, without notice or hearing, issue an order reciting the existence of such emergency and require that such action be taken as the Zoning Enforcement Officer may deem necessary to address or remedy the emergency, including the suspension of the license. Notwithstanding any other provisions of this Section, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Village Board, shall be afforded a hearing as soon as its is practicable for the Village Board to schedule such hearing. The provisions of Subsection E of this Section shall be applicable to such hearing and the order issued thereafter.

**II. HIGHER STANDARDS TO PREVAIL**

In any case where a provision of this Section is found to be in conflict with a provision of any other ordinance or code of the Village of Lyndonville existing on the effective date of this Section, the provision which establishes the higher standard shall prevail.

**ARTICLE VI            REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS**

**SECTION 600        SIGNS**

**A.        PURPOSE**

The purpose of these sign regulations is to promote and protect the public health, welfare and safety by regulating existing and proposed advertising signs and signs of all types. It is intended to protect the property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the community's appearance and attractiveness.

These sign regulations are also intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

**B.        GENERAL REGULATIONS**

Except as otherwise provided, no person shall erect, alter, or relocate any sign without first obtaining a sign license from the Village of Lyndonville. Within six (6) months following the effective date of this Local Law, a license shall also be obtained for any pre-existing sign unless excluded by the exempt signs provision under this Local Law.

**1.        Application Procedure**

Applications shall be made in writing to the Code Enforcement Officer on forms prescribed and provided by the Village of Lyndonville, and shall contain the following information:

- a.        Name, address and telephone number of:
  - (i)       Applicant
  - (ii)      Owner of the property
- b.        Location of the building, structure or land upon which the sign now exists or is to be erected.
- c.        If a new sign is to be erected, elevation and plan drawings to scale should be included. In addition, a full description of the placement and

appearance of the proposed sign should be included and should cover the following:

- (i) The type of sign
- (ii) Location on the premises, specifically its position in relation to adjacent buildings, structure and property line
- (iii) The method of illumination, if any, and the position of lighting or other extraneous devices
- (iv) Graphic design, including symbols, letters, materials and colors.
- (v) The visual message, text, copy or content of the sign.
- (vi) Written consent, or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner

## **2. License**

Upon the filing of a completed application for a sign license and the payment of the required fee, the Zoning Enforcement Officer shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If the sign is in compliance with all the requirements of this Local Law the Zoning Enforcement Officer shall, within fifteen (15) days, issue a license for the erection of the proposed sign or for an existing sign. The issuance of a license shall not excuse the applicant from conforming to the other laws and ordinances of the Village or with the Codes of New York State. If the erection of the sign authorized under any such license has not commenced within six (6) months from the date of issuance, the license shall become null and void.

## **3. License Period and Fees**

All licenses issued pursuant to this Local Law shall expire on the 31<sup>st</sup> day of December next after the date of issuance. The license fees may be set from time to time by the Village Board of Trustees by resolution.

## **B. EXEMPT SIGNS THAT REQUIRE NO LICENSE**

### **1. Exempt Signs Requiring No License**

The following types of signs may be erected and maintained without permits or fees, provided that such signs comply with the general requirements of this Section:

- a. Historical markers, tablets and statues, memorial signs and plaques; name of buildings and dates of erection when cut into masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by government agencies, religious or non-profit organizations. Such signs shall not exceed six (6) square feet.
- b. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- c. On-premises directional signs not exceeding four (4) square feet per face and six (6) feet in height. Business and personal names shall be allowed, excluding advertising messages.
- d. Non-illuminated warning, private drive, posted or no trespassing signs not exceeding two (2) square feet per face.
- e. Temporary non-illuminated "for sale," "for rent," real estate signs and signs of similar name, concerning the premises on which the sign is located in a residential district, one (1) sign not exceeding four (4) square feet per side. In a business or industrial zoning district, one (1) sign not exceeding fifty (50) square feet set back at least fifteen (15) feet from all property lines. All such signs shall be removed within three (3) days after the sale, lease or rental of the property.
- f. Private-owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet and displayed no more than three (3) times per year and for no more than three (3) consecutive days each time.
- g. One (1) temporary sign for a roadside stand selling produce grown on the premises in season, provided that such sign not exceed twenty-four (24) square feet and not be set on the public right-of-way.
- h. Temporary non-illuminated window signs and posters not exceeding twenty-five percent (25%) of the window surface or displayed for more than thirty (30) days.
- i. One (1) sign, not exceeding six (6) square feet in the residential districts nor sixteen (16) square feet in the business districts, listing the architect, engineer, contractor and/or owner on premises where construction, renovation or repair is in progress. All such signs shall be removed within seven (7) days following completion of the construction or repair.
- j. "Non-commercial speech" signs, also known as "free speech" signs, which express an opinion or a statement unrelated to a business venture, are permitted subject to the following conditions:

- (i) The maximum number of non-commercial speech signs shall be two (2) per lot.
  - (ii) Such signs shall not exceed a total of four (4) square feet in residential areas and sixteen (16) square feet in business areas for all such signs on a single lot.
  - (iii) Non-commercial signs shall not be illuminated, except indirectly.
- k. Political campaign posters, banners and similar devices not exceeding four (4) square feet in residential areas or sixteen (16) square feet in business areas, provided that:
- (i) Placement shall not exceed thirty (30) days.
  - (ii) The names and addresses of the sponsor and the person responsible for the removal of the sign are identified on the signs.
- l. Temporary illuminated or non-illuminated signs, posters, banners or other similar devices erected by not-for-profit community organizations to advertise suppers, banquets, benefits, fund raising events and similar functions, and directional signs for meetings, conventions and other assemblies may be erected provided that:
- (i) Placement shall not exceed thirty (30) days.
  - (ii) The event sponsor shall be responsible for removal of the sign.
- m. Holiday decorations, including lighting, are exempt for the provisions of this Local Law and may be displayed in any district without a permit.
- n. Integral graphics or attached price signs on fuel pumps at gas stations.

**2. Prohibitions**

- a. No advertising sign shall be placed on premises other than the site of the business advertised except as permitted under the exempt signs provisions of this Local Law.
- b. The total number of permitted signs on a single storefront shall not exceed two (2), of which only one (1) may be freestanding.
- c. No sign shall be illuminated by or contain flashing intermittent, rotating or moving lights except to show time and temperature.
- d. No sign shall create a traffic hazard or impair or cause confusion or unduly distract motorists or pedestrians traffic in its design, color or placement. No

sign shall impair visibility for the motorist at a street corner or intersection by placement and location within twenty-five (25) feet of the intersection of the street or highway lines.

- e. No sign shall be attached to a public utility pole or traffic control structures nor reduce the effectiveness of traffic control devices and signs needed to direct the public.
- f. No sign or sign supports shall be placed on the roof of any building.
- g. No sign shall consist of banner, pennants, ribbons, streamers, spinners or similar fluttering or revolving devices.
- h. No exterior portable or temporary signs shall be erected, used or maintained except for a new business, or a business in a new location, awaiting installation of a permanent sign. In such an instance, the portable or temporary sign may be utilized for a period of not more than sixty (60) days or until installation of a permanent sign, whichever occurs first. Such a portable sign must meet all construction standards of the district. A separate license for such a sign shall be required.

### 3. Nonconforming Signs

Signs which lawfully existed at the time of the enactment of this Local Law and which would be prohibited or restricted under the terms of these regulations may continue in use subject to the following provisions:

- a. Intent - It is the intent of this local law to permit non-conforming signs to continue in use until they are removed or replaced, but not to encourage their survival.
- b. General Regulations
  - (i) A non-conforming sign shall not be enlarged nor otherwise modified unless such modification would reduce the degree of non-conformance.
  - (ii) Should any non-conforming sign be moved for any distance for any reason, it shall be modified in such a way that thereafter it shall conform to the provisions of this Local Law.
  - (iii) Any non-conforming sign that is declared unsafe by a proper authority may be restored to a safe condition.
  - (iv) Normal maintenance repairs and incidental alterations of a building or other structure containing a non-conforming use shall

be permitted, provided that the maintenance or repair does not increase the degree of non-conformance.

**4. Abandoned Signs**

Except as otherwise provided in this Local Law, any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. Failure to remove an abandoned sign shall be a violation of this Local Law. The reuse of an abandoned, non-conforming sign shall be prohibited unless said sign is modified in such a way to bring it into compliance with this Local Law.

**5. Maintenance of Signs**

Every sign shall, at all times, be in a safe and structurally sound condition and maintained by replacement of defective or worn parts, painting, repainting and cleaning. The Zoning Enforcement Officer shall require compliance with all standards of this chapter. If a sign does not comply with adequate safety standards, it shall be removed.

**6. Dangerous or Hazardous Signs**

No person shall maintain or permit to be maintained on any premises owned, occupied or controlled by him any sign which is either not structurally sound or creates an electrical hazard. Any such sign shall be removed or repaired by the owner or user of the sign or the owner of the premises.

**7. Gasoline Price Signs**

The price of gasoline offered for sale at retail for use in motor vehicles shall be continuously posted on the individual pump or other dispensing device from which such gasoline is sold by a sign or placard not less than seven (7) inches in height and eight (8) inches in width, nor larger than twelve (12) inches in height and twelve (12) inches in width which shall clearly state the selling price per gallon. The use of a placard may be eliminated if the calling price appears on the face of electronic computing-type dispensing pumps. No other sign or placard stating the selling price of gasoline shall be posted or maintained on the premises on which said gasoline is sold or offered for sale.

**C. CONSTRUCTION STANDARDS**

**1. General Regulations**

- a. All internally illuminated signs shall be constructed in conformance with the Standards for Electric Signs (UL48) of Underwriters' Laboratories, Inc., or an equivalent standard, and bear the seal of Underwriters' Laboratories, Inc., or another acceptable service.
- b. If such sign does not bear the Underwriters' Laboratories, Inc. label, the sign shall be inspected and certified by the New York Board of Fire Underwriters. All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.
- c. All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area.
- d. All signs, including wall-mounted and projecting signs, shall be securely anchored, free from all hazards and employ acceptable safety materials.
- e. The total cumulative area of all signs permitted on a single storefront, including permanent window signs, shall not exceed: the greater of twenty-eight (28) square feet or an amount calculated at the rate of one (1) square foot of sign area per lineal foot of building frontage, plus one (1) square foot of sign area for every four (4) lineal feet setback of the principal building on the property, but in no such case shall the total sign area allowed exceed eighty (80) square feet, except that a sign not exceeding nine (9) square feet may be placed on the rear of building and shall not be included in the total cumulative limit on sign area set forth herein.

**2. Specific Regulations of Sign Types**

The following are descriptions of signs varying in construction and type which shall comply with the additional conditions set forth herein:

- a. Wall Signs
  - (i) Wall signs shall not extend beyond the ends or over the top of the walls to which attached and shall not extend above the level of the second floor of the building.
  - (ii) Wall signs shall not extend more than nine (9) inches from the face of the buildings to which attached except that copy-change signs may extend fifteen (15) inches therefrom.

b. Projecting Signs

- (i) Projecting signs shall not have more than two (2) faces.
- (ii) The exterior edge of a projecting sign shall extend not more than five (5) feet from the building face or one-third (1/3) the width of the sidewalk, whichever is less.
- (iii) No part of a projecting sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of eight (8) feet.
- (iv) Projecting signs shall not extend above the level of the second floor of the buildings to which attached or in any case be higher than twelve (12) feet.
- (v) No projecting sign shall be closer than fifteen (15) feet to the corner of a building located at a street intersection.

c. Freestanding Signs

- (i) No freestanding sign shall be located less than two (2) feet from the front property line nor less than five (5) feet from the side property line. No freestanding sign may be located less than fifty (50) feet from any other freestanding sign. It shall not obstruct the view or constitute a safety hazard.
- (ii) If, for any reason, the property line is changed at some future date, any freestanding sign made nonconforming thereby must be relocated within ninety (90) days to conform to the minimum setback requirements.
- (iii) Except as otherwise provided herein, no freestanding sign shall be more than twenty (20) square feet per side for a double-faced sign.
- (iv) No freestanding sign shall be more than thirty (30) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.
- (v) No freestanding sign shall extend over or into the public right-of-way nor shall it overhang the property lines.
- (vi) Freestanding signs under which a pedestrian walkway or driveway passes shall have a ten-foot vertical clearance.

- (vii) Masonry wall-type signs shall not exceed four (4) feet in height and shall not be placed so as to impair visibility for motorists.

d. Other Types of Signs

(i) Awning Signs

- (a) No sign shall project from an awning.

- (b) Awning graphics may be painted or affixed flat to the surface of the front or sides and shall indicate only the name and/or address of the enterprise or premises.

**D. DESIGN GUIDELINES**

The purpose of this section is to encourage appropriate and compatible graphic design, material, colors, illumination and placement of proposed signs.

1. Signs should be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics should relate with and not cover architectural features and should be in proportion to them.
2. Signs should be appropriate to the types of activities they represent.
3. Layout should be orderly and graphics should be of simple shape, such as rectangle, circle or oval.
4. No more than two (2) typefaces should be used on anyone (1) sign or group of signs indicating one (1) message.
5. The number of colors used should be the minimum consistent with the design.
6. Illumination should be appropriate to the character of the sign and surroundings.
7. Groups of related signs should express uniformity and create a sense of harmonious appearance.
8. After the issuance of a sign license and upon completion of installation, the Zoning Enforcement Officer shall produce a photograph of the sign to be kept on file with the license.

**E. REVIEW AND APPEALS**

1. Any person aggrieved by a decision of the Code Enforcement Officer relative to the provisions of this Local Law may appeal such decision in writing to the

Zoning Board of Appeals as provided for in Article VIII of this Local Law and shall comply with all procedural requirements prescribed by such Board.

2. In granting any variance from the provision of this chapter, the Zoning Board of Appeals must find that the variance is necessary for the reasonable use of the land or buildings, that granting the variance is in harmony with the general purposes and intent of this chapter, that such will not be injurious to the neighborhood character or otherwise detrimental to the public welfare and that denial of the variance would result in practical difficulty or unnecessary hardship to the applicant.

## **SECTION 601 OFF-STREET PARKING REGULATIONS**

This Section shall apply to all property within all districts except the Central Business District.

### **A. LOCATION OF OFF-STREET PARKING FACILITIES**

1. Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking facility to the nearest public entrance of the building that such facility is required to serve.
  - a. For one and two family dwellings and for all types of residential structures: On the same lot with the building they are required to serve.
  - b. For multiple family dwellings: Not more than two hundred (200) feet from the building they are required to serve.
  - c. For other uses: Not more than five hundred (500) feet from the building they are required to serve.
2. Off-street parking spaces or parking areas with the exception of driveways to access parking spaces and parking areas shall not be permitted within required front yards.
3. No off-street parking shall be permitted in the area between the edge of street paving and the sidewalk or in any other public right-of-way.
4. Off-Street parking shall be in side or rear yards only, and shall be a minimum of ten (10) feet from property lines. Areas for parking of more than five (5) vehicles shall be screened from view by a fence of acceptable design, or by landscaping. All fence and landscaping installations shall meet all the requirements for fences and landscaping set forth in this Local Law and all other Village requirements.

5. No motor vehicle with a gross weight of more than ten thousand (10,000) pounds may be parked on any lot within the scope of this Section except for such periods of time as are actually necessary to pick up or make deliveries of merchandise; or to receive or discharge passengers; or to provide services requested by the lot owner or to construct authorized structures or other improvements on such lot.
6. A permit for front yard parking may be granted by the Village Planning Board for a property with side yard widths less than ten (10) feet. The Village Planning Board may attach reasonable conditions to any such permit.
7. A boat, boat trailer, camper or recreational vehicle may be stored only in the rear or side yard. Placement of the parked boat, boat trailer, camper or recreational vehicle shall be in accordance with the setbacks required for principal buildings in the respective zoning district of the property.

**B. DESIGN REQUIREMENTS**

1. All uses shall provide adequate off-street parking for all vehicles parked during typical peak periods. Parking should be designed to eliminate the need to back out on to public streets.
2. A parking space shall be not less than ten (10) feet by twenty (20) feet, exclusive of accessways and driveways. Single family residences need not exclude the driveway area.
3. Off-street parking areas with a capacity for more than twenty (20) vehicles shall delineate fire lanes and post “no parking” signs.
4. Any off-street parking areas subject to the Americans with Disabilities Act shall provide handicapped parking in accord with the following table:

Total Parking Spaces per Lot	Total Minimum Number of Accessible Spaces Required	Minimum No. of Van-Accessible Spaces with at Least 96"-wide Access Isles	Minimum No. of Accessible Spaces with at Least 60"-wide Access Isles
1 to 25	1	1	0
26-50	2	1	1
51-75	4	1	2
76 to 100	3	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 - 400	8	1	7
401 to 500	9	2	7

501 to 1,000	2% of the total spaces	1/8 of the total required spaces	7/8 of the total required spaces
1001 and over	20 plus 1 for each 100 over 1,000	1/8 of the total required spaces	7/8 of the total required spaces

Handicapped accessible parking spaces shall be at least ten (10) feet wide exclusive of the access aisle. Two handicapped accessible parking spaces may share an access aisle.

5. All off-street parking spaces shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner.
6. Each off-street parking space shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any motor vehicle may be parked and unparked without moving or damaging another.
7. The collective provision of off-street parking areas by two (2) or more buildings or uses located on adjacent lots may be approved by the Village Planning Board during Site Plan Review, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately.
8. No driveway to an off-street parking area shall be located closer than fifty (50) feet to the intersection of any two streets or within twenty (20) feet of any side lot line provided that sufficient distance will always remain for all required radii for said driveway. The distance from the driveway to the intersection shall be measured by extending the curb line of the intersecting street until it intersects the curb line of the driveway in question, extending such driveway curb line if necessary. A minimum distance of fifty (50) feet shall be maintained between two driveways located on any one frontage.
9. Except where otherwise specified in this Local Law, off-street parking areas may be located in any yard space for non-residential uses but shall not be located closer than thirty (30) feet to the right-of-way line of all streets and no closer than ten (10) feet to any other property line.
10. Car stops or other suitable devices shall be installed to protect fencing, landscaping and other screening devices from damage.
11. Stormwater drainage shall be installed to direct stormwater runoff from the parking area away from adjacent properties.
12. Parking facilities shall be provided with a snow storage area to ensure that fencing, landscaping and other screening devices are protected from snowplowing.

13. Driveways and parking areas shall be paved with concrete, asphalt or crushed stone, and shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled, and necessary repairs or replacement shall be made.
14. Driveway aprons shall be paved with concrete or asphalt.
15. Surfaces shall be constructed and maintained so as to be all weather, durable and dustless.
16. Sidewalks crossing driveways, aprons or parking areas shall be concrete and shall comply with all applicable Village Code requirements.

**C. LIGHTING**

1. All off-street parking areas and appurtenant passageways and driveways (excluding areas serving one-family and two-family dwellings and farm dwellings) shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation.
2. Any lights used to illuminate an off-street parking area shall be so arranged as to direct light away from all adjoining property and public or private roadways.

**D. JOINT USE**

The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point in time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

**E. EXISTING NONCONFORMING PARKING AREAS**

1. Parking spaces within the area between the edge of street paving and the sidewalk or front yards in existence at the time of enactment of this Local Law shall be subject to review by the Village Planning Board. Property owners shall apply to the Village of Lyndonville Planning Board for such review.
2. Such parking areas shall be paved with asphalt or concrete.
3. Curbing shall be installed to match existing curbing if any.
4. Such areas shall be provided with adequate drainage and shall not result in ponding of stormwater.

5. Such parking areas shall not be enclosed as carports or garages.
6. Applicants shall provide information to demonstrate that no other practical parking alternative exists on the premises or demonstrated extreme hardship. The Village Planning Board shall also consider the general character of the surrounding neighborhood and the suitability of the applicant's request.
7. Upon satisfactory review of an existing parking area between the edge of street paving and the sidewalk, the Village Planning Board may issue a permit to allow such area to continue in use. The Village Planning Board may attach reasonable conditions to any such approval.

**F. INTENSIFICATION OF USE**

When the intensity of an existing use has increased through the addition of dwelling units, gross floor area or modification of the use, parking facilities shall be provided as required by this Local Law.

**G. RESIDENTIAL DRIVEWAY REGULATIONS**

1. The maximum number of driveways opening to a Village street or alleyway shall be one per one hundred fifty (150) feet of frontage or less. Where frontage exceeds one hundred fifty (150) feet the Village Planning Board may upon review permit more than one driveway opening.
2. The angle of driveway openings with Village streets and alleyways shall be as close to ninety degrees (90°) as practicable.
3. The maximum width of a driveway opening shall be twenty (20) feet; the minimum driveway opening width shall nine (9) feet.
4. The size and slope of any driveway storm drains and culverts within the Village right-of-way shall be specified by the Village Superintendent of the Public Works. The owner shall bear all costs for pipe, grating, paving and other construction materials required within the Village right-of-way.
5. Brush and trees shall be trimmed so as to provide and maintain optimal sight lines.
6. All permits required by Article I, Section 205-2 of Chapter 205 of the Lyndonville Village Code shall be obtained prior to any driveway construction.

**H. MINIMUM PARKING STANDARDS**

Off-street parking spaces shall be provided and maintained by the owner of the property in accord with the following schedule:

Use	Minimum Space Required
Single-family and two-family dwellings	2 spaces per dwelling
Multiple-family dwellings	1 space for each efficiency unit 2 spaces for each one-bedroom unit 2 spaces for each two-bedroom unit 3 spaces for each three-bedroom unit or larger unit.
Senior Citizen apartment buildings	1 space per dwelling
Home Business- Class A	4 spaces excluding the number of spaces required for the dwelling
Bed and Breakfast Inns	1 space for each guest bedroom, plus 2 spaces for the residence.
Outdoor Recreational Facilities	To be determined through site plan review.
Churches, auditoriums, theaters, funeral homes and other places of public assembly	1 space for each 4 seats at maximum capacity.
Veterinarian Offices / animal hospitals	1 space per 200 square feet of floor area plus 1 space per every 2 employees
Private Schools / Pre-Schools	1 space for each instructor plus 1 space for each 6 students.
Libraries and Museums	1 space for each staff member plus 1 space for each 200 square feet of public area
Manufacturing, industrial, warehousing and wholesale	1 space for each 500 square feet of gross floor area
Restaurants	4 spaces for each 1,000 square feet of net floor area
Taverns, bars and night clubs	13 spaces for each 1,000 square feet of net floor area
Motels/hotels	1 space for each guest bedroom
Business and professional offices	4 spaces for each 1,000 square feet of net floor area
Hospitals and nursing homes	1 space for each 4 beds or residents plus 1

	space for each 2 employees.
Medical clinics and offices	5 spaces for each 1,000 squarer feet of net floor space
Bowling alleys	5 spaces per alley
Day care centers	1 space per employee, plus 1 for each 6 persons enrolled
Cemeteries	3 spaces per acre
General retail stores	4 spaces for each 1,000 square feet of net floor area
Financial Institutions and banks	1 space for each 200 square feet of floor area for customers, plus 1 space per employee
Personal service businesses (barber shops, beauty salons, dry cleaners, etc.)	1 space for each 200 square feet of gross area, plus 1 space per each employee
Building materials storage and sales	1 space for each 200 square feet of sales floor areas, plus 1 space per company vehicle
Gasoline station	To be determined through site plan review.
Real estate offices	1 space per 300 square feet of floor area, plus 1 space per employee
Riding stables	1 space per each 2 horse stalls
Private schools (elementary and intermediate)	1 space for each faculty member, plus 1 for each 2 staff members
Secondary schools	1 space for each faculty member, plus 1 for each 2 staff members, plus 1 for each 10 students.
Motor vehicle sales and service	1 space per 200 square feet of sales floor area, plus 1 space per 600 square feet of service floor area
Health and fitness clubs	7 spaces per each 1,000 square feet of net floor area

**I. MIXED OCCUPANCIES AND USES NOT SPECIFIED**

In any case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the Village Board of Trustees. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for joint use.

**SECTION 602            OFF-STREET LOADING**

- A. For every building, structure or part thereof having more than four thousand (4,000) square feet of gross building area erected and occupied for commerce and industry as well as other uses requiring the receipt and distribution of materials and merchandise by vehicles, adequate space for loading and unloading services shall be provided and permanently maintained in order to avoid undue interference with the public use of streets, alleys, or parking areas.
- B. Every building, structure or addition thereto having a use which complies with the above definition shall be provided with at least one (1) truck standing, loading and unloading space on the premises not less than twelve (12) feet in width, fifty-five (55) feet in length, and fourteen (14) feet in height. One (1) additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet, or fraction thereof, of gross area in the building.

**SECTION 603            ACCESS CONTROL**

In order to encourage the sound development of street frontage, the following special regulations shall apply to all non-residential buildings and uses:

- A. The maximum number of driveways opening to a Village street or alleyway shall be one per one hundred fifty (150) feet of frontage or less. Where frontage exceeds one hundred fifty (150) feet the Village Planning Board may upon review permit more than one driveway opening.
- B. The use of common access points by two or more permitted uses shall be encouraged by the Village Planning Board in order to reduce the number of access points along a street in close proximity to each other and to encourage the fronting of significant traffic generating uses on parallel access streets and not directly on Village streets.
- C. Access points for points for industrial uses shall not be less than twenty-four (24) feet nor more than forty (40) feet in width. All other access points for non-residential uses shall not be less than twenty (20) feet nor more than thirty (30) feet in width.
- D. All accessways shall meet the applicable standards and requirements of the New York State Department of Transportation, Orleans County Highway Department and Village Superintendent of Public Works.
- E. No driveway providing access to an off-street parking area shall be located within twenty (20) feet of any side lot line, or within fifty (50) feet of a street intersection measured along the curb line of the same street on which the driveway is located. In addition a minimum distance of fifty (50) feet shall be maintained between two driveways located on any one frontage.

**SECTION 604      FENCES**

**A.      ZONING AND BUILDING PERMITS REQUIRED**

Zoning and building permits is required for all fences, free-standing walls or retaining walls constructed in the Village of Lyndonville except for decorative fences less than two (2) feet in height used for protection of home gardens or as lawn accents and being of visually non-obstructive construction. A site plan showing the property lines and proposed fence or wall location shall accompany all permit applications. No permits shall be required for temporary fences under Subsection E of this Section.

**C.      FENCE BUILDING AND MAINTENANCE REGULATIONS**

1. All fences, walls or retaining walls extending beyond the front façade of a residential home shall be limited to a maximum height of four (4) feet. All other fences, walls or retaining walls in the Agricultural-Residential and Residential Districts and the Central Business and General Business Districts shall be limited to a maximum height of six (6) feet. Fences in the Light Industrial District shall be limited to a maximum of ten (10) feet.
2. The finished or good side of the fence or wall must face the closest neighboring property except where written permission is made with the adjoining property owner. Such written agreement must accompany the permit application. All fences shall be set back a minimum of one (1) foot from any Village right-of-way.
3. Any fence erected along a lot line shall be erected wholly on the property of the owner and neither the fence itself nor any supporting accessory components thereof shall encroach upon the adjoining properties.
4. No fence or wall shall be constructed to a height greater than thirty (30) inches, measured from the sidewalk grade in the triangular shaped area of a corner lot adjacent to intersecting streets. The dimensions of said triangular shaped area shall be determined by establishing a point on the front lot line and a point on the side lot line equal distance from the corner of the intersection of the street lines that when such points are connected by a straight line, the straight line touches the corner or face of a structure if there is a structure, except that the distance of the two points established on the front and side lot lines need not be greater than seventy-five (75) feet from the corner intersection.
5. Fence posts shall be set in the ground to a depth of forty-two (42) inches. The fence post must be surrounded in the ground by concrete or crushed stone at least six (6) inches greater than the post diameter. Masonry fencing or walls must be supported with a foundation in the ground to a depth of forty-two (42) inches. Metal post anchors are not permitted.
6. No fence or wall shall be erected which creates a traffic hazard or endangers public safety.

7. Fences and walls shall be maintained in a good state of repair and in a safe condition. Paint stain or wood preservative shall be applied to wood and metal fences as necessary for maintenance. No fence or wall shall be permitted to become unsightly or in a state of disrepair. Fences comprised of shrubbery, hedge or other type of vegetation shall be periodically trimmed so as to not obstruct any sidewalk or interfere with any pedestrian, obscure the clear view at any street intersection or exceed the permitted height for such fence.
8. Barbed-wire and electric fences are permitted on active farms in the Agricultural-Residential District and only for the purpose of confining farm animals to the premises.
9. Barbed-wire and razor-wire fences are permitted in the Light Industrial District provided the barbed wire and razor wire is used only as a barrier at the top of a security fence comprised of some other fence material that is not injurious to humans. Minimum height above grade for barbed wire and razor wire shall be eight feet. Installations using barbed wire or razor wire shall require the approval of the Village Planning Board, and the applicant shall submit information to the Village Planning Board showing the necessity for use of such wire.
10. No fence, wall of similar structure, as well as shrubbery, shall be constructed or maintained in a manner having adverse effect on public safety or present a hazard, dangerous condition or obstruction to emergency personnel and equipment for combating fires.
11. All chain link fences shall be erected with the closed loop at the top of the fence.
12. All entrance gates shall open into the property.

**D. EXISTING FENCES AND WALLS**

Existing fences and walls constructed before this regulation took effect shall be maintained as required in Subsection C of this Section and in keeping with the original architecture of the fence or wall. Any significant changes in height, length or material made to an existing fence or wall will require that the fence or wall meet currently existing regulations.

**E. TEMPORARY FENCES**

Snow fences shall be permitted only on a seasonal basis from November 15 through April 15. Construction site safety-type fences shall meet all Village, State and Federal codes and shall be allowed at construction sites only.

**F. VISIBILITY AT INTERSECTIONS**

The Zoning Enforcement Officer shall have the authority to direct the removal, trimming or modification of any fence, wall, hedge vegetation; including plants, trees and flowers, in the Village whenever the same shall interfere with the adequate visibility of operators of motor vehicles at street intersections, driveways or curbs.

**SECTION 605 CLEAR VIEW OF INTERSECTING STREETS**

No obstruction to view in excess of thirty (30) inches in height, measured perpendicular from the street grade, shall be maintained on any premises within the triangle formed by intersecting streets within the distance of seventy-five (75) feet measured along the center lines of each street from the intersection thereof. Such a clear sight triangle shall be maintained in order to ensure visibility of traffic approaching the intersection.

**SECTION 606 MINIMUM REQUIREMENTS FOR DWELLINGS**

- A. All single-family dwellings shall have a gross habitable floor area of not less than nine hundred (900) square feet except that manufactured homes located in manufactured home parks shall be exempt from this requirement.
- B. The minimum width of a dwelling at its narrowest dimension, excluding porches or patios, shall be twenty (20) feet except that manufactured homes located in manufactured home parks shall be exempt from this provision.
- C. All manufactured homes manufactured after June 15, 1976 shall comply with the minimum standards set forth in the Code of Federal Regulations at 24 CFR 3280, as may be amended from time to time, and shall bear a seal, plaque or tag of the U.S. Department of Housing and Urban Development (HUD), or such other Federal agency as may be subsequently designated to enforce the provisions of said minimum standards, attesting to compliance with 24 CFR 3280. All manufactured homes manufactured before June 15, 1976 shall be in compliance with the Codes of New York State.
- D. All dwellings must have a concrete or masonry foundation that extends at least forty-two (42) inches below ground level, except manufactured homes which must comply with the requirements set forth in the Manufactured Home Park District regulations set forth in this Local Law.
- E. Any dwelling that does not have a cellar for storage must have a storage shed or garage on the lot. Such storage shed or garage will provide necessary storage space to compensate for the lack of cellar storage space. The minimum dimensions for a storage shed shall be 120 square feet and said storage shed shall be anchored to a concrete foundation or concrete pad.
- F. No cellar sited independently of a structure shall be used exclusively as a dwelling.

- G. The exterior siding shall consist of vinyl or aluminum lap siding, wood, masonite, stucco or other materials similar to the exterior siding commonly used in standard residential construction.
- H. The construction and installation of all structures, including seasonal dwellings, manufactures homes and appurtenant utilities shall conform to provisions of the Codes of New York State and all other applicable standards.
- I. Not more than one (1) building or structure on any one lot may be occupied as a dwelling.

**SECTION 607 STATE ENVIRONMENTAL QUALITY REVIEW**

- A. The State Environmental Quality Review Act requires local government to examine the environmental impact of all actions they permit, fund or construct.
- B. All "Unlisted" and "Type I" actions (NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.
- C. For zoning action reviewed by the Village, the following bodies shall be lead agency unless otherwise delegated by the Village Board of Trustees.

Zoning Text Amendments	- Village Board of Trustees
Zoning District Amendments	- Village Board of Trustees
Special Permits	- Village Planning Board
Site Plan Reviews	- Village Planning Board
Zoning Variances	- Village Zoning Board of Appeals

- D. If in the opinion of the local lead agency, after review of the Environmental Assessment Form, there appears to be the potential for significant environmental impact, the lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement. Review, notice and action on the Environmental Impact Statement shall be conducted in accord with NYCRR Part 617.

**SECTION 608 RECREATIONAL VEHICLES**

- A. Recreational vehicles shall not be occupied outside of an approved campground.
- B. No more than one (1) recreational vehicles may be parked on any residential property at anytime.
- C. Recreational vehicles shall not be parked in the front yard of a parcel upon which there is a dwelling.

- D. Placement of parked recreational vehicles shall be in accordance with the setbacks required for principal buildings in the respective zoning district of the property.

## **SECTION 609 NON-CONFORMING USES, LOTS AND STRUCTURES**

Lots, structures, uses of land, and characteristics of uses which lawfully existed at the time of the enactment of this Local Law and which would be prohibited or restricted under the terms of these regulations may be continued subject to the following provisions.

### **A. INTENT**

It is the intent of this Local Law to permit non-conforming uses to continue until they are removed, but not to encourage their survival.

### **B. GENERAL REGULATIONS**

1. A non-conforming lot shall not be further reduced in size.
2. A non-conforming building shall not be enlarged, extended or increased unless such enlargement would tend to reduce the degree of non-conformance.
3. A non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of this Local Law.
4. A non-conforming use may be changed into a conforming use. When a non-conforming use is changed to conform to the requirements of this Local Law, the use of the building or tract of land shall not be changed again except in accordance with these regulations.
5. Where such non-conforming use is upon the land itself and not enclosed within a structure, such use may be continued upon the land being so used at the time of the adoption of this Local Law. Any such non-conforming use of the land may be extended or expanded to include any part of the plot or parcel of land now being used or held in reserve for future use, however, such extension or expansion of such non-conforming use shall comply with the setback and fencing requirements of this Local Law.
6. Should any structure be moved for any distance for any reason, it shall thereafter conform to the requirements for the zoning district in which it is located after it is moved.

### **C. RESTORATION AND ALTERATIONS**

1. A non-conforming structure damaged by fire or other causes to the extent of more than seventy-five percent (75%) of its assessed value, based upon the State

Board of Equalization and Assessment rates, shall not be repaired or rebuilt except in conformity with the requirements of these regulations; except residential property owners may rebuild a home, on the same foundation area, provided that:

- a. The property owner provides the Zoning Enforcement Officer an instrument survey demonstrating that the foundation lies totally within the property boundaries.
  - b. The owner provides evidence of applicable County Health Department approval for the new construction.
  - c. The new construction shall be in compliance with all other applicable laws and regulations.
2. Any structure or portions thereof declared unsafe by a proper authority may be restored to a safe condition.
  3. Normal maintenance repairs and incidental alteration of a building or other structure containing a non-conforming use shall be permitted, provided it does not extend the area or volume of space occupied by the non-conforming use.
  4. Any building which is non-conforming due to insufficient yard distances or lot area shall not be considered a non-conforming use. Any alterations or structural changes may be accomplished within the existing frame of said building, but any additions shall conform to the specific setback and yard distance requirements of this Local Law.

#### **D. DISCONTINUANCE**

1. In any district, whenever a non-conforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year, such non-conforming use shall not thereafter be re-established, and all future uses shall be in conformity with the provisions of this Local Law.
2. Such discontinuance of the active and continuous operation of such non-conforming use, or part or portion thereof, for such period of one (1) year, is hereby construed and considered to be an abandonment of such non-conforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations.
3. If actual abandonment in fact is evidenced by the removal of buildings, structures, machinery, equipment and other evidences of such non-conforming use of the land and premises, the abandonment shall be construed and considered to be completed and all rights to re-establish or continue such non-conforming use shall thereupon terminate.

**E. EXISTING UNDERSIZED LOTS OF RECORD**

1. Any lot of record held in single and separate ownership prior to the adoption of this Local Law and whose area and/or width and/or depth are less than the minimum requirements specified herein for the district, may be considered as complying with this Local Law and no variance therefore shall be required provided that:
  - a. Such lots do not adjoin any other lot or lots held by the same owner, the aggregate area of which lots is equal to or greater than the minimum lot area required for the district;
  - b. for single-family residential properties, the side yards meet the minimum side yard requirements for pre-existing, non-conforming lots as set forth in the Dimensional Requirements Table attached hereto.
2. In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one single-family dwelling.
3. A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's property.

**SECTION 610 ALTERNATIVE ENERGY SYSTEMS**

The erection or construction and use of electric energy producing devices powered by the wind shall be prohibited in all districts in the Village.

**SECTION 611 HABITATION**

All residential habitation shall be in residential dwellings as defined by this Local Law.

**SECTION 612 ONE PRINCIPAL STRUCTURE AND USE PER LOT**

There shall be not more than one (1) principal structure and not more than one (1) principal use on any one lot.

**SECTION 613 SLOPE OF YARDS**

- A. The surface of the front yard of the principal building in any residential district shall be at the front wall at the front wall of such principal building on a gradient of lot less than one and one-half percent (1-1/2%) above the established grade of the sidewalk.
- B. Where unnecessary hardship due to topographic conditions is proven, the Zoning Board of Appeals may vary the front yard gradient requirements except that minus gradients shall not be established closer than twelve (12) feet to the front of the building line.

- C. Where the principal building is established on a terrace, the lot shall be graded so that surface water will not be discharged on adjoining lots.

#### **SECTION 614 REFUSE CONTAINERS**

Commercial and industrial uses shall utilize commercial refuse containers for the disposal of commercial and industrial waste.

#### **SECTION 615 STRIPPING OF TOP SOIL AND EXCAVATIONS**

No person, firm or corporation shall strip, excavate or otherwise remove top soil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto. Any area of land consisting of more than one (1) acre from which top soil has been removed or covered over by fill shall be seeded to provide an effective cover within the first growing season following the start of said operation. Open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a zoning permit and a building permit have been issued, and only for such period of time as the zoning and building permits are in full force and effect.

#### **SECTION 616 SWIMMING POOLS**

Private swimming pools shall be permitted in any Residential District provided that there is an existing residence on said lot and the following regulations are complied with:

##### **A. SETBACKS**

1. Outdoor swimming pools shall be located in the rear or side yards and shall conform to the minimum setback requirements for a structure in the district. Aprons and decks which are accessory to a pool shall not be within the minimum setback area specified in the Schedule for accessory uses.
2. No swimming pool shall be closer to the street or front lot line than the front of the building or structure to which the pool is an accessory use.

##### **B. DRAINAGE**

No permit shall be issued for such pool unless the applicant can show that the proposed drainage of such pool is adequate and will not interfere with the property of others, with public streets or area drainage facilities.

**C. PERMITS**

Zoning permits shall be required for all swimming pools having a depth equal to or greater than twenty-four (24) inches regardless of whether the pool is temporary or permanent or whether the pool is above or below ground.

**D. FENCES**

Fences and gates shall be required, pursuant to the requirements of the Codes of New York State.

**E. LADDERS**

Ladders on all above ground pools shall be retractable or capable of being locked during all times the owner or occupant of the premises is not present at such pool.

**SECTION 617 HOME OCCUPATIONS**

Home occupations shall be permitted in any residential dwelling in any district in the Village without the need for a special use permit provided the following standards and provisions are maintained.

- A. Employees - No persons other than a member or members of the immediate family residing in the dwelling may be engaged in the home occupation.
- B. Area Utilized for Home Occupation - No more than twenty-five percent (25%) of the gross floor area of the residence shall be used for conducting the home occupation.
- C. Customer and Client Traffic - The home occupation shall be conducted in such a manner so as to generate no customer or client pedestrian or vehicular traffic to or from the premises. The sale of merchandise, products, goods, materials supplies or services on the premises shall be prohibited.
- D. Deliveries and Shipping: The home occupation shall be conducted in such a manner that there are no deliveries to and no shipments from the premises.
- E. Signage - The display of any type of signage on the premises related to the home occupation shall be prohibited.
- F. Outdoor Storage - There shall be no outdoor storage or display of materials, goods, supplies or equipment related to the home occupation.
- G. Nuisances and Hazards - No home occupation shall create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in a typical residential dwelling in the neighborhood in which the home occupation is located.

- H. Evidence of Use and Maintenance of Residential Character - The appearance of the dwelling shall not be altered and the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from the residential character of the dwelling or the residential neighborhood in which the home occupation is located by the use of colors, materials, construction, lighting or the emission of noises, odors or vibrations. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the dwelling used for the home occupation shall be permitted.
- I. Home Occupations Exceeding Thresholds - Any home occupation that exceeds the thresholds established in this Section shall be deemed to be a home business, shall comply with the thresholds established for home businesses and shall require a Special Use Permit (see Sections 710 and 711 of Article VII of this Local Law).

## **SECTION 618 HARBORING OF ANIMALS**

- A. The keeping of any poultry or fowl or any horses, cattle, hogs, sheep, goats, rabbits or other fleece-bearing or fur-bearing animals or other customary farm animals on any parcel in the Village shall be prohibited except on farms or riding stables within the AR Agricultural-Residential District.

## **SECTION 619 TEMPORARY SPECIAL EVENTS**

### **A. PURPOSE AND INTENT**

The purpose and intent of this Section is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this Section to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use. Finally, it is the intent of this Section to preserve the public health, safety and convenience.

### **B. SPECIAL EVENT DEFINED**

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these Regulations, for one or more of the following types of activities:

1. Type 1: Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures in conjunction with the event.
2. Type 2: Temporary banners attached to the wall of a building or placed across street rights-of-way.

3. Type 3: Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as signs, searchlights or balloons.
4. Type 4: Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmers market, Christmas tree sales, or product demonstration.
5. Type 5: Public events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades; or large private events such as film production. In addition, the temporary placement of a portable asphalt plant during construction work on any public road when such placement is not adjacent to said construction but will be placed within one and one-quarter (1-1/4) miles of said construction.

The term "special event" shall not include amusement enterprises, garage sales at an individual residence, transient merchants, or off-site promotional signs.

#### **C. SPECIAL EVENTS SUBJECT TO AN ADMINISTRATIVE PERMIT**

Special events meeting the following standards may be issued a Special Event Permit administratively by the Zoning Enforcement Officer. In administering the provisions of this Section, the Zoning Enforcement Officer shall be guided by applicable Village policies as adopted by the Village Board of Trustees. Any applicant denied a Special Event Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Village Board of Trustees.

1. Special events meeting the Type 1 definition may be permitted administratively by the Zoning Enforcement Officers provided all of the following performance standards are met:
  - a. An application is made in accordance with Subsection E of this Section.
  - b. The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
  - b. Any structure use in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid zoning certificate, and shall be promptly removed upon cessation of the event.
  - c. The special event shall be restricted to hours of operation between 6:00 a.m. and 10:00 p.m., to a maximum duration of four (4) days, and to a maximum frequency for similar events of two (2) times per calendar year.
2. Special events meeting the Type 2 definition may be permitted administratively by the Zoning Enforcement Officer, provided that all of the following performance standards are met:

- a. An application is made and a fee paid in accordance with Subsection E of this Section.
  - b. No more than one banner will be displayed when attached to the wall of a building.
  - c. The size and design of the banners will be appropriate given the size of the building to which they are attached and the character of the surrounding neighborhood.
  - d. The banner will be displayed for a maximum duration of thirty (30) days per permit.
3. Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of Subsection C.1. of this Section., may be permitted administratively by the Zoning Enforcement Officer subject to the prior review and approval of special arrangements for traffic and crowd control by the Chief of Police, Fire Chief of the appropriate Fire District, and Village Superintendent of Public Works. No such administrative permit shall be issued unless all of the following performance standards are met:
- a. An application is made and a fee paid in accordance with Subsection F of this Section.
  - b. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
  - c. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.
  - d. The special event shall not endanger the public health, safety, or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.
  - e. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.
  - f. Any structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event.
  - g. The special event shall be conducted on private property where the property owner has granted the appropriate permission.

- h. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed ten (10) days.

**D. SPECIAL EVENTS SUBJECT TO VILLAGE BOARD OF TRUSTEES APPROVAL**

Any special event not meeting the criteria of Subsection C of this Section may be granted a Special Event Permit by the Village Board of Trustees. Such permit may be subject to such conditions and safe guards as the Village Board of Trustees may deem necessary to protect the public health, safety and welfare. These conditions may include, but shall not be limited to:

- 1. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristic.
- 2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to Village Board of Trustees expectations.
- 3. The provision of traffic control or security personnel to increase the public safety and convenience.
- 4. Obtaining liability and personal injury insurance in such form and amount as the Village Board of Trustees may find necessary to protect the safety and general welfare of the community.

**E. APPLICATION AND FEE**

- 1. No Special Event Permit shall be issued until an application has been submitted to the Zoning Enforcement Officer and the appropriate fee paid. The application shall be made on forms provided by the Zoning Enforcement Officer, and shall be accompanied by the following items as applicable:
  - a. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.
  - b. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.
  - c. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.
- 2. Each application for a Special Event Permit shall be accompanied by an application fee, except that such fee shall be waived for any not-for-profit religious, educational or community service organization or other applicant registered with the State of New

York as a nonprofit organization. The fees shall be as established and amended from time to time by a resolution enacted by the Village Board of Trustees.

3. The Special Event Permit shall be posted on the site of the event for the duration of the event.

**SECTION 620            SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES  
IN SIDE YARDS**

Accessory structures located in a side yard shall meet the same front and side yard lot line setback requirements established for the principal building.

## ARTICLE VII SPECIAL PERMIT CRITERIA

### SECTION 700 GENERAL PROVISIONS

The uses specified in this Article are hereby declared to possess unique characteristics requiring that each proposal for any such use shall be considered by the Village Planning Board as an individual case. Upon application, special use permit may be approved by the Village Planning Board and zoning permits issued by the Zoning Enforcement Officer in accordance with the administrative procedures set forth in this Local Law and only after it has found that each and all of the following standards have been met:

- A. The proposed special use is consistent with the general intent of the Village's Comprehensive Plan and with each of the specific purposes set forth in this Local Law.
- B. The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the zoning district.
- C. Operation of the proposed special use is no more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.
- D. The proposed special use satisfies each and all standards and conditions for such special use specified in the relevant sections of this Article.
- E. The Village Planning Board may impose additional conditions or restrictions as it may deem necessary prior to approving any special use permit application in order to protect public health and safety, the quality of the Village's natural resource base and the value of property.
- F. The Zoning Enforcement Officer may make periodic on-site visit to each property authorized as a special use. The purpose of said site visit is to insure that the use is being operated in accord with the with the standards and conditions specified in the relevant sections of this article and in accord with any special conditions specified by the Village Planning Board. If the Zoning Enforcement Officer determines that a violation of this Local Law or the conditions imposed by the Village Planning Board exists, the owner and, if applicable, the operator of such special use shall be notified in writing of the violation. If such violation continues to exist fifteen (15) days following such notification, or if three violations occur within a consecutive twelve (12) month period, the Certificate of Compliance ad/or Certificate of Occupancy shall be null and void. A new special use permit application shall be required to be submitted and approved prior to the re-establishment of said use.

- G. No site preparation or construction shall commence nor shall existing structures be occupied for any special permit use until final site plan approval has been granted by the Village Planning Board and permits have been issued by all governmental agencies involved.

## **SECTION 701 BED AND BREAKFAST INNS**

The Village Planning Board may approve special use permits for Bed in Breakfast Inns as an accessory use in the AR Agricultural-Residential District and R-1 Residential District provided that the following standards and provisions are maintained:

- A. The building proposed for occupancy as a bed and breakfast inn shall be a single-family dwelling with no more than five lodging rooms for hire.
- B. The operator of the bed and breakfast inn shall reside in the dwelling.
- C. The dwelling shall not be altered in a manner that would cause the premises to differ from its residential character by the use of colors, materials, constructions or lighting, nor shall any extensions or additions to the dwelling be made for the purpose of renting such space for overnight lodging.
- D. Outbuildings detached from the principal dwelling shall not be used for the lodging.
- E. A minimum of one (1) off-street parking space shall be provided for each rentable unit, in addition to the minimum number of parking spaces required for a single-family dwelling. No such parking spaces shall be located in the front yard area and each space shall be not less than ten by twenty (10x20) feet in size.
- F. One unanimated, non-illuminated flat or window sign and one unanimated, free-standing sign, each not to exceed four (4) square feet per side, shall be permitted. Illuminated signs may be permitted subject to the review and approval of the Village Planning Board.
- G. No bed and breakfast inns shall be permitted in a manufactured home or manufactured home park.
- H. No bed and breakfast inn shall be permitted where access is provided by a shared driveway.
- I. Each rentable room shall be equipped with a functioning smoke detector.
- J. Each bed and breakfast inn shall comply with the Orleans County Sanitary Code and the Codes of New York State.

**SECTION 702 PLACES OF WORSHIP**

The Village Planning Board may approve special use permits for Places of Worship in the AR Agricultural-Residential and R-1 Residential Districts provided the following standards and conditions are maintained:

- A. Dimensional requirements in the AR Agricultural Residential and R-1 Residential Districts:

Minimum Lot Size:	32,670 square feet
Minimum Lot Width:	150 feet
Minimum Front Setback:	30 feet (from the right-of-way line)
Minimum Side Setback:	30 feet
Minimum Rear Setback:	30 feet
Maximum Building Height:	50 feet
Maximum Spire/Steeple Height:	100 feet
Maximum Building Lot Coverage:	30%
Minimum Green Space:	25%

- B. Each such use shall have only a single point of access to each public street on which the use may have frontage.
- C. If located in the AR and R-1 districts, off-street parking shall be provided in accord with Section 601 of this Local Law. Said parking shall be located in the side and/or rear yard areas. Each off-street parking area shall be adequately illuminated, landscaped and screened from any adjoining residential site so as to prevent the illumination of adjoining residential properties by motor vehicle headlights utilizing the parking lot. All off-street parking shall be designed to complement the internal circulation pattern and the point, or points of access to the property
- D. If a bus is to be used as part of the operation of the special use, a designated parking area shall be provided for the storage of said vehicle. Such parking area shall be located behind the principal building and screened from the view of adjoining residential uses with a wall or densely planted shrubs of no less than six (6) feet in height.
- E. Site lighting shall be provided as part of any special use permit. Such lighting shall not illuminate adjoining residential sites. Site lighting shall be restricted to providing adequate security lighting for the property after the public use of the property has been concluded for the day.
- F. All special permitted uses shall provide acceptable facilities for the storage of trash. In no instance shall any trash be stored outside of enclosed containers. All outdoor storage areas shall be screened from the view of adjoining properties with a fence or shrubs.

- G. One unanimated, non-illuminated flat or window sign and one unanimated, free-standing sign, each not to exceed four (4) square feet per side, shall be permitted. Illuminated signs may be permitted subject to the review and approval of the Village Planning Board.

**SECTION 703 LIBRARIES AND MUSEUMS**

The Village Planning Board may approve special use permits for Libraries and Museums in the AR Agricultural-Residential and R-1 Residential Districts provided the following standards and provisions are maintained:

- A. Dimensional requirements for libraries and museums located in AR and R-1 Districts:

Minimum Lot Size:	1 Acre
Minimum Lot Width:	150 feet
Minimum Front Setback:	35 feet (from the right-of-way line)
Minimum Side Setback:	25 feet
Minimum Rear Setback:	20 feet
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	30%
Minimum Green Space:	20%

- B. If located in the AR and R-1 districts, off-street parking shall be provided in accord with Section 601 of this Local Law. Said parking shall be located in the side and/or rear yard areas. Each off-street parking area shall be adequately illuminated, landscaped and screened from any adjoining residential site so as to prevent the illumination of adjoining residential properties by motor vehicle headlights utilizing the parking lot. All off-street parking shall be designed to complement the internal circulation pattern and the point, or points of access to the property.
- C. Access driveways shall be located no closer than 20 feet to side lot lines.
- D. Site lighting shall be provided as part of any special use permit. Such lighting shall not illuminate adjoining residential sites. Site lighting shall be restricted to providing adequate security lighting for the property after the public use of the property has been concluded for the day.
- E. All special permitted uses shall provide acceptable facilities for the storage of trash. In no instance shall any trash be stored outside of enclosed containers. All outdoor storage areas shall be screened from the view of adjoining properties with a fence or shrubs.
- F. One unanimated, non-illuminated flat or window sign and one unanimated, free-standing sign, each not to exceed four (4) square feet per side, shall be permitted. Illuminated signs may be permitted subject to the review and approval of the Village Planning Board.

**SECTION 704      PINBALL AND VIDEO ARCADES**

The Village Planning Board may approve special use permits for Pinball and Video Arcades in the CBD and GB districts provided the following standards and provisions are maintained:

A.      Dimensional requirements in the CBD District:

Minimum Lot Size:	None
Minimum Lot Width:	None
Minimum Front Setback:	None
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height	35 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	0%

B.      Dimensional requirements in the GB District:

Minimum Lot Size:	12,500
Minimum Lot Width:	90 feet
Minimum Front Setback:	15 feet (from the right-of-way line)
Minimum Side Setback:	12 feet each
Minimum Rear Setback:	20 feet
Maximum Building Height	35 feet
Maximum Building Lot Coverage:	40%
Minimum Green Space:	35%

C.      Arcades shall not be permitted as home occupations.

D.      No one under the age of sixteen (16) shall be permitted in an arcade while school is in session.

E.      The owner or a responsible person over the age of eighteen (18) shall be on the premises during all hours of operation to maintain proper decorum.

**SECTION 705      MOTOR VEHICLE AND BOAT SALES AND RENTALS**

The Village Planning Board may approve special use permits for the sale and/or rental of motor vehicles or boats in the CBD Central Business District provided the following standards and provisions are maintained:

- A. Sale or rental of such vehicles or equipment may be conducted either in a fully enclosed building located on the same lot or in an unenclosed area. If sale or rental of new and/or used automobiles or boats is carried on in an unenclosed area, the following standards shall be maintained:
1. Such unenclosed area used for the storage of motor vehicles or boats, or traversed by motor vehicles, shall be paved, shall be suitably drained, and shall be maintained in a neat and orderly manner.
  2. All exterior illumination shall be approved by the Village Planning Board and shall be shielded from the view of all surrounding properties and streets.
  3. No establishment for the sale or rental of new and/or used motor vehicles or boats shall be opened, conducted, or maintained in the CBD Central Business District except as provided above. None of the provisions of this section, however, shall be deemed to prohibit the continuance of the present use of any property for such uses provided that any such continued use shall be subject to all of the provisions of this section. Plans for any changes required to bring about such conformance shall be submitted to and approved by the Village Planning Board before any such change shall be made. The Village Planning Board may approve, modify, or disapprove such plans and may impose reasonable and appropriate conditions to such approval so that the spirit of this Local Law shall be observed.
- B. No vehicles shall be displayed for sale or rent within ten (10) feet of the front property line, or within ten (10) feet of any side or rear property line. The maximum coverage for buildings shall apply to manufactured homes for sale, in addition to buildings used in the conduct of such sales.
- C. No retail sale of fuels shall occur on the site at any time. Any fuel stored on site must be stored in an underground tank or tanks.
- D. All signage shall comply with Section 600 of this Local Law.
- E. No exterior light source shall be erected in excess of fifty (50) feet above the ground surface and all lighting shall be placed to eliminate the casting of direct light or glare upon adjacent properties.
- F. Landscaped areas of at least ten (10) feet in width shall be provided along property lines to lessen any visual unattractiveness.
- G. Repair of motor vehicles on site is prohibited unless the provisions found in Section 706 of this Article are complied with in full.

H. Dimensional requirements for sale of automobiles, trucks or boats:

Minimum Lot Size:	21,780 square feet
Minimum Lot Width:	150 feet
Minimum Front Setback:	None
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height:	50 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	0%

I. Dimensional requirements for sale of motorcycles, snowmobiles, all-terrain vehicles:

Minimum Lot Size:	None
Minimum Lot Width:	None
Minimum Front Setback:	None
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height:	50 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	0%

**SECTION 706 MOTOR VEHICLE REPAIR AND/OR SERVICE SHOPS**

The Village Planning Board may approve special use permits for motor vehicle repair shops and motor vehicle service shops that do not sell gasoline or other fuels in the CBD Central Business District provided the following standards and provisions are maintained.

A. Dimensional requirements:

Minimum Lot Size:	None
Minimum Lot Width:	None
Minimum Front Setback:	None
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	0%

B. The entire area of the site traveled by motor vehicles shall be constructed of concrete or asphalt.

- C. All repairs of motor vehicles, except for minor servicing, shall be performed in a fully enclosed building. No motor vehicle parts, or partially dismantled motor vehicles shall be stored outside of an enclosed building.
- D. Storage of junked or damaged motor vehicles or motor vehicles awaiting repair for periods in excess of forty-eight (48) hours shall be in rear yard areas only and shall be screened from view from neighboring properties by a fence or similar enclosure.
- E. Landscaped areas of at least ten (10) feet in width shall be provided along property lines to lessen any visual unattractiveness.
- F. No commercial parking shall be allowed on the premises of a motor vehicle service station or auto repair shop.
- G. Accessory goods for sale may be displayed on the building island only provided the products are contained in a suitable stand or rack.
- H. No accessory building or structure, including automotive service appliances, shall be erected within thirty (30) feet of any street line.
- I. Motor vehicles for sale or resale may be displayed in designated and appropriate areas in front, side and rear yards provided said display area does not exceed 20% of the entire area of the parcel.
- I. No motor vehicle service station or auto repair shop shall have more than two (2) driveways on any public street fronting the site. The driveway width on any street shall not exceed one third of the total site frontage on each street.
- J. No driveway shall be closer than fifty (50) feet to the intersection of two street lines, or within ten (10) feet of an adjacent lot line.
- K. No motor vehicle service station or auto repair shop and no driveway to any such use shall be established within fifty (50) feet of the boundary line of the R-1 Residential District, or of any school, church, park, playground, public library, or any place of public assembly designed for occupancy by fifty (50) persons or more, regardless of the district where the subject premises are located. For the purposes of this Section, the distance shall be measured along the street line on the side of the street where such use is proposed or such driveway would cross.
- L. Any fuel stored on site shall be stored in an underground tank or tanks.

## **SECTION 707      GASOLINE STATIONS**

The Village Planning Board may approve special use permits for gasoline stations in the CBD Central Business and GB General Business Districts provided the following standards and provisions are maintained.

- A. Entrance and exit driveways shall have an unrestricted width of not less than twenty-five (25) feet and not more than fifty (50) feet.
- B. Entrance and exit points shall be from major and secondary streets only. No gasoline station may have more than two (2) driveways on any public street fronting the site. No driveway shall be closer than fifty (50) feet to the intersection of two street lines or within fifteen (15) feet of an adjoining property line.
- C. Gasoline pumps shall be located not less than twenty (20) feet from the street line and not less than thirty (30) feet from all other property lines.
- D. No such establishment shall be located within fifty (50) feet of a any boundary line of a residential parcel or within two-hundred (200) feet of any cemetery, school, church, hospital, nursing home, senior citizen housing or other place of public assembly designed for the occupancy by more than fifty (50) persons, or within five hundred (500) feet of another gasoline station on the same side of the street. Said distances shall be measured in a straight line between the nearest points on each of the lots or premises.
- E. Landscaped areas of at least ten (10) feet in width shall be provided along property lines to lessen any visual unattractiveness.
- F. The entire area of the site traveled by motor vehicles shall be constructed of asphalt or concrete.
- G. All repairs of motor vehicles, except for minor servicing, shall be performed in a fully enclosed building. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside an enclosed building.
- H. The storage of junked or damaged motor vehicles or motor vehicles awaiting repair for periods in excess of forty-eight (48) hours shall be in rear yard areas only and shall be screened from view from neighboring properties by a fence or similar enclosure.
- I. No commercial parking shall be permitted on the premises.
- J. Motor vehicles for sale or resale may be displayed in areas designated for such use in front, side and rear yards provided said display area or areas does not exceed twenty percent (20%) of the area of the entire parcel.
- K. The storage, display and sale of automotive goods and products, food, household items and convenience merchandise shall take place entire within an enclosed building except that accessory automotive goods and products may also be displayed outside the building on the building island and fuel pump islands provided that they are displayed in a suitable display stand or rack to hold the goods and products in place.
- L. All fuel storage shall be in an underground tank or tanks.

M. Dimensional requirements in the CBD Central Business District:

Minimum Lot Size:	None
Minimum Lot Width:	None
Minimum Front Setback:	30 feet (from the right-of-way line)
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	0%

N. Dimensional requirements in the GB General Business District:

Minimum Lot Size:	14,520 square feet
Minimum Lot Width:	100 feet
Minimum Front Setback:	30 feet (from the right-of-way line)
Minimum Side Setback:	20 feet
Minimum Rear Setback:	20 feet
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	40%
Minimum Green Space:	20%

**SECTION 708 VETERINARIAN OFFICES AND ANIMAL HOSPITALS**

The Village Planning Board may approve special use permits for Veterinarian Offices and Animal Hospitals in the AR Agricultural-Residential District provided the following standards and provisions are maintained:

A. Dimensional requirements:

Minimum Lot Size:	21,780 square feet
Minimum Lot Width:	90 feet
Minimum Front Setback:	25 feet (from the right-of-way line)
Minimum Side Setback:	25 feet
Minimum Rear Setback:	25 feet
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	30%
Minimum Green Space:	60%

- B. No animal boarding structure shall be located closer than one hundred (100) feet of any lot line. Animal boarding structures shall be screened from the view of adjoining properties with fencing or shrubs.
- C. Off-street parking is provided on the lot sufficient to accommodate all employees and all patient parking needs.
- D. All animal hospital facilities, kennels, exercise pens and runways and any other facilities utilized by animals shall be maintained in enclosed structures which shall be of soundproof constructions and so maintained as to produce no dust, odors or noise at the property line. All animals receiving treatment, kennelled or otherwise being kept on the premises shall be kept inside at all times except when the animal is being transported to or from the premises.
- E. No deceased animal shall be cremated on the premises.
- F. No outdoor storage of feed, supplies, equipment and animal waste shall be permitted.

**SECTION 709 TELECOMMUNICATION FACILITY**

The Village Planning Board may approve a special use permit for the use of land and buildings for a telecommunication facility in the I Industrial District provided that the following standards and provisions are maintained:

**A. PURPOSE**

The purpose of these supplemental regulations is to promote health, safety, and the general welfare of the residents of the Village of Lyndonville to provide standards for safe provision of telecommunications consistent with applicable federal and state regulations; to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from telecommunications towers by requiring careful siting, visual impact assessment, and appropriate landscaping.

**B. GENERAL CRITERIA**

No Special Use Permit or renewal thereof or modification of a current Special Use Permit relating to a Telecommunications Facility shall be authorized by the Village Planning Board unless it finds that such Telecommunications Facility:

1. Is necessary to meet current or expected demands for service;
2. Conforms with all applicable regulations promulgated by the Federal Communications Commission, Federal Aviation Administration, and other federal agencies;

3. Is designed and constructed in a manner which minimizes visual impact to the extent practical;
4. Complies with all other requirements of this Local Law, unless expressly superseded herein;
5. Is the most appropriate site among those available within the technically feasible area for the location of a Telecommunications Facility;
6. When including the construction of a tower, such tower is designed to accommodate future shared use by at least one (1) other telecommunication service provider. Any subsequent location of telecommunication equipment by other service providers on existing towers specifically designed for shared use shall not require a new or modified special permit if there would be no increase in the height of the tower. However, the additional equipment shall require site plan approval.

### C. CO-LOCATION

The shared use of existing Telecommunications Facilities or other structures shall be preferred to the construction of new Facilities. Any Special Permit applications, renewal or modification thereof shall include proof that reasonable efforts have been made to co-locate within (share) an existing Telecommunication Facility or upon an existing structure. The application shall include an adequate inventory report specifying existing Telecommunication Facility sites and structures exceeding seventy-five percent (75%) of the height of the proposed tower within the search range of the cell grid. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to the proposed location.

The applicant must demonstrate that the proposed Telecommunication Facility cannot be accommodated on existing Telecommunications Facility sites in the inventory due to one (1) or more of the following reasons:

1. The planned equipment would exceed the structural capacity of existing and approved Telecommunication Facilities or other structures, considering existing and planned use for those facilities;
2. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
3. Existing or approved Telecommunications Facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
4. Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures;

5. The property owner or owner of the existing Telecommunication Facility or other structure refuses to allow such co-location.

**D. DIMENSIONAL STANDARDS**

1. A fall zone around any tower constructed as part of a Telecommunications Facility must have a radius at least equal to the height of the tower and any antennae(s) attached upon its zenith. The entire fall zone may not include public roads and must be located on property either owned or leased by the applicant or for which the applicant has obtained an easement, and may not contain any structure other than those associated with the Telecommunications Facility. If the Facility is attached to an existing structure, relief may be granted by specific permission of the Zoning Board of Appeals on a case-by-case basis.
2. All Telecommunications Facilities shall be located on a single parcel.
3. All Telecommunications Facilities shall comply with the setback standards of the underlying zoning district. The size of the leased or owned lot shall be, at a minimum, sufficiently large to include the entire fall zone. A lot leased or owned for the purpose of construction of a tower as part of Telecommunications Facility shall not result in the creation of a non-conforming lot.
4. The frontage requirement of the underlying zoning district shall not apply, provided the Telecommunications Facility is not proposed on a parcel to be partitioned specifically for the Facility and/or is designed for occupancy by staff. In the absence of required frontage, an accessway for service vehicles - either through easement, lease or ownership - shall be in accord with Subdivision G herein.

**E. LIGHTING AND MARKING**

1. Towers shall not be artificially lighted and marked beyond requirements of the Federal Aviation Administration (FAA).
2. Notwithstanding paragraph E.1. above, an applicant may be compelled to add FAA-style lighting and marking, if in the judgment of the Village Planning Board, such a requirement would be of direct benefit to public safety.

**F. APPEARANCE AND BUFFERING**

1. The use of any portion of a Telecommunications Facility for signs, promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited.

2. The facility shall have the least practical visual effect on the environment, as determined by the Village Planning Board. Any tower that is not subject to FAA marking, pursuant to Subdivision E.1. and E.2. of this Section, shall otherwise:
  - a. have a galvanized finish, or shall be painted gray above the surrounding tree line and gray or green below the tree line, as deemed appropriate by the Village Planning Board; or
  - b. be disguised or camouflaged to blend in with the surroundings, to the extent that such alteration does not impair the ability of the Facility to perform its designed function.
3. Accessory structures shall maximize the use of building materials, colors, and textures designed to blend in with the natural surroundings.
4. The Village Planning Board may require a State Environmental Quality Review (SEQR) Full EAF (Environmental Assessment Form) for proposed Facilities at key viewpoints in the community. A Visual Environmental Assessment Form (Visual EAF), may be required as an addendum to either the Full or Short EAF. The Village Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.
5. The Village Planning Board shall require that the Facility have appropriate vegetative buffering around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, or public roads. Such screening shall include the maximum feasible retention of existing vegetation. The Village Planning Board may similarly require screening adjacent to waterways, landmarks, refuges, community facilities, or conservation or historic areas within common view of the public.
6. Equipment or vehicles not used in direct support, renovations, additions or repair of any Telecommunications Facility shall not be stored or parked on the Facility site.

**G. ACCESS AND PARKING**

1. Accessways shall make maximum use of existing public or private roads to the extent practicable. New access ways constructed solely for Telecommunications Facilities must be at least twenty (20) feet, but no more than thirty (30) feet wide, and closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
2. The road surface (driveways) shall be centered within accessways and shall not comprise more than sixty percent (60%) of the width of the accessway.

3. Parking areas shall be sufficient to accommodate the greatest number of service vehicles expected on the premises at any one time.
4. Driveways or parking areas shall provide adequate interior turn-around, such that service vehicles will not have to back out onto a public thoroughfare.

#### **H. SECURITY**

1. Towers, anchor points of guyed towers, and accessory structures shall each be surrounded by fencing at least eight (8) feet in height, the top foot of which may, at the discretion of the Village Planning Board in deference to the character of the neighborhood, be comprised of three-strands of barbed wire to discourage unauthorized access to the site.
2. Motion activated or staff activated security lighting around the base of a tower or accessory structure entrance may be provided if such lighting does not project off the site. Such lighting should only occur when the area within the fenced perimeters has been entered.
3. There shall be no permanent climbing pegs within fifteen (15) feet off the ground of any tower.
4. A locked gate at the junction of the accessway and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public right-of-way.

#### **I. ENGINEERING AND MAINTENANCE**

1. Site plans for all Telecommunications Facilities must bear the seal of a professional engineer licensed to practice in the State of New York. Every facility shall be built, operated and maintained to acceptable industry standards including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).
2. Every Facility shall be inspected at least every second year for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the Zoning Enforcement Officer.
3. A safety analysis by a qualified professional must accompany any special permit or site plan application, renewal thereof or modification, for the purpose of certifying that general public electromagnetic radiation exposure does not exceed standards set by Federal Regulations.
4. The municipality, at the expense of the applicant, may employ its own consulting assistance to review the findings and conclusions of safety analysis, visual analysis, or structural inspection, provided by the applicant.

**J. REMOVAL**

1. At the time of submittal of the application of a special use permit for a Telecommunications Facility, the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use within a Telecommunications Facility if such Facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve (12) consecutive months. Upon removal of said Facility, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils.
2. At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the Telecommunications Facility and property restoration, with the municipality as the assignee, in an amount approved by the Village Planning Board, but not less than one hundred thousand dollars (\$100,000).
3. At time of renewal or modification of the Special Use Permit, the Village Planning Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the Telecommunications Facility and property restoration.

**SECTION 710 HOME BUSINESS - CLASS A**

The Village Planning Board may approve special use permits for Class A Home Business as an accessory use in the AR Agricultural-Residential and R-1 Single-Family Residential Districts provided the following standards and provisions are maintained:

- A. Purpose - The purpose of this Section is to provide opportunities for economic advancement among the residents of the Village and to protect the character of the residential areas of the Village. Home businesses established pursuant to this Section are expected to blend in with the existing character of the neighborhood in which they are located.
- B. Site Plan Review - Site plan review shall be required in accord with the site plan regulations set forth in this Local Law.
- C. Types of Dwellings and Maximum Area - Home businesses shall be permitted within single-family dwellings only. Home businesses shall not be permitted in any two-family dwelling, multiple family dwelling, manufactured home park, or any accessory building. No more than twenty-five percent (25%) of the gross floor area of a dwelling may be used for the home business.

- D. Shared Driveway - No Home Business shall be permitted where access is provided by a shared driveway.
- E. Number of Home Businesses - No more than one (1) home business shall be permitted in any residential dwelling.
- F. Employees - No employees other than the persons who reside in the dwelling shall be employed in the home business.
- G. Number of Clients and Customers - The home business shall be conducted in such a manner that the maximum number of clients and/or customers on the premises at any one time shall not exceed four (4) persons.
- H. Hours of Operation - The home business shall be conducted in such a manner that all the business activities shall occur between the hours of 8:00 a.m. and 8:00 p.m. and all clients, customers and others coming to conduct business at the site of the home business shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- I. Deliveries and Shipping - No home business shall be permitted that requires tractor-trailer deliveries. No more than fifteen (15) pickups and/or deliveries per week by U.S. Postal Service and commercial delivery services shall be permitted. All pickups and deliveries shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- J. Off-Street Parking - Off-street parking shall be provided in accordance with the provisions of Section 601 of this Local Law. All such required off-street parking shall be achieved on site and not in the required front yard and shall be in addition to the off-street parking required for the residence.
- K. Commercial Vehicles - Not more than one (1) commercial vehicle shall be permitted in connection with the home business and such vehicle shall be parked in the driveway or parking area or stored in an enclosed garage. No construction vehicles, construction equipment or heavy vehicles may be used in connection with the home business.
- L. Signage - One unanimated, non-illuminated single-sided flat sign or window sign, not to exceed two (2) square feet attached shall be permitted to identify the home business. Signs shall be mounted flat against the building so that only the front side of the sign is exposed and visible from the street.
- M. Maintenance of Residential Character - The appearance of the structure shall not be altered and the business within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, constructions, lighting or the emission of noises, odors or vibrations. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the dwelling shall be used. No outdoor display of goods or outside storage of equipment, supplies or materials used in the home business or profession shall be permitted.

- N. Additional Conditions - The Village Planning Board may impose additional conditions and/or restrictions as the Board deems appropriate when issuing the Special Use Permit.
- O. Inspections - The Zoning Officer may periodically inspect the premises operating under the Special Use Permit for compliance with these regulations and any conditions imposed by the Village Planning Board.

## **SECTION 711 HOME BUSINESS - CLASS B**

The Village Planning Board may approve special use permits for Class B Home Business as an accessory use in the AR Agricultural-Residential and R-1 Single-Family Residential Districts provided the following standards and provisions are maintained:

- A. Purpose - The purpose of this Section is to provide opportunities for economic advancement among the residents of the Village and to protect the character of the residential areas of the Village. Home businesses established pursuant to this Section are expected to blend in with the existing character of the neighborhood in which they are located.
- B. Site Plan Review - Site plan review shall be required in accord with the site plan regulations set forth in this Local Law.
- C. Types of Dwellings - Home businesses shall be permitted within and limited to one building accessory to a single-family dwelling. Home businesses shall not be permitted in any building accessory to a two-family dwelling, multiple family dwelling or manufactured home.
- D. Shared Driveway - No Home Business shall be permitted where access is provided by a shared driveway.
- E. Number of Home Business - No more than one (1) home business shall be permitted on any one residential parcel.
- F. Employees - No employees other than the persons who reside in the dwelling shall be employed in the home business.
- G. Number of Clients and Customers - The home business shall be conducted in such a manner that the maximum number of clients and/or customers on the premises at any one time shall not exceed four (4) persons..
- H. Hours of Operation - The home business shall be conducted in such a manner that all the business activities shall occur between the hours of 8:00 a.m. and 8:00 p.m. and all clients, customers and others coming to conduct business at the site of the home business shall occur between the hours of 8:00 a.m. and 8:00 p.m.

- I. Deliveries and Shipping - No home business shall be permitted that requires tractor-trailer deliveries. No more than fifteen (15) pickups and/or deliveries per week by U.S. Postal Service and commercial delivery services shall be permitted. All pickups and deliveries shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- J. Commercial Vehicles - Not more than one (1) commercial vehicle shall be permitted in connection with the home business and such vehicle shall be parked in the driveway or stored in an enclosed garage. No construction vehicles, construction equipment or heavy vehicles may be used in connection with a home business.
- K. Signage - One unanimated, non-illuminated single-sided flat sign or window sign, not to exceed two (2) square feet attached shall be permitted to identify the home business. Signs shall be mounted flat against the building so that only the front side of the sign is exposed and visible from the street.
- L. Maintenance of residential character - The appearance of the structure shall not be altered and the home business shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, constructions, lighting or the emission of noises, odors or vibrations. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the dwelling shall be used. No outdoor display of goods or outside storage of equipment, supplies or materials used in the home business shall be permitted.
- M. Additional Conditions - The Village Planning Board may impose additional conditions and/or restrictions as the Board deems appropriate when approving the Special Use Permit..
- N. Inspections - The Zoning Officer may periodically inspect the premises operating under the Special Use Permit for compliance with these regulations and any conditions imposed by the Village Planning Board.

## **SECTION 712      ESSENTIAL SERVICES**

The Village Planning Board may approve a special use permit for essential services and utilities, excluding telecommunications facilities, in all districts provided the following standards and provisions are maintained:

- A. The proposed installation in a specific location is necessary and convenient for the efficiency of the essential services or for the satisfactory and convenient provision of service to the area in which the particular use is located.
- B. The design of any building constructed in connection with the essential service shall conform to the general character of the areas and will not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.

- C. Adequate landscaping shall be provided to create a visual and sound buffer between such use and adjoining properties.
- D. All new and replacement electric distribution, telephone, cable television and other lines shall be placed underground, if practical, as determined by the Village Planning Board during Site Plan Review.
- E. All service connections from distribution lines shall be placed underground.
- F. Adequate off-street parking shall be provided.
- G. The proposed improvement shall not create interference with the television, radio or telephone reception at nearby properties.
- H. All major electrical transform facilities and substations, if above ground, shall be secured by outer and inner fences, each ten feet from each other at any point. No transformer facilities or substations shall be closer than one hundred (100) feet to any lot line.
- I. Adequate and attractive fences and other safety devices shall be provided.

**SECTION 713 CHILD AND ADULT DAY CARE CENTERS DAY CARE CENTERS**

The Village Planning Board may approve special use permits for Child Day Care Centers and Adult Day Care Centers in the AR Agricultural-Residential and GB General Business Districts provided the following standards and provisions are maintained:

- A. Dimensional requirements:
  - Minimum Lot Size: 14,520 square feet
  - Minimum Lot Width: 100 feet
  - Minimum Front Setback: 35 feet (from right-of-way line)
  - Minimum Side Setback: 20 feet
  - Minimum Rear Setback: 20 feet
  - Maximum Building Height: 35 feet
  - Maximum Building Lot Coverage: 30%
  - Minimum Green Space: 40%
- B. The applicant obtains and maintains all the requisite governmental approvals to operate the proposed facility.
- C. On-site recreation facilities shall be provided and maintained for the exclusive use of clients. Recreation areas shall be physically separated from on-site parking areas and driveways and screened from adjoining properties.

- D. Off-Street Parking shall be provided in accordance with Section 601 of this Local Law. All off-street parking shall be illuminated and adequately screened from adjoining residential sites and available for use by employees and visitors.
- E. All outdoor recreation areas shall be located in the rear and/or side yard areas. Where such facilities are to be located adjacent to a residential site, berms with landscaped planting shall be installed along the borders to mitigate the effects of noise on the adjacent residential sites.

**SECTION 714 DRIVE-IN BUSINESSES**

The Village Planning Board may approve special use permits for Drive-In Businesses in the CBD Central Business and GB General Business Districts provided the following standards and provisions are maintained:

A. Dimensional requirements in the CBD District:

Minimum Lot Size:	None
Minimum Lot Width:	None
Minimum Front Setback:	None
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	None

B. Dimensional requirements in the GB District:

Minimum Lot Size:	29,040 square feet
Minimum Lot Width:	100 feet
Minimum Front Setback:	25 feet (from right-of-way line)
Minimum Side Setback:	12 feet each
Minimum Rear Setback:	20 feet
Maximum Building Lot Coverage:	40%
Minimum Green Space	15%

C. Additional Setback and Density Restrictions - All drive-in businesses shall be a minimum of two hundred (200) feet from other drive-in businesses, said distance shall be computed as follows:

1. For such businesses located on the same side of the street, two hundred (200) feet measured between the two closest property lines.
2. For such businesses located on opposite sides of the street, two hundred (200) feet measured diagonally between the two closest property corners.

3. For four-corner intersections, one (1) such business may be located on a diagonally opposite corner exclusive of the two hundred (200) foot distance requirement.
  4. The minimum distance from a driveway to a property line shall be twenty (20) feet.
  5. The minimum distance between ingress and egress driveways on the site shall be fifty (50) feet measured for the two (2) closest driveway curbs.
  6. The minimum distance into the site from a street intersection shall be one hundred (100) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
- D. Drive-in businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- E. Exterior lighting proposed for the site shall be planned, erected and maintained so it will not cast direct light or glare upon adjacent properties or public rights-of-way. The light source shall not exceed twenty (20) feet in height.
- F. Any outdoor eating area associated with a drive-in restaurant shall be maintained free of litter, and landscaped and physically separated from any off-street parking area or driveway.
- F. Drive through lanes shall be situated for circulation within the parking lot so as to eliminate or reduce the conflict between pedestrians within the parking lot and vehicles utilizing the drive-in facilities.
- H. Drive through lanes will be of sufficient length so that the lines of vehicles in the drive-in lane waiting for service shall not extend onto the public street nor block public sidewalks.

## **SECTION 715 CLUSTER RESIDENTIAL DEVELOPMENT**

The Village Planning Board may approve special use permits for Cluster Residential Development in the AR Agricultural-Residential and R-1 Residential District provided the following standards and provisions are maintained:

- A. Minimum Tract Size - The minimum tract size shall be fifteen (15) acres.
- B. Dimensional Requirements - The lot size, yard area and height requirements shall be established on an individual case basis which reflects the unique conditions of each site proposed for development, the potential impact on adjacent properties and to insure consistency with the Village Comprehensive Plan.

- C. Density - The number of lots or units (density of development) in a cluster plan shall not exceed the maximum density that could be created under a conventional development plan for the same tract of land. In determining the overall density to be allowed for residential development, all areas of the tract will be included.
- D. Recreational and Open Space - The developer shall set aside an area of not less than twenty percent (20%) of the gross acreage of the tract to be devoted exclusively to permanent recreation areas and/or open space. All recreation or open space areas shall, in the opinion of the Village Planning Board, be suitable for such use. The ownership and future maintenance of such recreation areas shall be subject to the approval of the Village Board or offered for dedication to the Village.

**SECTION 716 SENIOR HOUSING INCLUDING INDEPENDENT AND/OR ASSISTED LIVING APARTMENT BUILDINGS**

SENIOR HOUSING DEFINITION: Housing shall be designed for, and residency shall be limited to, persons sixty-two (62) years of age and older with said housing meeting all requirements of Section 3607(b)(2)(B) of the Federal Fair Housing Act. Such housing for senior citizens may include unassisted senior housing, elderly assisted housing that provides support services for the elderly such as dining rooms, lounges, laundry facilities, recreational uses and the like and nursing homes for the elderly.

The Village Planning Board may approve special use permits for senior citizen housing in the AR Agricultural-Residential and R-1 Residential Districts provided the following standards and provisions are maintained:

A. Dimensional requirements:

Minimum Lot Size:	3,500 square feet per dwelling unit
Minimum Lot Width:	100 feet
Minimum Front Setback:	50 feet
Minimum Side Setback:	30 feet
Minimum Rear Setback:	30 feet
Maximum Building Height:	40 feet
Maximum Building Coverage:	30%
Minimum Green Space	50%

- B. Off-street parking shall be provided in accord with Section 601 of this Local Law.
- C. Housing described in this Section shall exist, be designed and constructed for the needs of senior citizens and shall be occupied exclusively by senior citizens age sixty-two (62) and older except that in the case of married couples or siblings living together one of the persons may be under sixty-two (62) years of age provided the other spouse or sibling is age sixty-two (62) and older. The owner of the building used or erected for senior housing purposes shall file with the Zoning Enforcement Officer, a signed, sworn

affidavit, on or before the first day of January of every year, certifying that all occupants of the building comply with the age requirements set forth in this Section.

- D. Senior housing shall be serviced by municipal water and sanitary sewer service.

## **SECTION 717 NURSING AND CONVALESCENT HOMES**

The Village Planning Board may approve a special use permit for a Nursing or Convalescent Home in the AR Agricultural-Residential District provided the following standards and provisions are maintained:

- A. Dimensional requirements:

Minimum Lot Size:	One (1) acres
Minimum Lot Width:	150 feet
Minimum Front Setback:	50 feet
Minimum Side Setback:	30 feet
Minimum Rear Setback:	30 feet
Maximum Building Height:	35 feet
Maximum Building Coverage:	40%
Minimum Green Space	40%

- B. Off-street parking shall be provided in accord with Section 601 of this Local Law.
- C. Each such use shall have only a single point of access to each public street on which the property abuts.
- D. Site lighting shall be provided. Such lighting shall not illuminate adjoining residential properties. Site lighting shall be restricted to providing adequate security lighting for the property during times the medical clinic and/or laboratory is not open for business.
- E. One unanimated, non-illuminated flat sign or window sign and one unanimated, free standing sign, each not to exceed four (4) square feet per side, shall be permitted. Illuminated signs may be permitted subject to the review and approval of the Village Planning Board.

## **SECTION 719 OUTDOOR RECREATION BUSINESSES**

The Village Planning Board may approve a special use permit for an Outdoor Recreational Business in the GB General Business District provided the following standards and provisions are maintained:

- A. Dimensional requirements shall be determined by the Village Planning Board during the Site Plan Review process and shall be predicated on the type and scale of the proposed business.

- B. The use of motorized vehicles in conjunction with outdoor recreational businesses is expressly prohibited, except that electric golf carts may be used in conjunction with golf courses and a single motorized vehicle may be used to gather golf balls at golf driving ranges.
- C. Lighting shall be installed so as to not illuminate or cause light glare on adjoining residential properties.
- D. The broadcasting of music and/or the use of public address systems shall be such that the sound produced is not audible at the property line of any adjoining properties.
- E. The Village Planning Board may establish the hours of operation of outdoor recreational businesses to prevent the creation of nuisances or the disruption of the public peace during late evening, night and early morning hours.
- F. The facility shall be laid out and constructed in such a way that errant golf balls, baseballs, softballs, volleyballs or similar objects utilized shall not be hit, thrown, or deflected so as to leave the parcel on which the recreational business is located.
- G. Adequate fencing and/or shrubbery shall be installed to adequately buffer outdoor recreational uses from adjoining residential uses.
- H. Suitable and adequate off-street parking shall be provided in accordance with the requirements established by the Village Planning Board based on the Site Plan Review.

## **SECTION 720 RIDING STABLES**

The Village Planning Board may approve a special use permit for the use of land and buildings for stables for the commercial boarding of horses or for riding academies in the AR Agricultural-Residential District provided that the following standards and provisions are maintained:

- A. No site preparation or construction shall commence nor shall existing structures be occupied until final site plan approval has been granted by the Village Planning Board and permits have been issued by all governmental agencies involved.
- B. The permitted use may include any of the following:
  - 1. Storage of horse vans for conveying or vanning of horses as may be accessory to the principal use.
  - 2. Sale or rental of horses for use by public by the hour, day, month or year.
  - 3. Rides on horses by the public.

4. Rental of horse vans.
  5. Riding lessons to the public.
  6. Sale of horse supplies and/or equipment.
- C. The land devoted to this use shall not be less than ten (10) contiguous acres.
- D. One principal single family dwelling may be located on the land devoted to this use provided that the dwelling complies with the requirements for this Local Law. The land area on which the principal single family dwelling is located (minimum lot size of AR District) shall not be considered part of the "land devoted to this use" set forth in Subsection C above.
- E. The number of horses that may be boarded and/or trained at such property shall not exceed twenty-five (25) horses for the first ten (10) acres of land devoted to this use, plus one horse for each additional half acre of land available for such purpose.
- F. The stable shall be located not less than one hundred (100) feet from any boundary line. The storage of manure shall be located on land not less than two hundred (200) feet from any boundary line. The Village Planning Board may require manure storage areas to be screened and/or buffered from adjacent areas.
- G. Any riding ring shall be at least fifty (50) feet from any boundary line.
- H. Accessory buildings not used to house horses such as sheds, out buildings and the like, may be located on the land devoted to this use provided that they are set back a minimum of fifty (50) feet from all property boundary lines, and provided that they are not used for the storage of manure.
- I. Structures on the land devoted to this use (not including the principal dwelling) shall not be in the aggregate cover more than five percent (5%) of the area of the land devoted to this use.
- J. No structure shall exceed thirty-five (35) feet in height.
- K. Suitable and adequate off-street parking shall be provided in accordance with the requirements established by the Village Planning Board based on the Site Plan Review.
- L. Exterior lighting shall be permitted only to the extent necessary to prevent injury to the public and shall be so installed and arranged as to reflect light away from the adjoining streets and prevent any nuisance to adjoining property.
- M. The installation and use of exterior loudspeakers shall be conducted in such a manner as to minimize potential nuisances to adjacent properties.

## SECTION 721      ACCESSORY APARTMENTS

The Village Planning Board may approve a special use permit for accessory apartments in the AR Agricultural/ Residential and in the R-1 Residential District provided that the following standards and provisions are maintained:

- A.    Intent -The purpose of this Section is to permit, by Special Use Permit, temporary accessory apartments only in single-family residential dwelling units in the AR Agricultural-Residential and R-1 Residential Districts specifically to accommodate the special housing needs of elderly parents who may have insufficient incomes to be able afford a private dwelling of their own; and/or who have physical and/or mental impairments and need the assistance of adult children caregivers; as well as the housing needs of adult children starting out on their own who may have insufficient incomes to be able to afford to rent or purchase a dwelling of their own. The intent of this Section is not to permit permanent two-family dwellings.
  
- B.    Site Plan Review - Site plan approval shall be required as a prerequisite for the approval of an accessory apartment permit.
  
- C.    Standards
  - 1.    The accessory apartment shall have no more than two (2) bedrooms, its occupancy restricted to two (2) persons and shall be designed to the greatest extent possible to be barrier free.
  - 2.    The property owner shall reside on the premises and the occupancy of either unit by a person other than the owner and his immediate family (parent(s), parent(s)-in-law, spouse or children or step-children) shall be prohibited.
  - 3.    The accessory apartment shall be subordinate to the principal residence and shall contain at least four-hundred (400) square feet, but not more than six hundred (600) square feet of gross floor area or twenty-five percent (25%) of the gross floor area of the entire building, whichever is more restrictive. The accessory apartment must be attached to the principal dwelling by at least twenty-five percent (25%) of a common wall.
  - 4.    The accessory apartment shall not adversely alter the exterior appearance of the dwelling or alter the single-family character of the building.
  - 5.    The accessory apartment shall not result in any decrease in the front yard setback of the building.
  - 6.    The accessory apartment shall be self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s). A separate entrance to the accessory apartment shall be provided at the side or rear of the structure, but no entrance to the accessory apartment shall face the front yard of the lot.

7. Utility services shall be shared in common.
8. No more than one (1) accessory apartment may be created on any single parcel.
9. A minimum of two (2) off-street parking spaces shall be provided for the accessory apartment in addition to the off-street parking required for the single-family dwelling unit in which the accessory apartment is located. No new driveway access to the street shall be permitted. Off-street parking for such accessory apartment shall be designed and located to be convenient but without encroaching on any required yard or setback.

**C. Special Use Permit Requirement**

1. An accessory apartment dwelling shall not be occupied until a Special Use Permit has been granted by the Village Planning Board.
2. The owner of the property shall be required to submit a notarized affidavit biennially to the Zoning Enforcement Officer attesting to the fact that the owner is in full and complete compliance with the standards set forth in this Section and any other conditions imposed by the Village Planning Board at the time the special use permit was approved.
3. The special use permit for an accessory apartment is conditioned on the continuous compliance with all of the standards set forth in this Section and any other conditions imposed by the Village Planning Board at the time the special use permit was issued. . The Special Use Permit shall automatically and immediately terminate upon the non-compliance of any or all of the standards set forth in this Section or upon the accessory apartment becoming vacant.

**SECTION 722 ADULT BUSINESSES**

The Village Planning Board may approve special use permits for Adult Businesses in the Light Industrial District in accord with the regulations and provisions contained in Local Law No. 1 of 1999 titled "Regulating Adult Businesses in the Village of Lyndonville."

**SECTION 723 CEMETERIES**

The Village Planning Board may approve special use permits for Cemeteries in the Agricultural-Residential (AR) and Residential (R-1) Districts provided the following standards and provisions are maintained:

- A. A new cemetery shall contain at least seven (7) acres of contiguous land. An existing cemetery may be increased in size provided that the land being added contains a minimum of three (3) acres, is located adjacent to the existing cemetery and is not separated from the existing cemetery by a public street, highway or other public right-of-way.

- B. The lot shall not be less than three hundred (300) feet wide.
- C. Each cemetery shall provide a maintenance building for the storage of all equipment and materials being used for the maintenance and operation of the cemetery. Mausoleums and chapels that are incidental to the cemetery shall be permitted as accessory uses.
- D. No internment shall be within thirty (30) feet of any street or lot line.
- E. Memorials and monuments may not exceed six (6) feet in height.
- F. Off-street parking spaces shall be provided in accord with Section 601 of this Local Law.
- G. Each cemetery shall post the hours of operation and use by the public including a telephone number to call for information or to report an incident.

**SECTION 724 COMMERCIAL GREENHOUSES AND NURSERIES**

The Village Planning Board may approve special use permits for Cemeteries in the Agricultural-Residential (AR) District provided the following standards and provisions are maintained:

- A. Dimensional requirements:

Minimum Lot Size:	Three (3) acres
Minimum Lot Width:	200 feet
Minimum Front Setback:	75 feet
Minimum Side Setback:	50 feet
Minimum Rear Setback:	40 feet
Maximum Building Height:	35 feet
Maximum Building Coverage:	50%
Minimum Green Space	30%
- B. The outdoor storage of lawn and garden supplies shall be screened from the view of adjoining properties by a fence, hedge or shrubbery.
- C. Commercial vehicles shall not be stored in the front yard and shall be screened by a fence, hedge or shrubbery from the view of adjoining property owners.
- D. The nursery shall be operated such that dust, odors, noise and vibrations shall not exceed the ambient levels of dust, odors, noise and vibrations and so as to not adversely impact on adjoining properties.

**SECTION 725            MEDICAL CLINICS AND MEDICAL LABORATORIES**

The Village Planning Board may approve special use permits for medical clinics and laboratories in the Agricultural-Residential (AR) District provided the following standards and provisions are maintained:

A.     Dimensional requirements:

Minimum Lot Size:	32,670 square feet
Minimum Lot Width:	100 feet
Minimum Front Setback:	50 feet
Minimum Side Setback:	30 feet
Minimum Rear Setback:	30 feet
Maximum Building Height:	35 feet
Maximum Building Coverage:	30%
Minimum Green Space	40%

B.     Each such use shall have only a single point of access to each public street on which the property abuts.

C.     Site lighting shall be provided. Such lighting shall not illuminate adjoining residential properties. Site lighting shall be restricted to providing adequate security lighting for the property during times the medical clinic and/or laboratory is not open for business.

D.     One unanimated, non-illuminated flat sign or window sign and one unanimated, free standing sign, each not to exceed four (4) square feet per side, shall be permitted. Illuminated signs may be permitted subject to the review and approval of the Village Planning Board.

**SECTION 790 SOLAR ENERGY SYSTEMS**

§ 790.1. Findings.

The Village Board of the Village of Lyndonville makes the following findings:

- A. The Village Board of the Village of Lyndonville finds that solar energy is beneficial to the Village of Lyndonville, its residents and general public.
- B. The Village Board, nevertheless, finds a growing need to properly site and regulate solar energy systems within the boundaries of the Village of Lyndonville to protect residential, business areas and other land uses, to preserve the overall beauty, nature and character of the Village of Lyndonville, to promote the effective and efficient use of solar energy resources, and to protect the health, safety and general welfare of the citizens of the Village of Lyndonville.
- C. Solar energy systems deplete land available for other uses, introduce industrial usage into other non-industrial areas, and can pose environmental challenges and compete with other activities.
- D. Solar energy systems need to be regulated for removal when no longer utilized, to prevent environmental problems and abandoned industrial.

§ 790.2 Definitions The following definitions shall apply to this Section:

**APPLICANT** — The person or entity filing an application and seeking an approval under this Section; the owner of a solar energy system or a proposed solar energy system project; the operator of solar energy system or a proposed solar energy system project; any person acting on behalf of an applicant, solar energy system or proposed solar energy system. Whenever the term "applicant" or "owner" or "operator" are used in this Section, said term shall include any person acting as an applicant, owner or operator.

**PRIME FARMLAND** – Prime Farmland as defined by the US Department of Agriculture and New York State is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and is available for these uses.

**SMALL BUILDING MOUNTED SOLAR ENERGY SYSTEMS** — A solar energy system that is affixed to the side(s) of a building either directly or by means of support structures or other mounting devices, but not including those mounted to the roof or top surface of a building and designed and intended to generate electricity solely for use primarily on said building or other buildings on the same premises, through a distribution system that is not available to the general public.

**SMALL GROUND MOUNTED SOLAR ENERGY SYSTEM** — A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices. Said system is an accessory structure, designed and intended to generate electricity primarily for use on said lot, through a distribution system that is not available to the general public.

**SMALL ROOFTOP MOUNTED SOLAR ENERGY SYSTEM** — Any solar energy system that is affixed to the roof of a building and wholly contained within the limits of the roof surface, designed and intended to generate electricity primarily for use on said lot, potentially for multiple tenants, through a distribution system that is not available to the general public.

**SOLAR ENERGY SYSTEM** — Any system or group of components designed to produce power from the sun and affixed to real property, except self-contained, single purpose components, such as signage lighting panels.

**UTILITY-SCALE SOLAR ENERGY SYSTEM** — Any solar energy system is designed and intended to supply energy primarily into a utility grid for sale to the general public, whether or not it also supplies energy for use on the parcel of land on which it is located.

§ 790.3. Use districts where allowed.

No solar energy systems shall be permitted in the Village of Lyndonville except in the Zoning Districts specified in this Section:

- A. Rooftop mounted and building-mounted solar energy systems are permitted in all zoning districts in the Village, subject to setback and height restrictions.
- B. Ground mounted solar energy systems are permitted as accessory structures in all zoning districts of the Village subject to all setback, height and area coverage restrictions.
- C. Utility-scale solar energy systems permitted only in an Agricultural Residential District and on parcels with a minimum of fifteen acres and a maximum of fifty percent coverage. Utility-scale solar energy systems are not allowed on Prime Farmland except pursuant to NYS Agricultural and Markets Law which allows agricultural operations in State-certified agricultural districts to install solar energy systems producing up to 110% of the farm's electric load.

§ 790.4. General regulations.

The placement, construction, and major modification of all solar energy systems within the boundaries of the Village of Lyndonville shall be permitted only as follows:

- A. Utility-scale solar energy systems shall be permitted only by Special Permit by the Village of Lyndonville Planning Board in use districts where allowed in accordance with the criteria established in this Section, after SEQRA review, upon concurrent site plan approval issued by the Village of Lyndonville Planning Board, and upon issuance of a building permit, and shall be subject to all provisions of this Section
- B. Small rooftop mounted and small building mounted solar energy systems shall follow normal building permit procedures.

- C. Small ground mounted solar energy systems shall follow normal building permit procedures, and must be accompanied by a to scale map showing location, setbacks and lot coverage.
- D. This Section shall supersede over any inconsistent provisions of the Zoning Law of the Village of Lyndonville.
- E. This Section shall not apply to any premises owned or controlled by the Village of Lyndonville.

§ 790.5. General criteria.

- A. Rooftop mounted solar energy systems shall not be more than three feet higher than the finished roof to which it is mounted and in no instance shall any part of the system extend beyond three (3) feet before the edge of the roof. Maintenance access shall be incorporated into the system as determined by the Building Inspector.
- B. Building- mounted solar energy systems shall not be more than three (3) feet from the building wall and in no instance shall any part of the system extend beyond the roof line or parapet wall.
- C. Ground mounted solar energy systems shall be subject to the following requirements:
  - (1) The location of said solar energy system shall be placed no closer in accordance with setback requirements for an accessory structure of the use district in which it is located; and
  - (2) The location of said solar energy system shall be only located in the side or rear yard;
  - (3) The total surface area of said solar energy system on a lot shall not exceed the allowed accessory structures or combinations of accessory structures where permitted in the District.
- D. Solar storage batteries. When solar storage batteries are included as part of any solar energy system, they shall be placed in secure container or enclosure meeting the requirements of the New York State Building Code.
- E. Any solar energy system shall be accessible by all emergency service vehicles and personnel.
- F. All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth-tone color.
- G. The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks.
- H. Artificial lighting of any solar energy systems shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.

If the use of a solar energy system is discontinued or not maintained the owner or operator shall notify the Building Inspector within thirty (30) days of such discontinuance and shall remove the system and properly dispose of all materials. If a solar energy system is to be

retained and reused, the owner or operator shall further inform the Building Inspector of this in writing at such time and obtain any necessary approvals within one year, otherwise it shall be automatically deemed non-operating or abandoned.

790.6. Special permit requirements for Utility-Scale Solar Energy Systems.

Applications under this Section shall be made as follows: Applicants for a special permit to place, construct, and make a major modification to a utility-scale solar energy systems within the boundaries of the Village of Lyndonville shall submit twelve (12) sets of the following information to the Building Inspector, who shall first present it to a Village designated professional engineer or consultant for an initial review and then onto the Planning Board for its review and recommendation. The Planning Board may make such additional referrals as it deems appropriate. No such application shall be deemed filed until any required application fee has been paid. After considering such application in accordance with this Section, the Planning Board may grant the application, deny the application or grant the Special Use Permit, deny the Special Use Permit or grant the Special Use Permit and impose reasonable conditions and restrictions as authorized by Village Law §274(b)(4). The following information shall be contained in or accompany the application:

- A. A completed State Environmental Quality Review Act (SEQRA) form.
- B. Name, address, and telephone number of the property owner. If the property owner is not the applicant, the application shall include the name, address, and telephone number of the applicant and a letter or other written permission signed by the property owner authorizing the applicant to represent the property owner.
- C. Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc.
- D. Documentation of the clearing, grading, storm water and erosion control plans.
- E. Utility interconnection data and a copy of written notification to the utility of the proposed interconnection.
- F. One or three-line electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices.
- G. A property owner who has installed or intends to install a utility-scale solar energy system may choose to negotiate with other property owners in the vicinity for any necessary solar skyspace easements. The issuance of a special use permit does not constitute solar skyspace rights, and the Village shall not be responsible for ensuring impermissible obstruction to the solar skyspace as a result of uses or development performed in accordance with Village Code. In the event that solar easements are negotiated by an applicant or property owner for a utility-scale solar energy system, a copy or documentation of any solar skyspace easements shall be provided, properly

recorded as such, negotiated with neighboring property owners that shall, at a minimum, include:

- (1) The restrictions placed upon buildings, structures, vegetation and other objects or uses that would potentially obstruct the solar skyspace of the solar energy system; and
  - (2) A description of the dimensions of the easement expressed in measurable terms, such as the maximum height of buildings and structures, vertical or horizontal angles measured in degrees, or the hours of the day on specified dates during which direct sunlight to a specified surface of a solar collector may not be obstructed, or a combination of these descriptions; and
  - (3) The amount, if any, of permissible obstruction of the solar skyspace through the easement, expressed in measurable terms, such as a specific percentage of the solar skyspace that may be obstructed or hours during the day; and
  - (4) Provision for trimming vegetation that would impermissibly obstruct solar skyspace, including any compensation for trimming expenses; and
  - (5) Provisions for compensation of the owner/operator benefitting from the easement in the event of impermissible obstruction of the solar skyspace that would be in violation of the easement; and
  - (6) The terms or conditions, if any, under which the easement may be revised or terminated.
- H. A site plan in accordance with the Village of Lyndonville's site plan requirements and drawn in sufficient detail as follows:
- (1) Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposal layout of the entire solar energy system along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved, and utility lines, both above and below ground, on the site and adjacent to the site; and
  - (2) Property lot lines and the location and dimensions of all existing structures and uses on site within five hundred (500) feet of the solar panels; and
  - (3) Proposed fencing and/or screening for said project.
  - (4) I. Any such additional information as may be required by the Village's professional engineer or consultant, Village of Lyndonville Planning Board, Village Attorney, Building Inspector.

§ 790.7. Special permit criteria; Restrictions.

Special Permits issued for a utility-scale solar energy systems shall meet the following conditions:

- A. Minimum lot area: The minimum lot upon which the system is to be constructed shall be fifteen (15) acres.
- B. Maximum coverage area: The maximum coverage area of the system shall be fifty (50) percent of the parcel.
- C. Setbacks: Any utility-scale solar energy system shall adhere to the following setbacks:
  - (1) From any zoning district boundary. A minimum of one hundred (100) feet from any zoning district boundary line.
  - (2) From any property lot lines: A minimum of one hundred (100) feet from any property lot line.
  - (3) From buildings or structures not on the lot proposed for the solar energy system:
    - (a) A minimum of two hundred and fifty (250) feet.
    - (b) A minimum of five hundred (500) feet from any dwelling.
  - (4) From buildings or structures on the lot proposed for the solar system: A minimum of one hundred (100) feet from any building, structure or dwelling.
  - (5) From public roads:
    - (a) A minimum of two hundred (200) feet from any public road (measured from the road right-of-way line); and,
  - (6) From schools, public parks: A minimum of five hundred (500) feet from all property lot lines bordering a school or public park.
- D. Maximum overall height. The height of a utility-scale solar energy system shall not exceed twenty (20) feet when oriented at maximum tilt.
- E. Number of utility-scale solar energy systems allowed per lot. There shall only be allowed one utility-scale solar energy systems per lot.
- F. A utility-scale solar energy system shall adhere to all applicable federal, state, county and Village of Lyndonville laws, regulations, building, plumbing, electrical, and fire codes, and the applicant shall provide any requested documentation of such correspondence.
- G. Development and operation of a utility-scale solar energy system shall not have a significant adverse impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Village of Lyndonville or other federal or state regulatory agencies.
- H. The design, construction, operation, and maintenance of a utility-scale solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists.

- I. All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth-tone color.
- J. All transmission lines and wiring associated with a utility-scale solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and Village requirements. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan.
- K. All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.
- L. Artificial lighting of utility-scale solar energy systems shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.
- M. Any signage used to advertise the solar energy facility shall be in accordance with the Village's signage regulations and shall not be illuminated.
- N. A berm and/or screening may be required along property line abutting a residential lot.
- O. Prior to issuance of a Certificate of Occupancy, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans.
- P. Compliance with regulatory agencies: The applicant is required to obtain and maintain all necessary regulatory approvals and permits from all federal, state, county, and local agencies having jurisdiction and approval related to the completion of a utility-scale solar energy system.
- Q. A bond or other appropriate form of security acceptable to the Planning Board shall be provided to cover the cost of the removal and site restoration. Said bond or security shall be filed prior to construction. Said bond shall not be revocable and shall extend for a period of not less than:
  - (1) The actual removal and restoration without limit as duration.
  - (2) Shall transfer to cover any subsequent owner or operator of the system.
- R. Clearing, grading, storm water and erosion control:
  - (1) Before the Village of Lyndonville shall issue a clearing, grading, storm water or building permit for a utility-scale solar energy system, the applicant shall submit a storm water and Erosion Control Plan to the Engineering Department for its review and approval; and
  - (2) The Plan shall minimize the potential adverse impacts on wetlands and Class 1 and II streams and the banks and vegetation along those streams and wetlands and minimize erosion or sedimentation.

§ 790.8. Maintenance, procedures, and fees.

- A. Time limit on completion. Upon the granting of a special permit of a utility-scale solar energy system by the Planning Board, the building permit shall be obtained within six

months and the project shall be completed within twelve months of the granting of the Special Use Permit. If not constructed, the special permit and site plan approval and building permit shall automatically lapse without notice.

- B. Inspections. Upon reasonable notice, the Village of Lyndonville Building Inspector or his or her designee may enter a lot on which a solar energy system has been approved for the purpose of compliance with any requirements or conditions, Twenty-four (24) hours advance notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. The applicant/operator shall authorize and cooperate in such inspection. Furthermore, a utility-scale solar energy system shall be inspected annually by a New York State licensed professional engineer that has been approved by the Village or at any other time, upon a determination by the Village's Building Inspector that damage may have occurred, and a copy of the inspection report shall be submitted to the Village Building Inspector. Any fee or expense associated with this inspection shall be borne entirely by the permit holder.
- C. General complaint process. During construction, the Village Building Inspector can issue a stop order at any time for any violations of a special use or building permit. After construction is complete, the permit holder of a utility-scale solar energy system shall establish a contact person, including name and phone number, for receipt of any complaint concerning any permit requirements.
- D. Continued Operation. A solar energy system shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all approval requirements and conditions. Further, the Building Inspector shall also have the right to request documentation from the owner for a solar energy system regarding the system's usage at any time.
- E. Removal. All solar energy systems shall be dismantled and removed by the applicant/owner operator immediately from a lot when the special permit or approval has been revoked by the Village of Lyndonville Planning Board or the solar energy system has been deemed to be non-operating or abandoned by the Building Inspector for a period of more than three hundred and sixty-five (365) days at the cost of the owner. If the owner/operator or applicant does not dismantle and remove said solar energy system as required, the Village Board may, after a hearing at which the owner shall be given an opportunity to be heard and present evidence, dismantle and remove said facility and place the cost of removal as a tax lien on said parcel. Such action shall be in addition to and not in lieu of any other enforcement remedies the Village may have.
- F. Determination of Abandonment or Non-operation. A determination of the abandonment or non-operation of a solar energy system shall be made by the Village Building Inspector, who shall provide the Owner/operator or applicant with written notice by personal service or certified mail at the address shown in the records of the Village or the application. Any appeal by the owner of the Building Inspector's determination of abandonment or inoperability shall be filed with the Village of Lyndonville Zoning Board of Appeals within thirty days of the Building Inspector causing personal service or mailing certified mail of his written determination and the Board shall hold a hearing on same. The filing of an appeal does not stay the following time frame unless the Zoning Board of Appeals or a court of competent jurisdiction grants a stay or reverses said

determination. At the earlier of the three hundred and sixty-six (366) days from the date of determination of abandonment or inoperability without reactivation approved or upon completion of dismantling and removal, any approvals for the solar energy system shall automatically expire.

G. Application and annual fees.

(1) Utility-scale solar energy system. An applicant shall pay an initial application fee of Two Thousand Five (\$2500) Dollars, or such other amount as the Village Board may, from time to time, determine by resolution, upon filing its special permit and site plan application to cover the cost of processing and reviewing the application. If approved, the Owner shall pay an annual fee of One Thousand (\$1000) Dollars, or such other amount as the Village Board may, from time to time, determine by resolution, to cover the cost of processing and reviewing the annual inspection report and for administration, inspections and enforcement.

(2) Said fees are in addition to fees for Building Permits. Fees are as follows:

(A) 0.025 per square foot of the project area, or such other amount as the Village Board may, from time to time, determine by resolution.

H. Prior to the issuance of a building permit, the applicant shall document that all applicable federal, state, county, and local permits have been obtained.

I. Special permits for a utility-scale solar energy system granted under this Section shall be issued only following a public hearing held as required for special permits under the New York State Village Law.

J. The Planning Board may:

(1) For utility-scale solar energy systems, grant a Special Permit, deny a Special Permit, or grant a Special Permit with written stated conditions. Upon issuance of a Special Permit, the applicant shall obtain a building permit for the utility-scale solar energy system.

K. Any changes or alterations post construction to a utility-scale solar energy system shall be allowed only by amendment to the Special Permit and/or site plan (if required) subject to all requirements of this Code.

L. Special permits for utility-scale solar energy systems shall be assignable or transferrable so long as they are in full compliance with this Section and all the conditions, and the Building Inspector is notified in writing at least fifteen (15) days prior thereto.

M. In addition to the requirements of this Section, the special permit application shall be subject to any other site plan approval requirements set forth in the Zoning Law.

§ 790.9. Violation/Revocation.

A. Any violation of this Section or of the terms of a Special Use Permit constitutes a violation pursuant to the Zoning Code.

B. The Village may enforce this Section by obtaining an injunction, temporary restraining

order, temporary injunction or any other remedy available in law or equity.

C. If the applicant violates any of the conditions of its special permit, site plan approval or violates any other local, state or federal laws, rules or regulations, this shall be grounds for revocation of the special permit or site plan approval. Revocation may occur after the applicant owner/operator is notified in writing of the violations and the Village of Lyndonville Planning Board holds a hearing on same.

§ 790.10. Severability.

If any section, subsection, phrase, sentence, or other portion of this Section is for any reason held invalid, void, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

**ARTICLE VIII ADMINISTRATION AND ENFORCEMENT**

**SECTION 800 ENFORCEMENT**

The duty of administering and enforcing the provisions of this Local Law is hereby conferred upon the Zoning Enforcement Officer who shall be appointed by the Village Board of Trustees and shall carry out any directives of the Board relative to the duties of the position set forth below. The Zoning Enforcement Officer shall receive such compensation as the Village Board of Trustees shall determine.

**SECTION 801 DUTIES AND PROCEDURES OF THE ZONING ENFORCEMENT OFFICER**

**A. ADMINISTER THE ZONING LAW**

The Zoning Enforcement Officer shall review all applications for zoning permits and, if the minimum requirements of this Local Law are met, the Zoning Enforcement Officer shall issue a permit.

If the applicant's plans do not meet the Zoning requirements, the Zoning Enforcement Officer must deny the permit. The Zoning Enforcement Officer may not use discretionary judgment. The Zoning Enforcement Officer must enforce the "Letter of the Law."

**B. REFERRAL OF APPEALS TO THE ZONING BOARD**

In the event that a applicant for a zoning permit files an appeal from an order, requirement, decision, interpretation or determination issued by the Zoning Enforcement Officer, or an appeal for a variance from the provisions of this Local Law, the Zoning Enforcement Officer shall notify the Chairperson of the Zoning Board of Appeals and shall forward all necessary supporting information and documentation to the Chairperson.

**C. REFERRAL TO VILLAGE PLANNING BOARD**

Any application for a Special Use Permit, change of zoning district or use that requires Site Plan Review shall be forwarded by the Zoning Enforcement Officer to the Chairperson of the Village Planning Board along with all necessary supporting information and documentation.

**D. CITING ZONING VIOLATIONS AND ISSUING APPEARANCE TICKETS**

1. For any plans, construction, building, use of premise found in violation of this Local Law, the Zoning Enforcement Officer shall order the responsible party, in writing, to remedy the violation(s). He shall have the authority to commence proceedings to punish violations pursuant to Section 108 of Article I of this Local Law.
2. The Zoning Enforcement Officer may enter any premise or building during reasonable hours in the course of his duties in accordance with State Law after due written notice has been given.

3. The Zoning Enforcement Officer shall be authorized and empowered to issue appearance tickets pursuant to the New York State Criminal Procedure Law.

**E. REPORT TO VILLAGE BOARD OF TRUSTEES**

The Zoning Enforcement Officer will provide a monthly report to the Village Board of Trustees describing and enumerating actions taken and permits issued shall be given.

**F. PUBLIC RECORD**

1. The Zoning Enforcement Officer shall file all permit actions with the Village Clerk.
2. The Zoning Enforcement Officer shall maintain a current list and a map depicting the location of non-conforming uses to determine if discontinuance or destruction, or change in use or vacancy has taken place.
3. The Zoning Enforcement Officer shall maintain a current list and a map depicting the locations of variances and special use permits to use to determine compliance with the conditions and safeguards placed on variances and special use permits.
4. When a special use permit is required, the Zoning Enforcement Officer shall not issue a zoning permit unless and until the Village Planning Board approves the special use permit and provides the Zoning Enforcement Officer with a written directive to issue such zoning permit. Any special conditions imposed by the Village Planning Board on the special use permit approved shall be enumerate on the zoning permit.
5. When a variance is required, the Zoning Enforcement Officer shall not issue a zoning permit unless and until the Zoning Board of Appeals approves the variance or variances and provides the Zoning Enforcement Officer with a written directive to issue such zoning permit. Any specific conditions imposed by the Zoning Board of Appeals on the variance(s) granted shall be enumerated on the zoning permit.

**SECTION 802 THE VILLAGE PLANNING BOARD**

**A. APPOINTMENT OF VILLAGE PLANNING BOARD**

The Village Board of Trustees authorizes the creation of a five (5) member Village Planning Board pursuant to Section 7-718 of the New York State Village Law. The members of the Village Planning Board shall be appointed by the Mayor, subject to the approval of the Village Board of Trustees, for terms of five (5) years. Terms of all Village Planning Board members shall be staggered as required by law. The Mayor shall also appoint the Chairperson of the Village Planning Board, subject to the approval of the Village Board of Trustees, or on failure to do so, the Village Planning Board shall elect a chairperson from its own members.

Two (2) alternate members of the Village Planning Board shall be appointed by the Mayor, subject to the approval of the Board of Trustees, for terms of five (5) years. All provisions of State Law relating to Village Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of any local law or ordinance relating to training, continuing education, compensation and attendance shall also apply to the alternate members of the Village Planning Board.

The Chairperson of the Village Planning Board may designate one or more alternative members of the Village Planning Board to serve when necessary, and only so long as necessary, to obtain or maintain a quorum of such Board. Such designation and its expiration shall be entered into the minutes of the Village Planning Board. When so designated, the alternate member of the Village Planning Board shall possess all the powers and responsibilities of a member of such Board.

#### **B. VILLAGE PLANNING BOARD RULES, EXPENSES AND TRAINING**

1. The Village Planning Board may adopt rules or bylaws for its operations, and may amend such rules and bylaws from time to time as deemed appropriate and necessary by the Village Planning Board.
2. The Village Board of Trustees shall provide an appropriation to the Village Planning Board to cover necessary expenses including the means for the Village Planning Board to maintain a written record of its meetings and public hearings.
3. The Village Board of Trustees may require Village Planning Board members to complete training and continuing education courses in accordance with any local requirements for the training of such members and may reimburse Village Planning Board members for appropriate expenses incurred in obtaining such training or continuing education.

#### **C. DUTIES OF THE VILLAGE PLANNING BOARD**

1. To prepare, review and/or recommend revisions to the comprehensive plan for the development of the Village as provided under Section 7-722 of New York State Village Law and/or Village Board of Trustees Resolution.
2. To review and comment on all proposed zoning amendments after before referral to the County Planning Board
3. To conduct Site Plan Review as authorized by Section 7-725-a of New York State Village Law and prescribed in Article X of this Local Law.
4. To review and grant or deny Special Use Permits as authorized by Section 7-725-b of the New York State Village Law and prescribed in Article IX of this Local Law.
5. To review and approve the subdivision of parcels as authorized by Sections 7-728, 7-730, 7-732 and 7-738 of the New York State Village Law.
6. To render assistance to the Village Zoning Board of Appeals at its request.

7. To research and report on any matter referred to it by the Village Board of Trustees.
8. To make investigations, maps, reports, and recommendations in any matter related to Planning and Development as it seems desirable providing expenditures of the Village Planning Board do not exceed the budget appropriations for the Village Planning Board.
9. All such powers and duties as are conferred upon the Village Planning Board and subject to the limitations set forth in Sections 7-718, 7-722, 7-725-a, 7-725-b, 7-728, 7-730, 7-738 and 7-739 of the New York State Village Law, as the same may be amended, modified, or changed from time to time, or any sections subsequently adopted pertaining to Village Planning Boards.

#### **D. VILLAGE PLANNING BOARD MEETINGS**

1. The Village Planning Board shall hold regularly scheduled monthly meetings provided there are meeting agenda items for Board consideration and the Board may hold special meetings, from time to time as needed, at the call of the Chairperson or at the request of three (3) or more members.
2. The presence of three (3) members of the Board shall constitute a quorum which shall be necessary to act on any application for a special use permit, site plan review and to decide upon any other matter brought before the Board, unless otherwise stipulated in this Local Law.
3. All votes of the Village Planning Board shall be taken by roll call. Village Planning Board decisions on matters not referred to the County Planning Board shall be by simple majority vote (three) of the full membership. On a matter referred to the County Planning Board, voting shall be in accord with Section 804 of this Article.
4. In accordance with Section 74.2 of the Public Officers Law, a member of the Village Planning Board having a conflict of interest shall abstain from any discussion or voting on that matter.
5. The Village Planning Board may request and obtain any advice or opinions on the law relating to any matter before the Board from the Village Attorney, and require the Village Attorney to attend its meetings.
6. The Village Planning Board may require the Zoning Enforcement Officer to attend its meetings to present any facts relating to any matter before the Board.
7. All meetings of the Village Planning Board shall be open to the public.
8. The Village Planning Board shall make a factual record of all its proceedings including: public hearings, deliberations, voting and decisions. The factual record shall be taken by the secretary to the Board.

**C. COUNTY PLANNING BOARD REPRESENTATIVES**

The Village Board of Trustees shall nominate a member of the Village Planning Board or the Zoning Enforcement Officer to serve on the County Planning Board when vacancies occur. Appointment to the County Planning Board is made by the County Legislature.

**SECTION 803 ZONING BOARD OF APPEALS**

**A. APPOINTMENT OF ZONING BOARD OF APPEALS**

The Village Board of Trustees authorizes the appointment of a five (5) member Zoning Board of Appeals pursuant to Section 7-712 of New York State Village Law. The members of the Zoning Board of Appeals shall be appointed by the Mayor, subject to the approval of the Village Board of Trustees, for terms of five (5) years. Terms of all Zoning Board of Appeals members shall be staggered as required by law. The Mayor shall also appoint the chairperson of the Zoning Board of Appeals, subject to the approval of the Village Board of Trustees, or on failure to do so, the Zoning Board of Appeals shall elect a chairperson from its own members.

Two (2) alternate members of the Zoning Board of Appeals shall be appointed by the Mayor, subject to the approval of the Village Board of Trustees, for terms of five (5) years. All provisions of State Law relating to Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility in office and service on other boards, as well as any provisions of any local law or ordinance relating to training, continuing education, compensation and attendance shall also apply to the alternate members of the Zoning Board of Appeals.

The Chairperson of the Zoning Board of Appeals may designate an alternate member of the Zoning Board of Appeals to serve when necessary, and only so long as necessary, to obtain or maintain a quorum of such Board. Such designation and its expiration shall be entered into the minutes of the Zoning Board of Appeals. When so designated, the alternate member of the Zoning Board of Appeals shall possess all the powers and responsibilities of a member of such Board.

**B. RULES, EXPENSES AND TRAINING**

1. The Zoning Board of Appeals may adopt rules or bylaws for its operations, and may amend such rules and bylaws from time to time as deemed appropriate and necessary by the Village Planning Board.
2. The Village Board of Trustees shall provide an appropriation to the Zoning Board of Appeals to cover necessary expenses including the means for the Zoning Board of Appeals to maintain a written record of its meetings and public hearings.
3. The Village Board of Trustees may require Zoning Board of Appeals members to complete training and continuing education courses in accordance with any local requirements for the training of such members and may reimburse Zoning Board of Appeals members for appropriate expenses incurred in obtaining such training or continuing education.

**C. AUTHORITY AND DUTIES OF THE ZONING BOARD OF APPEALS**

The jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the Zoning Enforcement Officer. Zoning Board of Appeals shall decide any question involving the interpretation of such provisions as more fully described in this subdivision.

**1. REVERSING OR AFFIRMING ORDERS, REQUIREMENTS, DECISIONS, INTERPRETATIONS AND DETERMINATIONS**

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, interpretation, or determination appealed from, and shall make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the Zoning Enforcement Officer and to that end shall have all the powers of the Zoning Enforcement Officer.

**2. GRANTING AREA OR DIMENSIONAL VARIANCES**

- a. The Zoning Board of Appeals shall have the power, on appeal from a decision or determination of the Zoning Enforcement Officer, to grant area variances as defined herein. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider:
  - (i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

- (ii) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - (iii) whether the requested area variance is substantial;
  - (iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and,
  - (vi) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- b. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health safety and welfare of the community.
  - c. The Zoning Board of Appeals shall, in the granting of an area variance, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and/or the period of time such variance shall be in effect. Such condition shall be consistent with the spirit and intent of the Zoning Local Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

### 3. GRANTING USE VARIANCES

- a. The Zoning Board of Appeals, on appeal from the decision or determination of the Zoning Enforcement Officer, shall have the power to grant use variances as defined herein.
- b. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that:
  - (i) under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
  - (ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

- (iii) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - (iv) that the alleged hardship has not been self-created.
- c. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
  - d. The Zoning Board of Appeals shall, in the granting of a use variance, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and/or the period of time such variance shall be in effect. Such condition shall be consistent with the spirit and intent of the Zoning Regulations contained in this Local Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

#### **H. PROCEDURES FOR PROCESSING ZONING APPEAL**

- 1. All appeals shall be in writing on forms established by the Zoning Board of Appeals and which shall be available from the Zoning Enforcement Officer.
- 2. Every appeal shall refer to the specific provision of the Zoning Local Law involved and establish the details of why the order, requirement, decision, interpretation and/or determination of the Zoning Enforcement Officer should be reversed or why a variance should be granted and shall address the considerations described in Subdivision C.3 of this Section if the appeal is for a variance.
- 3. Upon receipt of the completed appeal form, the Zoning Board of Appeals shall:
  - a. Schedule a public hearing.
  - b. Arrange for publication of notice of the public hearing as described in Subdivision I of this Section.
  - c. Refer the application to the County Planning Board in accord with Section 239-m of the New York State General Municipal Law, if required
  - d. Determine whether a draft Environmental Impact Statement should be required.
- 4. Within sixty-two (62) days of the public hearing, the Zoning Board of Appeals shall render a decision. If the matter was referred to the County Planning Board, a copy of the Zoning Board of Appeals findings and decision shall be sent to the County Planning Board.

**I. PUBLIC HEARING AND ZONING BOARD OF APPEALS DECISION**

1. Public hearings shall be scheduled within sixty-two (62) days from the date that the Zoning Board of Appeals receives the appeal. Any such appeal shall be deemed received when the appeal is first presented at a duly called meeting of the Zoning Board of Appeals. Notice of the public hearing shall be published in the official newspaper of the Village at least five (5) days prior to the hearing. Such notice shall briefly describe the nature of the appeal and the time and place of the hearing.
2. A copy of the public notice may be sent to adjacent property owners within the Village, but failure to send such notice shall not affect the jurisdiction of the Zoning Board of Appeals or the legality of the decision of the Zoning Board of Appeals.
3. Public records shall be taken by stenographic and/or tape recorder means and shall be transcribed accurately into a narrative form which may or may not be a verbatim transcript.

**J. ZONING BOARD OF APPEALS MEETINGS**

1. The Zoning Board of Appeals shall hold regularly scheduled monthly meetings provided there are meeting agenda items for Board consideration and the Board may hold special meetings, from time to time as needed, at the call of the Chairperson or at the request of three (3) or more members.
2. The presence of three (3) members shall constitute a quorum for the conduct of business before the Zoning Board of Appeals.
3. The presence of three (3) members of the Board shall be necessary to act on the application for any variance or to decide upon any other matter brought before the Board, unless otherwise stipulated in this Local Law.
4. All votes of the Zoning Board of Appeals shall be taken by roll call. Zoning Board of Appeals decisions on matters not referred to the County Planning Board shall be by simple majority vote (three) of the full membership. On a matter referred to the County Planning Board, voting shall be in accord with Section 804 of this Article.
5. In accordance with Section 908 of the General Municipal Law, a member of the Zoning Board of Appeals having a conflict of interest shall abstain from any discussion or voting on that matter.
6. The Zoning Board of Appeals may request and obtain any advice or opinions on the law relating to any matter before the Board from the Village Attorney, and require the Village Attorney to attend its meetings.
7. The Zoning Board of Appeals may require the Zoning Enforcement Officer to attend its meetings to present any facts relating to any matter before the Board.

8. All meetings of the Zoning Board of Appeals shall be open to the public.
9. The Zoning Board of Appeals shall make a factual record of all its proceedings including the reading of the cases, public hearings, deliberations, voting and decisions. These factual records shall be taken by stenographic and/or tape recorder means and shall be accurately transcribed into a narrative form, but not necessarily a verbatim transcript. The factual record shall be taken by the secretary to the Board.

#### **SECTION 804 REQUIRED REFERRALS TO THE COUNTY PLANNING BOARD**

The Zoning Enabling Laws require that any of the following local zoning actions must be referred to the County Planning Board prior to action by any local board. Any proposal for a Special Use Permit, variance, site plan approval, change in the zoning law text or map (rezoning or amending the zoning law) which would affect real property that is within a distance of 500 feet from the boundary of:

- any county
- any town.
- any village.
- any existing or proposed county or state park.
- any right-of-way of any county or state road or parkway,
- any stream or canal owned by the county.
- any existing or proposed county or state owned land on which a public building or institution is situated

must be referred to the County Planning Board which shall have thirty (30) days from the date the County Planning Board receives such referral to take action on the matter. By mutual agreement of the county and the municipality such thirty (30) day period may be extended in special cases.

**A. EFFECT OF COUNTY PLANNING BOARD REVIEW**

1. If the County Planning Board recommends the approval of a matter referred to it, the local board's decision is governed by a simple majority vote.
2. If the County Planning Board recommends disapproval or approval subject to stated conditions or modifications, the local board may override the county opinion only by a majority plus one vote.

**B. REPORT ON FINAL LOCAL ACTION**

Within thirty (30) days following a local board's final decision on a matter referred to the County Planning Board, the local board shall provide a copy of its final decision and reasons for such decision to the County Planning Board.

**ARTICLE IX SPECIAL USE PERMITS AND PROCEDURES**

**SECTION 900 PURPOSE**

It is the intent of this Local Law to use Special Use Permits to control the impact of certain uses upon areas where they will be incompatible unless conditioned in a manner suitable to a particular location. Special Use Permits bring needed flexibility and individuality to the otherwise rigid controls of zoning regulations.

**SECTION 901 ADMINISTRATION**

The Village Planning Board will administer the review and granting of Special Use Permits.

**SECTION 902 PROCEDURE**

**A. FILING OF SPECIAL USE PERMIT APPLICATION**

1. Applications for a Special Use Permit shall be filed with the Zoning Enforcement Officer. All applications shall be signed by the legal owner of the premises for which the Special Use Permit is sought.
2. Each application for a Special User Permit shall be accompanied by a proposed site plan depicting the information required for site plan approval as described in Article X of this Local Law. Any application for a special use permit or site plan approval for property within an agricultural district containing a farm operation or for property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an Agricultural Data Statement.
3. The Zoning Enforcement Officer shall refer the completed Special Use Permit application to the Village Planning Board within ten (10) days after receiving a completed application. The Zoning Enforcement Officer shall concurrently transmit a copy of the complete application and supporting documents to the County Planning Board for review when required under Article 12-B, 239-m of the General Municipal Law. The information required by an Agricultural Data Statement may be included as part of any other application form required by local law, ordinance or regulation.
4. No application shall be deemed complete if the Zoning Enforcement Officer shall determine that a variance would be required from the Zoning Board of Appeals in connection with the proposed use of the premises. The Zoning Enforcement Officer shall notify the applicant of the need for such variance.

**B. PUBLIC HEARING AND NOTIFICATION**

1. Prior to taking action on an application for a special use permit, the Village Planning Board shall conduct a public hearing. Such hearing shall be conducted within sixty-two (62) days following the receipt of a complete application and supporting documents from the Zoning Enforcement Officer. Any such

application shall be deemed received when the completed application is first presented at a duly called Village Planning Board meeting.

2. The Village Planning Board shall publish a notice of the public hearing in the official newspaper, one of general circulation in the Village at least ten (10) days prior to the date of the public hearing. Such notice shall include sufficient information so as to identify the property involved and the nature of the proposed action. The Village Planning Board shall also mail a notice of the public hearing to the applicant and to the owners of property adjoining the subject property and, if required under Article 12-B, 239-m of the General Municipal Law, to the County Planning Board at least ten (10) days prior to the public hearing.
3. If an Agricultural Data Statement is required for the subject project, the Village Planning Board shall mail, via registered mail, written notice of such application to the owners of land as identified by the applicant in the Agricultural Data Statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice will be borne by the applicant. An Agricultural Data Statement shall include:
  - a. the name and address of the applicant
  - b. a description of the proposed project and its location,
  - c. the agricultural district which land contains farm operations and is located within 500 feet of the boundary upon which the project is proposed; and
  - d. a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the Agricultural Data Statement.

### **C. SPECIAL USE PERMIT DECISION**

1. The Village Planning Board may approve a Special User Permit for uses described in Article VII of this Local Law provided all requirements and conditions set forth in such Article are complied with.
2. The Village Planning Board shall render its decision, either approving, approving with conditions, or denying, within sixty-two (62) days after the hearing unless the time period is extended by the mutual consent of the Village Planning Board and the applicant. The Village Planning Board, however, shall not approve a special use permit until the site plan for the project has first been approved in accord with Article X. If the application is required to be referred to the County Planning Board under Article 12-B, 239-m of the General Municipal Law, the Village Planning Board shall not act within the first thirty (30) days following the referral

to the County Planning Board unless the County Planning Board provides a written reply to the Village Planning Board within the thirty (30) day period.

**SECTION 903 FINDINGS**

- A. The Village Planning Board shall make a written factual record and findings of all its proceedings involving the granting of a Special Use Permit. Compliance with the requirements of Article VII shall be substantiated:
- B. The Village Planning Board shall make written findings for each special use permit decision. Findings shall state the reasoning behind, the basis for, and the evidence relied upon to reach the decision.

The following considerations shall apply to all special use permit applications:

- 1. Ingress and egress to the property and proposed structures thereon, with particular reference to vehicular and pedestrian safety, and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - 2. Off-street parking and loading areas where required, and the noise, glare or odor effects of the special use permit use on adjoining properties, and properties generally in the district, and the economic impact of the proposed Special Use Permit use.
  - 3. Refuse and service areas.
  - 4. Utilities as appropriate, with reference to locations, availability and compatibility.
  - 5. Storm drainage, including potential impact on downstream properties.
  - 6. Screening and buffering, with reference to type, dimensions and character.
  - 7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
  - 8. Required yards and other open space.
  - 9. General compatibility with adjacent properties and other properties in the zone district.
  - 10. The Agricultural Data Statement, if any, shall be evaluated and considered as to the possible impacts of the special use on the agricultural district.
- C. The Village Planning Board may impose any additional conditions and requirements on the Special Use Permit it deems necessary to conform to the goals and objectives of the Village’s Comprehensive Plan and its principles of land use and development, and to protect the health, safety and general welfare of the public. Such conditions and

requirements shall be clearly documented in the findings and reflected on the approved Special Use Permit.

**SECTION 904 SPECIAL USE PERMIT APPROVAL / DISAPPROVAL**

- A. If an application for a Special User Permit is approved by the Village Planning Board, the Board shall furnish the Zoning Enforcement Officer with a copy of the approving resolution with written direction to issue the applicant a zoning permit in accord with the conditions of the special use permit.

If any Special Use Permit issued under this Local Law shall remain unexercised for a period of one (1) year from the date of issuance or if any use permitted by a Special Use Permit shall be discontinued for a period of one (1) year, such permit shall be deemed revoked and the use shall not be commenced or continued until another new application shall have been made to the Village Planning Board therefore and approved.

- B. If an application is disapproved by the Village Planning Board, the reasons for such denial shall be set forth in the Village Planning Board resolution and ca copy of such resolution shall be furnished to the Zoning Enforcement Officer with written direction to deny the zoning permit and to provide the applicant with a copy of the Village Planning Board resolution.

**SECTION 905 MAINTENANCE OF SPECIAL USE PERMIT CONDITIONS**

- A. The Zoning Enforcement Officer may inspect the premises of a use authorized and approved with a Special Use Permit annually. The inspection shall determine that the use is being operated consistent with the terms and conditions established by the Village Planning Board in approving the permit.
- B. If the Zoning Enforcement Officer shall determine that the use is not being operated in compliance with the permit, the Zoning Enforcement Officer shall find the owner or operator of the use in violation of the Zoning Local Law and shall issue a notice of violation to the owner or operator. If such violation is not corrected within sixty (60) days of issuance the notice of violation, the Special Use Permit shall become null and void, and the owner or operator shall cease use of the property until such time as a new Special Use Permit application is submitted and approved in accord with the provisions of this Article.

## **ARTICLE X: SITE PLAN REVIEW**

### **SECTION 1000 PURPOSE**

The intent of this Article is to set forth additional general standards applying to certain uses and activities. The nature of these uses and activities require special consideration of their impacts upon surrounding properties, the environment, community character and the ability of the Village own to accommodate development consistent with the objectives of this Local Law.

### **SECTION 1001 APPLICABILITY**

Site plan review shall be required for all applications for zoning permits, zoning variances, or special use permits, except those for single family and two family dwellings, for any additions thereto and for permitted accessory uses for single family and two-family dwellings unless located within a Historical Preservation District or a Planned Residential Development District in which case site plan review shall be required. No zoning permit shall be issued until all the requirements of this Article and all other applicable provisions of this Local Law have been met.

### **SECTION 1002 APPLICATION PROCEDURE**

- A. Applications for site plan review shall be in writing, shall be accompanied by a site plan, and shall be filed with the Zoning Enforcement Officer who shall refer such application and site plan to the Village Planning Board. The Zoning Enforcement Officer shall concurrently transmit a copy of the application and site plan to the County Planning Board for review when required under Article 12-B, 239-m of the General Municipal Law. The applicant should attend the Village Planning Board meeting to answer questions concerning the application.
- B. Within sixty-two (62) days of receipt of the complete application and site plan, the Village Planning Board shall render a decision to approve, approve with conditions, or deny, and shall forward the decisions to the Zoning Enforcement Officer unless the time period is extended by the mutual consent of the Village Planning Board and the applicant. Said sixty-two (62) day time period shall commence at the time the complete application and site plan are first presented at a duly called Village Planning Board meeting. If the application is required to be referred to the County Planning Board in accord with Article 12-B, 239-m of the General Municipal Law, the Village Planning Board shall not act within the first thirty (30) days following the referral to the County Planning Board unless the County Planning Board provides a written reply within the thirty (30) days. If the Village Planning Board fails to act within said sixty-two (62) day period or extension that has been granted, the site plan shall be considered approved.
- C. Agricultural Data Statement
  1. Site plan review applications for any project that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred (500) feet of a farm operation located within an agricultural

district, shall be accompanied by an Agricultural Data Statement prepared by the applicant.

2. The Village Planning Board shall evaluate and consider the Agricultural Data Statement in its review of the possible impacts of the project on the agricultural district.
  3. Upon the receipt of such application by the Village Planning Board, the secretary of such board shall send written notice of such application via certified mail to the owners of land identified by the applicant in the Agricultural Data Statements. The cost of mailing the notice shall be borne by the applicant.
  4. The Agricultural Data Statement shall include the following information: the name and address of the applicant, a description of the proposed project and its location, the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred (500) feet of the boundary of the property upon which the project is proposed, and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the data statement.
- D. The Village Planning Board is hereby authorized to waive any of the requirements in this Article for Site Plan Review, if it finds that such requirements are not needed to protect public health, safety or general welfare, or are inappropriate to the particular site plan.
- E. A full written record of the Village Planning Board minutes and decisions together with all documents pertaining to the case shall be filed in the Office of the Zoning Enforcement Officers and a copy shall be mailed to the applicant.

### **SECTION 1003      PRE-APPLICATION CONFERENCE**

A pre-application conference may be held between the Village Planning Board and applicant to review the basic site design concept and generally determine the information to be required on the site plan.

### **SECTION 1004      APPLICATION FOR SITE PLAN APPROVAL**

An application for site plan approval shall be made in writing to the Zoning Enforcement Officer and shall be accompanied by information drawn from the following checklist. The Village Planning Board may require additional information, if necessary, to complete its review.

#### **A.    PLAN CHECKLIST FOR ALL SITE PLANS:**

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
2. North arrow, scale and date

3. Boundaries of the property plotted to scale.
4. Existing watercourse and bodies of water.
5. Location of any slopes of five degrees (5°) or greater.
6. Existing surface drainage patterns, proposed grading and proposed drainage patterns and the location of any proposed storm sewer drains. .
7. Location, proposed use and height of all buildings and site improvements including culverts, drains, retaining walls and fences.
8. Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.
9. Location of outdoor storage, if any.
10. Description of the method of sewage disposal and location of the facilities.
11. Identification of water source: if well, locate.
12. Location, size and design and construction materials of all proposed signs.
13. Location and proposed development of all buffer areas, including existing vegetation cover.
14. Location and design of outdoor lighting facilities
15. General landscaping plan.

**B. ADDITIONAL REQUIREMENTS FOR MANUFACTURED HOME PARKS**

1. Layout of the park showing the area and dimensions of the tract of land, the proposed location, size and arrangement of all manufactured home lots, i.e., both the lots that are to be developed immediately and all lots that are to be developed in the future when the park is fully development. Each lot shall be separately numbered for identification purposes.
2. The location and size of all service and accessory structures and buildings.
3. The location of ingress/egress accessways, internal streets and driveways.
4. The location of proposed water and sanitary sewer lines
5. Surface drainage patterns and the location of any proposed storm sewers
6. The location of proposed water lines, sanitary sewers

**C. AS NECESSARY, THE VILLAGE PLANNING BOARD MAY REQUIRE THE FOLLOWING:**

1. Provision for pedestrian access, if necessary.
2. Location of fire lanes and hydrants.
3. Designation of the amount of building area proposed for retail sales or similar commercial activity.
4. Other elements integral to the proposed development as considered necessary by the Village Planning Board.

**SECTION 1005 PLANNING BOARD REVIEW OF SITE PLAN**

The Planning Board's review of the site plan shall include, as appropriate, the following:

**A. GENERAL CONSIDERATIONS**

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.  
  
Including the maximum feasible redesign of private roads to conform to public access and rights of way.
2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Location, arrangement, size and design and general site compatibility of buildings, lighting and signs.
5. Adequacy of storm-water and drainage facilities.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation.
8. In the case of apartment complex or to other multiple dwelling, the adequacy of useable open space for play areas and informal recreation.

9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances.
10. Protection of solar access on adjacent or neighboring properties.
11. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
12. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding flooding and or erosion.
13. Special attention to the productive use and access with "backlot" areas, indicating present and future intended uses
14. Consistency with the general intent of the Village's comprehensive Master Planning Process.

## **B. CONSULTANT REVIEW**

The Planning Board may consult with the Zoning Enforcement Officer, Village building inspector, fire commissioners, highway departments, county planning department, other local county officials, in addition to representatives of federal and state agencies including, but not limited to, the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation, and with private architects and engineers. All consultant review costs shall be paid by the applicant.

## **C. PUBLIC HEARING**

The Village Planning Board may conduct a public hearing of the site plan if a public hearing is considered desirable by a majority of the Village Planning Board. A public hearing shall be conducted within sixty-two (62) days of the receipt of the application. The Village Planning Board shall mail a notice of the public hearing to the applicant at least ten (10) days prior to the date of the public hearing and shall give public notice in the official newspaper of the Village at least five (5) days prior to the date of the public hearing. Any such application shall be deemed received when the complete application and site plan are first presented at a duly called Village Planning Board meeting. If referral of the application to the County Planning Board is required in accord with Article 12-B, 239-m of the General Municipal Law, a copy of the hearing notice shall also be mailed to the County Planning Board at least ten (10) days prior to the date of such public hearing. Decisions shall be rendered within sixty-two (62) days following the public hearing.

**Village of Lyndonville - Dimensional Requirements Table**  
**AR Agricultural-Residential District Dimensions**  
 Adopted September 8, 2003

Zoning District	Permitted Uses	Minimum Setback Requirements (Feet)											Maximum Bldg. Height (Feet)	Maximum Bldg. Coverage	Minimum Green Space	
		Minimum Lot Size		Principal Building			Detached Garage / Carport for Residential Uses		Other Accessory Bldgs.							
		Acres (Sq. Ft.)	Width (Feet)	Front	Rear	Side (a) (b)	Rear	Side	Rear	Side						
A-R Agricultural / Residential	* Permitted by Special Use Only															
	Farms	5 Acres	300 ft.	75 ft.	75 ft.	50 ft.	25 ft.	25 ft.	75 ft.	50 ft.	35 ft.	15%	70%			
	Single-family dwellings	12,000 sq. ft.	90 ft.	35 ft.	25 ft.	12 ft.	10 ft.	10 ft.	5 ft.	5 ft.	35 ft.	40%	50%			
	Private Schools/Preschools	2 acres	250 ft.	50 ft.	40 ft.	50 ft.			5 ft.	5 ft.	35 ft.	50%	30%			
	* Accessory Apartments	See Special Use Permit regulations for dimensional requirements														
	* Commercial nurseries and greenhouses	3 acres	200 ft.	75 ft.	50 ft.	50 ft.			5 ft.	5 ft.	35 ft.	50%	30%			
	* Cluster Residential Development	See Special Use Permit regulations for dimensional requirements														
	* Senior Citizen Independent/Assisted-Living Apartments	3,500 sq. ft. per dwelling (not more than 12.5 dwelling units per acre)	100 ft.	50 ft.	50 ft.	20 ft.	10 ft.	10 ft.	5 ft.	5 ft.	35 ft.	30%	50%			
	* Convalescent and Nursing Homes	1 Acre	150 ft.	50 ft.	30 ft.	30 ft.			5 ft.	5 ft.	35 ft.	40%	40%			
	* Libraries and Museums	1 Acre	150 ft.	35 ft.	25 ft.	20 ft.			5 ft.	5 ft.	35 ft.	30%	25%			
	* Medical clinics/ medical laboratories	29,040 sq. ft.	100 ft.	50 ft.	30 ft.	30 ft.			5 ft.	5 ft.	35 ft.	30%	40%			
	* Child and Adult Day Care Centers	14,520 sq. ft.	100 ft.	35 ft.	20 ft.	20 ft.			5 ft.	5 ft.	35 ft.	30%	40%			
	* Places of worship	32,670 sq. ft.	150 ft.	30 ft.	30 ft.	30 ft.			5 ft.	5 ft.	50 ft.	30%	25%			
	* Veterinarian offices with indoor facilities only	21,750 sq. ft.	90 ft.	25 ft.	25 ft.	25 ft.			25 ft.	25 ft.	35 ft.	30%	50%			
	* Cemeteries	See Special Use Permit regulations for dimensional requirements														
	* Riding stables	See Special Use Permit regulations for dimensional requirements														
	* Essential Services	See Special Use Permit regulations for dimensional requirements														

(a) Pre-existing nonconforming residential lots with or without residences:

If the lot width is less than ninety (90) feet then the minimum side yard set back shall be modified proportionately using the ratio of the actual lot width to the required minimum lot width without the need for an area variance provided that one side yard shall not have a width of less than six (6) feet and the other side yard a width of not less than twelve (12) feet.

(b) Corner lots shall have a side yard along the street sides of not less than twelve (12) feet.

(c) Accessory structures located in a side yard shall comply with the setback requirements of the principal building.

**Village of Lyndonville - Dimensional Requirements Table**  
**R-1 Single-Family Residential District Dimensions**  
 Adopted September 8, 2003

Zoning District	Permitted Uses	Minimum Setback Requirements (Feet)											Maximum Bldg. Height (Feet)	Maximum Bldg. Coverage on Lot (%)	Minimum Green Space	
		Minimum Lot Size		Principal Building			Detached Garage / Carport for Residential Uses		Other Accessory Bldgs.							
		Acres (Sq. Ft.)	Width (Feet)	Front	Rear	Side (a) (b)	Rear	Side	Rear	Side						
R-1 Residential	* Permitted by Special Use Only															
	Single-family dwellings	12,000 sq. ft. (c)	90 ft.	35 ft.	25 ft.	12 ft.	10 ft.	10 ft.	5 ft.	5 ft.	35 ft.	40%	50%			
	Private schools/ pre-schools	2 acres	250 ft.	50 ft.	50 ft.	50 ft.			5 ft.	5 ft.	35 ft.	50%	25%			
	* Accessory Apartments	See Special Use Permit regulations for dimensional requirements														
	* Cluster Residential Development	See Special Use Permit regulations for dimensional requirements														
	* Senior Citizen Independent/Assisted-Living Apartments	3,500 sq. ft. per dwelling (not more than 12.5 dwelling units per acre)	100 ft.	50 ft.	50 ft.	20 ft.	10 ft.	10 ft.	5 ft.	5 ft.	35 ft.	30%	50%			
	* Places of worship	32,670 sq. ft.	150 ft.	30 ft.	30 ft.	30 ft.			5 ft.	5 ft.	50 ft.	30%	25%			
	* Cemeteries	See Special Use Permit regulations for dimensional requirements														
	* Libraries and museums	See Special Use Permit regulations for dimensional requirements														
	* Essential services	See Special Use Permit regulations for dimensional requirements														

- (a) Pre-existing nonconforming residential lots with or without residences:  
 If the lot width is less than ninety (90) feet then the minimum side yard set back shall be modified proportionately using the ratio of the actual lot width to the required minimum lot width without the need for an area variance provided that one side yard shall not have a width of less than six (6) feet and the other side yard a width of not less than twelve (12) feet
- (b) Corner lots shall have a side yard along the street sides of not less than twelve (12) feet.
- (c) Accessory structures located in a side yard shall comply with the setback requirements of the principal building.

**Village of Lyndonville - Dimensional Requirements Table**  
**CBD Central Business District Dimensions**  
 Adopted September 8, 2003

Zoning District	Permitted Uses	Minimum Setback Requirements (Feet)											
		Minimum Lot Size		Principal Building			Other Accessory Bldgs.		Maximum Bldg. Height (Feet)	Maximum Bldg. Coverage on Lot	Minimum Green Space		
		Acres (Sq. Ft.)	Width (Feet)	Front	Rear (a)	Side (a)	Rear	Side (f)					
Central Business District	All permitted non-residential uses identified in the CBD District regulations	None	None	None	None	None			None	None	35 ft.	85%	None
	* Pinball and video arcades	None	None	None	None	None			None	None	35 ft.	85%	None
	* Gasoline stations with or without a convenience store	None	None	30 ft.	None	None			None	None	35 ft.	85%	None
	* Sale or rental of automobiles, trucks or boats	21,760 sq. ft.	None	None	None	None			None	None	35 ft.	65%	None
	* Sale or rental of motorcycles, snowmobiles and all-terrain vehicles	None	None	None	None	None			None	None	35 ft.	85%	None
	* Motor vehicle repair or servicing	None	None	None	None	None			None	None	35 ft.	85%	None
	* Drive-in businesses	None	None	None	None	None			None	None	35 ft.	85%	None
	* Essential Services	See Special Use Permit regulations for dimensional requirements											

(a) Business uses abutting a residential district shall have a set back of no less than ten (10) feet from the residential district.

## Village of Lyndonville - Dimensional Requirements Table

### GB General Business District Dimensions Adopted September 8, 2003

Zoning District	Permitted Uses	Minimum Setback Requirements (Feet)											Minimum Green Space	
		Minimum Lot Size		Principal Building			Detached Garage / Carport for Residential Uses		Other Accessory Bldgs.		Maximum Bldg. Height (Feet)	Maximum Bldg. Coverage on Lot		
		Acres (Sq. Ft.)	Width (Feet)	Front	Rear	Side (a) (b)	Rear	Side	Rear	Side				
	* Permitted by Special Use Only													
General Business	Pre-Existing single-family, two family and multiple-family dwellings (c)	12,000 sq. ft.	90 ft.	15 ft.	25 ft.	12 ft.		10 ft.	10 ft.	5 ft.	5 ft.	35 ft.	40%	50%
	Retail and wholesale stores and shops	12,000 sq. ft.	90 ft.	15 ft.	15 ft.	12 ft.				5 ft.	5 ft.	35 ft.	40%	50%
	Personal and professional service businesses and offices	12,000 sq. ft.	90 ft.	15 ft.	15 ft.	12 ft.				5 ft.	5 ft.	35 ft.	40%	50%
	Financial / Insurance / real estate businesses and offices	12,000 sq. ft.	90 ft.	15 ft.	15 ft.	12 ft.				5 ft.	5 ft.	35 ft.	40%	50%
	Physician / Dentist/Chiropractor offices	12,000 sq. ft.	90 ft.	15 ft.	15 ft.	12 ft.				5 ft.	5 ft.	35 ft.	40%	50%
	Hotels and motels	32,670 sq. ft.	200 ft.	15 ft.	20 ft.	20 ft.				5 ft.	5 ft.	35 ft.	30%	25%
	Theaters/Dance Halls/Assembly Halls	21,780 sq. ft.	150 ft.	15 ft.	20 ft.	20 ft.				5 ft.	5 ft.	35 ft.	30%	25%
	Exercise/health clubs/martial arts and gymnastic studios	12,000 sq. ft.	90 ft.	15 ft.	20 ft.	12 ft.				5 ft.	5 ft.	35 ft.	40%	50%
	Indoor recreation businesses	21,780 sq. ft.	150 ft.	15 ft.	20 ft.	20 ft.				5 ft.	5 ft.	35 ft.	30%	25%
	Restaurants/cafes/laverns/coffee shops	12,500 sq. ft.	90 ft.	15 ft.	20 ft.	12 ft.				5 ft.	5 ft.	35 ft.	40%	50%
	Funeral Homes	32,670 sq. ft.	150 ft.	15 ft.	25 ft.	20 ft.				5 ft.	5 ft.	35 ft.	30%	25%
	Medical Clinics/Medical laboratories	21,780 sq. ft.	150 ft.	15 ft.	20 ft.	20 ft.				5 ft.	5 ft.	35 ft.	30%	25%
	Veterinarian offices with indoor facilities only	21,780 sq. ft.	150 ft.	15 ft.	25 ft.	20 ft.				5 ft.	5 ft.	35 ft.	30%	25%
	Bus stations/Tax Stations	3,500 sq. ft.	60 ft.	15 ft.	15 ft.	12 ft.				5 ft.	5 ft.	35 ft.	50%	25%
	Government Office or service buildings	21,780 sq. ft.	90 ft.	15 ft.	20 ft.	12 ft. each								
	Private schools/preschools	2 acres	200 ft.	15 ft.	50 ft.	50 ft.				5 ft.	5 ft.	35 ft.	50%	25%
	Libraries and museums	21,780 sq. ft.	150 ft.	15 ft.	25 ft.	20 ft.				5 ft.	5 ft.	35 ft.	30%	25%
	Fire Halls / ambulance buildings	21,780 sq. ft.	150 ft.	15 ft.	25 ft.	20 ft.				5 ft.	5 ft.	35 ft.	30%	25%
	Places of worship	21,780 sq. ft.	150 ft.	15 ft.	25 ft.	20 ft.				5 ft.	5 ft.	35 ft.	30%	25%
	Civic and social clubs/ membership clubs and lodges	21,780 sq. ft.	120 ft.	15 ft.	20 ft.	20 ft.				5 ft.	5 ft.	35 ft.	30%	25%
Hospitals	4 acres	300 ft.	15 ft.	50 ft.	50 ft.				5 ft.	5 ft.	70 ft.	40%	25%	
Convalescent and nursing homes	2 acres	200 ft.	15 ft.	20 ft.	20 ft.				5 ft.	5 ft.	35 ft.	30%	40%	

(a) Pre-existing nonconforming residential lots with or without residences:

If the lot width is less than ninety (90) feet then the minimum side yard set back shall be modified proportionately using the ratio of the actual lot width to the required minimum lot width without the need for an area variance provided that one side yard shall not have a width of less than six (6) feet and the other side yard a width of not less than twelve (12) feet

(b) Corner lots shall have a side yard along the street sides of not less than twelve (12) feet.

(c) No new residential dwellings may be constructed. Existing single-family and two-family dwellings may be enlarged. Single-family dwellings may be converted to two-family dwellings, but no single-family or two family dwellings may be converted to multiple-family dwellings.

(d) Business uses abutting a residential district shall have a set back of no less than ten (10) feet from the residential district.

Village of Lyndonville - Dimensional Requirements Table

GB General Business District Dimensions (continued)

Adopted September 8, 2003

		Minimum Setback Requirements (Feet)												
Zoning District	Permitted Uses	Minimum Lot Size		Principal Building			Detached Garage / Carport for Residential Uses		Other Accessory Bldgs.		Maximum Bldg. Height (Feet)	Maximum Bldg. Coverage	Minimum Green Space	
		Acres (Sq. Ft.)	Width (Feet)	Front	Rear	Side (a) (b)	Rear	Side	Rear	Side				
General Business	* Permitted by Special Use Only													
	Sales of motorized, recreational vehicles, trailer campers and boats	32,670 sq. ft.	130 ft.	15 ft.	20 ft.	25 ft.			5 ft.	5 ft.	35 ft.	30%	25%	
	Sales of motor cycles, all terrain vehicles, snow mobiles,	14,520 sq. ft.	90 ft.	15 ft.	20 ft.	25 ft.			5 ft.	5 ft.	35 ft.	30%	25%	
	* Child and Adult Day Care Centers	14,520 sq. ft.	100 ft.	15 ft.	20 ft.	20 ft. each			5 ft.	5 ft.	35 ft.	30%	40%	
	* Gasoline Stations	14,520 sq. ft.	100 ft.	30 ft.	20 ft.	20 ft. each			5 ft.	5 ft.	35 ft.	40%	20%	
	* Outdoor recreational businesses	See Special Permit Use regulations for dimensional requirements												
	* Pinball and video arcades	12,500 sq. ft.	90 ft.	15 ft.	20 ft.	12 ft. each			5 ft.	5 ft.	35 ft.	40%	35%	
	* Drive-in businesses	29,040 sq. ft.	100 ft.	25 ft.	20 ft.	12 ft. each			5 ft.	5 ft.	35 ft.	40%	15%	
* Essential Services	See Special Permit Use regulations for dimensional requirements													

(a) Pre-existing nonconforming residential lots with or without residences:

If the lot width is less than ninety (90) feet then the minimum side yard set back shall be modified proportionately using the ratio of the actual lot width to the required minimum lot width without the need for an area variance provided that one side yard shall not have a width of less than six (6) feet and the other side yard a width of not less than twelve (12) feet.

(b) Corner lots shall have a side yard along the street sides of not less than twelve (12) feet.

(c) No new residential dwellings may be constructed. Existing single-family and two-family dwellings may be enlarged. Single-family dwellings may be converted to two-family dwellings, but no single-family or two family dwellings may be converted to multiple-family dwellings.

(d) Business uses abutting a residential district shall have a set back of no less than ten (10) feet from the residential district.

**Village of Lyndonville - Dimensional Requirements Table**  
**LI Light Industrial District Dimensions**  
 Adopted September 8, 2003

Zoning District	Permitted Uses	Minimum Setback Requirements (Feet)											
		Minimum Lot Size		Principal Building			Accessory Building		Maximum Bldg. Height (Feet)	Maximum Bldg. Coverage on Lot (%)	Minimum Green Space		
		Acres (Sq. Ft.)	Width (Feet)	Front	Rear	Side	Rear	Side					
Light Industrial	* Permitted by Special Use Only All permitted light industrial uses as identified in the Light Industrial District regulations	1 Acre	200 ft.	75 ft.	20 ft.	30 ft. each			20 ft.	30 ft.	35 ft.	40%	25%
	* Essential Services	See Special Use Permit regulations for dimensional requirements.											
	* Adult Entertainment	See Adult Entertainment regulations for dimensional requirements.											
	* Telecommunications towers	See Special Use Permit regulations for dimensional requirements.											

(a) Industrial uses abutting a residential district shall have a 30 ft. set back from the residential district.