

Village of Attica

Zoning Code Update Adopted March 15, 2016

OUTLINE:

- PART 1 INTRODUCTORY PROVISIONS
- PART 2 BASE ZONING DISTRICTS
- PART 3 OVERLAY ZONING DISTRICTS
- PART 4 SPECIFIED USES
- PART 5 DEVELOPMENT STANDARDS
- PART 6 REVIEW AND APPROVAL PROCEDURES
- PART 7 GENERAL TERMS

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PART 1 | INTRODUCTORY PROVISIONS

Article 10 | Legal Framework 2

- 10.1 Title
- 10.2 Effective Date
- 10.3 Authority
- 10.4 Applicability
- 10.5 Purposes
- 10.6 Minimum Requirements; Compliance with other Applicable Regulations
- 10.7 Conflicting Provisions
- 10.8 Severability

Article 11 | General Rules of Language and Interpretation 4

- 11.1 Meaning and Intent
- 11.2 Tenses and Usage
- 11.3 Conjunctions
- 11.4 Fractions
- 11.5 Headings and Illustrations
- 11.6 Current Versions and Citations
- 11.7 Lists and Examples
- 11.8 Delegation of Authority
- 11.9 Public Officials and Agencies
- 11.10 Commentaries

Article 12 | Zoning Map 6

- 12.1 Establishment
- 12.2 Maintenance and Updates
- 12.3 District Boundaries
- 12.4 Interpretations of District Boundaries

Article 13 | Transitional Provisions 8

- 13.1 Applications Submitted Before (Effective Date)
- 13.2 Permits Issued Before (Effective Date)
- 13.3 Violations Continue
- 13.4 Nonconformities

Article 10 | LEGAL FRAMEWORK

62-10.1 TITLE

This chapter shall be known and cited as the "Consolidated Zoning Ordinance of the Village of Attica." For convenience, it is referred to throughout this chapter as the "zoning ordinance" or "zoning code."

62-10.2 EFFECTIVE DATE

The provisions of this zoning ordinance become effective on March 15, 2016, except as otherwise expressly stated.

62-10.3 AUTHORITY

This zoning ordinance is adopted pursuant to the powers granted and limitations imposed by legislation of the State of New York.

62-10.4 APPLICABILITY

The regulations of this zoning ordinance apply to all development, public or private, within the corporate limits of the Village of Attica unless otherwise expressly stated in this zoning ordinance.

62-10.5 PURPOSES

There is hereby established a new comprehensive Zoning Ordinance for the Village of Attica, which is set forth in the text, tables, illustrations and map that constitute this chapter. The Zoning Ordinance is adopted to promote and protect the public health, safety and general welfare and provide for solar access. The Zoning Ordinance is also a tool to implement the goals and objectives of the Village of Attica Comprehensive Plan, which aim to achieve the following:

- A. Encourage land use patterns that protect and enhance the unique character of the Village.
- B. Provide a wide variety of quality living environments and housing opportunities for all residents, regardless of age or income.
- C. Improve the Village economy by promoting new and expanded industrial and commercial enterprises, retaining existing enterprises and redeveloping existing facilities in order to further diversify the economic base and to provide for increased employment on a permanent basis.
- D. Maintain and enhance the Village's existing transportation network in order to move people and goods both efficiently and safely.
- E. Promote a "pedestrian-friendly" atmosphere throughout the Village.
- F. Maintain, enhance, and develop Village infrastructure to ensure an adequate level of service to Village residents in the most efficient manner.
- G. Preserve and enhance open space and environmental resources that protect the cultural, scenic, and natural environments of the Village.
- H. Enrich the lives of all citizens to provide an increased quality of life.

62-10.6 MINIMUM REQUIREMENTS; COMPLIANCE WITH OTHER APPLICABLE REGULATIONS

- A. The provisions of this zoning ordinance are the minimum requirements deemed necessary to carry out the zoning ordinance's stated purpose and intent.
- B. In addition to the requirements of the zoning ordinance, all uses and development must comply with all other applicable village, state, and federal regulations.
- C. All references in the zoning ordinance to other village, state, or federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for villages to enforce state or federal regulations.

62-10.7 CONFLICTING PROVISIONS

- A. Conflict with State or Federal Regulations. If the provisions of this zoning ordinance are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.
- B. Conflict with other Village Regulations. If the provisions of this zoning ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the village, the more restrictive provision will control. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.
- C. Conflict with Private Agreements and Covenants. This zoning ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning ordinance impose a greater restriction than imposed by a private agreement, the provisions of this zoning ordinance will control. If the provisions of a valid, enforceable private agreement impose a greater restriction than this zoning ordinance, the provisions of the private agreement will control. The Village does not enforce or maintain a record of private agreements.

62-10.8 SEVERABILITY

If any portion of this zoning ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning ordinance, and in no way affects the validity of the remainder of the zoning ordinance.

Article 11 | GENERAL RULES OF LANGUAGE AND INTERPRETATION

62-11.1 MEANING AND INTENT

The language of the zoning ordinance must be read literally. Regulations are no more or less strict than stated. Words defined in Article 70 (General Terms) have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined in Article 70 have the meaning given in the latest edition of *Merriam-Webster's Unabridged Dictionary*.

62-11.2 TENSES AND USAGE

- A. Words used in the singular include the plural. The reverse is also true.
- B. Words used in the present tense include the future tense. The reverse is also true.
- C. The words "must," "will," "shall" and "may not" are mandatory.
- D. The word "may" is permissive, and "should" is advisory, not mandatory or required.
- E. When used with numbers, "up to X," "not more than X" and "a maximum of X" all include X.
- F. The words "building" or "structure" include the whole or any part thereof.

62-11.3 CONJUNCTIONS

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- A. "And" indicates that all connected items or provisions apply; and
- B. "Or" indicates that the connected items or provisions may apply singularly or in combination.

62-11.4 FRACTIONS

The following rules apply to fractional number unless otherwise expressly stated.

- A. Minimum Requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. For example, if a minimum requirement calling for one (1) tree to be provided for every thirty (30) linear feet of frontage is applied to a fifty (50) foot dimension, the resulting fraction of 1.67 is rounded up to two (2) required trees.
- B. Maximum Limits. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one (1) dwelling unit for every 5,000 square feet is applied to a 12,500 square foot lot, the resulting fraction of 2.5 is rounded down to two (2) permitted dwelling units.

62-11.5 HEADINGS AND ILLUSTRATIONS

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any heading, drawing, table, figure, or illustration, the text controls.

62-11.6 CURRENT VERSIONS AND CITATIONS

All references to other village, county, state, or federal regulations in the zoning ordinance refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the

referenced regulations have been repealed and not replaced by other regulations, zoning ordinance requirements for compliance are no longer in effect.

62-11.7 LISTS AND EXAMPLES

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

62-11.8 DELEGATION OF AUTHORITY

Whenever a provision appears requiring the head of a department or another officer or employee of the Village to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning ordinance expressly prohibit such a delegation.

62-11.9 PUBLIC OFFICIALS AND AGENCIES

All employees, public officials, bodies, and agencies to which references are made are those of the Village of Attica unless otherwise expressly stated.

62-11 .10 COMMENTARIES

Commentaries are sometimes included in the zoning ordinance as a means of clarifying certain provisions or providing supplemental information. Text marked as “Commentary” has no regulatory effect. It is intended solely as a guide for administrative officials and the public. Commentaries may be added to the zoning ordinance by the Village Office without the need for a formal ordinance amendment.

Commentaries: When commentaries appear they will appear in this manner.

Article 12 | ZONING MAP

62-12.1 ESTABLISHMENT

The location and boundaries of the zoning districts established by this zoning ordinance are shown on a zoning map maintained by the Village Office and County Planning Office. The Village Office, with help from the County, will be responsible for keeping the zoning map up-to-date. The official zoning map— together with all notations, references, data and other information shown on the map— is adopted and incorporated into this zoning ordinance. It is as much a part of this zoning ordinance as if actually depicted within its pages.

62.12.2 MAINTENANCE AND UPDATES

The Village Office is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezonings). No unauthorized person may alter or modify the official zoning map. The Village Office may authorize printed copies of the official zoning map to be produced, and must maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

62.12.3 DISTRICT BOUNDARIES

When the ordinance establishing a zoning boundary identifies the boundary as following a particular feature, or reflects a clear intent that the boundary follows the feature, the boundary will be construed as following that feature as it actually exists. The official zoning map must note any such relationship between a zoning boundary and other mapped feature on the zoning map when entering the zoning boundary.

62.12.4 INTERPRETATIONS OF DISTRICT BOUNDARIES

Where any uncertainty exists about a zoning boundary, the actual location of the boundary will be determined by the Zoning Board of Appeals using the following rules of interpretation:

- A. A boundary shown on the zoning map as approximately following a river, stream, lake or other watercourse will be construed as following the actual centerline of the watercourse. If, subsequent to the establishment of the boundary, the centerline of the watercourse should move as a result of natural processes (flooding, erosion, sedimentation, etc.), the boundary will be construed as moving with the centerline of the watercourse.
- B. A boundary shown on the zoning map as approximately following a ridge line or topographic contour line will be construed as following the actual ridge line or contour line. If, subsequent to the establishment of the boundary, the ridge line or contour line should move as a result of natural processes (erosion, slippage, subsidence, etc.), the boundary will be construed as moving with the ridge line or contour line.
- C. A boundary shown on the zoning map as approximately following a lot line or parcel boundary will be construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was established.
- D. A boundary shown on the zoning map as approximately following a street or railroad line will be construed as following the centerline of the street or railroad right-of-way.
- E. A boundary shown on the zoning map as approximately following the boundary of an adjacent municipality will be construed as following that boundary.

- F. A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as being actually parallel to, or an extension of, the feature.

Article 13 | TRANSITIONAL PROVISIONS

62-13.1 APPLICATIONS SUBMITTED BEFORE MARCH 15, 2016

Development applications that were submitted in complete form and are pending approval before March 15, 2016, may be reviewed wholly under the terms of the zoning ordinance in effect immediately before March 15, 2016, or they may be reviewed wholly under the terms of this zoning ordinance. Whether such review takes place under the provisions of the previous zoning ordinance or under this zoning ordinance is applicant's option. The applicant's decision about which ordinance applies, once submitted, may not be changed. All development applications submitted on or after March 15, 2016, will be reviewed wholly under the terms of this zoning ordinance.

62-13.2 PERMITS ISSUED BEFORE MARCH 15, 2016

Any building, development or structure for which a building permit was issued before March 15, 2016, may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the building, development or structure must be constructed, completed and occupied only in strict compliance with the standards of this zoning ordinance.

62-13.3 VIOLATIONS CONTINUE

Any violation of the previous zoning ordinance will continue to be a violation under this zoning ordinance and be subject to penalties and enforcement under Village Law. If the use, development, construction or other activity that was a violation under the previous ordinance complies with the express terms of this zoning ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in Section 13.1. The adoption of this zoning ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous ordinance that occurred before the effective date specified in Section 13.1.

62-13.4 NONCONFORMITIES

Any nonconformity under the previous zoning ordinance will also be nonconformity under this zoning ordinance, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this zoning ordinance, or any subsequent amendment to it, then the situation will no longer be considered a nonconformity. A situation that did not constitute a nonconforming situation under the previously adopted zoning ordinance does not achieve nonconforming status under this zoning ordinance merely by repeal of the previous zoning ordinance.

PART 2 | BASE ZONING DISTRICTS

Article 20 | Residential Districts..... 2

- 20.1 Districts Established
- 20.2 Purpose Statements
- 20.3 Permitted and Specially Permitted Uses
- 20.4 Lot, Area, and Yard Requirements
- 20.5 Bulk Requirements
- 20.6 Additional Requirements

Article 21 | Commercial Districts..... 6

- 21.1 Districts Established
- 21.2 Purpose Statements
- 21.3 Permitted and Specially Permitted Uses
- 21.4 Lot, Area, and Yard Requirements
- 21.5 Bulk Requirements
- 21.6 Additional Requirements

Article 22 | Industrial Districts..... 10

- 22.1 Districts Established
- 22.2 Purpose Statement
- 22.3 Permitted and Specially Permitted Uses
- 22.4 Lot, Area, and Yard Requirements
- 22.5 Bulk Requirements
- 22.6 Additional Requirements

ARTICLE 20 | RESIDENTIAL DISTRICTS

62-20.1 Residential Districts Established

- A. The residential districts are listed below. When this zoning ordinance refers to residential or “R” zoning districts it is referring to one of the following:

Table 20-1: Residential Districts

District Name	Map Symbol
A. Low Density Residential	LDR
B. Medium Density Residential	MDR
C. Multi-Family Residential	MFR

- B. The residential district names and map symbols are intended to provide a general indication of what is allowed in the district by denoting the residential densities (low, medium or multi-family).

62-20.2 Residential District Purpose Statements

- A. Low Density Residential. The purpose of the Low Density Residential District is to support the goals and policies contained in the Comprehensive Plan while permitting the construction of single family dwelling units on small lots. The intended pattern of development in this district shall extend the village setting, with sidewalks, street lighting, and street trees. In areas where there are established neighborhoods, the intent of this district is to preserve the traditional village settlement pattern which generally consists of detached homes, unobstructed front yards and pedestrian-scaled streetscapes.
- B. Medium Density Residential. The purpose of the Medium Density Residential (MDR) District is to support the goals and policies contained in the Comprehensive Plan while permitting the construction of single and two family dwelling units on the smallest lots permitted in the Village. The intended pattern of development in this district shall maintain or create a village setting, with sidewalks, street lighting, street trees and garages located at the side or rear portions of the lots. In areas where there are established neighborhoods, the intent of this district is to preserve the traditional village settlement pattern which generally consists of owner-occupied, single family, detached homes unobstructed front yards and pedestrian-scaled streetscapes.
- C. Multi-Family Residential. The purpose of the Multi-Family Residential (MFR) District is to provide the broadest range of residential living opportunities within the Village and to support the goals and objectives contained in the Comprehensive Plan. These neighborhoods may contain a mix of single or two family homes as well as higher density developments such as apartments or townhouses. Developments in this District shall employ techniques to minimize negative impacts (including circulation, parking, glare, noise, etc.) on existing residential areas and neighboring properties.

62-20.3 Residential Uses

Uses are allowed in residential or “R” zoning districts in accordance with Table 20-2.

- A. Uses identified with a “P” in Table 20-2 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this zoning ordinance.
- B. Uses identified with a “SP” in Table 20-2 may be allowed if reviewed and approved in accordance with the special permit procedures contained in Article 65.
- C. Uses not listed and those identified with a “-” are expressly prohibited.

Table 20-2: Permitted and Specially Permitted Uses

Land Use	Zoning District		
	MFR	MDR	LDR

A. Residential

1 - Single family detached homes	P	P	P
2 - Single family attached residences	P	P	SP
3 - Two family residences	P	SP	-
4 - Multi-family residences	P	-	-
5 - Group-care facilities	SP	-	-
6 - Boarding house/rooming houses	SP	-	-
7 - Accessory uses	P	P	P
8 - Home occupations	P	P	P

B. Institutional

1 - Educational institutions	P	SP	SP
2 - Church or religious institutions	P	P	P
3 - Public utilities	SP	-	-
4 - Public or municipal uses	P	SP	SP
5 - Telecommunications facilities	SP	SP	SP

C. Commercial

1 - Day care centers (youth or adult)	SP	-	-
2 - Nursery schools	SP	-	-
3 - Private clubs	SP	-	-
4 - Parks, playgrounds, outdoor	SP	SP	SP
5 - Cemeteries	SP	SP	SP

NOTES: "P" = Permitted; "SP" = Specially Permitted; "-" = Prohibited

62-20.4 Residential Lot, Area, and Yard Requirements

The following lot, area, and setback requirements shall apply to the residential districts within the Village.

Table 20-3: Residential Lot, Area, and Setback

Land Use	Zoning District		
	MFR	MDR	LDR

A. Minimum Lot Size ⁽¹⁾

Single family detached	7,000 sf	7,000 sf	10,000 sf
Single family attached	2,500	3,000	3,500
Two family	2,500	3,000	NA
Multi-family	2,500	NA	NA
Non-residential uses	4,000 sf	7,000 sf	10,000 sf

B. Minimum Lot

Single family detached	40 ft	40 ft	60 ft
Single family attached	25 ft/du	25 ft/du	35 ft/du
Two family	25 ft/du	25 ft/du	NA
Multi-family	25 ft/du	NA	NA
Non-residential uses	40 ft	60 ft	80 ft

C. Minimum Front Setback ⁽³⁾

Single family detached	20 ft	20 ft	40 ft
Single family attached	20 ft	20 ft	40 ft
Two-family	20 ft	20 ft	NA
Multi-family	30 ft	NA	NA
Non-residential uses	35 ft	25 ft	50 ft

D. Minimum Side Setback ⁽³⁾

Single family detached	5 ft	5 ft	5 ft
Single family attached	5 ft	5 ft	5 ft
Two-family	5 ft	5 ft	NA
Multi-family	10 ft	NA	NA
Non-residential uses	20 ft	20 ft	20 ft
All accessory uses	5 ft	5 ft	5 ft

E. Minimum Rear Setback ⁽³⁾

Single family detached	5 ft	5 ft	5 ft
Single family attached	5 ft	5 ft	5 ft
Two-family	5 ft	5 ft	NA
Multi-family	20 ft	NA	NA
Non-residential uses	10 ft	20 ft	20 ft
All accessory uses	5 ft	5 ft	5 ft

NOTES:

- (1) Or the most common lot size on the block in which the lot is located.
- (2) Or the most common lot width on the block in which it is located.
- (3) Or the most common setback on the block in which the lot is located.

62-20.5 Residential Bulk Requirements

The following bulk requirements shall apply to the residential districts within the Village.

Table 20-4: Residential Bulk Requirements

Land Use	Zoning District		
	MFR	MDR	LDR

A. Maximum Building Height

Single family detached	35 ft	35 ft	35 ft
Single family attached	35 ft	35 ft	35 ft
Two-family	35 ft	35 ft	NA
Multi-family	45 ft	NA	NA
Non-Residential Uses	45 ft	35 ft	35 ft
All accessory uses	20 ft	20 ft	20 ft

B. Maximum Building Coverage

Single family detached	50%	40%	35%
Single family attached	50%	40%	35%
Two-family	50%	40%	NA
Multi-family	50%	NA	NA
Non-Residential Uses	40%	30%	25%

62-20.6 Additional Requirements

The applicable Specified Use Requirements (Part 4) and Development Standards (Part 5) in this Chapter shall apply to all uses in the MFR, MDR, and LDR Districts.

ARTICLE 21 | COMMERCIAL DISTRICTS

62-21.1 Commercial Districts Established

- A. The commercial districts are listed below. When this zoning ordinance refers to commercial, central business, office, or "C" zoning districts it is referring to one of the following:

Table 21-1: Commercial Districts

District Name	Map Symbol
A. Village Center	VC
B. Neighborhood Commercial	NC
C. General Commercial	GC

- B. The district names and map symbols are intended to provide a general indication of what is allowed in the district by denoting the commercial or office orientation of the district.

62-21.2 Commercial District Purpose Statements

- A. Village Center. The purpose of the Village Center Commercial District is to foster a concentration of small-scale, mixed use activity and to support the goals and objectives contained in the Comprehensive Plan. The VC District is established to maintain and enhance the traditional mix of retail, office, civic and residential uses within the core of the Village. Development in this District should reinforce compact, pedestrian-oriented development and preservation of traditional historic character.
- B. Neighborhood Commercial. The purpose of the Neighborhood Commercial District is to encourage smaller-scaled commercial development, compatible with the scale and intensity of adjacent residential and non-commercial sites, and to support the goals and objectives contained in the Comprehensive Plan. This District allows for limited commercial operations offering convenience shopping and services for adjacent residential areas.
- C. General Commercial. The purpose of the General Commercial District is to encourage commercial development and to support the goals and objectives contained in the Comprehensive Plan. The GC District is established to provide areas for intensive commercial activities that primarily depend upon a large volume of vehicular traffic and serve the daily shopping needs of the community-at-large and surrounding areas. This District encourages the application of site design and buffering techniques to mitigate the impacts of commercial operations and traffic on adjacent uses and the traveling public.

62-21.3 Commercial Uses

Uses are allowed in commercial and office zoning districts in accordance with Table 21-2.

- A. Uses identified with a "P" in Table 21-2 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this zoning ordinance.
- B. Uses identified with a "SP" in Table 21-2 may be allowed if reviewed and approved in accordance with the special permit procedures contained in Article 65.
- C. Uses not listed and those identified with a "-" are expressly prohibited.

Table 21-2: Permitted and Specially Permitted Uses

Land Use	Zoning District		
	VC	NC	GC
A. Commercial			
1 - Professional, medical or dental office	P	P	P
2 - Dance, art, or music studio	P	P	P
3 - Bank or financial institution	P	P	P
4 - Retail or personal service store or shop	P	P	P
5 - Shopping center	SP	-	P
6 - Veterinary clinic	P	SP	P
7 - Kennel	-	-	SP
8 - Mortuary or funeral home	SP	SP	P
9 - Laundromat or dry cleaning outlet	P	P	P
10 - Dry cleaning facility	-	-	P
11 - Drinking establishment or tavern	P	SP	P
12 - Fast-food restaurant (without drive through)	P	-	P
13 - Sit-down restaurant	P	SP	P
14 - Take-out restaurant	P	SP	P
15 - Dance hall, theater, private club	P	SP	P
16 - Bowling alley	P	-	P
17 - Indoor recreation facility	SP	-	P
18 - Outdoor recreation facility	-	-	SP
19 - Adult uses	-	-	SP
20 - Lodging	P	P	P
21 - Conference/meeting center	SP	-	P
22 - Gasoline station	-	SP	SP
23 - Car wash	-	-	SP
24 - Auto sales or rental	SP	-	SP
25 - Auto repair establishment	-	-	SP
26 - Motor vehicle parking lot	P	SP	P
27 - Outdoor sales or display	SP	-	P
28 - Stand alone drive through establishments	-	-	P
29 - Drive through in conjunction with a permitted use	SP	-	P
30 - Mix of permitted uses	P	SP	P
B. Institutional			
1 - Educational institution	SP	SP	P
2 - Nursery school	P	P	P
3 - Church or religious institution	P	P	P
4 - Hospital or health care facility	-	-	SP
5 - Public utility	P	P	P
6 - Public or municipal use	SP	SP	P
7 - Telecommunications facilities	SP	-	SP
C. Residential			
1 - Single family dwelling	-	P	-
2 - Apartment over commercial	P	P	P
3 - Multifamily dwelling	P	P	P
4 - Boarding or rooming house	P	-	-
5 - Group-care facility	-	-	SP

NOTES: "P" = Permitted; "SP" = Specially Permitted; "-" = Prohibited

62-21.4 Commercial Lot, Area, and Yard Requirements

The following lot, area, and setback requirements shall apply to the commercial districts within the Village.

Table 21-3: Commercial Lot, Area, and Setback Requirements

Land Use	District		
	VC	NC	GC
A. Minimum Lot Size			
1. Residential Uses	SPR	7,000 sf	15,000 sf
2. Non-Residential Use	SPR	7,000 sf	15,000 sf
B. Minimum Lot Width			
1. Residential Uses	SPR	40 ft	60 ft
2. Non-Residential Use	SPR	50 ft	80 ft
C. Minimum Front Setback			
1. Residential Uses	0 ft	20 ft ⁽¹⁾	30 ft
2. Non-Residential Uses	0 ft	20 ft ⁽¹⁾	30 ft
D. Maximum Front Setback			
1. Residential Uses	5 ft	NA	NA
2. Non-Residential Uses	5 ft	NA	NA
E. Minimum Side Setback			
1. Residential Uses (principal use or structure) ⁽¹⁾	SPR	5 / 10 ft	10 ft
2. Residential Uses (accessory use or structure)	SPR	10 ft	10 ft
3. Non-Residential Uses (principal use or structure) ⁽²⁾	SPR	5 / 15 ft	20 / 30 ft
4. Non-Residential Uses (accessory use or structure)	SPR	10 ft	10 ft
F. Minimum Rear Setback			
1. Residential Uses (principal use or structure) ⁽¹⁾	SPR	20 ft	20 / 40 ft
2. Residential Uses (accessory use or structure)	SPR	10 ft	10 ft
3. Non-Residential Uses (principal use or structure) ⁽²⁾	SPR	20 ft	20 / 40 ft
4. Non-Residential Uses (accessory use or structure)	SPR	10 ft	10 ft

NOTES

- (1) The first number represents the required setback if the lot is located adjacent to a commercially zoned property or use. The second number is the required setback if the lot is adjacent to a residential property.
- (2) The first number represents the required setback if the lot is located adjacent to a commercially zoned property or use. The second number is the required setback if the lot is adjacent to a residential property.
- (3) SPR indicates that these requirements will be determined through the Site Plan Review process.

62-21.5 Commercial Bulk Requirements

The following bulk requirements shall apply to the commercial districts within the Village.

Table 21-4: Commercial Bulk Requirements

Land Use	District		
	VC	NC	GC
A. Maximum Building Height			
1. Residential Uses (principal use or structure)	65 ft	30 ft	50 ft
2. Residential Uses (accessory use or structure)	15 ft	15 ft	15 ft
3. Non-Residential Uses (principal use or structure)	65 ft	30 ft	50 ft
4. Non-Residential Uses (accessory use or structure)	20 ft	20 ft	20 ft
B. Maximum Building Coverage			
1. Residential Uses	90%	50%	40%
2. Non-Residential Uses	90%	50%	40%
C. Maximum Building Footprint			
1. Residential Uses (principal use or structure)	NA	NA	NA
2. Residential Uses (accessory use or structure)	NA	NA	NA
3. Non-Residential Uses (principal use or structure)	NA	8,000 sf	NA
4. Non-Residential Uses (accessory use or structure)	NA	1,000 sf	NA

62-21.6 Additional Requirements

The applicable Specified Use Requirements (Part 4) and Development Standards (Part 5) in this Chapter shall apply to all uses in the VC, NC, and GC Districts.

ARTICLE 22 | INDUSTRIAL DISTRICTS

62-22.1 Industrial Districts Established

- A. The industrial district is listed below. When this zoning ordinance refers to industrial, manufacturing, or "M" zoning districts it is referring to the following:

Table 22-1: Industrial District

District Name	Map Symbol
A. Industrial	M

- B. The district name and map symbol are intended to provide a general indication of what is allowed in the district, with the "M" denoting the industrial or manufacturing uses.

62-22.2 Industrial District Purpose Statement

The purpose of the Industrial District is to encourage a wide range of industrial, manufacturing, and distribution activities in order to support the goals and objectives contained in the Comprehensive Plan. Developments in this District shall employ techniques to minimize negative impacts (including traffic, parking, glare, noise, dust, etc.) on adjacent non-industrial uses, especially established residential districts and environmentally sensitive areas. New residential uses are not permitted in this district.

62-22.3 Industrial Uses

Uses are allowed in the industrial zoning district in accordance with Table 22-2.

- A. Uses identified with a "P" in Table 22-2 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this zoning ordinance.
- B. Uses identified with a "SP" in Table 22-2 may be allowed if reviewed and approved in accordance with the special permit procedures contained in Article 65.
- C. Uses not listed and those identified with a "-" are expressly prohibited.

Table 22-2: Permitted and Specially Permitted Uses

Land Use	Zoning District
	M

A. Industrial

1 - Lumberyard	SP
2 - Warehousing and enclosed storage	P
3 - Food processing, baking, and packaging plants	P
4 - Enclosed assembly of previously manufactured goods and services	P
5 - Contractor's and building material storage yard	SP
6 - Printing and publishing of books and newspapers	P
7 - Enclosed research, development, experimental or testing lab	P
8 - Laundries and dry-cleaning plants	SP
9 - Extractive and mining operations	-
10 - Enclosed processing of raw materials	SP
11 - Transportation and freight terminal facilities	SP
12 - Enclosed fabric and clothing production facilities	P
13 - Outdoor operations and storage	SP
14 - Self-service storage facility	P
15 - Manufacturing (not including handling of waste products)	P
16 - Manufacturing – waste products or materials	SP
17 - Junkyard	SP

B. Commercial

1 - Wholesale trade	P
2 - Bulk sales and rental	SP
3 - Enclosed motor vehicle repair	P
4 - Motor vehicle sales or rental establishments	SP
5 - Motor vehicle parking lot or garage	P
6 - Kennel	SP
7 - Indoor and outdoor recreation and entertainment venues	SP
8 - Outdoor sales, display, or storage	SP

C. Institutional

1 - Public utility	P
2 - Public or municipal use	P
3 - Telecommunications facilities	SP

NOTES: "P" = Permitted; "SP" = Specially Permitted; "-" = Prohibited

62-22.4 Industrial Lot, Area, and Yard Requirements

The following lot, area, and setback requirements shall apply to the industrial district within the Village.

Table 22-3: Permitted Lot, Area, and Yard Requirements

Land Use	District
	M
A. Minimum Lot Size	10,000 sf
B. Minimum Lot Width	100 ft
C. Minimum Front Setback ⁽¹⁾	20 ft
D. Minimum Side Setback ⁽²⁾	
1. Principal use or structure	10 / 25 ft
2. Accessory use or structure	10 ft
E. Minimum Rear Setback ⁽²⁾	
1. Principal use or structure	20 / 40 ft
2. Accessory use or structure	20 ft

NOTES

- (1) Or average of front setbacks on the two (2) adjacent lots; whichever is less.
- (2) The first number represents the required setback if the lot is located adjacent to a commercially zoned property. The second number is the required setback if the lot is adjacent to a residential property.

62-22.5 Industrial Bulk Requirements

The following bulk requirements shall apply to the industrial district within the Village.

Table 22-4: Industrial Bulk Requirements

Land Use	District
	M
A. Maximum Building Height	
1. Principal use or structure	65 ft
2. Accessory use or structure	25 ft
B. Maximum Building Coverage	60%

62-22.6 Additional Requirements

The applicable Specified Use Requirements (Part 4) and Development Standards (Part 5) in this Chapter shall apply to all uses in the Industrial District.

PART 3 | OVERLAY AND SPECIAL PURPOSE DISTRICTS

Article 30 | Limited Commercial Overlay District 2

- 30.1 Purpose
- 30.2 Permitted and Specially Permitted Uses
- 30.3 Lot, Area, and Bulk Requirements

Article 31 | Institutional District 3

- 31.1 Purpose
- 31.2 Permitted Uses
- 31.3 Specially Permitted Uses
- 31.4 Lot, Area, and Bulk Requirements

Article 30 | LIMITED COMMERCIAL OVERLAY (LCO) DISTRICT

62-30.1 PURPOSE

The Limited Commercial Overlay District protects and enhances the existing residential neighborhoods in close proximity to commercial activity centers and along major thoroughfares. The existing activity level and traffic volumes in these areas provide an environment suitable for certain small-scale commercial uses that can exist in close proximity to neighborhoods without adversely affecting the residential environment. The LCO District permits mixed residential and limited small-scale, non-retail type uses on properties that are large enough to accommodate sufficient off-street parking and screening requirements. The preservation and rehabilitation of sound residential structures while accommodating increased use options is the primary function of the district. The LCO District is to be overlaid upon the existing residential zoning district.

62-30.2 PERMITTED AND SPECIALLY PERMITTED USES

- A. The following uses and structures are permitted in the LCO District in existing structures only. The initial conversion is subject to site plan approval:
1. Permitted uses allowed in the underlying district.
 2. Commercial uses when limited to the following:
 - a. Professional offices.
 - b. Medical or dental offices.
 - c. Personal service establishments.
 - d. Bed and breakfast operations.
- B. The following uses are allowed as specially permitted uses in the LCO District in existing structures only. The initial conversion is subject to site plan approval:
1. Specially permitted uses allowed in the underlying district.

62-30.3 LOT, AREA, AND BULK REQUIREMENTS

- A. The lot, area and yard requirements of the LCO District shall conform to the underlying district.
- B. The building requirements of the LCO District shall conform to the underlying district.

Article 31 | INSTITUTIONAL (I) DISTRICT

62-31.1 PURPOSE

The purpose of the Institutional District is to accommodate activities relating to state and local governmental entities and semi-public institutions that provide necessary public services and support the goals and objectives contained in the Comprehensive Plan. Development in the I District should be designed in such a manner to complement the compact, pedestrian-oriented character of the Village.

62-31.2 PERMITTED USES

- A. Passive recreational facilities, including parks, squares, greens, sitting areas and picnic areas.
- B. Cemeteries, including associated facilities, such as mausoleums, columbaria, crematories and chapels.
- C. Indoor recreational facilities.
- D. Educational or cultural institution.
- E. Hospital or health care facility.

62-31.3 SPECIALLY PERMITTED USES

- A. Jails, prisons or correctional facilities.
- B. Active recreational facilities such as trails, ball fields, soccer fields and the like.
- C. Band shells and outdoor theaters, not including drive-in theaters.
- D. Commercial facilities incidental to the operation of public recreational uses, such as refreshment stands, small concessionaire shops dispensing sporting goods, miniature golf and similar amusement and recreational facilities.
- E. Golf courses, including par-three courses and driving ranges.
- F. Lighting of all outdoor recreational activity areas for nighttime use.
- G. Zoos.
- H. Public utilities.
- I. Public or municipal uses.
- J. Telecommunications facilities.
- K. Parking lots of ten (10) or more spaces.

62-31.4 LOT, AREA, AND BULK REQUIREMENTS

- A. The nature of the permitted and specially permitted uses allowed in this district requires a high degree of flexibility in siting and operating public facilities. The lot, area and bulk requirements for all uses shall be determined by the Village Planning Board through Site Plan Review on a case-by-case basis. The Planning Board shall take into consideration the type and intensity of the proposed use, adjacent uses and zoning, environmental issues, site design, and/or type and construction of buildings.

PART 4 | SPECIFIED USE REQUIREMENTS

Article 40 | SPECIFIED USE REQUIREMENTS2

- 40.1 Purpose and Applicability
- 40.2 Accessory Buildings and Uses
- 40.3 Adult Use and Entertainment Establishments
- 40.4 Automotive Sales
- 40.5 Automotive Service Stations, Motor Vehicle Repair Shops, Gasoline Stations or Service Stations
- 40.6 Bed and Breakfasts
- 40.7 Car Washes
- 40.8 Drive-Through Facilities
- 40.9 Eating and Drinking Establishments
- 40.10 Home Occupations
- 40.11 Multi-Family Dwellings
- 40.12 Outdoor Recreation Facilities
- 40.13 Outdoor Sales and Display
- 40.14 Outdoor Storage
- 40.15 Public Utilities
- 40.16 Trailers, Motor Homes, Recreational Vehicles, and Watercraft
- 40.17 Transportation or Freight Terminal Facilities

Article 40 | SPECIFIED USE REQUIREMENTS

62-40.1 PURPOSE AND APPLICABILITY

- A. The purpose of this Article is to place requirements on specific uses that have a greater potential to adversely impact surrounding properties, but may be desirable and compatible provided proper control and regulation. These requirements are intended to promote the public health, general safety, and neighborhood character of the immediate neighborhood and the larger community.
- B. The following requirements are applicable to the uses, permitted and specially permitted, listed in Parts 2 and 3 of this Chapter and contained within this Article. Uses allowable by special permit must obtain Planning Board approval via the special use permit process (Article 65) prior to operation. Uses permitted by right do not require Planning Board approval, provided they meet all applicable requirements set forth in this Chapter.

62-40.2 ACCESSORY BUILDINGS AND USES

Accessory buildings and uses are permitted in any zoning district in connection with any principle use lawfully existing within such district. No accessory use or structure shall be established or constructed until the primary use or structure is constructed. Accessory uses and buildings deemed to be similar in nature and appropriate by the Code Enforcement Officer may also be allowed in the Village.

- A. Residential Accessory Uses and Buildings Permitted.
 - 1. All detached accessory buildings and uses, except for the driveway, accessory to a residential use shall be located in the rear yard, including, but not limited to:
 - i. Child's playhouse.
 - ii. Decks, patios, and terraces.
 - iii. Detached residential garage or carport.
 - iv. Fallout shelters provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
 - v. Fire escapes, but only when located on that portion of the dwelling bordering on the side or rear yard.
 - vi. Freestanding radio antennas dish antennas limited to one meter or less in diameter.
 - vii. Private swimming pool and bathhouse subject to the provisions of Section 53.16.
 - viii. Solar energy systems.
 - ix. Enclosed storage structure.
 - 2. Attached residential garages, carports, decks and terraces located in the side and rear yard.
 - 3. Vehicle repair of noncommercial vehicles on residential premises when performed:
 - i. By a resident of the premises;
 - ii. On a legal, off-street parking space;
 - iii. On a vehicle owned, licensed and operated for personal use by a resident of the premises; and
 - iv. Between the hours of 7:00AM and 10:00PM.
 - 4. Fences and walls subject to the provisions of Section 53.15.
 - 5. Handicapped access ramps, installed permanently, provided they are in conformance

with Section 53.4(G) and do not obstruct access to required parking.

6. Home occupations subject to the additional requirements specified in Section 40.10 of this Article.
 7. Green infrastructure techniques, such as rain barrels, rain gardens, or bioswales when located in the side or rear yard.
 8. Electric vehicle charging stations when located in the side or rear yard.
- B. Nonresidential Accessory Uses and Buildings Permitted.
1. Commercial vending machines in any commercial district, but not within the required setbacks, and if located within 150 feet of a residential district the machine shall be screened from the residential district.
 2. Decks, patios, and terraces when associated with a legal outdoor seating or assembly area.
 3. Detached garage, but only in the rear yard.
 4. Dish antennas two (2) meters or less in diameter located in the rear yard in any commercial district.
 5. Fences and walls subject to the provisions of Section 53.15.
 6. Freestanding radio antennas located in the rear yard.
 7. Parking lots and parking areas, including electrical vehicle charging stations, subject to the provisions of Article 51 (Off-street parking and loading requirements).
 8. Solar energy systems located in the rear yard.
 9. Wind energy conversion systems located in the rear yard, subject to Site Plan approval.
 10. Green infrastructure techniques, such as rain barrels, rain gardens, or bioswales.
 11. Temporary outdoor display of retail merchandise subject to the requirements for outdoor displays set forth in Section 40.13 of this Article.
 12. Walkup service windows facing any public right-of-way when accessory to a permitted retail sales and service use.
 13. Handicapped access ramps, installed permanently, when located in the side or rear yard, provided that the ramp is in conformance with Section 53.4(G) and does not obstruct access to required parking.
 14. Vehicular wheelchair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.
- C. Prohibited Accessory Uses and Buildings.
1. Outdoor placement of commercial vending machines anywhere on a site in a residential district.
 2. The storage or parking of commercial vehicles on any residentially developed property in a residential zoning district other than in a completely enclosed building.
 3. No vehicle of any kind or type without current license plates shall be parked or stored on any residentially zoned property other than a completely enclosed building.

62-40.3 ADULT USE AND ENTERTAINMENT ESTABLISHMENTS

- A. Purpose. The purpose of this section is to promote the health, safety, and general welfare of the residents of the Village of Attica to provide standards for the safe provision of adult businesses; and to minimize any potential adverse effects which may result from adult businesses by requiring careful restrictions and siting of such businesses by the use of special use permits.
- B. Regulations. No adult-oriented business shall be established until it has been issued a special use permit, and shall be subject to the following additional regulations for

approval:

1. An adult-oriented business shall be a permitted use in the Village of Attica only within an industrial zone and subject to the other placement and use regulations set forth in this Chapter.
2. No adult-oriented business shall be permitted in a building or any part of which is used for residential purposes, including nonconforming residential uses.
3. No more than one (1) adult-oriented business shall be permitted in any building or on any lot.
4. No minor shall be permitted onto the premises of any adult-oriented business.
5. The exterior of any adult-oriented business shall be consistent with the character of surrounding structures and shall not detract from the appearance of the neighborhood. No building shall be painted or adorned in a manner that emulates the purpose of a sign, without the Planning Board's approval.
6. No building in which an adult-oriented business is operated shall be within 650 linear feet of any building used:
 - i. For residential purposes;
 - ii. As a group care facility, or child-care center;
 - iii. As a church, synagogue or regular place of worship;
 - iv. As a public or private school;
 - v. As a public or semi public building;
 - vi. As a psychiatric treatment facility
 - vii. As a community center; or
 - viii. As another adult-oriented business.
7. No adult-oriented business shall be located within 600 linear feet of a school bus stop.
8. An adult-oriented business shall not be operated with property lines within 600 linear feet of any property used as a public park, recreational facility or health facility.
9. An adult-oriented business shall not be operated with property lines within 1,000 linear feet from a building of any establishment that sells or serves alcoholic beverages; and once an adult-oriented business has been authorized at a location, no establishment that sells or serves alcoholic beverages shall be allowed to operate with property lines within 1,000 linear feet of the adult- oriented business.
10. Once an adult-oriented business has been established in a location, and it lawfully remains in continuous operation at that location, the subsequent placement of any use or business set forth in Subsections 6 through 9 above within the distances set forth in these subsections shall not operate to impair, restrict or terminate the adult-oriented business special use permit or any renewals thereof.
11. Sound and noise shall be kept at a level so that it cannot be discerned by the public from any public areas, and adheres to all sections of Article 50, the noise limits ordinance of the Village of Attica.
12. All adult-oriented businesses shall be conducted within enclosed buildings. No specific anatomical area or any specified sexual activity, nor any display, decoration, sign or similar depiction of specified sexual activities or specified anatomical areas, shall be visible from the outside of any building containing an adult-oriented business.
13. Hours of operation shall be from 9:00 p.m. until 2:00 a.m. only.
14. Outside advertising for an adult-oriented business shall be limited to one (1) sign, subject to the Sign Regulations set forth in Article 52 of this Chapter.
15. All exterior lighting on the premises of an adult-oriented business shall follow the Outdoor Lighting Regulations set forth in Article 55 of this Chapter.

16. Adequate screening shall be provided along all side and rear lot lines to minimize visual conflicts with adjacent land uses, and shall adhere to all sections of the Landscaping, Screening, and Buffer Regulations set forth in Article 54 of this Chapter.
17. Adult-oriented businesses shall provide parking and access in accordance with the Off-street Parking and Loading Regulations set forth in Article 51 of this Chapter.
18. Strict crowd control shall be provided by the owners and/or operators.
19. No adult-oriented business shall exceed 5,000 square feet in total floor area, and cellar space shall not be used for enclosed storage of mechanical equipment.
20. Adult-oriented businesses shall provide commercial refuse containers placed on a concrete slab which is screened from view and is located so as to permit safe and easy removal of refuse by hand or truck.
21. Whenever there is a change of the person hired to the position of manager of the adult-oriented business, the owner and operator shall so advise the Planning Board within two (2) weeks prior to that individual's commencement in the management position, and shall provide the Planning Board with the information required to conduct a background check.
22. The Code Enforcement Officer and Fire Department officials of the Village of Attica, as well as any other enforcement officials, shall have the right to inspect the premises of adult-oriented businesses for the purpose of ensuring compliance with any section of this Chapter or any other applicable law, rule or regulation at any time said business is open for business, or at such other times as may be reasonable. The Village Code Enforcement Officer shall inspect the premises at least once a year with a full report presented to the Planning Board within thirty (30) days after the inspection. Said report shall be made part of the file kept by the Village Clerk.
23. Adult-oriented businesses shall comply with all other building and safety codes of the Village of Attica, as well as all applicable county, state, and federal laws and regulations.

62-40.4 AUTOMOTIVE SALES

- A. The sale of new or used vehicles shall comply with the following:
 1. The sales area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner;
 2. The number of cars that may be for sale on the premises must be specified on the special use permit. An increase in the number of cars to be sold shall require a new permit;
 3. Exterior illumination shall be provided that meets the minimum determined by the Planning Board as necessary to provide adequate security of the premises; and
 4. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations from all points on such residential property when viewed from ground level.
- B. No repairs, other than minor repairs shall be performed on the premises. All maintenance, service, and repairs of motor vehicles shall be performed within an enclosed structure. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.
- C. No vehicles shall be displayed for sale within ten (10) feet of any property line that abuts a non-residential district. No vehicles shall be displayed for sale within thirty (30) feet of any property line that abuts a residential district.
- D. Perimeter landscaping shall be a minimum of ten (10) feet in width along the street frontage(s).

- E. The retail sales of fuel shall not be permitted.
- F. Landscaping (Article 54), signage (Article 52), and lighting (Article 55) shall meet the requirements of their respective sections.

62-40.5 AUTOMOTIVE SERVICE STATIONS, MOTOR VEHICLE REPAIR SHOPS, GASOLINE STATIONS OR SERVICE STATIONS

Automotive service stations, motor vehicle repair shops, and gasoline stations or service stations shall comply with the following:

- A. Any such use shall be buffered from adjacent uses by no less than ten (10) feet. The buffer area shall minimally consist either of fencing, evergreen shrubbery, coniferous trees, or any combination thereof that prevents the unwanted transmission of headlight glare across the property line.
- B. The entire site area that is traveled by motor vehicles shall be hard surfaced (i.e. asphalt, concrete, or any other surface that does not release dust or debris).
- C. Landscaping (Article 54), signage (Article 52), and lighting (Article 55) shall meet the requirements of their respective sections. In no case shall the perimeter landscaping be less than ten (10) feet in width along the street frontage(s).
- D. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations from all points on such residential property when viewed from ground level.
- E. No outdoor storage of materials, merchandise and equipment shall be permitted during non-business hours.
- F. Motor vehicle repair shops and service stations shall comply with the following regulations:
 - 1. The number of vehicles that can be accommodated on site for repair and storage is to be determined by the Planning Board;
 - 2. Motor vehicle repair garages shall not be used for the storage, sale, rental or display of automobiles, trucks, trailers, mobile homes, boats, snowmobiles or other vehicles;
 - 3. All maintenance, service, and repairs of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts, partially dismantled motor vehicles, or unlicensed motor vehicles shall be stored outside of an enclosed structure for more than forty-eight (48) hours; and
 - 4. A spill prevention plan shall be provided.
- G. Gasoline stations shall comply with the following regulations:
 - 1. In addition to the information required for site plan review, the plan shall also indicate the location, number, capacity, and type of fuel storage tanks, the number of pumps to be installed, and the depth to the tanks;
 - 2. Gas stations may include retail sales of food, convenience items, and minor automotive supplies or liquids provided that the sales of such items are within an enclosed structure and are an accessory use. Sales areas outside of the primary structure may be displayed on the pump islands or the building island only;
 - 3. Gasoline stations shall be under the control of an attendant at all times during the hours of operation;
 - 4. Fuel pumps shall be located no closer than twenty (20) feet from the public right-of-way or fifty (50) feet from any other property lines; and
 - 5. All storage facilities for fuel, oil, gasoline or similar substances shall be underground and shall be at least twenty-five (25) feet from any property line. Tanks shall be installed and maintained in accordance with all state and federal standards.
 - 6. Tanks shall be located at least 500 feet from a place of public assembly as defined by

the NYS Uniform Fire Prevention and Building Code.

62-40.6 BED AND BREAKFASTS

- A. In order to protect the residential character of the district in which it is located, a Bed and Breakfast facility shall be limited by the following criteria and/or any other conditions as determined by the Planning Board:
1. A Bed and Breakfast shall only be permitted as a specified use in a single-family, detached dwelling;
 2. The residential character of the dwelling shall be preserved and no structural alterations, construction features, or site features of a nonresidential nature shall be incorporated. No accessory buildings shall be used for Bed and Breakfast activities;
 3. The owner/operator of the Bed and Breakfast shall live full-time on the premises;
 4. Only members of the family residing on the premises shall be engaged as employees of the bed and breakfast operation;
 5. A Bed and Breakfast shall have a maximum of three (3) guest rooms with no more than two (2) guest rooms sharing a single bath and no more than six (6) adult guests at one time. For the purpose of this section, "adult" means any person over the age of eighteen (18);
 6. The maximum length of stay for any guest is fourteen (14) consecutive days;
 7. Parking shall be provided in accordance with Article 51. The Planning Board shall determine the location and screening of said parking spaces; and
 8. There shall be no change in the outside appearance of the building or premises that detracts from the residential character of the residence or from the residential character of the neighborhood, or other visible evidence of the conduct of such Bed and Breakfast residence other than one (1) sign that shall be in accordance with Section 52 of this Chapter, Sign Regulations.

62-40.7 CAR WASHES

Car washes shall be allowed by special permit provided they comply with the following regulations:

- A. All washing facilities shall be completed within an enclosed building;
- B. Vacuuming facilities may be outside of the building but shall not interfere with the free flow of traffic on or off the site;
- C. The entire site area that is traveled by motor vehicles shall be hard surfaced (i.e. asphalt, concrete, or any other surface that does not release dust or debris).
- D. Landscaping (Article 54), signage (Article 52), and lighting (Article 55) shall meet the requirements of their respective sections. In no case shall the perimeter landscaping be less than ten (10) feet in width along the street frontage(s).
- E. All lot lines abutting or adjacent to residential districts or uses shall be screened by a solid masonry wall or fence not less than four (4) feet nor more than six (6) feet in height;
- F. Where gasoline stations are either a principal use with or an accessory use to the car wash, the requirements of the gasoline station shall also be adhered to; and
- G. In the event a car wash is abandoned, as determined by the Building Official, the owner shall immediately remove any outdoor vacuums, and all signs. The owner shall also provide adequate protection against unlawful entry into the building and onto the property and shall close all vehicular entrances to the property. A car wash shall be considered abandoned if it is inactive for a period of twelve (12) consecutive months.

62-40.8 DRIVE-THROUGH FACILITIES

Drive-through facilities may be allowed as an accessory use to “fast food” restaurants, pharmacies, banks, and other permitted or specially permitted uses provided such facilities comply with the following regulations:

- A. No drive-through facility shall be permitted in the Village Center District;
- B. Drive-through facilities, including any protective canopies, signage, drive-through travel lanes, or other associated elements, shall meet the setback requirements for the property;
- C. Drive-through facilities with an amplified audio/visual system shall be setback a minimum of thirty (30) feet from the property line. These facilities shall not be located adjacent to residential uses or districts; and
- D. Stacking space for these facilities shall not impede on- or off-site traffic movements. The stacking space shall be delineated from other internal areas through the use of pavement markings that are identifiable during all seasons. The minimum numbers of stacking or queuing spaces required by drive-through activity type are provided in Table 40-1 below.

Table 40-1: Minimum Stacking Requirements

Activity Type	Spaces	Measured From
1. Automated Teller Machine	3	Teller or Window
2. Bank Teller Lane	4	Teller or Window
3. Car Wash Stall, Automatic	9	Entrance
4. Car Wash Stall, Self-Service	3	Entrance
5. Gasoline Pump Island	2	Pump Island
6. Pharmacy	4	Window
7. Restaurant Drive-Through	6	Order Box
8. Restaurant Drive-Through	4	Order Box to Pickup Window
9. Oil Change and Quick Lube	3	Per Bay
10. Other	Determined by Planning Board	

62-40.9 EATING AND DRINKING ESTABLISHMENTS

- A. Eating and drinking establishments that are adjacent to residential uses or districts shall be buffered or screened to minimize visual and auditory impacts in a method approved by the Planning Board and in accordance with the regulations set forth in Part 5; including, but not limited to landscaping (Article 54), signage (Article 52), lighting (Article 55), and parking (Article 51).

62-40.10 HOME OCCUPATIONS

- A. Permitted home occupations include, but shall not be limited to, the following uses: lawyer, accountant, author, doctor, engineer, dentist, architect, consultant, realtor, insurance agent/broker, counselor, artist, teacher, tutor, beautician, barber, tailor, dressmaker, and repairperson, excluding the repair of motor vehicles.
- B. The home occupation shall operate wholly within the principal building; unless the Planning Board grants a special use permit to allow the home occupation to operate within an accessory building. Operation of a home occupation shall be limited by the following criteria:
 - 1. No more than one-third (1/3) of the floor area of the residence will be allowed for the use of the home occupation, or an accessory building of equivalent size;
 - 2. Not more than two (2) persons not residing in the household shall be employed in

- the home occupation;
3. There shall be no exterior display or storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building with the exception of a permitted sign. The sign shall be placed in accordance with Article 52 of this Chapter;
 4. No offensive noise, vibration, smoke, dust, odors, heat, light, or glare shall be produced;
 5. Use of property as a drop-off point for merchandise not produced by such home occupation is prohibited;
 6. Selling of merchandise not produced by such home occupation is prohibited;
 7. Parking for home occupations shall be permitted in accordance with the parking regulations in Article 51 of this Chapter; and
 8. The home occupation shall not involve wholesaling or the storage of automobiles.
 9. Deliveries on residential streets shall be permitted by two-axle vehicles only.

62-40.11 MULTI-FAMILY DWELLINGS

- A. Multi-family Dwellings, New Construction. Newly constructed multi-family dwellings are subject to the following requirements:
1. Driveways for ingress and egress shall be as required by the Planning Board.
 2. There may not be less than two (2) and not more than eight (8) units in a townhouse or single family attached group.
 3. The minimum distance between buildings in a multi-family development shall be twenty-five (25) feet.
 4. Buildings shall not have large or long continuous wall or roof planes. Varied roof heights, projecting bays, gables, recesses, and porches shall be used to visually divide larger buildings to produce a scale that is visually compatible with the Village's distinctive aesthetic character. To prevent an out-of-scale, monolithic appearance, larger buildings shall be visually divided into smaller sections no longer than fifty (50) feet in length by gaps, recesses, or other architectural devices.
 5. Buildings shall be articulated into smaller, varied forms to create interest and variety and avoid a monolithic or overly repetitive appearance. Differences in form and detail and breaks between buildings shall be orchestrated in such a way that adjacent buildings and facades define a continuous street wall and the public realm of the street.
 6. Multi-family buildings shall be laid out so that multiple entrances face the street. Each entrance shall be connected by sidewalk to the Village's public sidewalk system. Garage entrance/exit doors are prohibited on the front façade of buildings.
 7. Accessory buildings, such as clubhouses, pools, pool buildings, storage buildings, and trash enclosures, shall be located in a manner that does not disturb or encroach upon the public realm of the site (pedestrian walkways, roadways, etc.).
 8. Parking areas may be located in any yard other than the front yard, but no closer than twenty (20) feet from any property line and shall comply with all other regulations of the district in which the use is located.
 9. Each multi-family dwelling development shall provide a recreation area or areas furnished with suitable equipment at a standard of 400 square feet for first ten (10) units and an additional 100 square feet for each additional five (5) units or fraction of five (5) thereafter.
 10. All dwelling units and structures shall comply with the NYS Uniform Code.
 11. Stairways to upper floors shall be located inside the building.

12. Development applications for multi-family dwelling units shall be subject to Site Plan Review by the Planning Board in accordance with Article 63 (Site Plan Review) of this Chapter.

B. Multi-family Dwellings, By Conversion. The conversion of existing single residential building to a multi-family dwelling is subject to the following requirements:

1. No dwelling unit conversion shall be permitted which results in any dwelling unit having less than the minimum habitable floor area required by Table 40-2 below.

Table 40-2: Minimum Unit Size Requirements

Number of Bedrooms	Min Unit Size (Square Feet)
i. Zero to One	650
ii. Two	800
iii. Three	950
iv. Four	1,100
v. Five	1,250

2. No dwelling unit conversion shall be permitted in a structure with less than 2,400 square feet of gross floor area.
3. Any alterations made to the exterior of the building due to the unit conversion shall be completed in such a way to preserve the residential character of said building.
4. No dwelling unit conversion shall be permitted unless the dwelling, following such conversion, comply with all off-street parking and loading regulations required by Article 51 of this Chapter.
5. Conversion of existing buildings to decrease the number of dwelling units requires alterations or modifications to ensure the discontinued dwelling unit is permanently and fully integrated into a legal dwelling unit with unimpeded access throughout the legal unit.
6. The integration of a discontinued dwelling unit shall be further evidenced by the removal of those appurtenances that previously supported the discontinued dwelling unit and may include the removal of the kitchen (including appliances, cupboards, plumbing, utility connections, etc.) and utility meters, in excess of one (1) meter per dwelling unit, except in the case of two (2) or more dwelling units where an additional house meter may be permitted.
7. Dwelling unit conversions that do not meet the previous requirements may be permitted only upon approval of an application for an area variance in accordance with provisions of Article 66 (Variances).

62-40.12 OUTDOOR RECREATION FACILITIES

For go-cart tracks, electric or gasoline-powered go-cart rides, similar vehicular tracks and miniature golf courses, the following restrictions shall apply:

A. Gasoline or electric-powered go-cart rides, similar vehicular tracks.

1. No person shall cause or permit the establishment of a go-cart track or similar vehicular track within 500 feet of any residentially zoned district or within 500 feet of any church, school, park, playground or existing go-cart track, similar vehicular track or miniature golf course. For the purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property used as a part of the premises for the track and/or

course to the nearest property line of a residentially zoned district, church or school or to the nearest boundary of a park or playground;

2. Operating hours shall be limited to the hours between 10:00 a.m. and 10:00 p.m. daily;
3. The sale or use of alcoholic beverages shall be prohibited;
4. Adequate toilet facilities for employees and customers shall be provided on site;
5. A solid wall having a minimum height of six (6) feet, incorporating noise-absorbing material on the inside, shall be placed on all sides of the facility that abut residentially occupied property. Noise levels shall be limited to sixty-five (65) dB as measured seventy-five (75) feet outside the wall. The remaining sides of the property shall be fenced in with a fence having a minimum height of four (4) feet;
6. Only operator-owned go-carts or other vehicles shall be allowed. No individually owned go-carts or other vehicles shall be allowed; and
7. Parking requirements for go-carts and other vehicles are three (3) parking spaces for every one (1) go-cart or similar vehicle.

B. Miniature golf course uses.

1. Operating hours shall be limited to the hours between 10:00 a.m. through 10:00 p.m. Sunday through Thursday and 10:00 a.m. through 11:00 p.m. on Friday and Saturday;
2. The course shall be fenced with a fence having a minimum height of four (4) feet;
3. The sale or use of alcoholic beverages shall be prohibited; and
4. Adequate toilet facilities for employees and customers shall be provided on site.

62-40.13 OUTDOOR SALES AND DISPLAY

A. The following requirements shall apply to all commercial operations regardless of the district in which they are located.

1. The display area shall not exceed ten (10) percent of the gross floor area of the primary structure;
2. The display area shall not block automotive traffic, private sidewalks, fire lanes, or other travel lanes;
3. Such displays shall be allowed adjacent to a principal building wall and extending to a distance no greater than five (5) feet from the wall;
4. Such displays shall not be permitted to block windows, entrances or exits and shall not impair the ability of pedestrians to use the building;
5. The items for display are for sale and said area is not used for storage purposes.

B. Personal garage, lawn, yard, or rummage sales shall be allowed without zoning permits provided that no more than two (2) such sales are held on a single property in any twelve (12) month period for a maximum duration of no more than five (5) days, with a minimum of five (5) days between the ending of a sale and the beginning of a new sale. At the end of a sale, all items that are for sale shall be moved so as not to be visible from the public right-of-way.

62-40.14 OUTDOOR STORAGE

Outdoor storage shall be allowed only in nonresidential districts and shall be subject to the following requirements. This section does not affect the storage of trailers, motor homes, recreational vehicles, and watercraft as regulated in Article 40.16.

A. Village Center and Neighborhood Commercial Districts.

2. Outdoor storage shall not be allowed in the front yard;
3. Outdoor storage shall not occupy more than ten percent (10%) of the entire lot area;
4. All outdoor storage shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent residential districts or uses;
5. Screening shall be of sufficient height and density to completely hide storage from public view, including from streets and other public accessways; and
6. All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.

B. General Commercial and Industrial Districts.

1. Outdoor storage shall not be allowed in the front yard setback;
2. All outdoor storage shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent residential districts or uses;
3. Screening shall be of sufficient height and density to completely hide storage from public view, including from streets and other public accessways; and
4. All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times; and
5. Contractor storage must be a minimum of 200 feet from a residential or open space district.

62-40.15 PUBLIC UTILITIES

Public utility installations shall comply with the following:

- A. Such facility shall be surrounded by a fence approved by the Planning Board;
- B. The facility shall be landscaped in a manner approved by the Planning Board;
- C. To the extent practicable, equipment shall be stored so as not to be visible from surrounding properties; and
- D. Any additional requirements determined to be necessary by the Planning Board through Site Plan Review.

62-40.16 TRAILERS, MOTOR HOMES, RECREATIONAL VEHICLES, AND WATERCRAFT

- A. It shall be unlawful for any person, firm or corporation to park a trailer, motor home, recreational vehicle, or watercraft on any street, alley, right-of-way or other public place.
- B. No trailer, motor home, recreational vehicles, or watercraft shall be parked, stored, used or occupied on any tract or parcel of land except as herein provided:
 1. Up to two (2) vehicles or watercraft for personal use, such as, but not limited to, boats, campers, recreational vehicles, trailers, or motor homes may be parked on a residential lot for the purpose of storage;
 2. The vehicle(s) shall be parked or stored on a paved surface behind the front building line. In residential districts, vehicles may be parked in front of the front building line on hard-surfaced driveways in accordance with Article 51, provided the parking of such vehicle does not obstruct the view of oncoming traffic.
 3. No vehicles shall be stored within ten (10) feet of any side or rear property line; and
 4. The location of the vehicle shall comply with Article 53.14, Visibility at Intersections.
- C. This section does not affect trailer, motor home, recreational vehicle, and watercraft sales or rental in a designated Commercial or Industrial District.

62-40.17 TRANSPORTATION OR FREIGHT TERMINAL FACILITIES

- A. Repair and service of commercially licensed vehicles may be permitted with the issuance of a special use permit for motor vehicle repair within an enclosed building.
- B. Loading doors or docks shall not be located adjacent to any residential use or zone or along street frontage.
- C. Any outdoor storage of materials shall be subject to the outdoor storage requirements specified in Article 40.14.
- D. Idling of vehicles shall be limited to five (5) minutes in any sixty (60) minute period unless required for mechanical or electrical operations and not for cabin comfort or non-essential equipment or for emergency operations. Facility owners shall be responsible for compliance. (Ref: Environmental Conservation Law, Part 217-3)
- E. A fueling station may be allowed as an accessory use with the issuance of a special permit.
- F. Landscaping and buffering may be required by the Planning Board if the facility is adjacent to less intensive uses such as retail, residential, or mixed uses. Any landscaping or buffering required shall conform to the standards set forth in Article 54 (Landscaping, Screening, and Buffer Regulations).
- G. The Board shall also take into consideration the character of the area, the traffic impacts, the proximity to arterial roadways suitable for large trucks, and other pertinent issues.

PART 5 | DEVELOPMENT STANDARDS

Article 50 | Noise Limits.....3

- 51.1 Intent
- 51.2 Applicability
- 51.3 Sound Levels
- 51.4 Exemptions

Article 51 | Off-Street Parking and Loading Regulations4

- 51.1 Intent
- 51.2 Applicability
- 51.3 General Requirements
- 51.4 Shared Parking Facilities
- 51.5 Parking Facility Design Standards
- 51.6 Minimum Parking Space Requirements
- 51.7 Loading Space Requirements

Article 52 | Sign Regulations12

- 52.1 Purpose
- 52.2 Required Compliance and Permit
- 52.3 Regulations Applicable to All Signs
- 52.4 Measurement
- 52.5 Signs Authorized Without a Permit
- 52.6 Permitted Signs
- 52.7 Prohibited Signs
- 52.8 Specific Provisions by Zoning District
- 52.9 Temporary Sign Regulations
- 52.10 Electronic Changeable Copy Sign Regulations
- 52.11 Nonconforming Signs
- 52.12 Table of Sign Regulations

Article 53 | Setbacks, Yards, and Yard Encroachments.....25

- 53.1 Residential Street Setbacks
- 53.2 Minimum Lot Width at Front Lot Line
- 53.3 Future Street Setbacks
- 53.4 Street Setback Encroachments
- 53.5 Side and Rear Setback Encroachment
- 53.6 Obstructions in Side and Rear Yards
- 53.7 Side Yard Setback Requirements for Commercial and Industrial Districts
- 53.8 Accessory Building Height and Yard Requirements
- 53.9 Height Exceptions
- 53.10 Distances between Buildings on Same Lot
- 53.11 Use of Small Lots
- 53.12 Semi-Attached and Attached Residential Units
- 53.13 Maximum Contiguous Single-Family Attached Units
- 53.14 Visibility at Intersections
- 53.15 Fences
- 53.16 Swimming Pools

Article 54 | Landscaping, Screening, and Buffer Regulations30

- 54.1 Intent
- 54.2 General Requirements
- 54.3 Landscaping Standards
- 54.4 Landscaping Plan
- 54.5 Landscaping Maintenance
- 54.6 Screened Dumpster or Service Area Requirements

Article 55 | Outdoor Lighting Regulations.....34

- 55.1 Intent
- 55.2 Applicability
- 55.3 Approvals Required
- 55.4 General Requirements / Standards
- 55.5 Specific Requirements / Standards
- 55.6 Exemptions
- 55.7 Prohibited Lighting

Article 56 | Non-Residential Design Standards36

- 56.1 Purpose
- 56.2 General Building Design
- 56.3 Facades
- 56.4 Transitions to Residential Uses

Article 57 | Central Business District Design Standards.....38

- 57.1 Applicability
- 57.2 Building Scale and Location
- 57.3 Facades
- 57.4 Materials
- 57.5 Awnings, Doors, and Windows
- 57.6 Signage
- 57.7 Additional Requirements

Article 50 | NOISE LIMITS

62-50.1 INTENT

The intent of this Article is to prevent unreasonably loud, disturbing, and unnecessary noise, and to reduce noise levels within the Village in an effort to preserve the public health, safety, and welfare of the community while fostering a high quality of life for Village residents.

62-50.2 APPLICABILITY

The maximum permissible decibel level radiated by any use or facility at any lot lines shall not exceed the values in the designated octave bands given in Table 50-1. The sound-pressure level shall be measured with a second-level meter and associated octave-band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound-Level Meters for Measurement of Noise and Other Sound, Z24.3-1944, American Standards Association, Inc., New York, and American Standard Specifications for an Octave-Bank Filter Set for the Analysis of Noise and Other Sound, Z24.10-1953, American Standards Association, Inc., New York, New York, shall be used.)

62-50.3 SOUND LEVELS

Where any use adjoins a residential or mixed use district at any point at the district boundary, the maximum permitted decibel levels in all octave bands shall be reduced by six decibels from the maximum levels set forth in Table 50-1. Sound pressure levels shall be measured at the approximate location of the property line or at the boundary of the public right-of-way, at a height of at least four (4) feet above the immediate surrounding surface.

Table 50-1: SOUND LEVELS

Frequency Band (cycles per second)	Maximum Permitted Sound-Pressure Level (dba)
A. 0 to 75	69
B. 75 to 150	60
C. 150 to 300	56
D. 300 to 600	51
E. 600 to 1,200	42
F. 1,200 to 2,400	40
G. 2,400 to 4,800	38
H. 4,800 to 10,000	35

62-50.4 EXEMPTIONS

The following sounds shall not be deemed to be a violation of this chapter:

- A. Sounds created by church bells or chimes.
- B. Sounds created by any government agency by the use of public warning devices.
- C. Sounds created by public utilities in carrying out the operation of their franchises.
- D. Sounds connected with events of any public or private school, or a Village authorized event, concert, carnival, fair, exhibition, or parade.

Article 51 | OFF-STREET PARKING AND LOADING REGULATIONS

62-51.1 INTENT

The intent of the following standards is to:

- A. Ensure that any parking area or facility is designed to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjacent properties from nuisances caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles;
- B. Reduce congestion on the street network in the Village;
- C. Ensure there are adequate amounts of parking and loading facilities to serve the use(s) and users of the property; and
- D. Encourage alternative parking designs and modes of transportation to reduce dependence on single-occupancy vehicular trips and improve efficiency during travel.

62-51.2 APPLICABILITY

In all districts, at any time a building, structure, or use of land is erected, altered, extended or changed in use or occupancy, there shall be provided for every use off-street parking and loading spaces as set forth below as a condition precedent to occupancy of all buildings or land. Off-street parking and loading facilities conforming to the requirements of this Article shall be provided as follows:

- A. New or moved buildings and uses. Parking and loading facilities, as required, shall be provided for all buildings and uses constructed, established or moved to new sites.
- B. Increase in intensity of use. An increase in the intensity of use of a building or premises shall mean the addition of dwelling units, gross floor area, occupancy or any other unit of measurement used as a basis for determining required parking and loading facilities. Additional parking and loading facilities, as required, shall be provided for any such increases in an existing use.
- C. Change in use. When the use of any building or premises is changed to a different use; parking and loading facilities, as required, shall be provided for the different use.
- D. Existing facilities. Off-street parking and loading facilities in existence on the effective date of this article shall not be reduced below, or if already less than, shall not be further reduced below the requirements for an equivalent new building or use. In no case shall it be necessary to continue parking and loading facilities in excess of those required by this article.
- E. Nonconforming parking and loading facilities. A building, use or occupancy lawfully existing at the time this article or any amendment thereto becomes effective, but which does not conform with the off-street parking and loading requirements, may be occupied or continued without such facilities being provided. Any such spaces that may be provided thereafter shall comply with the requirements of this article. If an existing building, use or occupancy is altered so that there is an increase in the number of dwelling units, seating capacity, employees or floor area, or if the use is changed to one requiring more off-street parking and loading spaces, the number of such spaces shall be provided at least equal to the number required for the increased area of the building or use in accordance with all provisions of this Article.

62-51.3 GENERAL REQUIREMENTS

Off-street parking and loading facilities required by this Article shall conform to the requirements of this article as follows:

A. Location of Spaces.

1. All parking spaces and loading spaces shall be on the same lot as the use they are intended to serve. With Planning Board approval, uses within four-hundred (400) feet of a municipal parking lot or designated on-street parking may be wholly or partially exempt from the off-street parking requirements within the Village Center District.
2. Parking areas should not be located within ten (10) feet of a residential district.
3. Loading areas should not be located within fifty (50) feet of a residential district.
4. Parking and loading areas may not be located within ten (10) feet of street frontage unless proper screening or decorative fencing is installed.
5. Off-street parking and loading spaces in commercial and industrial districts may be provided in any yard space unless prohibited elsewhere in this chapter. Off-street parking and loading spaces shall not be closer than ten (10) feet to any front property line.
6. Off-street parking spaces in residential districts may be provided in any yard space except front yard space. However, parking in front yard space shall be allowed on hard-surfaced driveways, provided that the parking of such vehicle does not obstruct the view of oncoming traffic. The term "vehicle," as used in this section, shall include, but not be limited to automobiles, motorcycles, trucks, recreational vehicles, campers and trailers, including recreational and boat trailers.

B. Areas Computed as Off-street Parking or Loading Space.

1. Areas that may be considered as off-street parking space include any private garage, carport or other area available for parking other than a street, entrance and exit lanes, or driveway. No vehicle shall be parked or stored in any required fire lane.
2. For single family, two-family, and mobile homes, no more than 50% of the lot width for lots less than sixty (60) feet in width or 33% for lots equal or greater than sixty (60) feet may be used for parking.
3. Loading and unloading space as required under Section 51.7 shall be provided in addition to off-street parking space and shall not be considered as supplying off-street parking space.

C. Required Improvements. Off-street parking, loading and stacking facilities required by this article serving rooming houses, three or more residential uses on a single lot and/or nonresidential uses, shall conform to the following requirements:

1. Paving. All parking and loading facilities shall have a smooth, all-weather surface. Such surface shall be permanent and capable of being kept free of snow, dust, and dirt and must be permanently marked.
2. Marking. All parking and loading facilities and access driveways shall be clearly marked with a minimum painted strip of four inches in width.
3. Drainage. Parking and loading facilities and their access driveways shall be graded so as to provide for the proper mitigation of storm water and runoff.
4. Curbing. All perimeter landscaping shall include concrete, masonry or metal barriers to contain and/or protect landscaping materials.
5. Bumper guards and wheel stops. In locations where curbing is not required, bumper guards shall be used. Bumper guards, not less than two (2) feet in height or wheel stops shall be provided adjacent to any building, wall, fence, walkway, landscaped

area or property line to protect people, property and other vehicles. The wheel stops shall not be less than eighteen inches in from the front of the parking space.

6. Fire lanes. Parking facilities shall be constructed in such a way to accommodate emergency vehicle access as required by the Attica Fire Department.
 7. Americans with Disabilities Act (ADA). All new or upgraded parking areas must meet the requirements of the ADA. Upgrading of a parking lot shall include reconstruction or re-paving but not sealing an existing surface.
 8. Pedestrian Walkways. All parking lots which contain more than 25 spaces, including access lanes and driveways, must include clearly identified pedestrian route from the parking area to the main building entrance, public sidewalk along the street and/or central location.
- D. Parking Spaces for the Handicapped. Parking facilities shall comply with the requirements of the New York Uniform Fire Prevention and Building Code. Each such space may be included in the computation of required number of spaces by use.
- E. Operation and Use of Parking Facilities. Required parking facilities shall be used exclusively for the temporary parking of passenger vehicles or light trucks of patrons, occupants or employees of the structure or use to be served. Required parking facilities shall not be used to satisfy the requirements for loading facilities nor for the sale, display, rental or repair of motor vehicles.
- F. Separation Between Spaces and Dwellings Served. All parking spaces in an open parking facility shall be separated from dwelling unit walls on the same lot if the walls contain windows, other than garage windows, that are on the same or approximately the same level as the parking facility. The separation shall be at least ten (10) feet in width, of which one-half (1/2) shall be unpaved.
- G. Landscaping, Screening, and Buffer Regulations. Off-street parking areas shall be screened in accordance with the landscaping, screening and buffer regulations specified in Article 54 of this Chapter.
- H. Lighting. All parking and loading areas and their appurtenant passageways and driveways serving commercial and industrial uses shall be illuminated in conformance with the lighting standards in Article 55. Adequate shielding shall be provided by uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- I. Snow Storage Areas. For off-street parking and loading areas greater than twenty (20) spaces, a dedicated area independent of required parking and loading spaces for the placing and storage of snow shall be required.

62-51.4 SHARED PARKING FACILITIES

- A. The collective provision of off-street parking areas by two or more buildings or uses located on the same lot or adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or leased by one or more of the collective users.
- B. Shared off street parking for two or more uses that are located on the same lot or share a common property boundary and have different peak parking demands or operating hours may be permitted provided that:
 1. Parking must be located within four-hundred (400) feet of buildings/uses it is intended to serve.

2. The applicant must demonstrate that the uses have different peak hour parking demands or that the total parking demand at one time would be adequately served by the total number of parking spaces proposed.
3. A Shared Parking Agreement must be drafted documenting the joint use and must be reflected in a deed, lease, contract, easement or other appropriate legal document.

62-51.5 PARKING FACILITY DESIGN STANDARDS

- A. Aisle widths. Aisle widths shall follow the minimum dimensions of Table 51-1 below:

Table 51-1: Minimum Aisle Widths

Angle of Parking	Minimum Aisle Width (Feet)	
	Two-way Traffic	One-way Traffic
1. Ninety-degree parking	24	n/a
2. Sixty-degree parking	24	18
3. Forty-five degree parking	24	13
4. Thirty-degree parking	24	12
5. Parallel parking	24	12

- B. Size of parking spaces. The size of the parking spaces shall follow the minimum dimensions of Table 51-2 below, and each space shall be separated by six (6) inches from an adjoining space.

Table 51-2: Minimum Size of Parking Spaces

Angle of Parking	Minimum Width (Feet)	Minimum Length (Feet)
1. Ninety degree parking	9	18
2. Sixty degree parking	9	18
3. Forty-five degree parking	9	18
4. Thirty degree parking	9	18
5. Parallel parking	9	21

- C. Access.

1. Each site shall have an access driveway into the parking area that complies with the dimensions of Table 51-3 below:

Table 51-3: Access Driveway Dimensions by Use

Use	Minimum Width (Feet)	Maximum Width (Feet)
1. Single-family	10	20
2. Multi-family	16 (combined drive)	20
3. All other uses	12 (one way) 20 (two way)	30

2. All parking spaces, except those required for single- or two-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

3. No driveway providing access to an off-street parking area shall be located closer than sixty (60) feet to the intersection of public streets.

62-51.6 MINIMUM PARKING SPACE REQUIREMENTS

The minimum number of parking spaces for all uses and structures shall be provided in accordance with Table 51-4.

Table 51-4: Minimum Parking Space Requirements by Use

Use Classification	Minimum Parking Requirement
A. Residential	
Single-family dwelling	2 per dwelling unit
Two-family dwelling	2 per dwelling unit
Multifamily, studio-1 bedroom	1.5 per dwelling unit
Multifamily, 2-3 bedroom units	2 per dwelling unit
Senior housing	1.3 per dwelling unit
Boarding houses	0.5 per rooming unit
B. Government/Cultural/Educational	
Schools, elementary & intermediate	1 per employee + 2 per classroom
Schools, secondary	1 per 10 students + 1 per employee + 2 per classroom
School, occupational/skill training	1 per instructor + 1 per 3 students
Place of worship	1 per 3 seats
Community Center	6 per 1,000 square feet
Library	2 per 1,000 square feet
Auditorium	1 per 4 seats
Private club	8 per 1,000 square feet
Recreational:	
Bowling Alley	2 per lane
Skating Rink	1 per 5 persons (based on capacity)
Swimming Pool	1 per 4 persons (based on capacity)
Tennis Club	3 per court
Day care or nursery	1 per 6 enrolled + 1 per employee
Hospital	1 per bed + 1.5 per employee (during maximum shift)
Medical clinic, medical office	5 per 1,000 square feet
Nursing home	1 per 2 beds + 1.5 per employee (during maximum shift)
C. Commercial/Retail	
General retail	3 per 1,000 square feet
Food store	5 per 1,000 square feet
Convenience store	5 per 1,000 square feet
Home occupations	Determined by Planning Board or Max of 2

Continued on next page

Table 51-4: Minimum Parking Space Requirements by Use (Continued)

Use Classification	Minimum Parking Requirement
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D. Service

Bank	2 per 1,000 square feet
Bar/tavern/nightclub	1.5 per seat
Bed & breakfast lodging	2 spaces + 1 per guest bedroom
Barbershop/beauty salon	1.5 per chair
Dry cleaning/Laundromat	2 per 1,000 square feet
Hotel/motel	1 per room + 1 for every employee on a single shift
Funeral homes	10 per 1,000 square feet
Office, professional or business	3 per 1,000 square feet
Restaurant, carry-out	2 per 1,000 square feet
Restaurant, with drive-thru	1 per employee + 4 per 1,000 square feet
Restaurant, sit-down	1.5 per seat

E. Vehicle Related

Vehicle repair/service or gas station	2 per bay
Vehicle sales	2 per employee
Vehicle rental	1 per 1,000 square feet floor area
Car Wash	1 per employee

F. Industrial / Manufacturing

All uses	1 per employee on a single shift
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- A. Where no requirement is designated and the use is not comparable to any of the listed uses, parking requirements shall be determined by the Planning Board based upon the capacity of the facility and its associated uses. The Planning Board may consult with the Village Engineer or other professional resources in their determination.
- B. The Planning Board may require off-street parking spaces in addition to those required by this Article in order to protect the health, safety, and general welfare of the public.
- C. Bicycle parking shall be provided at ten percent (10%) of the motorized vehicle parking requirements but not less than two (2) bicycle spaces and not more than twenty (20) bicycle spaces for any use.

62-51.7 LOADING SPACE REQUIREMENTS

Whenever the normal operation of any development requires that good, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in order to avoid undue interference with the public use of streets or alleys.

- A. Access. Access to a loading space shall be provided directly from a public street or alley or from any right-of-way in such a way that it will not interfere with public convenience and will permit orderly and safe movement of delivery vehicles.
- B. Maneuvering. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public right-of-way except in the Village Center District.
- C. Shared Loading Facilities. Off-street loading facilities for separate uses within the same building may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided, that the use complies with all regulations governing the location of accessory spaces in relation to the use served are adhered to.
- D. Minimum Space Dimensions. Loading spaces shall conform to the minimum dimensions of Table 51-5 below:

Table 51-5: Minimum Space Dimensions

Class of Loading Space	Minimum Width (feet)	Minimum Length (feet)	Minimum Height (feet)
1. A (for semi-truck vehicles)	14	55	15
2. B	12	30	15

- E. Number of Loading Spaces Required. The required number and class of loading space shall be determined by the gross floor area of the use that it will serve as listed in Table 51-6 below:

Table 51-6: Number of Loading Spaces Required

Gross Floor Area (square feet)	Number	Class
1. Less than 5,000	0	n/a
2. 5,000 to 15,000	1	B
3. 15,000 to 30,000	1	A
4. 30,000 or greater	1 each	A&B
5. Each additional 50,000; or fraction thereof	1	A

Article 52 | SIGN REGULATIONS

62-52.1 PURPOSE

The primary purpose of these sign regulations for the Village of Attica is to identify the location or occupant for a parcel of land while protecting public health, safety and general welfare. All signs and signing systems are subject to the regulations that follow in this Chapter. These regulations also serve to:

- A. Ensure right to free speech as protected under the Constitution;
- B. Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
- C. Provide businesses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
- D. Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
- E. Minimize the adverse effect of signs on nearby public and private property;
- F. Avoid personal injury and property damage from unsafe or confusing signs; and
- G. Establish a clear and impartial process for those seeking to install signs.

62-52.2 REQUIRED COMPLIANCE AND PERMIT

- A. Required Conformance. No person shall erect, place, establish, paint, or retain any sign, or cause a sign to be located or retained within the Village of Attica unless all provisions of this Sign Code have been met.
- B. Permit Required. To ensure compliance with the provisions of this Sign Code, a sign permit shall be required for each sign unless specifically exempted by this Sign Code.
- C. Permit Required for Alteration. A sign initially approved for which a permit has been issued shall not be modified, relocated, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, relocated, altered, or replaced if any such design element constituted a basis for approval of such sign unless an amended or new permit is obtained consistent with these regulations.
- D. Specific Situations Requiring Sign Permit. The following specific situations shall require a sign permit:
 - 1. Installation of a new sign.
 - 2. A change of the face of a sign.
 - 3. Moving or enlarging of a sign.
- E. Specific Situations Not Requiring Sign Permit. The following specific situations shall not require a sign permit:
 - 1. The repainting, repairing, changing of parts and preventive maintenance of signs.
 - 2. A change in the message on a changeable copy sign.
 - 3. Repainting of supports and sign area provided no change in sign message.
- F. Expiration of Sign Permit. Any sign permit shall expire if the sign for which the permit has been issued is not fully constructed within one hundred eighty-three (183) days from the date of issuance of the permit.
- G. Lapse of Sign Permit. A sign permit shall lapse automatically if the zoning permit for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the activity on the premises for which the sign permit was issued is discontinued for a period of one hundred eighty-three (183) days or more.

62-52.3 REGULATIONS APPLICABLE TO ALL SIGNS

The following regulations are applicable to all signs within the Village of Attica unless specifically stated otherwise within this Section:

- A. Traffic Safety. All signs shall be designed, constructed, and located in accordance with the following criteria:
1. All signs shall comply with the provisions of Section 53.14, Visibility at Intersections.
 2. No sign shall be erected at or near any intersection of any streets, or alleys, or any railway and any street, in such a manner as to obstruct free and clear vision.
 3. No sign shall be of a shape or color that may be confused with any authorized traffic control device.
 4. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign display.
- B. Design and Construction. All signs shall be designed and constructed in accordance with the following criteria:
1. Construction Materials. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this Chapter, all signs shall be constructed of permanent, weather resistant, and durable materials.
 2. Sign Supports and Braces. All permanent signs shall be supported by sign structures that are designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate provisions of the Building Code. All sign supports shall be reviewed as part of the sign design.
 3. Lettering. All sign lettering shall be permanently affixed to the sign. Manual changeable copy signs shall be enclosed and locked. Electronic changeable copy signs are subject to the regulations set forth in Section 52.10.
- C. Location. All signs shall be located in accordance with the following standards:
1. Signs shall not be erected within nor project into any public right-of-way, unless otherwise specified within this Chapter. Signs must be located on private property and comply with the dimension and setback requirements contained in the "Table of Sign Regulations" (Section 52.12; Table 52-1).
 2. All permanent signs shall be located on the site being promoted, identified or advertised.
 3. No sign shall cover any part of any window unless specifically permitted under this Chapter. No sign shall cover any door, or hinder or prevent free ingress to or free egress from any door, window, fire escape, or other required exit way.
 4. Altering or covering of architectural details is prohibited. No sign shall cover or cause the removal of architectural details to a building façade including, but not limited to, arches, sills, moldings, cornices, and transom windows.
 5. Maintenance of Height Clearance. Signs projecting over walkways or sidewalks where permitted must have a minimum clearance between the bottom of the sign and the ground of nine (9) feet.
- D. Illumination. All signs shall be in accordance with the following standards:
1. Brightness. Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrians or motorists and shall be shielded so as not to cast an illumination of more than two (2) foot-candles on contiguous properties, and no more than one-tenth (0.1) foot-candle on residential properties.

2. **Electric Considerations.** All light fixtures and wiring shall comply with National Electric Code. Electrified signs shall bear an approved testing laboratory label and all electrical connections shall be approved by an approved inspection agency. All transformers, wires, and similar items shall be concealed and properly protected from the elements. In the case of freestanding signs, all wiring shall be placed underground or internally to the sign so as not to be visible from the outside.
 3. **Flashing.** Intermittent illumination, or illumination which involves movement or causes the illusion of movement resulting from the arrangement of lighting, is prohibited, except as regulated for electronic changeable copy signs (Section 52.10).
- E. **Maintenance and Repair.** All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Chapter at all times. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, and other acts required for maintenance of such sign. If any sign does not comply with the above maintenance and repair standards, the Code Enforcement Officer shall require its removal.
- F. **Protection of Property.** Signs shall not be posted in any manner destructive to public property. Signs shall also not be attached or otherwise applied to trees, utility poles, transit shelters, benches, trash receptacles, or newsracks.
- G. **Obsolete Signs.** Any sign that no longer advertises or identifies the use of the property must be removed within thirty (30) days after written notification from the Code Enforcement Officer.

62-52.4 MEASUREMENT

- A. **Sign Area.**
1. **Computation of Individual Sign Area.** The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or geometric combination thereof that will encompass the extreme limits of the writing, representation, emblem, and/or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
 2. **Computation of Multi-faced Sign Area.** In the case of a multi-faced sign only one side of the sign is considered in determining sign area if the message is identical on both sides, and the sides of the sign are back-to-back or diverge at an angle of less than forty-five (45) degrees.
 3. **Structural Support Not Included in Sign Area.** The supporting structure or bracing of a sign shall not be computed as part of the sign area, unless such supporting structure or bracing is made a part of the sign's message by including a symbol, logo, or other three-dimensional figure. If such is the case, a combination of regular geometric shapes which can encompass the area of said symbol or figure shall be included as part of the total sign area computation.
 4. **Combining Individual Elements.** For a sign comprised on individual letters, figures, or elements mounted on a wall or wall extension, the area of such sign shall be calculated by determining the smallest geometric form or combination of forms that comprise all the display area, including the space between the elements.
- B. **Sign Height.**

1. Computation of Height of Freestanding Sign. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign. The elevation of the ground directly beneath the center of the sign shall be construed to be the lower of the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
2. Computation of Height of Building Signs. The height of an awning, canopy, projecting, wall, or window sign shall be determined by measuring the vertical distance between the top part of a sign panel or individual letter or character, whichever is highest, to the elevation of the ground underneath such sign.
3. Structural Support Included in Sign Height. Any material whose major function is to provide structural support for a sign shall be considered part of the sign for purposes of determining sign height.

C. Frontage.

1. Freestanding Sign Frontage. The term frontage as used in calculating freestanding signs shall refer to the dimension of the lot along the street.
2. Wall Sign Frontage. The term frontage as used in calculating wall signs shall refer to the building wall dimension facing the street or parking lot.
3. More Than One Frontage. If a use or structure contains walls facing more than one property line, the number of signs and sign areas will be computed separately for each side of the building facing a different frontage.
4. No Direct Frontage. For uses or structures having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the intersection of the building line onto adjacent drives or parking areas.

62-52.5 SIGNS AUTHORIZED WITHOUT A PERMIT

The following types of signs may be erected in the Village without obtaining a permit. Although permits are not required for these signs, the signs shall conform to the size, height, location, setback, design, and duration requirements detailed in this Chapter, if applicable:

A. Banners or Pennants. Such signs shall not require a permit only if all the following conditions are satisfied:

1. There shall be no more than one (1) banner per enterprise at one time;
2. It shall be displayed for no more than thirty (30) days;
3. It shall not have a total face area in excess of 100 square feet nor a height of more than four (4) feet;
4. It shall not extend above the first floor facade of the building or project beyond property lines;
5. It shall not be illuminated; and
6. It must not be placed in such a manner as to impede pedestrian traffic.

B. Construction or Home Improvement Signs. No permit shall be required for temporary construction or home improvement signs should the following conditions be met:

1. A maximum of one (1) sign is installed and located within the limits of the construction site;
2. The sign area does not exceed six (6) square feet in residential districts, or twelve (12) square feet in all other districts; and
3. The sign shall be displayed for no more than thirty (30) days.

- C. Decorations. Temporary displays of patriotic, religious, charitable, or civic character with no commercial message, including holiday lights and decorations that are erected for customary periods of time.
- D. Directional Signs. Signs that provide direction and are located entirely on the property to which they pertain and do not advertise a business and do not exceed four square feet in area. Directional signs include signs identifying public rest rooms, public telephones, walkways or signs providing direction, such as parking lot entrance and exit signs, and those of a similar nature. Such directional signs shall be allowed within the street setbacks and side and rear yards in so far as they do not obstruct free and clear vision to traffic.
- E. Drive-through Signs. Businesses with drive-through facilities may have one (1) sign, not exceeding twenty-four (24) square feet for each drive-through lane provided such signs are oriented solely for the use of patrons utilizing the drive-through lane and are not intended to be visible from adjacent property or the right-of-way. If the drive-through lane or facility is removed or not operating for a period exceeding sixty (60) days, the sign must be removed.
- F. Flags. The flags, emblems or insignia of any nation, political subdivision, including those of commercial and noncommercial interest. Flagpoles shall be subject to the height restrictions imposed by each respective zoning district. Commercial flags shall be limited to one (1) per lot.
- G. Gasoline Station Price Signs. Signs not exceeding three (3) square feet advertising the price of gasoline and indicating self-service or full-service, when attached to a gasoline pump or pump service island.
- H. Governmental Signs. Any official sign or public notice supported by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. (Example: NYS inspection station or authorized repair shop identification). There are no size requirements for governmental signs.
- I. Historical Signs. Signs that are in the nature of cornerstones, commemorative tablets, and historical signs, provided that such signs are less than nine (9) square feet and not illuminated.
- J. Home Occupation Signs. One (1) sign for each legally established home occupation, not to exceed three (3) square feet in area.
- K. House Numbers and Nameplates. Address and/or name of occupant of premises for a residential structure, not including designations as to employment or home occupation, are to be limited in size to three (3) square feet per dwelling unit.
- L. Incidental Signs. Such signs shall have an aggregate area not to exceed three (3) square feet at each entrance and shall be attached to a permanent structure.
- M. Internal Signs. Any sign within a building not legible from the right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as athletic field, where sign is not legible beyond the property lines.
- N. Limited Signs. Signs and notices advertising an open house, sale, or event displayed for no more than thirty (30) days. These signs must be placed on the property where the open house, sale, or event is being held.
- O. Noncommercial Signs. Any lot shall be allowed up to two (2) signs of any type containing solely noncommercial messages provided said signs are in conformance with the size, height, setback, and illumination regulations set forth within the "Table of Sign Regulations" (Section 52.12; Table 52-1) for each applicable sign type.
- P. Political and Campaign Signs. Political and campaign signs on behalf of candidates for public office or measures on election ballots are permitted without permit under the following conditions:

1. Up to two (2) signs of any type per lot in conformance with the size, height, setback, and illumination regulations set forth within the "Table of Sign Regulations" (Section 52.12; Table 52-1) for each applicable sign type;
 2. Said signs are not placed more than thirty (30) days in advance of said election or ballot; and
 3. Said signs are removed upon closing of the applicable election or ballot.
- Q. Portable Signs. One (1) non-illuminated, two-sided portable sign not to exceed thirty-two (32) square feet in size and five (5) feet in height in the following situations:
1. New businesses awaiting the erection of a permanent sign, not to exceed a period of thirty (30) days.
 2. A business that has lost the use of an existing sign by reason of fire or other catastrophe, not to exceed a period of thirty (30) days.
 3. All portable signs must be placed at least ten (10) feet from all property lines.
- R. Real Estate Signs. Up to two (2) signs on any lot or parcel, provided that such sign is located entirely within the property to which the sign applies, is in conformance with the size, height, setback, and illumination regulations set forth within the "Table of Sign Regulations" (Section 52.12; Table 52-1) for each applicable sign type.
- S. Sandwich Board Signs or "A-Frame" Signs. One (1) sandwich board sign is permitted per use. Said sign shall not exceed six (6) square feet in area. Said sign must be removed at the close of each business day. A sandwich board sign shall not require a sign permit if the following conditions are met:
1. The sign is not more than three (3) feet in height and three (3) feet in width;
 2. The sign is not illuminated;
 3. The sign is displayed only during business hours;
 4. The sign is not located within the public right-of-way or on public property and is located on the property on which the business is located; and
 5. If placed within the Village Center Zoning District, the sign is placed within the public right-of-way between May 1 and October 31 of each year during business hours. Said sign is erected in such a place and in such a fashion as to make it as unobtrusive as possible for pedestrian traffic. The Village retains the right to request movement of the sign if it determines that the sign was not erected in such a fashion and that a different placement would provide less obstruction to pedestrian traffic.
- T. Works of Art. Works of art that do not include a commercial message, logo, or trademark and do not contain any property identification message.

62-52.6 PERMITTED SIGNS

The "Table of Sign Regulations", located in Section 52.12, lists the requirements for different types of permitted signs that might be proposed for installation in the Village. The Table addresses each type of sign by zoning category, listing whether each sign type is permitted in each zone, the number of signs permitted per site, and the allowable size, height, clearance, setback, and lighting regulations.

62-52.7 PROHIBITED SIGNS

The following types of signs are prohibited:

- A. Signs for which no permit was issued or for which a permit has been revoked;
- B. Obsolete signs or signs that are not properly maintained, considered structurally unsound, hazardous or otherwise unsafe;

- C. Signs that contain words or pictures of an obscene or pornographic nature;
- D. Signs that emit audible sounds, odor, or visible matter;
- E. Signs that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle; or bear one of more of the words "stop" "go slow," "caution," "danger," "warning" or other similar words; or hide from view any traffic or street sign, signal or device;
- F. Signs that interfere with official traffic lights or traffic control devices;
- G. Flashing, rotating, revolving signs/lights, except barber poles or holiday decorations; which do not violate C, D, or E above;
- H. Signs with unshielded lighting devices or reflectors placed to outline or provide the background of a sign;
- I. Animated signs or signs utilizing full motion or video technology;
- J. Signs with mirrors;
- K. Permanent banner, pennant, windblown or inflated signs. These may be permitted as a temporary sign for a total of thirty (30) days;
- L. Portable signs attached to or placed on an unregistered vehicle parked on private property for the primary purpose of being viewed by motorists within the right-of-way;
- M. Pennants not affixed to the face of a building;
- N. Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any street or within the public right-of-way unless otherwise permitted;
- O. Signs, banners, or pennants mounted on or extending above the roof of any building or structure;
- P. Signs painted directly on an exterior wall;
- Q. Off-premise signs; and
- R. Free standing signs supported by a single or multiple poles or posts with more than thirty (30) inches clearance from the bottom of the sign to the ground below. Commonly referred to as "Pole Signs."

62-52.8 SPECIFIC PROVISIONS BY ZONING DISTRICT (See the "Table of Sign Regulations" in Section 52.12 for sign allowances)

A. Residential Districts.

1. One (1) freestanding sign not exceeding thirty-two (32) square feet in area and five (5) feet in height is allowable by permit at the entrance of a subdivision or residential development provided it is not internally illuminated and has a minimum setback from the public right-of-way of ten (10) feet. The sign may be installed after approval of the Planning Board of the final subdivision plat or when a valid building permit has been issued. If a building permit is not issued or construction does not begin within twelve (12) months of Planning Board approval, said sign must be removed.
2. The use of electronic changeable copy for a sign or any part thereof in residential districts is strictly prohibited.

B. Non-Residential Districts.

1. Two (2) signs per use are permitted for a single business or industry. Where contiguous businesses or industries are located on a single lot, such as, but not limited to, industrial centers, or business parks, each business or industry shall be permitted two (2) signs and the lot may be permitted one (1) additional freestanding sign.

2. Where groups of two (2) or more contiguous stores are located together, two (2) signs per use shall be permitted in addition to a single freestanding sign for the mall or plaza, subject to the "Table of Sign Regulations".

62-52.9 TEMPORARY SIGN REGULATIONS

- A. Temporary Signs. Temporary signs on private property shall be allowed upon the issuance of a temporary sign permit unless specifically exempted from such permit within this Chapter. All temporary signs shall conform to the following conditions:
1. Term. A temporary sign may be placed upon a property or structure for no more than thirty (30) days, with no more than one (1) thirty (30) day extension.
 2. Number. Only one (1) temporary sign is permitted for a property or structure at any given time. A maximum of four (4) temporary signs may be displayed during each calendar year.
 3. Illumination. Interior illumination of temporary signs is prohibited. Signs requiring exterior illumination or electricity shall conform to the regulations of Section 52.3(D) of this Chapter, and those within the "Table of Sign Regulations" (Section 52.12; Table 52-1).
 4. Size, Height, Clearance, and Setback Requirements. Temporary sign area, height, and setback requirements shall follow the same regulations set forth for any permanent sign of similar type or configuration within the applicable zoning district. See "Table of Sign Regulations" (Section 52.12; Table 52-1).

62-52.10 ELECTRONIC CHANGEABLE COPY SIGN REGULATIONS

Properties and buildings in the General Commercial (GC) and Industrial (M) Districts are permitted the use of one (1) electronic changeable copy sign or one (1) sign that contains an electronic changeable copy component, provided such sign meets all of the following criteria:

- A. An electronic changeable copy sign may be located only as part of a freestanding sign that is in compliance with all applicable requirements of the district in which it is located (See the "Table of Sign Regulations" in Section 52.12) and other applicable requirements of Village law.
- B. The area of the display face of electronic changeable copy signs shall not exceed thirty (30) square feet or fifty percent (50%) of the sign surface area of the primary freestanding sign to which it is attached, whichever is less.
- C. All electronic changeable copy signs shall display static messages only with no animation, no effects simulating animation, and no video. The messages shall not dissolve, fade, scroll, travel, flash, spin, revolve, shake or include any other type of movement or motion.
- D. The interval of change of any messages shall occur no less than once every twenty-four (24) hours, i.e., each message shall be displayed for a minimum period of twenty-four (24) hours.
- E. Each transition from one message to a subsequent message shall be accomplished immediately with no fade, dissolve, scroll, travel or other such animation.
- F. Maximum brightness levels for electronic changeable copy signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours, and five hundred (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn.
- G. The sign shall be programmed or set in a manner such that the display will turn dark and emit no light in case of malfunction.

- H. No electronic changeable copy signs shall be located within 500 feet of a residentially zoned property as measured in a straight line from the location of the sign to the residential property line.

62-52.11 NONCONFORMING SIGNS

- A. Permitted Nonconforming Signs. Any sign erected prior to the adoption of this Chapter that does not conform to the provisions of this Article is permitted to remain as a nonconforming sign, provided that the sign:
 - 1. Was erected under an approved sign permit prior to the adoption of this Chapter; and
 - 2. Is not an obsolete sign.

- B. Loss of Nonconforming Status. A sign characterized as a nonconforming sign shall lose its nonconforming status if:
 - 1. The sign is altered in any way in structure or size (except for routine maintenance);
 - 2. The sign is relocated; or
 - 3. The sign is replaced.

62-52.12 Table of Sign Regulations

All signs permitted by the Village shall be subject to the regulations set forth in Table 52-1 below.

Table 52-1 Table of Sign Regulations

ZONE	Low Density Residential	Medium Density Residential	Multi-Family Residential	Neighborhood Commercial	Village Center Commercial	General Commercial	Industrial
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A. FREESTANDING SIGNS	<i>A sign independently supported by the ground or mounted on a supporting structure that is placed on or anchored in the ground and is independent from any building.</i>						
	LDR	MDR	MFR	NC	VC	GC	M
Permitted in Zone	P	P	P	P	NP	P	P
Maximum # Permitted	1 per lot	1 per lot	1 per lot	1 per lot	n/a	1 per lot	1 per lot
Maximum Area (sq. ft.)	6	6	6	6	n/a	100	50
Maximum Height (ft.)	4	4	4	5	n/a	15	6
Setback (ft.)	10	10	10	10	n/a	10	10
Internal Lighting	NP	NP	NP	NP	n/a	P	P
External Lighting	NP	NP	NP	P	n/a	P	P

NOTE: The "maximum # permitted" requirement does not apply to noncommercial signs, political signs, or real estate signs. See Section 52.5(O), (P), and (R) for number of sign types permitted.

B. WALL SIGNS

Any sign fastened to, or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign. The sign will not project more than twelve (12) inches from the building or structure.

	LDR	MDR	MFR	NC	VC	GC	M
Permitted in Zone	P	P	P	P	P	P	P
Maximum # Permitted	1 per structure	1 per structure	1 per structure	1 per structure	1 per use	1 per use	1 per use
Size Allocation (maximum % of wall area or maximum area sq. ft.)	3 sq. ft.	3 sq. ft.	3 sq. ft.	12 sq. ft.	20% or 1.5 sq. ft. per linear foot of frontage; whichever is less	20% or 1.5 sq. ft. per linear foot of frontage; whichever is less	100 sq. ft.
Maximum Height (ft.)	n/a	n/a	n/a	n/a	4	4	n/a
Internal Lighting	NP	NP	NP	NP	P	P	P
External Lighting	P	P	P	P	P	P	P

C. PROJECTING SIGNS

A sign wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from the building.

	LDR	MDR	MFR	NC	VC	GC	M
Permitted in Zone	NP	NP	NP	P	P	P	P
Maximum # Permitted	n/a	n/a	n/a	1 per structure	1 per use	1 per use	1 per use
Size Allocation (maximum sq. ft.)	n/a	n/a	n/a	6	20	20	20
Internal Lighting	n/a	n/a	n/a	NP	P	P	P
External Lighting	n/a	n/a	n/a	P	P	P	P

NOTE: The "maximum # permitted" requirement does not apply to noncommercial signs, political signs, or real estate signs. See Section 52.5(O), (P), and (R) for number of sign types permitted.

D. SUSPENDED SIGNS		<i>A sign attached to and supported by the underside of a horizontal plane.</i>						
	LDR	MDR	MFR	NC	VC	GC	M	
Permitted in Zone	NP	NP	NP	P	P	P	P	
Maximum # Permitted	n/a	n/a	n/a	1 per structure	1 per use	1 per use	1 per use	
Size Allocation (maximum sq. ft.)	n/a	n/a	n/a	3.5	3.5	3.5	3.5	
Vertical Clearance (ft.)	n/a	n/a	n/a	9	9	9	9	
Internal Lighting	n/a	n/a	n/a	NP	P	P	P	
External Lighting	n/a	n/a	n/a	P	P	P	P	

E. AWNING & CANOPY SIGNS		<i>A sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.</i>						
	LDR	MDR	MFR	NC	VC	GC	M	
Permitted in Zone	P	P	P	P	P	P	P	
Maximum # Permitted	1 per use	1 per use	1 per use	1 per use	1 per use	1 per use	1 per use	
Size Allocation - maximum % of canopy surface area	15%	15%	15%	15%	20%	25%	25%	
Internal Lighting	NP	NP	NP	NP	NP	NP	NP	
External Lighting	P	P	P	P	P	P	P	

F. WINDOW & DOOR SIGNS		<i>A sign that is affixed, painted on, or attached to the glass or facade of a window or door, or displayed within three (3) feet of the inside surface of a window, designed and intended to allow those outside the structure to view it.</i>						
	LDR	MDR	MFR	NC	VC	GC	M	
Permitted in Zone	P	P	P	P	P	P	P	
Maximum # Permitted	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Size Allocation - maximum % window area	20%	20%	20%	20%	20%	20%	20%	
Illumination	n/a	n/a	n/a	n/a	n/a	n/a	n/a	

NOTE: The "maximum # permitted" requirement does not apply to noncommercial signs, political signs, or real estate signs. See Section 52.5(O), (P), and (R) for number of sign types permitted.

G. ELECTRONIC CHANGEABLE COPY SIGNS		<i>Any sign, or portion thereof, on which characters, letters, or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.</i>					
	LDR	MDR	MFR	NC	VC	GC	M
Permitted in Zone	NP	NP	NP	NP	NP	P	P
Maximum # Permitted	n/a	n/a	n/a	n/a	n/a	1 per lot	1 per lot
Size & Setback Requirements	See "Freestanding Sign" requirements.						

H. TEMPORARY SIGNS		<i>A sign which is not intended to be used for a period of time to exceed thirty (30) days, nor is attached to a building, to a structure, or into the ground in a permanent manner.</i>					
	LDR	MDR	MFR	NC	VC	GC	M
Permit requirement guidelines for most relevant sign type as defined above shall also be applied (e.g. setback, size, height, clearance, etc.)							
Maximum # Permitted	1 per lot	1 per lot	1 per lot	1 per lot	1 per lot	1 per lot	1 per lot
Internal Lighting	NP	NP	NP	NP	NP	NP	NP
External Lighting	See applicable sign type above.						

NOTE: The "maximum # permitted" requirement does not apply to noncommercial signs, political signs, or real estate signs. See Section 52.5(O), (P), and (R) for number of sign types permitted.

Article 53 | Setbacks, Yards, & Yard Encroachments

62-53.1 RESIDENTIAL STREET SETBACKS

Where 50% or more of the aggregate street frontage on one side of a street, as measured 250 feet on each side of the lot and in the same block, is occupied by buildings, and the average street setback of the existing buildings is less than the required minimum street setback, the minimum street setback for any new construction shall be the most common setback of the existing buildings located on the lots within 250 feet of the proposed lot to be developed. The measurements shall be made in each direction along the one side of the block.

62-53.2 MINIMUM LOT WIDTH AT FRONT LOT LINE

The minimum lot width at the front lot line shall be no less than the greater of half the minimum lot width required by the applicable zoning district or fifteen (15) feet.

62-53.3 FUTURE STREET SETBACKS

After the planned right-of-way line for future streets, for future extensions of existing streets or for future street widening (ultimate right-of-way) is established, buildings shall be set back from such street line as though it were a street property line.

62-53.4 STREET SETBACK ENCROACHMENTS

The front setback shall be unobstructed except as provided in this section:

- A. Uncovered landings shall be permitted, provided that they do not extend a distance greater than five (5) feet into the street setback.
- B. An awning or movable canopy on a residential building shall not project more than ten (10) feet. On a commercial or industrial building, the marquee or awning may project to the street line, provided that there is a clear height under the permitted encroachment of ten (10) feet.
- C. Eaves, gutters, chimneys and bay windows shall not project more than three (3) feet into the street setback.
- D. Open fire escapes shall not project more than four (4) feet into the street setback.
- E. A gatehouse or watchman's post may be permitted by the Planning Board, as part of site plan review, as an accessory structure to a commercial or industrial use in a designated Commercial, Industrial or Planned Unit Development district. The gatehouse or watchman's post shall not encroach upon the street property line.
- F. Expansions.
 - 1. The expansion shall not encroach into the street setback further than the existing building.
 - 2. The expansion shall not encroach into the street setback farther than fifteen (15) feet in from the street property line.
 - 3. The expansion shall conform to all other bulk requirements.
- G. Handicap Ramps. Unroofed handicap ramps may extend into the required front yard setback and shall maintain an eight (8) foot setback from the street property line.

62-53.5 SIDE AND REAR SETBACK ENCROACHMENT

Within a designated residential district, eaves, chimneys, gutters and bay windows shall not project more than three (3) feet into the side and rear setback.

62-53.6 OBSTRUCTIONS IN SIDE AND REAR YARDS

The required side and rear yards of each district, as designated by the Lot, Area, and Yard Requirements Table under Articles 20 through 22, shall be unobstructed by any buildings or uses, except for plantings, screening, fencing, driveways and directional signs for the control of traffic within a parking facility.

62-53.7 SIDE YARD SETBACK REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS

In order to build on the side property line, as designated by the Lot, Area, and Yard Requirements Table by district under Articles 20 through 22, the building shall be of masonry construction, have parapet walls at least two (2) feet above the highest point of the roof surface and be in compliance with the New York State Building Code.

62-53.8 ACCESSORY BUILDING HEIGHT AND YARD REQUIREMENTS

- A. Accessory use buildings shall be located to the side or rear of the principal building.
- B. Accessory buildings shall comply with the side yard, rear yard and street setback requirements of the zoning district in which said accessory use is located.
- C. Where 50% or more of the aggregate street frontage on one side of a street, as measured 250 feet on each side of the lot and in the same block, is occupied by buildings, and the average setback of the existing accessory buildings is less than the required minimum setbacks, the minimum street setback for any new accessory building shall be the average setback of the existing buildings located on the lots within 250 feet of the proposed lot to be developed. The measurements shall be made in each direction along the one side of the block.
- D. Where the topography is such that the slope of the land exceeds 15% and, therefore, access to a private garage built back of the front building line as required by this Chapter is, in the approving body’s opinion, impracticable, it shall be permissible to place such garage, not exceeding ten (10) feet in height, within the front yard space, but not closer to the front property line than eighteen (18) feet. The approving body for this provision is the Planning Board if the project is undergoing site plan review or the Building Official if it is a residential application.

62-53.9 HEIGHT EXCEPTIONS

- A. No building height limitation contained in this Chapter shall restrict the height of the following buildings or structures:
 - 1. Barns, silos and other agricultural buildings.
 - 2. Church spires, cupolas, domes, belfries and flagpoles.
 - 3. Chimneys, elevator or stair bulkheads, water tanks or cooling towers.
 - 4. Radio or television antennas, telecommunications facilities, utility transmission lines or cables.
 - 5. Passive and active solar equipment, provided that the placement of the equipment does not deprive the adjoining properties of access to solar sky space.
- B. None of the exceptions to the height regulations shall be used for human occupancy.

62-53.10 DISTANCE BETWEEN BUILDINGS ON SAME LOT

- A. Distance between principal buildings. No detached principal building shall be closer to another principal building on the same lot than the average heights of the buildings. For principal buildings set side by side, the distance between the buildings shall be no less

than the average heights of the principal buildings or the combined side yard setback of the two (2) buildings as if they were built on separate lots, whichever is less. In residential districts, where the residential units are owned through condominium, cooperative or homeowners' association ownership, the residential unit shall retain all bulk requirements of its appropriate district as if there were lot lines for each unit.

- B. Distance between principal building and accessory building. No accessory building shall be any closer to any principal building or to another accessory building on the same lot than a distance of eight (8) feet. Accessory buildings, other than detached accessory garages, shall be located to the rear of the principal building.

62-53.11 USE OF SMALL LOTS

Any parcel of land with an area or width less than that prescribed for a lot in the district in which it is located, which at the time of the adoption of this Chapter was under one ownership and when the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the district, provided all other regulations prescribed for the district by this Chapter are complied with. When two (2) or more adjacent lots are in a single ownership, they shall be considered as being a single lot.

62-53.12 SEMI-ATTACHED AND ATTACHED RESIDENTIAL UNITS

- A. In order for a residential building to be considered an attached structure, units on both sides of the party wall shall be built simultaneously.
- B. Two-family attached buildings shall have only one party wall with another residential building. The units on both sides of the party wall shall be built simultaneously.

62-53.13 MAXIMUM CONTIGUOUS SINGLE-FAMILY ATTACHED UNITS

There shall be no more than eight (8) contiguous single-family attached residential units.

62-53.14 VISIBILITY AT INTERSECTIONS

On corner lots, no obstruction of vision shall be erected, installed, planted, parked or otherwise placed within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along said street lines. In such area no shrubbery, nor fences of masonry, wood or other material which creates a solid visual barrier, shall be erected higher than two feet from the accepted street grade of the abutting top of curb, or from the crown of the abutting road, if there is no curbing, nor shall branches or foliage of trees be permitted less than ten (10) feet from the ground. An open fence of chain link wire, wrought iron, split, rail or other similar material which does not screen or obstruct views, light and air may be permitted in the triangular area, provided it does not obstruct visibility.

62-53.15 FENCES

- A. Fences shall not be considered structures under this Chapter and, as such, may be erected in any district, subject to the provisions of this Chapter.
- B. No fence shall be erected or encroach upon a public right-of-way.
- C. Any fence shall have its finished or decorative side facing the adjacent properties. The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.
- D. The height of all fences shall be measured from the average finished grade of the lot at the base of the fence.
- E. No solid fences over twenty-four (24) inches in height shall be permitted in the triangular area formed by the intersecting street lines and a straight line joining the street lines at points which are twenty-five (25) feet in distance from the point of intersection measured

- along the street lines. Measurement of height shall be from the grade of the abutting top of curb or from the crown of the abutting road, if there is no curbing. Split-rail fences, cyclone fences or other similarly open fences are permitted in the triangular area, provided that they do not create a traffic hazard and block visibility.
- F. In residential districts, no fences shall be constructed, established or built in excess of six (6) feet in height, with the exception of tennis or recreation courts, which may be up to twelve (12) feet in height. In nonresidential districts, fences may be constructed, established or built up to ten (10) feet in height above the average natural grade, provided that they do not create a traffic hazard.
 - G. Within residential districts, no fence or wall over three feet in height shall be constructed in the front yard of any lot, other than a necessary retaining wall. All front yard fences in residential districts shall not be more than sixty-percent solid surface.
 - H. Solid fences shall maintain an eight-foot setback from the street property line or shall be no greater than three (3) feet in height. If the fence is to be located on a corner lot, the provisions of Section 53.15(E) shall also apply. Split-rail and similarly open fences are permitted to be placed in the ten (10) foot street setback, provided that they do not create a traffic hazard or block visibility.
 - I. Every fence shall be maintained in a safe, sound and upright condition. No fence shall be erected that will create a safety problem for people using the public right-of-way.
 - J. Obnoxious and/or objectionable colors, images or language shall not be painted on or affixed to the outward side of any fence and shall not be directed at neighboring properties for any reason.
 - K. Advertisement of products and/or services shall not be painted on or affixed to a fence so as to constitute a sign.

62-53.16 SWIMMING POOLS

- A. Noncommercial aboveground or in-ground swimming pools may be permitted subject to the issuance of a permit by the Code Enforcement Officer, who when giving such approval, shall certify that the following regulations are complied with:
 - 1. No swimming pools shall be permitted to be located in the front yard.
 - 2. All swimming pools shall meet the minimum side and rear yard requirements of the district in which they are located.
 - 3. A plot plan indicating elevations with dimensions drawn to scale shall be submitted for approval. The plot plan shall also show:
 - a. Pool dimensions, depth, and volume in gallons.
 - b. Type and size of filtering system.
 - c. Location of filtering system and motor.
- C. Aboveground Pool Safeguards.
 - 1. Any artificial pool or structure intended for wading, bathing or swimming purposes that is so constructed as to be above grade and which has a ladder or steps in order to obtain access to said pool shall be subject to the requirements that whenever said pool is not attended by a person of suitable age, that the said steps or ladder to obtain access to said pool shall be removed, raised or screened so that a person may not gain access to said pool.
 - 2. Any aboveground swimming pool whose structure is less than four feet in height must be safeguarded with a permanent protective fence, said fence to be installed so as to encompass the entire perimeter of the swimming pool. Said fence shall be structurally sound, durable and must be maintained in such a condition. Said fence

shall be a minimum of forty-eight (48) inches in height and shall be of wooden or metal construction. All openings in said fence shall be so constructed as to prohibit the passage of a two (2) inch diameter sphere. The entrance gate or gates shall have a self-latching device and, except for ingress and egress to and from the swimming pool area, must be kept closed at all times.

D. In-ground Pool Safeguards.

1. No person or persons, association or corporation shall maintain an in-ground swimming pool, as defined herein, without first safeguarding such swimming pool with a permanent protective fence, said fence to be installed so as to encompass the entire perimeter of the swimming pool. Said fence shall be structurally sound, durable and must be maintained in such condition. Said fence shall be a minimum of forty-eight (48) inches in height. All openings in said fence shall be so constructed as to prohibit the passage of a two (2) inch diameter sphere. The entrance gate or gates shall have a self-latching device and, except for ingress and egress to and from the swimming pool area, must be kept closed at all times.

Article 54 | LANDSCAPING, SCREENING, AND BUFFER REGULATIONS

62-54.1 INTENT

The following standards are intended to assure an acceptable degree of buffering between land uses, particularly between residential and nonresidential uses, including agricultural operations, providing a balance between developed uses and open space, enhancing the visual and aesthetic appearance of the community, and encouraging preservation of existing natural features. Specifically, these regulations are intended to:

- A. Provide natural visual screening of parking areas and along property boundaries to protect the existing visual quality of adjacent lands.
- B. Reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas.
- C. Provide natural buffers that reduce glare and noise, provide wildlife corridors and protect wildlife habitats, wetlands, stream corridors and other significant environmental features.
- D. Moderate the microclimate of parking areas by providing shade, absorbing reflected heat from paved surfaces and creating natural wind breaks.
- E. Enhance the overall visual quality of the community by surrounding developed areas with a variety of plant materials that are consistent and compatible with the existing natural vegetation of the area.

62-54.2 GENERAL REQUIREMENTS

- A. Development activities requiring site plan approval shall submit, as part of such approval, a landscaping plan in accordance with Article 54 of this code. This shall include, but not be limited to, commercial, retail, industrial, multi-family residential, and institutional uses.
- B. Existing site vegetation and unique site features, such as stonewalls, shall be incorporated into landscaping plans to the maximum extent feasible. Existing healthy trees that are retained shall be credited against the requirements of these regulations in accordance with their size and location.
- C. The issuance of a Certificate of Occupancy shall require completion of lot grading, seeding and required landscaping, or posting of a performance guaranty acceptable to the Code Enforcement Officer if the applicant cannot perform the work due to seasonable impracticalities. In this case, all landscaping work shall be completed by June 30th of the year following the issuance of the Certificate of Occupancy.
- D. All required landscaping shall be maintained in healthy condition by the property owner. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this code shall constitute a violation of these regulations.
- E. Where existing conditions make compliance with these regulations not feasible, the Planning Board, at its discretion, may approve planters, plant boxes or pots containing trees, shrubs and/or flowers to comply with the intent of these regulations.
- F. Trees for screening shall be of species and stock that will provide a visual screen from the ground up, at least five (5) feet in height. Species adequate for the Village can be determined by a registered Landscape Architect, landscape consultant, or other professional.
- G. Trees shall have minimum caliper of two (2) inches at the time of planting. Shrubs shall have a minimum height of two (2) feet at the time of planting.
- H. Pedestrian access to sidewalks or buildings should be considered in the design of all landscaped areas.

62-54.3 LANDSCAPING STANDARDS

All plant materials must conform to the most current edition of the American Nursery and Landscape Association's American Standard for Nursery Stock (ANSI Z60.1 - 2004). Applicants are required to design and install landscaping that shall be tolerant of typical environmental conditions of this region (USDA Hardiness Zone 5). Proper trees shall be chosen where any height restrictions (i.e. power lines) exist to minimize conflicts and improper pruning techniques.

- A. Perimeter landscaping. Landscaping shall be required along the perimeter of projects, or within the required setbacks, and shall be provided except where driveways or other openings may be required. The Planning Board may consider alternatives to the location of landscaping materials, based on the existing character of the neighborhood. For large development projects such as shopping centers, perimeter landscaping shall apply to the full perimeter of the project, and not to internal property lines. The linear feet guidelines below are to be used to calculate the number of required plantings; they do not require that plantings be uniformly spaced. Rather, grouping of plants consistent with accepted landscape practice is encouraged. Specific requirements are as follows:
1. At least one (1) tree for each forty (40) linear feet of the perimeter of the lot; and
 2. At least one (1) shrub for each ten (10) linear feet of the perimeter of the lot.
- B. Parking Areas. Parking lots containing twenty (20) or more spaces shall be internally landscaped, so as to provide shade and screening, and facilitate the safe and efficient movement of traffic. The area designated as required setbacks shall not be included as part of the required landscaping. Plantings shall be spaced and grouped consistent with accepted nursery standards, and shall not be located in a manner that impedes driver visibility. Specific requirements are as follows:
1. A landscaped buffer at least ten (10) feet in width must be provided between a parking lot and the public rights of way;
 2. Shade trees shall be planted along the frontage, parallel to the frontage road with a spacing not to exceed forty (40) feet or consistent with existing tree spacing on neighboring lots when present;
 3. A minimum of one (1) landscaped island, at least 200 square feet in size, shall be provided for every twenty (20) parking spaces contained within each single row of parking. Islands shall be planted with trees and shrubs with a minimum of one (1) tree per twenty (20) parking spaces;
 4. End islands shall be required for all parking configurations entirely surrounded by drive aisles, provided such configurations contain more than five (5) spaces in a single row and ten (10) spaces in a double row. End islands shall completely separate the parking spaces from the drive aisle;
 5. Landscaped parking lot medians, a minimum of ten (10) feet in width, shall be used to completely separate driveway entrance aisles from parking areas;
 6. Landscaped areas shall be no less than eight (8) feet in average width;
 7. Trees and shrubs located within or adjacent to paved areas shall be salt tolerant;
 8. All plant material adjacent to parking areas, loading areas, and driveways shall be protected by barriers, curbs, or other means to prevent damage from vehicles.
 9. All landscaped areas shall be planted with vegetative groundcover or shall be mulched, so that no bare ground exists; and
 10. Plantings shall present a clear view of any driving lane within fifteen (15) feet.
- C. Building Foundations. Building foundations shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers.

- D. Screening. To reduce headlight glare from parked vehicles, lighting from parking or loading area, as well as reduce noise and airborne particles, the following standards are provided for loading areas, drive through lanes, and maneuvering areas.
1. A landscaped barrier at least ten (10) feet in width shall be provided to screen vehicular activity.
 2. If there is insufficient space to accommodate a ten (10) foot landscaped area, The Planning Board may allow screening to consist of a wall, fence, berm, hedge, or other plant materials or combinations thereof no less than five (5) feet high.
 3. Minimum screening requirements shall also be provided, but not limited to, the following situations:
 - i. Multi-family dwellings abutting single-family or two-family dwellings.
 - ii. Commercial, industrial, and institutional uses abutting single-family and two-family residential uses.
 - iii. Manufactured home communities abutting a public right-of-way, single-family or two-family use.
 - iv. Outdoor storage areas specified in Section 40.12 of this ordinance.
 - v. New residential development adjacent to active farm operations or vacant, open fields that contain prime agricultural soils.

62-54.4 LANDSCAPING PLAN

- A. The Planning Board may determine that the landscaping plan must be prepared by a licensed landscape architect, landscape designer or other professional. All landscaping plans shall contain the following information:
1. A title block with the name of the project, the name of the person preparing the plan, a scale, North arrow and date.
 2. All existing, significant plant materials on the site.
 3. Existing and proposed structures.
 4. Topographical contours at two (2) foot intervals.
 5. Drainage patterns.
 6. Location, size and description of all landscape materials existing and proposed, including all trees and shrubs, and shall identify those existing plant materials that are to be protected or removed.
 7. Landscaping of parking areas, access aisles, entrances, common open areas, recreation areas, and perimeter buffer areas.
 8. Other information as may be required by the Code Enforcement Officer and/or the Planning Board.
- B. Alternative landscaping plans may be submitted, provided that they meet the purpose and intent of these regulations.

62-54.5 LANDSCAPING MAINTENANCE

A "Landscape Maintenance Agreement" shall be required and executed prior to the issuance of a Certificate of Occupancy for commercial, industrial, multifamily residential and institutional uses. The agreement shall ensure the long term care of the landscape making the property owner and/or lessee responsible for maintaining the quality of all plant material, non-plant landscaping, and irrigation systems used in conjunction with the landscaping. Improper maintenance shall be determined through periodic inspection by the Code Enforcement Officer.

- A. Maintenance shall include, but not be limited to; watering, weeding, mowing (including trimming at the base of fencing), fertilizing, mulching, proper pruning, and removal and replacement of dead or diseased trees and shrubs on a regular basis.
- B. All landscaping and plant material that is missing, dead, decaying, or injured as of September 30th shall be replaced by June 30th of the following year at the owner's expense. The replacement shall be of the same species and size unless otherwise approved.
- C. Irrigation systems shall be designed to minimize spray on buildings, neighboring properties, roads or sidewalks; maintained in proper operating condition and conserve water to the greatest extent feasible through proper watering techniques.

62-54.6 SCREENED DUMPSTER OR SERVICE AREA REQUIREMENTS

In any district, all areas designated, used or intended to be used as dumpster or service areas for any building or land use, other than one-family, and two-family dwelling units, shall be screened from view with either a wall, a solid fence or a combination of fencing and evergreens creating a solid visual barrier to a height of at least five (5) feet above grade level on all sides where the adjacent land is in a residential district or a residential use.

Article 55 | OUTDOOR LIGHTING REGULATIONS

62-55.1 INTENT

The purpose of this section is to establish regulations to allow for outdoor illumination levels which are appropriate for the use, while promoting safety and security, and minimizing the undesirable side effects of excessive illumination such as glare, light trespass, and light pollution. Over time, it is the intent that this section will allow for reasonably uniform illumination levels in the community.

62-55.2 APPLICABILITY

This regulation shall apply to all new outdoor lighting fixtures, the expansion and alteration of existing fixtures, as well as the replacement of lighting fixtures except any repair or maintenance.

62-55.3 APPROVALS REQUIRED

For uses which require a site plan review, the Planning Board may require a lighting site plan to be submitted showing the location, number, type/style, mounting height, and lighting levels produced on the ground (i.e. photometric report). All other uses shall conform to the general requirements contained herein.

62-55.4 GENERAL REQUIREMENTS/STANDARDS

- A. All outdoor lighting fixtures shall be shielded or otherwise contained on the property from which it originates. (Known as "*Light Trespass Limitations*")
- B. Exterior lighting fixtures on commercial, industrial, institutional, and multi-family properties shall conform to the Illuminating Engineer Society of North America (IESNA) criteria for full cutoff fixtures. In addition, the lighting levels shall be designed to meet the minimum requirements of the latest recommended levels set forth by IESNA. Where no standard from IESNA exists, the Planning Board shall determine the appropriate level, taking into account levels for the closest IESNA activity.
- C. Lighting, except as required for security, shall be extinguished during non-operating hours in order to minimize the indiscriminate use of illumination. Where practicable, lighting installations are encouraged to include timers, sensors, and dimmers to reduce energy consumption and unnecessary lighting.

62-55.5 SPECIFIC REQUIREMENTS/STANDARDS

- A. Parking Lots. Parking lots shall not exceed light levels necessary for safety and for locating vehicles at night. The lighting plan shall be designed so that the parking lot is lit from the outside perimeter inward and/or incorporate design features with the intent of eliminating offsite light spillage.
- B. Canopy and Roof Overhang. Lights installed on canopies or roof overhangs shall be recessed so that the lens cover is flush with the bottom surface of the canopy or overhang. Lights shall not be mounted on the sides or top of the canopy or overhang.
- C. Outdoor Signs. Lighting fixtures used to illuminate an outdoor sign shall be mounted on the top of the sign and shall be shielded or directed in such a way that the light illuminates the sign only. Internal illumination of a sign shall be concealed behind opaque, translucent, or other similar types of glass or plastic.
- D. Bottom-mounted or Up-lighting. To minimize unnecessary lighting, up-lighting shall be allowed for flagpoles that display federal, state, and/or local government flags only, unless noted otherwise within this Chapter (i.e. Monument or Ground Signs). Illumination shall be directed solely onto the object for which it is intended.

- E. Security Cameras. Facilities which employ security cameras may employ appropriate lighting to ensure proper function during all times when such cameras are in use.

62-55.6 EXEMPTIONS

The following types of outdoor lighting are exempt from this regulation unless otherwise specified:

- A. Street lighting installed by the Village, Wyoming County Highway Department, or the NYS Department of Transportation.
- B. Low-voltage lighting as defined by the National Electric Code (NEC).
- C. Holiday lighting.
- D. Temporary construction and emergency lighting needed by police, emergency or highway crews, provided the light is extinguished upon completion of the work.
- E. Hazard warning lights required by a federal or state regulatory agency, except that all fixtures used must be as close as possible to the federally required minimum output.
- F. Lighting associated with farm or agricultural operations. However, farm or agricultural operations within one-hundred (100) feet of an adjacent residential dwelling shall be shielded to prevent light trespass onto the adjoining property.

62-55.7 PROHIBITED LIGHTING

- A. Blinking, flashing, strobe or search lights.
- B. Exposed strip lighting used to illuminate building facades or signs.
- C. Any light that may be confused with or construed as a traffic control device.

Article 56 | NON-RESIDENTIAL DESIGN STANDARDS

62- 56.1 PURPOSE

The non-residential design guidelines and standards are established for commercial and industrial areas outside of the Village Center District. The guidelines and standards, through the review and regulation of design characteristics, preserve and promote the unique character of the Village. The guidelines and standards are intended to encourage lively, pedestrian-friendly and attractive streetscapes where local residents and visitors enjoy walking, biking, driving and shopping.

62-56.2 GENERAL BUILDING DESIGN

- A. The massing and proportion of new front façades should relate to the proportion of surrounding buildings.
- B. New construction shall respect existing building widths by providing a horizontal division of the facade into visible building increments no larger than the average width of existing buildings in the corridor. Facades may be subdivided through the use of window patterns, slightly projecting bays, pilasters, or other elements.
- C. Buildings shall exhibit a clearly defined base, mid-section, and crown. This can be accomplished using a combination of architectural details, materials and colors.
- D. To the maximum extent practical, all roof-mounted mechanical equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or residential district within 150 feet of the subject lot, measured from a point five (5) feet above grade.
- E. Alternative energy sources, such as solar panels or shingles, are encouraged and should be incorporated into the design of the building so as not to detract from the overall design.
- F. Developers and builders are encouraged to utilize roofing materials that reflect sunlight (i.e. lighter colors) or incorporate vegetated roofing on at least 50% of the roof area. Methods such as these decrease heating and cooling needs on a building by reflecting sunlight rather than absorbing it.

62-56.3 FACADES

- A. Exterior building walls facing streets or pedestrian walkways shall include windows, building entrances and other architectural features to create an interesting streetscape and comfortable pedestrian realm. Appropriate façade articulation includes the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- B. Along street facades, all new industrial construction shall provide areas of transparency equal to 20% of the wall area and all new commercial construction shall provide areas of transparency equal to 40% of the wall area. The use of mirrored or tinted glass with less than 40% light transmittance is prohibited.
- C. Along street facades, all exterior building walls and structures shall be constructed with durable materials such as masonry, stone, brick, finished wood, cement fiber clapboard, stucco or glass. Evidence should be submitted that demonstrates that the exterior building material has sufficient impact resistance at the pedestrian level to withstand normal wear.
- D. No more than three exterior building materials shall be used on any one side of a building.
- E. Changes in materials shall occur at inside corners. Material changes at the outside corners or in a plane shall be avoided.
- F. On corner lots, the primary façade of commercial buildings shall be oriented to face the principal street rather than side streets.

- G. The front facade and main entrance shall face a public street and shall have a direct pedestrian connection to the street.

62-56.4 TRANSITIONS TO RESIDENTIAL USES

All commercial and industrial development shall employ building and site design standards to ensure compatibility with adjacent residential development. To the maximum extent practicable, commercial and industrial development shall employ a minimum of four (4) of the following techniques when developed adjacent to a residential use:

- A. Use similar building setback.
- B. Use similar building height.
- C. Use similar roof form.
- D. Use similar exterior materials.
- E. Mitigate the larger mass of commercial buildings with façade articulation.
- F. Provide Green/Open Space.
 - 1. Use small green spaces, courts, squares, parks, plazas, and similar spaces.
 - 2. Use existing natural features as transitions, including natural differences in topography (not retaining walls), streams, existing stands of trees, and similar features. When existing natural features are used as transitions, the Village may still require that adequate pedestrian connections to adjacent land uses be accommodated.

Article 57 | VILLAGE CENTER DISTRICT DESIGN STANDARDS

62-57.1 APPLICABILITY

These standards and guidelines shall be applied to non-residential development in the Village Center District of the Village.

62-57.2 BUILDING SCALE AND LOCATION

- A. New construction shall have a maximum setback of zero (0) to five (5) feet from the public right-of-way. Relief from this provision may be provided for pedestrian amenities such as recessed entries or chamfered corners.
- B. New construction shall extend to both side property lines.
- C. New construction shall be or appear to be two stories in height and no greater than three stories in height.
- D. New construction or remodeling shall incorporate a roof form that reflects the adjacent late 19th or early 20th century buildings. Flat roof slopes shall slope to the back and will have a decorative cornice at the top of the building. Peaked or gable roofs shall have significant overhangs and decorative brackets are encouraged.
- E. Entry points shall be located to afford direct access from the sidewalk. Corner buildings may have two (2) separate entry points or a single entry point at the corner.
- F. All of the facades of the building that face a public street shall be architecturally consistent (i.e. building materials, style, etc.) with each other.

62-57.3 FACADES

- A. Building façades shall reflect the late 19th or early 20th century style of the Villages.
- B. The pedestrian zone, the area two (2) to eight (8) feet above the sidewalk, shall have a minimum of 60% clear glass. Opaque or heavily tinted glass is not permitted.
- C. The pedestrian zone should not be obscured to allow visual access to the interior of the building. Displays that allow visual access of a minimum of three (3) feet into the building and window treatments such as curtains or blinds shall be permitted.
- D. A minimum of 25% percent of the façade for the upper floor shall incorporate transparent glass openings.
- E. Existing windows shall not be covered up or changed in size unless the proposed change is part of an effort to restore the original appearance of the building.
- F. No external security devices (coiling shutters, accordion gates, etc.) shall be utilized. Alternative security systems such as lighting, alarms, and interior barriers are to be used when necessary.
- G. A visual separation shall be provided between the first and second story of a building. This element may consist of decorative trim, awnings, or a change of material that creates added relief in order to add a shadow line that delineates the end of the first story.
- H. Large buildings, greater than forty (40) feet in width, shall be designed to look like multiple smaller buildings.

62-57.4 MATERIALS

- A. All new construction or remodeling that is visible from the public right of way shall utilize materials that appear to be smaller in scale such as brick or clapboard. Larger scale materials, such as concrete block, shall be limited to the rear of the building.

- B. Brick selected for new construction or renovation shall reflect the surrounding late 19th or early 20th century buildings.
- C. Vertical siding is permissible if it reflects the late 19th or early 20th century style architecture.
- D. All wood shall be finished using either stain or paint. All metal shall be colored; clear-coated aluminum or stainless steel is not permitted unless it already exists.

62-57.5 AWNINGS, DOORS, AND WINDOWS

- A. Awnings shall be consistent with materials used in the late 19th or early 20th century (i.e. canvas, wood, etc.)
- B. If awnings are placed on a façade they shall be consistent with shape of the window that they are located over. For example, an awning placed over an arched window shall be arched and an awning placed over a rectangular window shall be a flat-topped awning.
- C. Awnings shall have a triangular or curved profile.
- D. Awnings may not be backlit.
- E. Doors should allow visual access to the interior of the building. If the door is solid, it shall be multi-panel. All doors shall be painted or stained to accent the building.

62-57.6 ADDITIONAL REQUIREMENTS

- A. The demolition of any structure within the VC District is considered an Unlisted Action under SEQR. Site Plan Approval of a proposed re-development plan for the property must be obtained prior to the issuance of a demolition permit. The Village Board of Trustees may grant relief from this provision if the structure is deemed to be a safety hazard by the Code Enforcement Officer.
- B. Drive-through facilities must be placed to the rear of the structure in order to ensure that its presence does not obstruct pedestrian access to the building and along the public right of way. A detached facility may be used to accomplish this.

PART 6 | REVIEW AND APPROVAL PROCEDURES

Article 60 | General and Common Procedures 3

- 60.1 Applicability
- 60.2 Application Submittal
- 60.3 Public Hearing Process
- 60.4 Action by Review Bodies and Decision-Making Bodies
- 60.5 Conditions of Approval
- 60.6 Review and Decision-Making Criteria; Burden of Proof or Persuasion

Article 61 | Zoning Ordinance Text Amendments 6

- 61.1 Authority to File
- 61.2 Notice of Hearing
- 61.3 Review and Report—Planning Board
- 61.4 Referrals
- 61.5 State Environmental Quality Review
- 61.6 Hearing and Final Action—Village Board
- 61.7 Review Criteria
- 61.8 Protest Petitions

Article 62 | General Zoning Map Amendments (Rezoning) 8

- 62.1 Authority to File
- 62.2 Application Filing
- 62.3 Notice of Hearing
- 62.4 Review and Report—Planning Board
- 62.5 Referrals
- 62.6 State Environmental Quality Review
- 62.7 Hearing and Final Action—Village Board
- 62.8 Review Criteria
- 62.9 Protest Petitions

Article 63 | Site Plan Review 10

- 63.1 Intent
- 63.2 Applicability
- 63.3 Application Requirements
- 63.4 Procedure
- 63.5 Site Plan Review Criteria
- 63.6 Pre-application Conference

Article 64 | Nonconforming Uses..... 13

- 64.1 Purpose
- 64.2 General Provisions

Article 65 | Special Use Permits 16

- 65.1 Applicability
- 65.2 Application Filing
- 65.3 Action by the Village Office
- 65.4 Referral to County Planning Agency
- 65.5 Hearing and Final Action—Planning Board
- 65.6 Review Criteria
- 65.7 Conditions on Special Use Permits
- 65.8 Renewal of Special Use Permits with Specific Time Periods
- 65.9 Amendments to Approved Special Use Permits
- 65.10 Transferability of Special Use Permits

Article 66 | Variances 18

- 66.1 Applicability
- 66.2 Burden Of Proof
- 66.3 Approval Process
- 66.4 Use Variances
- 66.5 Area Variances
- 66.6 Imposition of Conditions
- 66.7 Transferability
- 66.8 Amendments

Article 67 | Appeals of Administrative Decisions 20

- 67.1 Applicability
- 67.2 Right to Appeal
- 67.3 Application Filing
- 67.4 Effect of Filing
- 67.5 Record of Decision
- 67.6 Notice of Hearing
- 67.7 Hearing and Final Decision

Article 68 | Review and Decision-Making Bodies 21

- 68.1 Village Board
- 68.2 Planning Board
- 68.3 Zoning Board of Appeals

Article 60 | GENERAL AND COMMON PROVISIONS

62-60.1 APPLICABILITY

The provisions of this Section apply to all the articles in this Part (Part 6) unless otherwise expressly stated.

62-60.2 APPLICATION SUBMITTAL

- A. Form of Application. Applications required under this zoning ordinance must be submitted in a form and in such numbers as required by the Village Office. The Village Office must develop checklists of application submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information are available in the Village Office.
- B. Completeness and Accuracy.
 - 1. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
 - 2. If an application is determined to be incomplete, the Village Office must provide paper or electronic written notice to the applicant along with an explanation of all known deficiencies in the application that will prevent competent review of the application. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within sixty (60) days, the application will be considered withdrawn.
 - 3. No further processing of incomplete applications will occur, and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next available processing cycle.
 - 4. The Village Office may require that applications or plans be revised before being placed on the agenda of a review or decision-making body if it is determined that:
 - a. The application or plan contains one (1) or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance standards; or
 - b. The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance standards.
- C. Application Sufficiency and Acceptance. Applications deemed complete will be considered to be in the processing cycle and will be reviewed by the Village Office and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning ordinance.
- D. Application Filing Fees. Application filing fees are required for processing permit and applications to the Village Board, Planning Board, and Zoning Board of Appeals. The fees help offset the cost of providing public notice, personnel costs for plan/permit reviews and field inspections. Fees are not required with applications initiated by the Village Board. Application fees are nonrefundable.
- E. Unresolved Violations. Applications shall not be accepted for review that include a parcel(s) for which there is an outstanding, unresolved written violation from the Code Enforcement Officer that is not the subject of said application.

62-60.3 PUBLIC HEARING PROCESS

- A. Application Processing Cycles. The Village Office, after consulting with review and decision-

making bodies, shall promulgate processing cycles for applications. Processing cycles may establish:

1. Deadlines for receipt of complete applications;
2. Dates of regular meetings;
3. The scheduling of agency and staff reviews and reports; and
4. Time-frames for review and decision-making.

B. Public Hearings.

1. Parties in interest and citizens must be given an opportunity to appear and be heard at required public hearings, subject to reasonable rules of procedure.
2. A public hearing for which proper notice was given may be continued to a later date without providing additional notice as long as the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
3. If a public hearing is tabled, deferred or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public notice must be given before the rescheduled public hearing. If the applicant requests a postponement, the applicant must pay all costs of re-notification.

C. Public Hearing Notices.

1. Newspaper Notice. Whenever the provisions of this zoning ordinance require that newspaper notice be provided, the notice must be published in a newspaper of general circulation within the municipality.
2. Mailed Notice
 - a. Whenever the provisions of this zoning ordinance require that notices be mailed, the notices must be sent by United States Postal Service first class mail.
 - b. Addresses must be based on the latest property ownership information available from the Real Property Assessment Records. When required notices have been properly addressed and deposited in the U.S. mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.
3. Posted Notice. When the provisions of this zoning ordinance require that posted notice be provided, at least one (1) notice sign must be posted on each public street frontage abutting the subject property in a location plainly visible to passers-by.
4. Content of Notice. All required public hearing notices must:
 - a. Indicate the date, time, and place of the public hearing or date of action that is the subject of the notice;
 - b. Describe any property involved in the application by street address or by general description;
 - c. Describe the general nature, scope, and purpose of the application or proposal; and
 - d. Indicate where additional information on the matter can be obtained.

62-60.4 ACTION BY REVIEW BODIES AND DECISION-MAKING BODIES

A. Review and decision-making bodies may take any action that is consistent with:

1. The regulations of this zoning ordinance;
2. Any rules or by-laws that apply to the review or decision-making body; and
3. The notice that was given.

- B. Review and decision-making bodies are authorized to defer action or continue a public hearing in order to receive additional information or further deliberate.

62-60.5 CONDITIONS OF APPROVAL

When decision-making bodies approve applications with conditions, the conditions must relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

62-60.6 REVIEW AND DECISION-MAKING CRITERIA; BURDEN OF PROOF OR PERSUASION

In all cases, the burden is on the applicant to show that an application complies with all applicable review or approval criteria. Applications must address relevant review and decision-making criteria.

ARTICLE 61 | ZONING ORDINANCE TEXT AMENDMENTS

62-61.1 AUTHORITY TO FILE

Amendments to the text of this zoning ordinance may be initiated only by the Village Board or by a petition requesting the amendment presented to the Village Board.

62-61.2 NOTICE OF HEARING

Notice of required public hearings on zoning ordinance text amendments must be provided as required by the Village Board and by state law. (See 60.3C for additional information on public hearing notices)

62-61.3 REVIEW AND REPORT—PLANNING BOARD

The Planning Board must review all proposed zoning ordinance text amendments and prepare a report that evaluates the proposed amendment in light of adopted plans, the relevant provisions of this zoning ordinance and the review criteria of Section 61.7.

62-61.4 REFERRALS

- A. Whenever required under §§239-l and §§239-m of the General Municipal Law, zoning ordinance text amendments must be forwarded to the County Planning Department for review prior to the public hearing and final action by the Village Board. An updated zoning map must accompany the referral to the County Planning Board.
- B. If any proposed amendment consists of a change in the district classification applying to real property within 500 feet of a municipal boundary, the Village Clerk shall refer the proposed amendment to the chief elected official of the affected municipality, prior to the public hearing and final action.

62-61.5 STATE ENVIRONMENTAL QUALITY REVIEW

For zoning ordinance text amendment applications subject to SEQR requirements, all required environmental reviews must be completed before final action is taken on the amendment.

62-61.6 HEARING AND FINAL ACTION—VILLAGE BOARD

- A. After receiving the report of the Planning Board, the Village Board must deny the proposed amendment or convene its own public hearing on the proposed text amendment.
- B. Following the public hearing, the Village Board may act to approve the proposed text amendment, approve the proposed text amendment with modifications or deny the proposed text amendment. The Village Board may also return the application to the Planning Board for further consideration.
- C. The Village Board may act by a simple majority vote of those Village Board members, except when a valid protest petition has been submitted in accordance with Section 61.8, approval or approval with modifications requires a majority plus one (1) vote of the Village Board.
- D. The Village Office shall notify, by mail, the petitioner of the action taken by the Village Board.
- E. If the Village Board approves the amendment, supplement, change or modification to the text of this chapter, the Zoning Code shall be amended after publication as required by Local Law.
- F. The Village Board may, in order to protect the public health, safety, welfare and environmental quality of the community, attach to its resolution approving the petition, additional conditions deemed necessary to achieve the review criteria.

62-61.7 REVIEW CRITERIA

In reviewing and making decisions on zoning ordinance text amendments, the Code Enforcement Officer, Planning Board, and Village Board must consider at least the following criteria:

- A. Whether the proposed zoning ordinance text amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;
- B. Whether the proposed zoning ordinance text amendment is in substantial conformance with the adopted plans and policies of the municipality; and
- C. Whether the proposed zoning ordinance text amendment is in the best interests of the municipality as a whole.

62-61.8 PROTEST PETITIONS

In the case of a protest against any amendment, such amendment shall not become effective except in accordance with the provisions of Village Law.

ARTICLE 62 | GENERAL ZONING MAP AMENDMENTS (REZONINGS)

62-62.1 AUTHORITY TO FILE

Amendments to the zoning map (rezonings) may be initiated only by the Village Board or by a petition requesting such change, presented to the Village Board, duly signed by the owners of at least fifty percent (50%) of the frontage of the parcels included within the area proposed to be rezoned. Rezoning petitions may be filed by the owner or by the owner's authorized agent.

62-62.2 APPLICATION FILING

Complete applications for zoning map amendments must be filed with the Village Office for consideration by the Village Board. If the Village Board decides to entertain the petition it shall be referred to the Planning Board pursuant to Section 62.4. If the governing board decides not to entertain the petition it shall be deemed denied within sixty (60) days after the filing date.

62-62.3 NOTICE OF HEARING

Notice of required public hearings on zoning map amendments must be provided as required by the Village Board and by state law. (See 60.3C for additional information on public hearing notices)

62-62.4 REVIEW AND REPORT—PLANNING BOARD

The Planning Board must review all proposed zoning map amendments and prepare a report that evaluates the proposed amendment in light of adopted plans, the relevant provisions of this zoning ordinance and the review criteria of Section 62.8.

62-62.5 REFERRALS

- A. Whenever required under §§239-l and §§239-m of the General Municipal Law, zoning ordinance map amendments must be forwarded to the County Planning Department for review prior to the public hearing and final action by the Village Board. An updated zoning map must accompany the referral to the County Planning Board.
- B. If any proposed amendment consists of a change in the district classification applying to real property within 500 feet of a municipal boundary, the Village Office shall refer the proposed amendment to the chief elected official of the affected municipality, prior to the public hearing and final action.

62-62.6 STATE ENVIRONMENTAL QUALITY REVIEW

For zoning map amendment applications subject to SEQR requirements, all required environmental reviews must be completed before a public hearing is held and final action is taken on the amendment.

62-62.7 HEARING AND FINAL ACTION—VILLAGE BOARD

- A. After receiving the report of the Planning Board, the Village Board must convene a public hearing on the proposed map amendment.
- B. Following the close of the public hearing, the Village Board may act to approve the proposed zoning map amendment, approve the proposed zoning map amendment with modifications or deny the proposed zoning map amendment. The Village Board may also return the application to the Planning Board for further consideration, together with a written explanation of the reasons for doing so.
- C. The Village Board may act by a simple majority vote, except when a valid protest petition has been submitted in accordance with [Section 62.9](#), approval or approval with modifications requires a majority plus one (1) vote of the Village Board members.
- D. The Village Office shall notify, by mail, the petitioner of the action taken by the Village Board.

- E. If the Village Board approves the amendment, supplement, change or modification to district boundaries or classifications, the Zoning Map shall be amended after publication as required by Local Law.
- F. The Village Board may, in order to protect the public health, safety, welfare and environmental quality of the community, attach to its resolution approving the petition, additional conditions deemed necessary to achieve the review criteria.

62-62.8 REVIEW CRITERIA

In reviewing and making decisions on zoning map amendments, the Planning Board and Village Board must consider at least the following criteria:

- A. Whether the proposed zoning map amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;
- B. Whether the proposed rezoning is in substantial conformance with adopted plans and policies affecting the area proposed to be rezoned;
- C. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested rezoning;
- D. Whether the rezoning will substantially harm the public health, safety or general welfare or the value of nearby properties;
- E. Whether the rezoning is compatible with the zoning and use of nearby property;
- F. The suitability of the subject property for the uses and development to which it has been restricted under the existing zoning regulations; and
- G. The gain, if any, to the public health, safety and general welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

62-62.9 PROTEST PETITIONS

- A. A formal protest petition opposing a zoning map amendment must be submitted to the Village Board or on the public record before the Village Board’s vote, allowing sufficient time for the municipality to determine the validity of the petition.
- B. A protest petition will be considered “valid” if it is signed by:
 - 1. The owners of twenty percent (20%) or more of the area of land included in such proposed change;
 - 2. The owners of twenty percent (20%) or more of the area of land immediately adjacent to that land included in such proposed amendment, extending 100 feet therefrom; or
 - 3. The owners of twenty percent (20%) or more of the area of land directly opposite thereto, extending 100 feet from the street frontage of such opposite land.
- C. When a valid protest petition has been submitted, approval of a zoning map amendment requires a majority plus one (1) vote of those Village Board members.

ARTICLE 63 | SITE PLAN REVIEW

62-63.1 INTENT

The intent of the site plan review process is to preserve and enhance the character of a neighborhood, achieve compatibility with adjacent development, mitigate potentially negative impacts on traffic, parking, drainage and similar environmental concerns, improve the overall visual and aesthetic quality of the Village, and increase the capability of the Zoning Ordinance to adapt to a variety of unique circumstances.

62-63.2 APPLICABILITY

Site plan review shall be required in accordance with NYS Village Law. No construction or site improvement work may commence until site plan approval, where required by this Chapter, has been granted. The Planning Board, at a regular meeting, shall review and approve, approve with modification or disapprove a site plan in connection with any matter requiring submission of a site plan.

A. Site Plan Review shall not be required for the:

1. Maintenance of existing sign structures in all districts and the placement of signs in all districts;
2. Placement of a mobile home or manufactured home on a single lot or in an approved mobile home or manufactured home park; and
3. Construction or alteration of a single or two-family dwelling, and their accessory structures.

62-63.3 APPLICATION REQUIREMENTS

A. Application Materials. All applications for site plan review shall be made by the owner or the owner's agent and filed with the Village Office. No application shall be accepted, considered or scheduled for public hearing until all required materials have been deemed to be complete and accurate. The application shall include, as applicable, the following:

1. Five (5) copies of an area map showing applicant's entire holding, that portion of the applicant's property under consideration and all properties, their ownership, uses thereon, subdivisions, streets, zoning districts, easements and adjacent buildings within five hundred (500) feet of applicant's property.
2. North point, scale and date.
3. Boundaries of the project, plotted to scale.
4. Existing watercourses.
5. Traffic circulation, parking and loading spaces and pedestrian walks.
6. Topography and landscaping plans, including site grading, landscaping design, open areas and buffer zone.
7. Preliminary architectural drawings for buildings to be constructed, floor plans, exterior elevations and sections.
8. Preliminary engineering plans, street improvements, storm drainage, water supply and sanitary sewer facilities.
9. Engineering feasibility studies of any anticipated problem that might arise due to proposed development, as required by the Planning Board.
10. Construction sequence and time schedule for completion of each phase for buildings, parking and landscaped areas.
11. Description of proposed uses, hours of operation and expected number of employees, volume of business and volume of traffic generated.
12. Exterior lighting plan and impacts.
13. In addition the following documentation shall accompany the preliminary site plan:

- i. Evidence of how the developer's particular proposal or mix of land uses meets existing community needs.
 - ii. Evidence that the proposal is compatible with the goals of the Comprehensive Plan.
 - iii. If the development is to be staged, a general indication of how the staging is to proceed.
 - iv. Whether or not the development is to be staged, the plan shall show the intended total project.
 - v. Any project that requires more than twenty-four (24) months to complete shall be staged.
- B. Waiving Requirements. The Planning Board may waive any of the previously listed requirements with the determination that they are unnecessary for a complete assessment of the project.
- C. Additional Requirements. The Planning Board may also require additional information beyond the previously listed requirement be presented in graphic form, and accompanied by a written text, and/or prepared by a licensed professional if such additional materials are deemed necessary for a complete assessment of the project.
- D. Environmental Assessment. The environmental assessment shall be in accordance with the State Environmental Quality Review Act (SEQRA).

62-63.4 PROCEDURE

- A. Public Hearing. Before a site plan is approved the proposed site plan shall be considered by the Planning Board at a public hearing. Notice of said hearing shall be given as provided in Section 60.3 of this Chapter.
- B. Decision. Within ninety (90) days of the receipt of a certified complete site plan application the Planning Board shall act on it. If no decision is made within said ninety (90) day period, the site plan shall be considered approved. If the Planning Board acts before the ninety (90) day period it shall be in the form of a written statement to the applicant stating whether or not the site plan is approved. A copy of the appropriate minutes of the Planning Board shall be a sufficient report.
 - 1. Upon approval, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable requirements.
 - 2. Upon disapproval, the Planning Board shall so inform the Code Enforcement Officer and he shall deny a building permit.
 - 3. Requirement for improvements shown on the site plan shall be those set forth in this local law and in other local laws, ordinances, rules and regulations or in construction specifications of the municipality.
- C. Performance Bond or Letter of Credit. The Planning Board may require as a condition of site plan approval that the applicant file a performance bond or letter of credit, in such amount as the Planning Board determines to be in the public interest, to insure that proposed development will be built in compliance with accepted plans. The Village Board must also approve the amount of any such bond.
- D. Performance Standards. In all districts, uses are not permitted which violate applicable county, state and/or federal codes and regulations pertaining to environmental issues. The Planning Board, under its powers of site plan review and approval, shall decide whether uses meet these standards.
- E. Relevant Comments. In reviewing site plans it shall be the responsibility of the Village Office to obtain comments or approvals in writing from any relevant Village department/division before a decision on approval is made.
- F. Site Plan Termination. Site Plan approval shall be valid for a period of five (5) years from the date thereof for the purpose of obtaining building permits. Failure to secure, without subsequent

revocation or termination, a building permit during this period, or revocation or termination of a building permit subsequent to this period, shall cause the Site Plan Approval to become null and void. Upon application, the Planning Board may extend this period to not more than seven (7) years from the date of final Site plan Approval. Nothing herein shall prohibit a new application for Site Plan Approval following such termination in accordance with the requirements of this local law.

62-63.5 SITE PLAN REVIEW CRITERIA

- A. The Planning Board shall review the site plan and supporting data before approval, approval with modifications, or disapproval of such site plan, taking into consideration the following:
 - 1. Relationship of proposed buildings to the site, including but not limited to building placement, access, pedestrian movement, parking, and building scale.
 - 2. Relationship of proposed uses to existing adjacent uses, including but not limited to landscape transitions, buffering, and harmony of uses.
 - 3. Adequacy of landscaping and site treatment, including but not limited to plant types and sizes, hardscape elements, lighting, setbacks, protection of adjacent residential uses.
 - 4. Appropriateness of building design, including but not limited to design quality and relationship to surrounding building scale, style, materials, and sightlines.
 - 5. Adequacy and safety of vehicular circulation between the site and street.
 - 6. Adequacy of interior circulation, parking and loading facilities, with particular attention to pedestrian safety and emergency vehicle access.
 - 7. Adequacy of stormwater and sanitary waste disposal.
- B. The Planning Board may require changes or additions in relation to yards, driveways, landscaping, buffer zones, etc., to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties. Should the Planning Board require changes or additional facilities, final approval of site plan shall be conditional upon satisfactory compliance by applicant in making the changes or additions.
- C. Any applicant wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval.
- D. When necessary under Section 239 of the General Municipal Law, the Planning Board shall forward the site plan to the County for its review prior to taking any final action.
 - 1. The Wyoming County Planning Board requires that a Section 239 Referral Check List be submitted with a referral for the application to be deemed complete. Failure to submit the Check List may result in a finding of project denial due to insufficient data included with the referral.

62-63.6 PRE-APPLICATION CONFERENCE

Applicants are encouraged to schedule a pre-application conference prior to submitting a site plan review application in order to receive a conceptual review by the Village Office and/or the Planning Board. The purpose of the pre-application conference is to provide the applicant with the opportunity to seek nonbinding, advisory direction from the Village in order to better prepare the applicant and project application for the site plan review process. Materials presented during the pre-application conference may be incomplete and/or conceptual in design; however, site plan review materials submitted as part of the formal application are still subject to the requirements of this Article.

Article 64 | NONCONFORMING USES

62-64.1 PURPOSE

This Article regulates and limits the continued existence of uses, structures, lots, and all accessory uses and structures established prior to the effective date of this Chapter that do not conform to the regulations set forth by this Chapter in the applicable zoning districts in which such nonconformities are located. Such nonconforming uses, buildings, or lots are subject with the regulations set forth in this Article for the purposes of the following:

- A. To permit these nonconformities to continue, but to minimize any adverse effect on adjoining properties and development.
- B. To regulate their maintenance and repair.
- C. To restrict their rebuilding if substantially destroyed.
- D. To require their permanent discontinuance if not operated for certain periods.
- E. To require the conformity if they are discontinued, and to bring about the eventual compliance with the objectives of the Future Land Use Plan and this chapter.

62-64.2 GENERAL PROVISIONS

- A. Determination of Nonconforming Status. The determination of any nonconforming use shall be made by the Code Enforcement Officer.
- B. Repair and alteration. Normal maintenance and repair of, and incidental alteration to a building occupied by a nonconforming use are permitted if they do not extend the nonconforming use. No structural alteration or enlargement shall be made in a building occupied by a nonconforming use, except where required by law, i.e., court ordered, or to adapt a building to a conforming use or to any other use permitted under Subsection B or in a building occupied by a nonconforming use permitted to extend under Subsection C.
- C. Change of use. A nonconforming use may not be changed to a more intensive nonconforming use nor shall a conforming use be changed to a nonconforming use. Any nonconforming use when changed to a conforming use shall not thereafter be changed back to a nonconforming use. A nonconforming use, building, or structure shall not be enlarged except upon the issuance of a variance from the Zoning Board of Appeals.
- D. Extension or enlargement of nonconforming use. Extension or enlargement shall mean:
 - 1. The enlargement of such building so as to create additional floor space.
 - 2. The extension within any existing building to any portion of the floor area not formerly used for such nonconforming use, except where such additional floor area was manifestly designed for such use at the time such use became nonconforming.
 - 3. The extension of the use to any area outside of the building.
 - 4. In the case of a nonconforming, non-building land use, the use of any additional land on which no substantial operations were previously conducted, provided that any such extension or enlargement is on the same lot occupied by the nonconforming use on the effective date of this chapter.
 - 5. An accessory building(s) to a legally existing nonconforming residential use, in a nonresidential zoning district, is permitted by right, provided that the accessory building(s)

meets the minimum side/rear yard requirement for the district in which the property is located and provided that the accessory building complies with all other requirements for such buildings.

- D. Damage and Destruction. If a building occupied by a nonconforming use is damaged to the extent of seventy-five percent (75%) or more of its assessed valuation, excluding the full value of the land, as determined by the Village Assessor, such building may be repaired, provided that substantial work is undertaken within one (1) year after such damage; otherwise, such building shall thereafter be occupied only by a conforming use and structure. This provision shall not prevent the repair of a nonconforming building damaged to the extent of less than 75% of its assessed valuation.
- E. Discontinuance or Abandoning of Use. A nonconforming use that has been discontinued for twelve (12) consecutive months shall not be reestablished and any future use shall be in conformance with the provisions of this Chapter. Where multiple uses exist, partial abandonment shall take place for those specific uses that meet the aforementioned criteria. The following conditions, which are not exclusive, shall contribute towards the discontinuance and abandonment of a use or structure:
1. Failure to occupy the property to continue the nonconformity;
 2. Failure to maintain regular business hours, typical or normal for the use (past operations of the use and/or industry standards may be used to determine typical hours);
 3. Failure to maintain any equipment, supplies, stock, or utilities that would be used for the active operation of the use; or
 4. Failure to maintain, or renew when expired, any valid Federal, State, or local permit or license that is required for the active operation of the use.
- F. Nonconforming Parking and Loading Facilities. A building, use or occupancy lawfully existing at the time this chapter or any amendment thereto becomes effective, but which does not conform to the off-street parking and loading requirements, may be occupied or continued without such facilities being provided. Any such spaces that may be provided thereafter shall comply with the requirements of Article 51. If an existing building, use or occupancy is altered so that there is an increase in the number of dwelling units, seating capacity, employees or floor area, or if the use is changed to one requiring more off-street parking and loading spaces, the number of such spaces shall be provided at least equal to the number required for the increased area of the building or use in accordance with all provisions of Article 51.
- G. Nonconforming Lots. No parcel or lot, after the adoption of this chapter or amendment thereto, shall be used or divided in a manner which prevents or diminishes compliance with the requirements established by this chapter or amendments thereto. Lots subdivided prior to the adoption of this chapter or any amendment and not meeting the minimum lot size requirements may be built upon, provided that the bulk requirements for any use within the district are met except as provided in this Chapter.
- H. District Changes. Whenever the boundaries of a district shall be changed so that more restrictive provisions hereof apply to a lot or use, the foregoing provisions shall also apply to any nonconforming use existing therein or created thereby.
- I. Lots in More than One District. Where a zoning district boundary line divides a lot in single ownership at the effective date of this Chapter, leaving part subject to more permissive regulations and part subject to more restrictive regulations, the Zoning Board of Appeals after public hearing may permit an extension of the use of that lot into the district where it is

otherwise prohibited, provided that the extension does not extend more than fifty (50) feet into that district. Furthermore, the Zoning Board of Appeals may impose conditions on that extension to protect a neighboring property.

Article 65 | SPECIAL USE PERMITS

62-65.1 APPLICABILITY

All uses and activities requiring a special use permit must be reviewed and approved in accordance with the procedures of this Article.

- A. Special uses within the zoning districts are generally considered to be uses which are appropriate in a particular zoning district, but because of their potential for incompatibility with adjacent uses require individual review and may require the imposition of conditions in order to assure the appropriateness of the use in a particular zoning district.
- B. A special use permit shall be required in accordance with the district use tables in Part 2 of this Chapter.
- C. The Planning Board shall hear and decide all applications for special use permits.
- D. Specially Permitted Uses require Site Plan Review unless otherwise exempt. Concurrent applications are permitted.

62-65.2 APPLICATION FILING

The property or building owner, their agent, or lessee, purchaser or tenant with permission of the owner, may file special Use Permit applications. Complete applications for a special use permit approval must be filed with appropriate personnel in the Village Office.

62-65.3 ACTION BY THE VILLAGE OFFICE

Upon request of the Planning Board, the Village Office shall prepare a report that reviews the request for a special use permit.

62-65.4 REFERRAL TO COUNTY PLANNING AGENCY

Whenever required under §§239-l and §§239-m of the General Municipal Law, special use permit applications must be forwarded to the county planning agency for review prior to the public hearing and final action by the municipality.

1. If any proposed development consists of construction within 500 feet of a County or State Road or within 500 feet of a municipal boundary the application must be forwarded to the County planning agency for review prior to the public hearing and final action by the municipality.
2. The Wyoming County Planning Board requires that a Section 239 Referral Check List be submitted with a referral for the application to be deemed complete. Failure to submit the Check List may result in a finding of project denial due to insufficient data included with the referral.

62-65.5 HEARING AND FINAL ACTION—PLANNING BOARD

- A. Within sixty-two (62) days from the day of a complete application is received for special permit approval, the Planning Board must convene a public hearing on the proposed application.
- B. Notice of required public hearings on a special use application must be provided as required by the Village Board and by state law.
- C. Within sixty-two (62) days following the close of the public hearing, the Planning Board may act to approve the proposed special use permit, approve the proposed special permit with conditions or disapprove the proposed special use permit.
- D. Special use permits may be conditioned upon periodic renewal.

62-65.6 REVIEW CRITERIA

In rendering a decision, the Planning Board shall consider and make findings that the proposed use:

- A. Will be generally consistent with the goals of the Comprehensive Plan;
- B. Meets any specific criteria set forth in this Chapter;
- C. Will be compatible with existing uses adjacent to and near the property;
- D. Will be in harmony with the general purpose of this Chapter;
- E. Will not tend to depreciate the value of adjacent property;
- F. Will not create a hazard to health, safety or the general welfare;
- G. Will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents; and
- H. Will not otherwise be detrimental to the public convenience and welfare.

62-65.7 CONDITIONS ON SPECIAL USE PERMITS

- A. The Planning Board may impose such conditions upon the premises benefited by a special use permit as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood, including limitations on the time period for which the permit is granted.
- B. Such conditions shall be expressly set forth in the motion authorizing the special use permit.

62-65.8 RENEWAL OF SPECIAL USE PERMITS WITH SPECIFIC TIME PERIODS

Special use permits that have been issued for specific time periods are subject to review for compliance with all of the conditions imposed at the time of approval of the initial permit. Following a public hearing on the matter, the Planning Board may deny a renewal of a special use permit when any of the following apply:

- A. The petitioner has failed to comply with one (1) or more of the conditions of the prior approval;
- B. Substantial new issues regarding the permit conditions during the operation of the use have arisen;
- C. The general requirements of this Chapter have not been met;
- D. There are changes in the area or neighborhood that would be incompatible with the special use.

62-65.9 AMENDMENTS TO APPROVED SPECIAL USE PERMITS

Amendments or revisions to an approved special use permit require review and approval in accordance with the special use permit procedures of this article.

62-65.10 TRANSFERABILITY OF SPECIAL USE PERMITS

A special permit is not transferable except upon approval by resolution of the issuing board. A special permit shall authorize only one (1) special use and shall expire if the special use ceases operation for more than three (3) months for any reason.

Article 66 | VARIANCES

62-66.1 APPLICABILITY

The Zoning Board of Appeals (ZBA) shall have the power, on appeal from the decision or determination of any administrative official charged with enforcement of this Chapter, to reverse or affirm, wholly or partly, or modify an order, requirement, decision, interpretation or determination by use and area variances as articulated in NYS Village Law. The variance procedures may not be used to:

- A. Waive, modify or otherwise vary any of the review and approval procedures of this article; or
- B. Waive, vary, modify or otherwise override a condition of approval or requirement imposed by another authorized board or commission.

62-66.2 BURDEN OF PROOF

The petitioner seeking the variance shall have the burden of presenting sufficient evidence to allow the ZBA to reach a conclusion as set forth below as well as the burden of persuasion on those items.

62-66.3 APPROVAL PROCESS

- A. Application. Applications for zoning variances may be initiated only by the owner of the subject property or by the owner's authorized agent. Complete applications for a zoning variance must be filed with appropriate personnel in the Village Office.
- B. Public hearing. Once the application has been determined to be complete, the ZBA must hold at least one (1) public hearing on a proposed zoning variance. Notice of said public hearing shall be provided as required by local and state law (See Section 60.3C for additional information on public hearing notices).
- C. Decisions.
 - 1. The ZBA shall decide upon the appeal within sixty-two (62) days after the closing of the public hearing. The time within which the ZBA may render its decision may be extended by mutual consent of the petitioner and the Board.
 - 2. The ZBA may reverse, modify or affirm, in whole or in part, any such appealed order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made in strictly applying and interpreting the provisions of this Chapter and for such purposes shall have all the powers of the officer from whom the appeal is taken.
 - 3. The decision the ZBA shall be filed with the Village Office within five (5) business days after the decision is rendered, and a copy mailed to the petitioner.
- D. Appeals. Appeals for interpretation shall be decided by the concurring vote of a majority of the members of the ZBA in compliance with NYS Village Law.

62-66.4 USE VARIANCES

A use variance authorizes the use of land for a purpose that is otherwise not allowed or prohibited by this Chapter. A finding of unnecessary hardship is required to properly grant a use variance.

- A. Criteria for Use Variance. No such use variance shall be granted by the ZBA without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, per NYS Village Law, the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located the following conditions exist:
 - 1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as

- demonstrated by competent financial evidence;
- 2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- 3. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
- 4. That the alleged hardship has not been self-created.

B. Minimum Relief Necessary. The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved 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.

62-66.5 AREA VARIANCES

An area variance authorizes the use of land that is not allowed by the dimensional or physical requirements set forth in this Chapter. An area variance is one that does not involve a use that is otherwise prohibited by this Chapter. A finding of practical difficulty is required to properly grant an area variance.

A. Criteria for Area Variance. In making its determination, the ZBA 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 the following as required by NYS Village Law:

- 1. 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;
- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- 3. Whether the requested area variance is substantial;
- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- 5. 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. Minimum Relief Necessary. The ZBA, 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.

62-66.6 IMPOSITION OF CONDITIONS

The ZBA shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Village Code, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

62-66.7 TRANSFERABILITY

Zoning variance approval runs with the land and is not affected by changes of tenancy, ownership, or management.

62-66.8 AMENDMENTS

A request for changes in conditions of approval of a zoning variance must be processed as a new variance application, including the requirements for fees, notices, and hearings.

ARTICLE 67 | APPEALS OF ADMINISTRATIVE DECISIONS

62-67.1 APPLICABILITY

The Zoning Board of Appeals (ZBA) is authorized to hear and decide appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the Code Enforcement Officer or any other administrative official in the administration, interpretation, or enforcement of this zoning ordinance.

62-67.2 RIGHT TO APPEAL

Appeals of administrative decisions may be filed by any person aggrieved by the Code Enforcement Officer or other administrative official's decision or action. The ZBA is authorized to make determinations about whether individuals filing appeals are "aggrieved by the decision or action."

62-67.3 APPLICATION FILING

- A. Complete applications for appeals of administrative decisions must be filed with appropriate personnel in the Village Office.
- B. Appeals of administrative decisions must be filed within sixty (60) days of the date of the decision being appealed.

62-67.4 EFFECT OF FILING

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the Code Enforcement Officer certifies to the ZBA, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property.

62-67.5 RECORD OF DECISION

Upon receipt of a complete application of appeal, the Code Enforcement Officer or other administrative official whose decision is being appealed must transmit to the ZBA all papers constituting the record upon which the action appealed is taken.

62-67.6 NOTICE OF HEARING

Notice of required public hearings on appeals must be provided as required by the Village Board and by state law. (See 60.3C for additional information on public hearing notices)

62-67.7 HEARING AND FINAL DECISION

- A. The ZBA must hold a public hearing on the appeal.
- B. Following the close of the hearing, at the same or subsequent meeting, the ZBA must take action on the appeal.
- C. In exercising the appeal power, the ZBA has all the powers of the official from whom the appeal is taken, and the ZBA may reverse the appeal or affirm the appeal, in whole or in part, or modify the decision being appealed.
- D. In acting on the appeal the ZBA must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

ARTICLE 68 | REVIEW AND DECISION-MAKING BODIES

62-68.1 VILLAGE BOARD

- A. Establishment. For the purpose of promoting the health, safety, morals, or the general welfare of the community, the Village Board is hereby empowered under NYS Village Law to regulate and administer the provisions of this Zoning Ordinance.
- B. Membership, Appropriations, and Terms.
1. The Village Board shall consist of five (5) members, four (4) trustees and one (1) Mayor. The members of the Village Board as now constituted shall continue in office until the expiration of their present terms. Thereafter, their successors shall be appointed for a term of two (2) years each.
 2. Removal of members and vacancies on the Village Board shall be addressed as provided for in the NYS Village Law.
 3. The Village Office shall perform such duties as required by it. The Village Board may appoint clerks or other employees serving at its pleasure to assist them.
- C. Meetings.
1. The Village Board shall adopt rules for the conduct of its business consistent with statute and this Chapter.
 2. The Chair of the Village Board, or in the Chair's absence the Acting Chair, may administer oaths and compel the attendance of witnesses in the manner and to the extent permitted by NYS Village Law and the Civil Practice Law and Rules.
 3. The Village Board may seek recommendations from other boards, commissions, or agencies as it deems appropriate.
 4. Hearings shall be public, and decisions shall be voted upon at public sessions. The Village Board may otherwise hold executive sessions in accordance with the NYS Open Meeting Law.
- D. Minutes. The Village Office shall keep minutes of all proceedings before the Village Board.
- E. Powers and Duties. The Village Board shall have all the powers and duties prescribed by the Village Law of NYS and this Article. The Village Board shall be responsible for final action regarding the following:
1. Amendments to the Zoning Map (rezoning); and
 2. Amendments to the text of this Chapter.

62-68.2 PLANNING BOARD

- A. Establishment. The Planning Board is established under the provisions of the Village Law of NYS, and by this Article.
- B. Membership and Appropriations.
1. The Planning Board shall consist of three (3) residents appointed by the Village Board of Trustees. The members of the Planning Board as now constituted shall continue in office until the expiration of their present terms.
 2. Removal of members and vacancies on the Village Board shall be addressed as provided for in the NYS Village Law.
 3. The Village Board may appoint clerks or other employees serving at its pleasure to assist the Planning Board.

- C. Board Member Training. Members of the board shall receive training each year to satisfy the requirements set forth in NYS Village Law.
- D. Meetings.
 - 1. The Planning Board shall adopt rules for the conduct of its business consistent with statute and this Chapter.
 - 2. The Chair of the Planning Board, or in the Chair's absence the Acting Chair, may administer oaths and compel the attendance of witnesses in the manner and to the extent permitted by NYS Village Law and the Civil Practice Law and Rules.
 - 3. The Planning Board may seek recommendations from other boards, commissions, or agencies as it deems appropriate.
 - 4. Hearings shall be public, and decisions shall be voted upon at public sessions. The Planning Board may otherwise hold executive sessions in accordance with the NYS Open Meeting Law.
- E. Minutes. The Village Office shall keep minutes of all proceedings before the Planning Board.
- F. Power and Duties. The Planning Board shall have all the powers and duties prescribed by the Village Law of NYS, and by this Article.
 - 1. Review Authority. The Planning Board shall be responsible for reviewing and making recommendations regarding the following:
 - a. Amendments to the Zoning Map (rezoning);
 - b. Amendments to the text of this Chapter; and
 - c. Applications for the creation of a Planned Unit Development (PUD) District.
 - 2. Final Authority. The Planning Board shall be responsible for final action regarding applications for the following:
 - a. Site plan review; and
 - b. Special Use Permits.
 - 3. General Authority. The Planning Board may exercise additional powers as directed by the Village Board and as may be described elsewhere in this Chapter and as permitted by NYS Village Law.

62-68.3 ZONING BOARD OF APPEALS

- A. Establishment. The Zoning Board of Appeals (ZBA) is established under the provisions of the Village law of NYS, and by this Article.
- B. Membership and Appointments.
 - 1. The ZBA shall consist of three (3) residents appointed by the Village Board of Trustees. The members of the ZBA as now constituted shall continue in office until the expiration of their present terms. Vacancies shall be filled as provided for in the NYS Village Law.
 - 2. Village Board may appoint additional clerks or other employees serving at its pleasure to assist the ZBA.
- C. Board Member Training. Members of the board shall receive training each year to satisfy the requirements set forth in NYS Village Law.
- D. Meetings.

1. The ZBA shall adopt rules for the conduct of its business consistent with statute and this Chapter.
 2. The Chair of the ZBA, or in the Chair's absence the Acting Chair, may administer oaths and compel the attendance of witnesses in the manner and to the extent permitted by NYS Village Law and the Civil Practice Law and Rules.
 3. The ZBA may seek recommendations from the Planning Board and other agencies as it deems appropriate.
 4. Hearings shall be public, and decisions shall be voted upon at public sessions. The ZBA may otherwise hold executive sessions in accordance with the NYS Open Meeting Law.
- E. Minutes. The Village Office shall keep minutes of all proceedings before the ZBA.
- F. Powers and Duties. The ZBA shall have all the powers and duties prescribed by the Village Law of NYS, and by this Article.
1. Final Authority. The ZBA shall be responsible for final action regarding the following:
 - a. Applications for variances;
 - b. Administrative appeals;
 - c. Applications for temporary use permits; and
 - d. Amendments to restrictions enacted by the ZBA.
 2. General Authority. The ZBA may exercise additional powers as directed by the Village Board and as may be described elsewhere in this Chapter and as permitted by NYS Law.

Part 7 | Terminology

Article 70 | General Terms..... 2

- 70.1 Word Usage and interpretation
- 70.2 Definitions
 - Terms that Begin with the Letter "A" 2
 - Terms that Begin with the Letter "B" 3
 - Terms that Begin with the Letter "C" 4
 - Terms that Begin with the Letter "D" 6
 - Terms that Begin with the Letter "E" 8
 - Terms that Begin with the Letter "F" 8
 - Terms that Begin with the Letter "G" 8
 - Terms that Begin with the Letter "H" 9
 - Terms that Begin with the Letter "I" 10
 - Terms that Begin with the Letter "J" 10
 - Terms that Begin with the Letter "K" 10
 - Terms that Begin with the Letter "L" 10
 - Terms that Begin with the Letter "M" 12
 - Terms that Begin with the Letter "N" 13
 - Terms that Begin with the Letter "O" 13
 - Terms that Begin with the Letter "P" 13
 - Terms that Begin with the Letter "Q" N/A
 - Terms that Begin with the Letter "R" 15
 - Terms that Begin with the Letter "S" 16
 - Terms that Begin with the Letter "T" 21
 - Terms that Begin with the Letter "U" 21
 - Terms that Begin with the Letter "V" 22
 - Terms that Begin with the Letter "W" 22
 - Terms that Begin with the Letter "X" N/A
 - Terms that Begin with the Letter "Y" 23
 - Terms that Begin with the Letter "Z" 23

Article 70 | GENERAL TERMS

62-70.1 WORD USAGE AND INTERPRETATION

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future tense, and the plural includes the singular, unless the natural construction of the term indicates otherwise.

- A. The term "person" includes a firm, association, organization, partnership, trust, company, corporation, individual, or any other entity.
- B. The term "shall" is mandatory and directory.
- C. The term "may" is permissive.
- D. The term "used" includes the terms "designated, intended or arranged to be used."
- E. The term "lot" includes the words "plot" and "parcel"
- F. The term "buildings" includes the word "structure."

62-70.2 DEFINITIONS

For the purpose of this chapter, the following words and terms shall be defined as:

A:

ACCESSORY USE — See "Use, Accessory."

ADJACENT — Having a common boundary or edge; abutting; touching

ADULT-ORIENTED BUSINESS OR USE — Any activity or business which provides entertainment services or materials to customers with an emphasis on matter depicting or relating to sexual activities or specific anatomical areas or which customarily excludes minors by reason of age. Adult uses include: X-rated video stores and bookstores, live or video "peep" shows, topless or fully nude dancing establishments, combination X-rated video/book stores, hourly motels, swingers clubs, X-rated movie theaters, escort service clubs, or any combination or variation thereof.

ALLEY — A thoroughfare not more than twenty (20) feet wide which affords only a secondary means of access to abutting property.

ALTERATION — Any change, rearrangement or addition to or deletion from a building other than repairs and modification in building equipment systems (i.e. heating, cooling, electrical, etc.).

AMUSEMENT — Any mechanical, electric or electronic device used or designated to be operated for entertainment or as a game by the insertion of a coin, slug, token, plate, disc, key or any other article into any slot, crevice or other opening or by paying money to have it activated. Not included are rides, bowling alleys, any devices maintained within a residence for use of occupants thereof and their guests, any gambling devices or jukeboxes.

APPEAL — A request by an interested party for reconsideration of a decision.

APPLICANT — A person filing an application in accordance with this Zoning Code who is:

- (1) The owner or lessee of property;
- (2) A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in accordance with this Zoning

- Code, and who presents written authorization from the property owner to file an application with the Village; or
- (3) The agent of either of the above who presents written authorization from the property owner to file an application with the Village.

APPROVAL — Favorable decision to an application that indicates acceptance and the terms of the application are satisfactory. Includes both approval and approval with conditions.

ARCHITECTURAL FEATURE — Any portion of the outer surface of a structure, including the kind, color and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, awnings, canopies, screens, sculptures, decoration, roof shape and materials, and other fixtures appurtenant to a structure. Also referred to as, "architectural detail."

AUTOMOBILE REPAIR — Any building, structure or land used for the repair and/or maintenance of passenger vehicles, motorcycles, trucks, trailers, or similar vehicles used for non-commercial purposes.

AUTOMOTIVE SALES — The sales or leasing of new or used automobiles, motorcycles, trucks, and recreational vehicles, which includes storage and any incidental maintenance.

AUTOMOTIVE SERVICE STATION — Establishments used or intended for use of one or any combination of the following activities: 1. Retail dispensing of motor vehicle fuels. 2. Retail selling and installing of liquids, coolants, or lubricants where substantial disassembly is not required. 3. Engine tune-ups, body work, frame straightening, painting, electrical work, transmission repair, or any other repair services not specifically listed. Vehicle dismantling for the resale of salvaged parts, including tires, is not included in this definition (see Junkyard).

AWNING — A permanent overhanging shelter which projects from the face of a building.

B:

BANKS, FINANCIAL INSTITUTIONS — A bank, savings and loan, credit union, or other financial institution that provides retail banking services to individuals and businesses. These uses include only those institutions engaged in the on-site circulation of cash money.

BASEMENT — That space of a building that is partly below grade that has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

BED-AND-BREAKFAST — A home occupation in an owner-occupied residence wherein lodging and breakfast are provided to transient guests for compensation; such provision is subordinate to the principal residential use of the structure.

BERM — A man-made earthen mound (usually from two to six feet in height) designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BLOCK — The length of a street between two intersections.

BOARDING HOUSE — A dwelling occupied by one nuclear family with four or more boarders, lodgers or roomers, who are lodged with or without meals, and in which there are provided such services as are

incidental to its use as a temporary residence for some of the occupants. A "rooming house" is a "boarding house."

BUFFER — A unit of land, together with a specified type and amount of planting thereon, which may be required to eliminate or minimize conflicts between land uses.

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

BUILDING, ACCESSORY — A subordinate building located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use. Also known as an "Accessory structure."

BUILDING, DETACHED — A building surrounded by open space on the same lot.

BUILDING, PRINCIPAL — A building in which is conducted the principal or primary use of the lot on which it is situated.

BUILDING AREA — The total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat or mansard roofs and to the average height of pitched, gable, hip and gambrel roofs.

BUILDING LINE, FRONT — The line of that face of the building nearest the street line. This face includes covered porches, whether enclosed or unenclosed, but does not include steps. If there are street lines on two or more sides of the building (e.g corner lots), the building shall be considered to have two front building lines.

BUILDING OFFICIAL — The duly designated Building Official of the Village of Attica.

BUILDING PERMIT — A permit issued by the Code Enforcement Officer or other Building Official to enable the construction or alteration of a building to begin. The permit shall only be issued after the proper documentation and information have been submitted and necessary approvals have been granted.

BULK — The size and scale of buildings and non-building uses and the physical relationship of their size and scale in relation to the lot on which they are located. Bulk requirements include building height, building footprint, and lot coverage.

BUSINESS PARK(S) — An area of land in which a collection of more than one non-industrial business is located.

C:

CALIPER — A horticultural method of measuring the diameter of nursery stock For trees less than four inches in diameter, the measurement should be taken at six inches above ground level. For trees greater than four inches in diameter up to and including 12 inches, the caliper measurement must be taken at 12

inches above the ground level. For trees greater than 12 inches in diameter, the trunk is measured at breast height (diameter at breast height or DBH), which is 4.5 feet above the ground.

CAR WASH — Any building or premises, or portion thereof, where the use of which is devoted to the business of washing automobiles for a fee, whether by automated cleaning devices or otherwise.

CARPORT — An open-sided roofed automobile shelter, either freestanding or formed by extension of a roof from the side of a building, in which case it shall be deemed part of the structure to which it is attached. In either case, a carport shall not be deemed a garage.

CELLAR — See “basement.”

CEMETERY — Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, crematorium, and columbaria.

CHURCH — A facility intended as a gathering place for organized religious worship and related activities.

CLINIC — The office of up to four licensed health care professionals, including but not limited to physicians, dentists, physicians' assistants, radiologists and nurses, for the treatment of persons on an outpatient basis only.

CLUB, PRIVATE — A building or use catering exclusively to private club members and their guests for recreational or athletic purposes, and not operated primarily for gain or profit.

CODE ENFORCEMENT OFFICER — The person officially designated by the Village that is responsible for the administration and enforcement of this chapter.

COMMUNITY CENTER — A meeting hall or place of assembly intended for use as a gathering place by members of the Village.

COMPATIBLE —

- (1) Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more attributes of a structure;
- (2) Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more structures;
- (3) Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more attributes of a neighborhood; or
- (4) Having a pleasing or congruent arrangement of elements in the use or function between two or more attributes of a neighborhood or area.

CONDOMINIUM OWNERSHIP — The ownership interest in dwelling units and other facilities pursuant to Article 9-B of the Real Property Law of New York State.

CONFERENCE OR MEETING CENTER — A building or complex of buildings that is used as a conference center and includes auditorium, meeting rooms, exhibition space, and banquet facilities.

CONIFEROUS — A plant with foliage that persists and remains green year-round. Also known as "evergreen."

COOPERATIVE OWNERSHIP — The ownership interest in dwelling units and other facilities by a corporation organized pursuant to the Cooperative Corporation Law of New York State.

COURT — An unoccupied open space other than a yard. An "outer court" is one which extends to the front, side or rear yards; an "inner court" is any other court.

COVERAGE — That percentage of the lot area covered by the combined area of all buildings or structures on the lot.

CURB — A stone or concrete boundary usually marking the edge of a roadway or paved area.

D:

DANCE, ART, OR MUSIC STUDIO — Establishments or work space dedicated to artists, artisans, musicians, dancers, or other individuals practicing one of the fine or performing arts or skilled in an applied art or craft. Incidental retail sales of work produced on the premises or related to the studio may be included in the business's permitted function. This definition excludes all adult oriented uses.

DAY CARE, ADULT — The provision of care to individuals over the age of 18 for periods less than twenty-four (24) consecutive hours, but not including schools, provided that such day care conforms to all applicable licensing and/or registration requirements of New York State.

DAY CARE, YOUTH — Any program or facility caring for children for more than three hours per day per child in which child day care is provided by a licensed child day care provider except those programs operating as a group family day care home, a family day care home, and a school-age child care program as defined by §390.1 of the Social Services Law of the State of New York. (Ref: NYS Social Services Law)

DECIBEL — A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure intensity of sound are calibrated in decibels.

DECIDUOUS — A plant with foliage that is shed annually.

DENSITY — A unit of measurement; "density" means the number of dwelling units per acre of land.

DESIGN REVIEW/DESIGN CONTROL — The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards.

DESIGN STANDARDS — A set of requirements that pertain to the architectural appearance of a building, or improvement, that governs the alteration, construction, demolition, or relocation of a building, or improvement.

DEVELOPMENT — Any man-made changes 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 of farm roads and agricultural practices.

DEVELOPMENT PLAN, FINAL — The required plans submitted to the Planning Board, provided that approvals have been granted for preliminary plans and the change of zone, if necessary.

DEVELOPMENT PLAN, PRELIMINARY — A preliminary development plan shall include the following information:

- (1) A proposed site plan showing building locations and land use areas; traffic circulation, parking areas and pedestrian walks; and landscaping layout.
- (2) A proposed construction sequence for buildings, parking spaces and landscaped areas.

DRINKING ESTABLISHMENT — An establishment serving alcoholic beverages for on-site consumption as the primary use, including bars, cocktail lounges, pubs, saloons, and taverns.

DRIVE-THROUGH FACILITIES — A building or use, which by design of physical facilities a product is sold to, or a service performed for, customers while they are in or near their motor vehicles, including but not limited to fast-food restaurants, drive-up bank tellers, film-processing service booths, etc.

DRIVEWAY — Land used as access to and situated on the property or lot by vehicular traffic.

DRY CLEANING OUTLETS — Facilities that provide drop-off and pickup of garments and other textile items for dry cleaning services off-site. (Actual dry cleaning services are not performed on site.) Dry cleaning outlets do not include any coin-operated facilities.

DRY CLEANING FACILITIES — Facilities which provide on-site specialty cleaning services for specific garments and textile items, except carpets and upholstery.

DWELLING — A detached building designed or used exclusively as living quarters for one or more persons or families; the term shall not be deemed to include motel, hotel, boarding or rooming house, recreation vehicle, tourist home or tent.

DWELLING, MULTIFAMILY — A building designed or used as living quarters by three or more families living independently of each other. May include apartment buildings, townhouses, or row houses.

DWELLING, SINGLE-FAMILY — A building designed or used as living quarters by one family.

DWELLING, SINGLE-FAMILY ATTACHED (COMMONLY CALLED "TOWNHOUSE" OR "ROW HOUSE") — A row of two or more adjoining dwelling units each on their own lot and separated from each other by one or more party walls.

DWELLING, SINGLE-FAMILY DETACHED (COMMONLY CALLED "SINGLE-FAMILY HOUSE") — A building separated from lot lines and other buildings by open space on all sides.

DWELLING, TWO-FAMILY — A building designed and used exclusively for occupancy for two families living independently of each other and which is separated from lot lines or other buildings by open space on all sides.

DWELLING UNIT — One room, or a group of rooms joined to each other and not regularly locked in the interior, located in a dwelling, designed and maintained as a unified living quarter, occupied by an individual or a family, containing integrated facilities used for living, sleeping, cooking, eating and sanitation.

E:

EASEMENT — Any authorization by a property owner for the use by another, for a specified purpose, of any designated portion of a lot.

EAVE — The projecting lower edges of a roof overhanging the wall of a building.

EDUCATIONAL INSTITUTION — Any public or private school or other organization conducting a regularly scheduled curriculum of study and operated under the Education Law of New York State.

F:

FAMILY — Two or more individuals related by blood, marriage, operation of law, or adoption, or any number of individuals not related by blood, marriage or adoption living together and who meet the indicia for a functional and factual family equivalent.

FARM— Any parcel of land containing at least three acres that is used for the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

FENCE, SOLID — A wood or vinyl fence, including any gates in said fence, which is 80% or more opaque.

FILLING — The depositing of fill on land, whether submerged or not, including nonhazardous earth, clay, sand, or gravel.

FLOOR AREA — The sum of the horizontal area of the floors of a building and its accessory buildings on the same lot, excluding unfinished basement or cellar floor areas not devoted to habitable use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

FLOOR AREA, HABITABLE — The floor area of rooms in a dwelling unit used for bedrooms, living rooms, dining rooms and kitchens.

FOOD PROCESSING, BAKING AND PACKING PLANTS — Facilities which transform and process livestock and agricultural products into products for eventual consumption and package the processed goods for distribution to wholesalers or retailers.

FRONTAGE — The extent of a building or a lot along one public street as defined herein.

FUNERAL HOME — A building used for the preparation of the deceased for cremation or burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

G:

GARAGE SALE — A sale of used household or personal articles (as furniture, tools, or clothing) held on the seller's own premises.

GARAGE, ATTACHED — A garage having a common wall or a portion thereof with a principal residential building and used for the storage of motor vehicles, boats or trailers and in which no home occupation, business or service for profit is maintained.

GARAGE, PRIVATE — An enclosed space for the storage of motor vehicles, provided that no business, occupation or service is conducted for profit therein.

GARAGE, DETACHED — A building used as an accessory use to a principal residential building for the storage of motor vehicles, boats or trailers and in which no home occupation, business or service for profit is maintained.

GARAGE, PUBLIC — Any building, other than a private garage, which is available to the public, operated for gain and used for storage of automobiles.

GASOLINE STATION — Any building or land or any part thereof used for sale of motor fuel, oil and motor vehicle accessories and which may include facilities for fueling, charging, lubricating, washing or servicing vehicles, but not including painting or body repairs.

GOLF COURSE — A public or private recreation establishment having no fewer than nine (9) holes improved with tees, greens, fairways, and hazards for playing the game of golf. Miniature golf and driving ranges are excluded.

GRADE, EXISTING — The surface of the ground or pavement at a stated location as it exists before disturbance in preparation for a project regulated by this Zoning Code.

GRADE, FINISHED — The elevation of the surface of the ground adjoining the building at the completion of a project regulated by this Zoning Code. Where the finished grade is below the level of the existing grade, the existing grade shall be used for this purpose.

GRADE, STREET — The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

GROUP-CARE FACILITY — A building used to house people with health problems. Such facility shall be under the direction and supervision of trained medical or mental health professionals.

H:

HOME OCCUPATION — An accessory use which:

- (1) Is clearly incidental and an accessory use to the dwelling unit used for residential purposes.
- (2) Can be conducted without substantial change in the appearance, character, or traffic generation of the residence and in no event shall such use be apparent from any public street or right of way.
- (3) Is carried on by a member of the household residing in the dwelling unit.
- (4) Does not include retail sales to customers or motor vehicle repairs on the premises.

(See also Section 40.10 of this chapter regulating home occupations).

HOMEOWNERS' ASSOCIATION OWNERSHIP — The ownership of dwelling units, common elements and other facilities by an association organized pursuant to the laws of New York State.

HOSPITAL — Any facility, structure or place for diagnosis and treatment of human illnesses, injuries or ailments. This includes a sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged.

HOTEL — A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a common kitchen and dining room are provided within the buildings or in an accessory building. (See "lodging.")

I:

INDUSTRIAL PARK — A collection of sites for the location of various industries, which may or may not be related to one another.

INSTITUTION — A facility that provides a public service and is operated by a federal, state, or local government, public or private utility, school, church or similarly recognized and legally established sect, public agency, tax exempt organization, or quasi-public organization.

J:

JUNKYARD — A lot, land or structure or part thereof used for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material, or for collecting, wrecking, dismantling, storage, salvaging or sale of machinery parts or vehicles not in running condition.

K:

KENNEL — Any commercial building or lot on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained or sold. This definition shall include temporary housing of such animals for periods over four hours but shall not include private residences where the occupant owns the animals.

L:

LANDSCAPING — The use of natural plant materials including, but not limited to, ground covers, shrubs, and trees. Landscaping also involves the placement, preservation and maintenance of said plant materials in conjunction with associated improvements such as fences, walls, lighting, earth mounding and structures (principal or accessory).

LAUNDROMAT — A business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LOADING AREA — An off-street space not less than 12 feet wide and 30 feet long with an overhead clearance of at least 15 feet, exclusive of passageways, driveways, ramps, columns and other areas, and which is used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LODGING — A single building or group of buildings containing guest rooms or apartments, with parking space or such rooms or apartments, which is primarily designed for the accommodation of transient travelers and does not contain individual cooking facilities. Lodging facilities may also provide additional services to guests, such as food and beverages, limited recreational facilities, conference rooms, and laundry. Hotels and motels are considered lodging.

LOT — Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated and having frontage on a street or other means of access as may be determined by the Planning Board to be adequate as a condition of the issuance of a building permit for a building on such land.

LOT AREA — The total horizontal area within the property lines, excluding any part lying within the boundaries of a public street or proposed public street.

LOT, CORNER — A lot located at the junction of and fronting on two or more intersecting streets.

LOT COVERAGE — The percentage of the lot area covered by the combined area of the primary and accessory buildings. This definition includes all paved and impermeable surfaces such as driveways, swimming pools, decks, parking areas and parking lots, excluding patios, terraces and pedestrian walkways.

LOT DEPTH — The mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the front lot line in the general direction of the side lines of the lot.

LOT FRONTAGE — The distance measured across the width of the lot at the front lot line or the proposed building front line.

LOT LINE — The property line bounding a lot.

LOT LINE, FRONT — In the case of a lot abutting upon only one street, the line separating the lot from the street right-of-way; in the case of a lot abutting more than one street, each street line shall be considered a front lot line.

LOT LINE, REAR — The lot line, which is generally opposite the front lot line. If the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

LOT LINE, SIDE — The property line or lines extending from the front lot line to the rear lot line.

LOT SIZE — The total area within the property lines, excluding any portion lying within the boundaries of a public street or future street right-of-way.

LOT WIDTH — The mean horizontal distance between the side lot lines, measured at right angles to the lot depth.

M:

MANUFACTURING — Any factory, shop, yard warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, containerizing, storage or distribution of goods, wares, commodities, parts, materials, electricity and the like. The processing, preparation and production activities customarily deal with man-made or raw materials and other manufactured items which are altered, restored or improved by the utilization of biological, chemical or physical actions, tools, instruments, machines or other such similar natural, scientific or technological means. "Manufacturing" shall not include the handling of any waste products and materials. Manufacturing processes and treatments include but are not limited to such operations as mixing, crushing, cutting, grinding and polishing; casting, molding and stamping; alloying and refining; assaying, cleaning, coating and printing; and assembling and finishing.

MARQUEE — Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from the weather.

MEDICAL OFFICE — Includes medical, dental and clinical outpatient offices for the diagnosis and treatment of human ailments.

MIXED USE — A development or redevelopment that allows for a mixture of uses in a single building or on a single lot including, but not limited to, two or more of the following: residential, commercial and industrial.

MOBILE HOME — A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI, or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet or more in width or 40 feet or more in length, or when erected on site, is 320 square feet minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, HVAC, and electrical systems therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

MOTEL — A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a common kitchen and dining room may be provided within the building or in an accessory building. See also, "lodging."

MOTOR VEHICLE — Any device in, upon or by which any person or property is or may be transported upon a public street or highway except such as is operated exclusively by human power.

MOTOR VEHICLE REPAIR SHOP OR GARAGE — Any building or structure used for repair and servicing of motor vehicles for profit or as part of a commercial operation.

MUNICIPAL USES — Administrative, clerical, or public offices or buildings of a government agency (local, County, State, or Federal), including postal facilities, together with incidental storage or accessory uses/buildings.

N:

NONCONFORMING BULK — Any building, land or part thereof, existing at the effective date of this chapter, which does not meet the bulk and dimensional requirements for the use and for the district in which it is located.

NONCONFORMING BUILDING OR STRUCTURE — A building or structure that does not conform to the regulations of the district in which it is located upon the effective date of this Chapter.

NONCONFORMING USE — An established use of a building or structure or of land existing at the effective date of this chapter which does not conform to the use requirements of the district in which it is located.

NON-RESIDENTIAL USE — All uses of land and buildings except one-family dwellings, two-family dwellings and multiple-family dwellings.

NYS UNIFORM CODE(S) — The New York State Uniform Fire Prevention and Building Code, which shall include all subunits (Residential Code, Building Code, Plumbing Code, Mechanical Code, Fuel Gas Code, Fire Code, Energy Code, and Property Maintenance Code) as currently in effect and as hereafter amended from time to time. The Uniform Code shall also be referred to as the "NYS Building Code."

O:

OFFICE — Firms or organizations providing professional, executive, management, or administrative services, such as those listed in the "Professional Services" definition.

OPEN SPACE — That portion of a lot that is open, unobstructed and unoccupied from the ground upward and includes permeable walkways not used by vehicles, landscaping, uncovered patios, and uncovered recreation facilities. Recreation buildings may be included as part of a common open space.

OUTDOOR STORAGE — The storage of items, merchandise, materials, or vehicles outside of an enclosed structure for more than four (4) consecutive days that are not being displayed for sale.

OWNER — An individual, firm, association, organization, partnership, trust, corporation, or company holding title to the property.

P:

PARAPET WALL — That portion of a building wall that rises above the level of the roof.

PARKING AREA OR LOT — An off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto.

PARKING FACILITY — Includes all required off-street parking spaces, loading areas, stacking spaces, aisles, driveways and landscaping as required in this chapter.

PARKING SPACE — An off-street space used for the temporary location of one licensed motor vehicle, not including access driveway(s).

PAVING — Ground surface covered with materials including but not limited to cobblestones, clay-fired bricks, concrete precast paver units poured concrete with or without decorative surface materials, blacktop, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

PEDESTRIAN ORIENTED DEVELOPMENT — Refers to a pedestrian friendly policy providing clear, comfortable pedestrian access to commercial and residential areas and transit stops through the combination of land design practices including compact development, mixed use development, traffic calming, pedestrian- and public transit-orientation, designated pedestrian circulation systems and amenities, and a mix of housing types.

PERFORMANCE BOND — A bond, letter of credit, cash or securities posted by the developer and accepted by the Board of Trustees, to guarantee that the developer will construct, or cause to be constructed, within one year all required improvements set by the Planning Board as conditions under site plan approval.

PERSONAL SERVICE STORES OR SHOPS — Places primarily providing services oriented to personal needs, such as barber and beauty shops, shoe repair shops, household appliance repair shops, dry cleaning and laundry pick-ups, shoe shine parlors, and other similar establishments. Retail sales shall be allowed as incidental uses in personal service establishments.

PLANNING BOARD — The officially designated Planning Board for the Village, as established by the Village Board in accordance with NYS Village Law.

PORCH — An unenclosed and unscreened roofed permanent projection in which the roof is supported by piers, posts, or columns attached to the entrance of a principal building.

PRINCIPAL BUILDING OR USE — The primary use of the building or land requiring the greater setback or greater yard shall be deemed the principal building/use.

PROCESSING FACILITY — A building or an enclosed space used for the collection and processing of materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means including but not limited to baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

PROFESSIONAL — An individual or agency authorized to practice their discipline as defined by applicable New York State laws, such as an engineer, architect, or landscape architect.

PROFESSIONAL SERVICES — Individuals or organizations that provide specialized services, including, but not limited to, medical practitioners, attorneys, architects, engineers, photographers, brokers, and other similar services. This classification excludes hospitals, banks, and savings and loan associations.

PROPERTY LINE — A line bounding a lot. Also known as a "lot line."

PUBLIC UTILITIES — A building or lot used in connection with the transmission or distribution of water, sewage, gas, electricity, telephone or other public services.

PUBLIC UTILITY BUILDING AND FACILITY — A building or lot used for or in connection with the transmission, distribution or regulation of water, sewage, gas, electricity, telephone, cable television,

telecommunications or other public utility service by a municipal corporation or by a corporation subject to regulation by a state and/or federal regulatory agency. It does not include the administrative offices of the utility.

R:

RECREATION AREA — See “Open Space.”

RECREATION, INDOOR — Includes a bowling alley, theater, pool hall, skating rink, gymnasium, health spa, video machine arcade, swimming pool and similar places of indoor commercial recreation, both public and private, as well as accessory uses, including user supplies, food service and sales, service and storage of recreation equipment and accessories.

RECREATION, OUTDOOR — Includes a privately or publicly owned marina, golf course and clubhouse, trap, skeet and archery ranges, swimming pool, skating rink, park, beach, tennis court, racquetball court, camping area, picnic area and similar places of outdoor recreation, as well as accessory uses, including user supplies, food service and sales, service and storage of recreation equipment and accessories.

RECREATIONAL FACILITY — A place, area, structure, or other facility used by persons in the community to carry out recreational activities including outdoor and indoor facilities such as tennis courts, swimming pools, soccer fields, etc.

RECREATIONAL VEHICLE — A trailer or self-propelled motor vehicle structure without permanent foundation, which can be towed, hauled or driven, and is primarily designed as temporary living accommodation for recreation, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

RELIGIOUS INSTITUTION — Includes church, temple, synagogue, mosque, parish house, convent, seminary and retreat house. Also referred to as “place of worship.”

RESEARCH, DEVELOPMENT, EXPERIMENTAL OR TESTING LABORATORY — A building or groups of buildings in which are located facilities for scientific research, investigation, materials testing, or experimentation, but not facilities for the manufacture or sale of products.

RESIDENTIAL USE — Includes one-family dwelling, two-family dwelling, and multiple-family dwellings.

RESTAURANT — An establishment for the sale and consumption of food and beverages, including alcoholic beverages.

RESTAURANT, CARRY-OUT — An establishment whose principal business is the sale of food and beverages to a customer in a ready-to-consume state and whose design or method of operation is such that food and beverages are usually served in containers and no provision is made for consuming said items on the premises.

RESTAURANT, FAST-FOOD — A business for counter service of food in a packaged form where the patron has the option to consume the packaged food on or off the premises.

RESTAURANT, SIT-DOWN — An establishment whose principal business is the sale of food and beverage to the customer in a ready-to-consume state and whose design or principal method of operation is such that customers, normally provided with an individual menu, are served their food or beverages by a restaurant employee at the same table or count at which said items are consumed.

RETAIL STORES AND SHOPS — An establishment for the sale of goods, articles or consumer services individually or in small quantities directly to the consumer. Retail store or service shall not be interpreted to include the following: drive-up service, gasoline station, motor vehicle repair service, new or used car sales and service, and trailer or mobile home sales and service.

REZONING PETITION — A formal request to the Village Board to have the Zoning Map amended.

RIGHT-OF-WAY — The boundary of a road, street, highway, or expressway owned and maintained by any Federal, State, or local municipal entity.

ROOFLINE — In the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the lower edge of the eave; or in the case of an extended facade or parapet, the uppermost height of said facade or parapet, provided that the facade or parapet extends around the entire perimeter of the building at the same elevation.

ROOMING HOUSE — Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to more than three persons who are not related by blood, marriage or adoption to each other or the owner or operator. See also "Boarding House."

S:

SCHOOL — Parochial, nursery, private and public school, college, university and accessory uses operated under the Education Law of the State of New York and governed by the NYS Department of Education and shall exclude commercially operated schools of beauty, culture, business, dancing, driving, music and similar establishments which are not so governed.

SELF-SERVICE STORAGE FACILITY — A building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses and residential users. A warehouse operated for a specific commercial or industrial establishment shall not be considered a self-service storage facility.

SENIOR HOUSING — Includes any residential development where the sole, or primary tenants of the building are, or are intended to be seniors or those 55 years of age or older.

SEQRA — New York State Environmental Quality Review Act.

SERVICE AREA — Includes those parts of any lot, which are used primarily to provide access for servicing the use on the lot, including land used for delivery of goods, storage, and collection of wastes and provisions for maintenance.

SERVICE STATION (GAS) — Any building or land that is used for the sale of motor fuel, oil, and motor vehicle accessories and which may or may not include facilities for minor repairs of motor vehicles or an accessory food store. Includes facilities not selling gasoline but specializing in oil and other automobile fluid changes.

SETBACK — The least required horizontal distance between property line, and any structure on the lot measured at the shortest point, including terraces, porches, or any covered projection thereof, but excluding steps.

SETBACK, FRONT — The setback to the front lot line.

SETBACK, REAR — The setback to the rear lot line.

SETBACK, SIDE — The setback to any property line other than a street or rear lot line.

SETBACK, STREET — The setback to the street or front lot line. On corner lots, both yards bordering the street shall be considered as street setbacks. Such street setback shall be measured from the public right-of-way.

SHOPPING CENTER — A group of three or more stores, shops or similar businesses offering a variety of goods and services, occupying adjoining structures, whether attached or detached, having a common interrelated parking, loading and site circulation system with consolidated access to public roads. Also known as "malls," "retail centers," and "plazas."

SIGN — Any object or device (including but not limited to letters, words, numerals, figures, emblems, illustrations, graphics, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties. The term "sign" shall not include any flag, badge, or insignia of any governmental unit, nor shall it include any item of merchandise normally displayed within a window of a business.

- (1) Awning or Canopy Sign. A sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building. A marquee or a canopy is not an awning.
- (2) Banner Sign. A sign of lightweight fabric or similar non-ridged material that is mounted with no enclosing framework.
- (3) Billboard. A sign which directs attention to a business, industry, profession, commodity, service, organization, activity, institution, product, or entertainment neither sold, located, nor offered upon the property where the sign is situated.
- (4) Building Sign. A sign that is attached to, mounted on, or painted on a building. This includes awning signs, canopy signs, marquee signs, projecting signs, roof sign, and wall signs.
- (5) Changeable Copy Sign (manual). A sign, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a readerboard with changeable letters.
- (6) Changeable Copy Sign (mechanical or electronic). A sign, or portion thereof, on which characters, letters, or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.
- (7) Commercial Message. A sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
- (8) Construction Sign. A sign indicating the information regarding a project and/or indicating the names of architects, engineers, contractors and similar persons or firms involved in the design, construction and/or financing of the structure or project.
- (9) Development Identification Sign. A sign which, by means of symbol or name, identifies a shopping center, commercial or industrial park, or other development that may contain a mixture of residential, commercial, and/or industrial uses.

- (10) Directional Sign. A sign directing vehicular and/or pedestrian movement into, within, and/or out of a premise.
- (11) Drive-Through Sign. A sign designed to support the use of a drive-through lane or facility.
- (12) Flashing Sign. An illuminated sign on which the lights either blink on and off randomly or in sequence or have intermittent variation in intensity or color.
- (13) Freestanding Sign. A sign independently supported by the ground or mounted on a supporting structure that is placed on or anchored in the ground and is independent from any building.
- (14) Fuel Pump Sign. A sign affixed to or mounted on a fuel pump.
- (15) Ground Sign. A sign suspended or supported by one (1) or more uprights or braces anchored in the ground with no more than thirty (30) inches clearance from the bottom of the sign to the ground below.
- (16) Incidental Sign. A sign containing no commercial message and typically erected to identify address, entrances, exits, restrooms, hours and days of operation, public utility locations, emergency address and telephone number, etc. These examples are not given by way of limitation; an incidental sign can contain any noncommercial message in accordance with Section 52.5 (Signs Authorized Without a Permit).
- (17) Illegal Sign. A sign that is without a valid zoning permit, is not a nonconforming sign, and is not expressly permitted and/or exempt from the provisions of this Sign Code.
- (18) Illuminated Sign. A sign that is lighted by one (1) or more of the following artificial light sources:
 - i. External. A separate light source from the sign face or cabinet directed so as to shine on the sign face or exposed lights or neon tubes on the sign face.
 - ii. Internal. A light source concealed within the sign structure.
- (19) Internal Sign. A sign that is not intended to be viewed from outside the property, and located so as not to be legible from any public right-of-way or from any adjacent property, including any signs in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar structures of a recreational nature. Also included in such definition is a sign inside a building more than three (3) feet inside any window or door and any sign not attached to a window or door that is not legible from a distance of more than five (5) feet beyond the lot line of the zoning lot or parcel on which such sign is located.
- (20) Moving Sign. Any sign which in part or in total rotates, revolves, or otherwise is in motion.
- (21) Neon Sign. A sign formed from neon lamps containing neon gas.
- (22) Noncommercial Sign. A sign that does not direct attention to a business or to a service or commodity for sale, and is of a political, religious, or ideological nature.
- (23) Nonconforming Sign. A sign lawfully existing prior to the enactment of the sign provisions of this Sign Code or any appropriate amendment thereto, but which could not be erected in accordance with such provisions or amendment.
- (24) Obsolete Sign. A sign that no longer advertises or identifies a bona fide business, activity, event, or product sold.
- (25) Off-Premise Sign. A sign that directs attention to a business, commodity, event, service, or entertainment conducted, sold, or offered at a location other than where such sign is located.
- (26) On-Premise Sign. A sign which directs attention to a business, commodity, event, service, or entertainment conducted, sold, or offered upon the premises where such sign is located.
- (27) Pennant. A string of shaped and/or brightly colored pieces of fabric, vinyl, plastic or other material, with or without a message or logo, intended to attract attention.

- (28) Permanent Sign. A sign made of materials that are intended to last for more than a short period of time and intended for more than short term or interim use, and such sign is attached to a building, attached to a structure, or is attached to the ground in some manner.
- (29) Portable Sign. A sign that is movable, is not permanently attached to either the ground, a building, or a permanent structure, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. A portable sign includes any sign supported by a chassis that is designed to be easily moveable; any sign designed to be transported by means of wheels or skids. This definition excludes any lightweight "A-frame" base or any sign made out of other moveable items including, but not limited to, balloons, banners, flags, and umbrellas.
- (30) Projecting Sign. A sign attached to or supported by a building or structure in such a manner that it extends more than twelve (12) inches.
- (31) Real Estate Sign. A sign pertaining to the sale, rental, or lease of the lot or tract of land on which the sign is located or to the sale, rental, or lease of one (1) or more structures or portion thereof located on such lot or tract of land.
- (32) Roof Sign. Any sign erected upon the roof of a building, any portion of which is above the roofline of the building.
- (33) Sandwich Board Sign. A portable sign with two (2) or more steeply angled sides. Also known as an "A-frame Sign."
- (34) Temporary Sign. A sign which is not intended to be used for a period of time to exceed thirty (30) days, nor is attached to a building, to a structure, or into the ground in a permanent manner. Such signs usually being constructed of poster board, cardboard, masonite, plywood or plastic material and mounted to wood, metal, wire or rope frames or supports.
- (35) Wall Sign. Any sign fastened to, or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign. The sign will not project more than twelve (12) inches from the building or structure.
- (36) Window or Door Sign. A sign that is affixed, painted on, or attached to the glass or facade of a window or door, or displayed within three (3) feet of the inside surface of a window, designed and intended to allow those outside the structure to view it.

SIGN AREA — The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. The area of a sign having more than one (1) display surface shall be computed as the total area of the exposed exterior display surface area.

SIGN FACE — The surface of the sign upon, against or through which the message of the sign is exhibited.

SIGN HEIGHT — The vertical distance from the uppermost point used in measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb or a street or alley (other than a structurally elevated roadway) whichever measurement permits the greatest elevation of the sign.

SIGN STRUCTURE — The supports, uprights, bracing and framework for the sign.

SITE — A lot or group of contiguous lots not divided by any alley, street, other right-of-way or the Village limit that is proposed for development in accord with the provisions of this Zoning Code, and is in a single ownership or has multiple owners, all of whom join in an application for development.

SITE PLAN — A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Code Enforcement Officer or the Planning Board.

SITE PLAN REVIEW — Authority delegated to the Planning Board by the Village Board, which enables the Planning Board to approve, approve with conditions or disapprove the site development plans for all buildings or uses where site plan review is required.

SOLAR ACCESS — The orientation of streets and lots to the sun so as to permit individual properties to use passive and/or active solar energy resources.

SOLAR ENERGY EQUIPMENT — Includes flat plate, concentrating and tracking collectors, dissipaters, roof ponds and updated appurtenances.

SOLAR SKY SPACE — The space between a solar collector and the sun, which must be free of obstructions for a solar energy system's effective operation.

SPECIAL PERMIT — A document approved by the Planning Board that allows a specifically designed use that would not be appropriate generally or without restrictions throughout the zoning district but which, under certain conditions, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. See Article 65 of this Chapter.

SPECIFIED ANATOMICAL AREAS — Includes less than completely and opaquely covered:

- (1) Human genitals or pubic region.
- (2) The cleavage of the human buttocks.
- (3) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple). This definition shall include the entire lower portion of the breast but shall not be interpreted to include any portion of the cleavage of the breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided that the areola is not so exposed.
- (4) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITY — Includes the following:

- (1) The fondling or other touching of human genitals, pubic region, buttocks or female breasts;
- (2) Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation and sodomy; and
- (3) Masturbation.

SPECIFIED USE — A specifically designed use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

STACKING SPACE — A temporary space, eight (8) feet by eighteen (18) feet, to be used by motorists while waiting to use drive-in units, car washes, gas pumps or other similar uses.

STORY — Part of a building which is between one floor level and the next higher floor level or, if there is no floor above it, then the ceiling above it.

STREET — A public or private way, which affords the principal means of access to abutting properties.

STREET FRONTAGE — The lot lines that abut a public street or right-of-way of a planned street.

STREET LINE — The right-of-way line of a street as dedicated by a deed or record. Where the width of the street is not established, the street line shall be considered to be 25 feet from the center of the street.

STRUCTURE — A combination of materials to form a construction for use, occupancy or ornamentation, including but not limited to buildings, mobile homes, towers, flagpoles, swing sets, antennas, satellite dishes, or gas or liquid storage tanks, that are principally above ground.

SUBDIVISION — An area of land divided by owners or agents, either by lots or by metes and bounds, into lots or parcels two or more in number for the purpose of conveyance, transfer, improvement or sale of one or more.

SWIMMING POOL — Any constructed body of water or structure to contain water and any accessory equipment pertaining thereto, designed to be used or intended to be used for swimming or bathing by any family or persons residing on the premises and their guests. Portable wading pools, two feet or more deep, shall be considered "swimming pools."

T:

TELECOMMUNICATIONS FACILITIES — Towers and/or antennas and uninhabitable accessory structures used in connection with the provision of cellular telephone service, personal communication services, digital and/or data communication services, paging services, radio and television broadcast services and similar broadcast services (also referred to as "facilities" or "equipment"). Examples of such structures include utility or transmission equipment storage sheds or cabinets.

TERMINAL FACILITIES — A facility that is used for the transfer of goods or materials from one form of transportation to another (e.g. from a tractor-trailer to a home delivery truck).

THEATER — A building or part of a building devoted to the performing arts or the viewing of motion pictures.

THEATER, DRIVE-IN — Open land with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions to patrons seated in automobiles or on outdoor seats.

TRAILER — Any vehicle not propelled by its own power drawn on the public highways by a motor vehicle as defined in this section, except motor vehicle side cars, vehicles being towed by a non-rigid support and vehicles designed and primarily used for other purposes and only occasionally drawn by such a motor vehicle.

U:

USE — The specific purpose for which land, building, or structure is designed, intended, arranged, used or maintained.

USE, ACCESSORY — A use that is incidental and subordinate to the principal use in extent, area, and purpose and located on the same lot with the principal use.

USE, CHANGE OF — Any change in the type or nature of occupancy of a building or land, except the following:

- (1) A change in the volume of use without any physical extension of sales and/or service area.
- (2) An expansion or substitution of accessory or incidental uses in connection with the established principal use, except that in no case shall such an accessory or incidental use dominate in area or purpose the principal lawful use.
- (3) A change in ownership.
- (4) A change to a generically similar use.

USE, PERMITTED — Any use specifically allowed in the district, excluding illegal uses and nonconforming uses.

V:

VARIANCE, AREA — The authorization of the Zoning Board of Appeals for the use of land that is not allowed by the dimensional or physical requirements set forth in this Chapter. Procedures and criteria for use variances are found in Article 66.5 of this Chapter.

VARIANCE, USE — The authorization of the Zoning Board of Appeals for the use of land for a purpose that is otherwise not allowed or prohibited by this Chapter. Procedures and criteria for use variances are found in Article 66.4 of this Chapter.

VETERINARY CLINIC — A facility that provides medical care to animals, which is run by a Doctor of Veterinary Medicine (DVM). Animals may be kept in the facility during the recovery period or while under medical treatment.

VILLAGE BOARD — The elected legislative body of the Village of Attica, also referred to as the "Village Board of Trustees"

VILLAGE OFFICE — The Village Office and its designated employees of the Village of Attica.

VILLAGE CODE — The local laws, ordinances, rules, certain resolutions, and regulations of the Village that are collectively known as the “Code of the Village of Attica,” and hereafter referred to as the “Zoning Code.”

W:

WALKWAY — A passage or path designated for pedestrian activity or walking.

WAREHOUSE — A building, typically enclosed, designed or used for the storage of commodities; Includes warehouse, wholesale establishment, discount house, bulk storage and bulk sales outlet.

WETLANDS — Areas designated as freshwater wetlands by the New York State Department of Environmental Conservation or the Army Corps of Engineers, as prescribed by law.

WHEEL STOP — An object, often made of concrete, which is placed at the front of a parking space to prevent vehicles from pulling too far into the space and striking the wall, landscape, or other objects that may be on the other side of the space.

WHOLESALE TRADE — A business that deals with the buying or selling or arranging for sale of goods or commodities, usually in bulk, for purchasers other than individual customers, to include offices, freight distribution centers, large storage facilities and the use of delivery trucks in the routine operation of the business.

WILDLIFE CORRIDOR — An area of habitat designated for the connection of wildlife populations that are separated by human activities or structures.

Y:

YARD — An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT — A yard between the front lot line and the front line of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

YARD, REAR — A yard between the rear lot line and rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured between the rear lot line and the rear line of the building.

YARD, SIDE — The area between the side building line and the related side lot line and between the front yard and the rear yard.

Z:

ZONING BOARD OF APPEALS — The officially established Zoning Board of Appeals of the Village of Attica with the duties and responsibilities identified in Part 6 of this Chapter. Also referred to as “Zoning Board” or “Board of Appeals.”

ZONING PERMIT — A document signed by the Zoning Enforcement Officer or designated agent of the Village Office, as required by this chapter, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversation or installation of a structure or building.