

VILLAGE OF CASSADAGA
Zoning Law

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VILLAGE OF CASSADAGA ZONING LAW

ARTICLE I

TITLE, ENACTING CLAUSE, PURPOSE, AND APPLICATION

SECTION 101 TITLE

A Local Law regulating the location, construction, and use of buildings and structures, and the use of land in the Village of Cassadaga, Town of Stockton, County of Chautauqua, State of New York, and for the said purposes of dividing the Village into districts. This Local Law shall be known and cited as the Zoning Law of the Village of Cassadaga.

SECTION 102 ENACTING CLAUSE

Pursuant to the authority conferred by the Laws of the State of New York and for each of the purposes specified therein, the Village Board of the Village of Cassadaga, Town of Stockton, County of Chautauqua, and the State of New York, has ordained and does hereby enact the following Local Law regulating and restricting the location, size, and use of the buildings and other structures, and the use of the land within the municipality.

SECTION 103 PURPOSE AND OBJECTIVES

A. Comprehensive Plan - The zoning regulations and districts set forth and outlined upon the zoning map are made in accordance with a comprehensive plan for the municipality. The enactment of the Zoning Law brings benefits to the community which may not be highly or immediately visible. However, the resulting conditions will enhance and preserve the quality of living, health, and safety for the municipality.

B. General -- General benefits derived from zoning laws include the following:

- 1.) promote health, convenience, economics, and general welfare of the community;
- 2.) balance the rights of the public at large, private landowners, and other various interest groups;
- 3.) encourage the positive shaping of the future and the long-range benefits associated with zoning laws;
- 4.) allow for the maintenance of an equitable assessment rule;
- 5.) impose some reasonable restraints on opportunists; and
- 6.) permit amendments to meet changing needs and has built-in flexibilities for unique situations under local control.

- C. Safety** -- From a safety viewpoint, zoning laws will assist in the following:
- 1.) promote fire safety by controlling building heights, separation of structures, etc.;
 - 2.) promote traffic safety by protecting the traffic-carrying capabilities of highways through setbacks, etc.;
 - 3.) insure that floodplains are reasonably controlled with respect to types of uses, densities, etc.; and
 - 4.) protect residents from other conditions which could cause injury or death.
- D. Quality** -- Zoning laws perpetuate the highest possible quality of life by:
- 1.) maintaining a rural atmosphere in selected areas;
 - 2.) promoting the retention of an aesthetically pleasing community by minimizing nuisances and visually unattractive developments;
 - 3.) insuring adequate light, air, and open space; and
 - 4.) maintaining the character of residential neighborhoods by providing appropriate locations for living and raising a family through types of uses encouraged in a district.
- E. Economics** – These Zoning laws will contribute to neighborhood stability by:
- 1.) optimizing the use of existing infrastructure;
 - 2.) utilizing existing roadways optimally while discouraging the creation of new roads, except as needed;
 - 3.) encouraging the retention of prime agricultural, commercial, and industrial properties for those uses for which they are most suited; and
 - 4.) encouraging the largest tax base possible through controlled development.
- F. Stability** – These Zoning laws will contribute to neighborhood stability by:
- 1.) keeping rural municipalities from being a dumping ground;
 - 2.) protecting property values and individual investments by encouraging proper development for each type of district;
 - 3.) maintaining the character of a neighborhood by providing a stable and orderly living environment;
 - 4.) keeping nuisances to a minimum, especially in residentially oriented neighborhoods; and
 - 5.) allowing for the creation of a fair tax base by being kept informed of both new construction and demolition.
- G. Health** - Zoning laws protect public health through establishment of standards which address the following issues: A zoning law:
- 1.) insures that appropriate amounts of light, air, and open space are available for all residents;
 - 2.) reinforces health standards, particularly with respect to sewage and water-related problems; and

- 3.) keeps unhealthy situations from arising which could cause disease or injury.

H. Bundle of Rights Associated with Ownership of Property --

- 1.) The Right to Use
- 2.) The Right to Sell
- 3.) The Right to Lease or Rent
- 4.) The Right to Enter or Leave (Real Property)
- 5.) The Right to Give Away
- 6.) The Right to Refuse to Do Any of These

SECTION 104 APPLICATION OF REGULATIONS

A. Compliance Responsibility -- It shall be the responsibility of all property owners, developers, lessors, or others involved with the temporary or permanent use of land or structures to comply with the regulations of this Zoning Law. No building or buildings shall be erected or altered which will substantially limit the usefulness or depreciate the value of surrounding properties.

B. Regulation Responsibility -- The regulations of this law shall apply and shall require a zoning permit (except as specifically exempted) for the following situations:

- 1.) to occupy a structure or land;
- 2.) to erect, alter, enlarge, move, or demolish a structure; and
- 3.) to change one use to another use to include the increasing of families utilizing land or structures.

C. Other Related Regulations -- The following regulations shall, as applicable, be complied with prior to occupancy or where specifically stated prior to issuance of a zoning permit:

1.) **Subdivision Laws** - State and existing local subdivision laws must be complied with in addition to this Zoning Law.

2.) **National Flood Insurance Program** - It shall be the responsibility of the applicant for a zoning/building permit to insure that the National Flood Insurance regulations as well as the zoning regulations shall be complied with for those parcels located within the flood plain as shown on official Flood Insurance Administration maps.

3.) **State Environmental Quality Review Act** - Any development requiring a permit or any amendments to this Law shall be subject to an Environmental Assessment in accordance with state law.

4.) **Health Department Rules** - In areas not served by municipal sewer or water systems, the regulations of the State, County, and Local facilities will apply. The applicant for a building or zoning permit must obtain a copy of the required health department permits for attachment to his application BEFORE the issuance of local approval.

5.) **Fire and Building Code** - No structure shall be erected, altered, or used unless it complies, where applicable, with the New York State Uniform Fire & Building Code.

6.) **Department of Environmental Conservation** – All permits, registrations, and approvals, as required.

ARTICLE II

DEFINITIONS

SECTION 201 LANGUAGE AND INTERPRETATIONS

For the purpose of this Local Law, certain terms or words herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes a corporation as well as an individual. The word "lot" includes "plot" or "parcel." The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

SECTION 202 DEFINITIONS

Certain words and terms used in this Local Law are defined as follows:

Accessory Building or Use - An accessory building or use is one which is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and is located on the same lot as the principal building or principal use served but is not allowed to be located in a front yard.

Accessory Apartment - A secondary apartment developed in an existing single family dwelling.

Accessory Dwelling Unit - Dwellings intended for temporary occupancy including, but not limited to, a travel trailer/motor home, truck camper or tent occupied by persons other than those generally residing in the primary dwelling unit and located on the same parcel as the primary unit.

Agricultural Structure - Any structure used primarily and directly for agricultural activities including, but not limited to, barns, silos, storage sheds, corn cribs, milk houses, and similar structures.

Agriculture, Limited - The production of crops or plants or vines and trees (excluding forestry operations) or the keeping, grazing or feeding of livestock for animal products (including serums), animal increase or value increase provided no substantial odor, noise, or dust is produced within 100 feet of any building on adjacent property.

Airport - Any land or water space frequently used for the landing and takeoff of any aircraft including helicopters. All airports must comply with federal and state regulations and must be approved by the Commissioner of Transportation for New York State.

Alteration - As applied to a building or structure, a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or moving from one location or position to another, the term “alter” in its various modes and tenses and in its particular form, refers to the making of an alteration.

Animal, Domestic - For the purposes of this Law, a domestic animal shall include dogs, cats and small caged birds maintained as pets within a residential structure.

Apartment House - A building arrangement intended to be occupied by three or more families living independently of each other. Condominiums and townhouses shall be considered to be apartments.

Area of Special Flood Hazard - The land in the flood plain within the community subject to a 1% or greater chance of flooding in any given year.

Boarding House - Any single-family dwelling unit lived in by a family where, for compensation, guest room lodging is provided. The term Boarding House shall include Rooming House, Lodging House, Bed and Breakfast, and other similar terms.

Buffer - A strip of land, fence, or border of trees, etc., between one use and another which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, etc., and shall be determined by the Permitting Board.

Building - Any structure having a roof supported by columns or by four or more independent, non-party walls, and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

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

Building Line - A line formed by the intersection of a horizontal plane of average grade level and a vertical plane that coincides with the exterior surface of the building or potential building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

Building Permit - See **Zoning Permit**.

Building Setback Line - An established line within a property defining the minimum required distance between the face of any structure to be erected and the edge of the road of an adjacent highway.

Business/Industry, Limited - A commercial venture which is the primary or major occupant of a structure and possesses the following characteristics: utilizes a maximum of 2,000 square feet of floor space, employs less than five employees, does not generate over 100 vehicles of business per 24-hour period, does not have a substantial effect on the character of the neighborhood, and generates no nuisances (smoke, odor, noise, etc.).

By Right - refers to uses requiring a permit, but with no public hearing required.

Cabin - A structure with accommodations for living and sleeping designed for seasonal occupancy and having a floor area of less than 400 square feet.

Camp - Any area of land and/or water on which is located a cabin, tent, travel trailer, motor home, or other type of shelter suitable and intended for use in a temporary seasonal manner. For the purposes of this Law, no minimum floor space shall be required for a camp structure.

Club - An organization catering exclusively to members and guests including premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising, or commercial activities except as required generally for the convenience of the membership and purposes of such club.

Cluster Development - A development of five acres or more where a developer may elect, after Board approval, to cluster or group his development in return for the permanent creation of common areas. Overall, the density of development remains approximately the same as required by the district area requirements.

Compost - A mixture of decaying organic matter, such as grass, leaves and manure, to be used as fertilizer, for recycling to conserve natural resources.

Conventional Dwelling Unit - See **Dwelling Unit**.

Day Care Center - A structure, together with its lot, operated on a regular basis for the purpose of providing daytime care for over five children or adults. Similar uses going under names such as Day Nurseries shall, for the purpose of this Law, be considered to be Day Care Centers.

Day Care Center, Limited - Same as Day Care Center except involving care for five or less children or adults.

Day Care Family Home - In accordance with Section 390 of the Social Services Law, an individual's home used to care for 2 to 6 children away from their homes for less than 24 hours per day for compensation for more than five hours per week. The provider's own children under six years of age shall be counted toward the maximum number allowed. An annual permit from the Social Services Department is required with the applicant required to verify fitness to care for children, sound health, sufficient finances, an adequate physical plant, etc., in accordance with State regulations in effect.

Deck - An unroofed, open structure projecting from an outside wall of a structure without any form of enclosure.

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation, or drilling operations.

Drive-In - Businesses designed to either wholly or partially provide services or products to customers while in automobiles parked on the premises. Examples include, but are not limited to, film shops, drive-in theaters, fast-food restaurants, banks, etc.

Dry Hydrant - A pipeline capable of transporting water on a year-round basis from a pond, lake, or other water source to a hydrant. The water is not under pressure and thus, to be utilized for fire fighting purposes, must be properly engineered such that a pumper truck can successfully draw sufficient water volume from the hydrant.

Duplex - A dwelling structure arranged, intended, or designed to be occupied by 2 families living independently of each other.

Dwelling Unit - One or more rooms providing living facilities, including equipment and provisions for cooking, for a single household including one or more persons living as a family. Dwelling units shall be categorized by four construction types:

A. Conventional - A permanent single- or multiple-family dwelling unit which is built on site using conventional “stick” construction techniques among others. Included in this category are pre-cut homes which refers to a conventional dwelling unit built on site utilizing wood framing members that are pre-cut in a factory to the correct lengths but delivered to the building site unassembled. For the purpose of this Law, a pre-cut dwelling unit shall be considered to be the same as a conventional dwelling unit and shall not be considered to be a manufactured home.

B. Modular - A permanent, single- or multiple-family dwelling unit which is brought to the building site as two or more units on a transport trailer. Modular dwelling units have no support frames as found on mobile homes but instead are placed on a separate foundation. Modular dwelling units contain the same utility systems as conventional dwelling units. Modular dwelling units are not designed to be moved after they have been lifted onto a foundation. They are generally a minimum of twenty feet wide.

C. Pre-fabricated - A permanent, single- or multiple-family dwelling unit which is brought to the building site in large sections or panels. Often the doors and windows are factory insulated in the panels with the wall panels designed to be erected immediately after delivery. Pre-fabricated dwelling units are sometimes referred to as panelized units.

D. Mobile Home - A transportable, fully assembled single-family dwelling unit suitable for year-round occupancy. Mobile dwelling units contain the same utility systems (water, waste, electricity) as found in conventional dwelling units. Mobile dwelling units are supported by a chassis which is an integral part of the unit. Mobile dwelling units are not designed to be lived in except when set up on a lot with proper utilities. This includes double wide mobile dwelling units but does not include travel trailers which are self-contained. For the purpose of this Law, mobile homes are listed separately as allowed uses as are conventional (stick built/pre-cut), modular, and pre-fabricated (panelized) dwelling units.

Enforcement Officer – The zoning and or code enforcement officer of the municipality.

Essential Services - The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of gas, electrical, steam, water, sewage, and communication systems and facilities. Railroad tracks and facilities and bus shelters shall also be considered as providing an essential service.

Family - One or more persons, occupying a dwelling unit and living as a single, non-profit housekeeping unit.

Farm - Any parcel of land which is used to raise/grow agricultural products, livestock, poultry, and/or dairy products with the intent of financial gain. It includes necessary farm structures and the storage of equipment used.

Fence - Any artificially constructed barrier or vegetation barrier, such as a hedge, with the purpose or intent of preventing passage or view, thus providing privacy.

Fire Resistant - Any materials which possess the properties, construction, or assembly qualities which, under fire conditions, prevents or retards the passage of excessive heat, gases or flames, and thus, is not easily ignited.

Flammable - Capable of igniting within five seconds when exposed to flame and continuing to burn.

Floating District - Any zoning district for which district regulations are included in this Law and yet for which no land has initially been designated on the zoning map to be included in said district. Such a district may become a reality through the amendment of the zoning map of the municipality in accordance with the amendment procedures of this Law. The initiation of the designation of such a district may come from residents, the Planning Board, a developer, or the Municipal Board itself, while the decision whether to activate such a district shall be made based upon the need for such a district.

Flood Plain - The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the Village of Cassadaga" dated June 1, 1977, with accompanying Flood Insurance Maps and Flood Boundary-Floodway Maps as referenced and incorporated in Local Law 77-2.

Floor Space - The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business. Said areas shall be measured between the outside face of exterior walls or from the center line of walls separating two uses. Said areas shall not include areas below the average level of the adjoining ground, garage space, or accessory building space.

Frontage - The area extending across the entire width of the lot between the building line and the front edge of the road into which space there shall be no extension of building partitions or accessory structures. For parcels adjacent to a lake, the front yard shall consist of the land area between the primary structure and the public or private roadway serving the property.

Garages, Private - A secondary building used in conjunction with a primary building which primarily provides for the storage of motor vehicles and in which no occupation, business, or services for profit are carried on.

Garages, Public - Any garage other than a private garage, operated for gain, available on a rental basis for the storage of motor vehicles, including the supply of gasoline and oil.

Gas Compressor - Any mechanical equipment utilized to cause the movement of natural gas through a transmission line system.

Gas Station - The retail sale of fuel and related oil products as well as minor service repairs and routine maintenance to include oil and tire changes.

General Service Business - See **Service Business**.

General Wholesale Business - See **Wholesale Business**.

Gravel Pit/Quarry/Sand Pit - A lot or land or part thereof used for the purpose of extracting stone, gravel, or top soil for sale as an industrial operation and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Gravel Pit, Small - Any gravel pit involving the extraction of less than 1,000 tons annually or approximately 2.6 average trucks weekly.

Heavy Vehicles - Automobile wreckers, commercial trailers, semi-trailers, or any vehicle or truck with three or more axles which is subject to vehicle regulations and state inspections for use on public highways.

Height - The vertical distance from the highest point on a structure (excepting chimneys and other items listed in Article V, Section 504 on "Height") to the average ground level of the grade where the wall or other structural elements intersect the ground.

Home Occupation - A use conducted within a dwelling and carried on by the inhabitants thereof, which is clearly secondary to the use of the dwelling for dwelling purposes and does not substantially change the character of the residence or the neighborhood. Home occupations shall meet all conditions specified in the section on Home Occupations. In some instances, accessory buildings may be utilized for Home Occupations.

Horticulture, Private - The growing of fruits, vegetables, flowers, or ornamental plants for one's own pleasure and use. Also referred to as a private garden.

Household Sale - Household sale for the purpose of this Law shall include lawn sales, patio sales, garage sales, basement sales, flea markets, bazaar, or other similar types of sales. A household sale shall be distinguished from a business in that it involves the infrequent sale of used merchandise which, for private sales, was NOT obtained from outside the household. Non-profit or fraternal organizations, on the other hand, may obtain their sale items from donations received from members or other sources.

Housing, Elderly - Apartments containing eating, sleeping, and living space and designed with elderly, fully independent residents in mind. Generally, these apartments contain smaller than normal floor space, require less parking, and less active recreational area. Additionally, common eating areas are sometimes provided.

Hunting Camp - See **Camp**.

Industry, General - The manufacture, preparation, processing, milling, or repair of any article, substance or commodity, which involves no dangerous or toxic product or emissions. Additionally, noise, odors, or other nuisances incidental to productions and processing shall be limited to a level which does not affect the use or enjoyment of property outside of the Industrial District.

Junk Car - A motor vehicle (excluding farm vehicle) stored outdoors with no current registration and which is not road worthy.

Junk Yard - Any property primarily used to store items, materials, objects, equipment, or parts thereof that no longer retain their original intended value or usefulness, including things discarded, stored, or thrown away as worn, dismantled, or worthless including, but not limited to, rags, used tires, paper, scrap, metal, cans, construction and demolition materials, fixtures, debris, appliances, rubbish, trash, and inoperable or dismantled vehicles or equipment.

Kennel - Any enterprise engaged in the grooming, boarding, training, raising, or multiple breeding of five or more dogs for a period of over 90 days for profit or pleasure.

Large Group - Any gathering of three hundred or more people occurring on a non-regular basis and involving either the charging of a fee, request for a donation, or sale of products or services.

Loading Space - Space logically and conveniently located exclusively for bulk pickups and deliveries at commercial or industrial structures.

Lot - A parcel of land.

Lot, Coverage - That percentage of the lot which is devoted to building area. District regulations refer to the maximum percentage of the lot area devoted to building area.

Lot, Size - An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres.

Lot, Width - The horizontal distance between the side lot lines measured at right angles to its depth at the building line.

Manufactured Home - A general category of housing construction denoting single-family detached or attached multiple-family dwelling units which are partially or totally constructed away from the site where they are to be placed for occupancy. Included in this category are mobile homes, modular housing, and panelized (prefabricated) housing.

Mobile Dwelling Unit - See **Dwelling Unit**.

Mobile Home - See **Dwelling Unit**.

Mobile Home Park – A parcel of land upon which two or more mobile homes are set up for living purposes.

Motor Home - A self-propelled, relatively small temporary living quarter generally used as mobile vacation homes. Motor homes generally have self-contained, independent utility systems.

Motor Vehicle Service Station - Any area of land, including structures therein, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but not including the painting thereof by any means, body and fender work, or the dismantling or replacing of engines.

Multiple Dwelling - Three or more dwelling units per building.

Multiple Use Business - A building or buildings in one contiguous location under single ownership which has more than one district business (e.g., restaurant and gift shop) as defined in the allowed uses.

Municipality - Shall mean the Village for which this Law applies.

Non-Conforming Use - That use of a building, structure or land legally existing at the time of enactment of this Zoning Law or amendment thereto and which is not one of those permitted in the district in which it is situated.

Nuisance- A violation of this Law caused by an offensive, annoying, unpleasant or obnoxious use or characteristics of said use which produces effects of such nature or degree that they are detrimental to the health, safety, general welfare, property values, etc., thus resulting in harm or injury to adjacent or nearby properties. Common examples include excessive odors, noise, smoke, vibration, light, runoff, traffic development density, and electronic interference, etc.

Permitting Board – Board given the authority under this law to issue permits.

Professional - An individual person engaged in an occupation or profession requiring specialized skills and knowledge as a result of long and extensive academic preparation. This includes but is not limited to doctors, lawyers, CPAs, engineers, etc.

Property Line - Any line dividing one lot from another.

Public, Quasi - An organization which serves a governmental function but is not a governmental unit per se. A volunteer fire department is an example. Additionally, any use owned or operated by a non-profit or religious organization providing educational, cultural, recreational, religious or similar types of programs.

Recreation, Commercial - Recreational facilities operated as a business and open to the general public for a fee. Recreational facilities shall include, but not be limited to, golf courses, ice skating rinks, and swimming pools.

Recreational Vehicle - A vehicle primarily designed as temporary living quarters for recreational, travel, or camping use which either has its own mode of power or is drawn by another vehicle.

Residence, Multi-Family - A building used or designed for three or more dwelling units including apartment houses, town houses, and condominiums.

Residence, Single-Family Detached - A detached building designed to contain one dwelling unit.

Residence, Two Family - A building containing two dwelling units and designed exclusively for two families living independently of each other or two, one-family dwellings separated by a party wall.

Residential Conversions - The creation of one or more additional dwelling units within an existing residential structure in accordance with conditions set forth in this Law.

Recycle- The process by which waste products are reduced to raw materials or used as is and transformed into new and often different products.

Roadside Stand - A structure (either enclosed or open), a booth, or a transportable vehicle, the purpose of which is for the sale of produce and other farm products to the general public.

Sawmill - Commercial facility containing sawing and planing equipment utilized for the preparation of dimensional lumber used for construction.

Scrap Yard - Any place of storage or deposit of more than eleven square feet, usually of a commercial nature, where metals, glass, rags, etc., are held, whether for the purpose of disposal, reclamation, recycling, or resale of such, including establishments having facilities for processing iron, steel, and non-ferrous scrap for melting purposes.

Section - Unless otherwise noted, section and section numbers shall refer to this Law.

Semi-Public - Places of worship, institutions for the aged and children, non-profit colleges, hospitals, libraries, cemeteries, and institutions of the philanthropic nature.

Senior Citizen Housing - A structure principally used to house senior citizens in which a separate household is established for each family. Nursing homes are not considered to be senior citizen housing.

Setback - Distance measured from the street edge to a structure, sign, etc. For private roads, the front yard setback shall also be the distance from the edge of the traveled portion of the road to the closest point on the structure.

Shopping Center - A group of commercial establishments occupying adjoining structures all of which may be deemed as one building and normally owned/managed as one unit. Off street parking as well as loading/unloading facilities are provided as an integral part of the unit.

Sign - Any structure or part thereof, attached thereto, or painted, or represented thereon, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used for the purpose of bringing the subject thereof to the attention of the public. The word "sign" does not include the flag or pennant of any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like organization, or the property thereof.

Sign, Advertising - A sign that offers services or goods produced or available somewhere other than the property on which the sign is located. The words "advertising sign" include the word "billboard." Neither directional, warning or other signs posted by public officials in the course of their public duty shall be construed as advertising signs.

Sign, Area - The area defined by the frame or edge of a sign. Where there is no geometric frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape that most closely outlines the said sign.

Sign, Business - A sign for permitted use conducted on the premises on which shall

identify the written name and/or type of business and/or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on the premises.

Sign, Directional - A sign, which identifies an attraction or activity and provides directional information useful to the traveler in locating the attraction, such as mileage, route numbers, etc.

Sign, Instructional - A sign conveying instructions with respect to the use of the premises, or a portion of the premises on which it is maintained, or a use or practice being conducted on the premises.

Sign, Nameplate - Any sign attached directly to the wall of a building occupied by the person to whom such a sign indicates the name, occupation and/or address of the occupant. A nameplate shall not be over two square feet in size.

Sign, Public - Those signs erected to direct flow, speed, and direction of traffic, effect general public safety, or name streets or buildings.

Sign, Temporary - A sign which offers premises for sale, rent, or development; or which announces special events, or calls attention to new construction or alteration; or offers a sale of seasonal garden produce, garage, household, porch items or signs of similar nature; or political signs. Temporary status of signs will expire after six months.

Solar Structure - Any structure containing either a passive or active heat storage device, which is dependent on direct contact with the sun's rays in order to operate. Said heat storage devices are commonly used to partially or totally heat water, rooms, etc.

Special Use Permit - A special use permit deals with special permission, granted only by the Permitting Board after public hearing, to occupy land for specific purposes when such use is not permitted By Right but is listed as permitted by Special Use Permit.

Storage Structure - Any constructed combination of materials located or attached to the ground utilized for non-inhabited storage purposes. Used trucks and similar motor vehicles shall not be utilized as storage structures. For the purposes of this Law, storage structures shall be less than 150 square feet with larger structures considered to be accessory buildings or uses.

Storefront Area - That area of the front of a building associated with the first floor only. For businesses located above a first floor, the storefront area shall be calculated based on the ground floor entrance only.

Story - That portion of a building excluding attics and cellars included between the surface of any floor and the floor next above it; or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half - A story under a gable, hip, or gambrel roof, the wall plates of which on at

least two opposite exterior walls are not more than two feet from the ceiling of such story.

Street Edge - A curb or in the absence of a curb, the farthest point of a street or roadway which is designed and constructed to carry vehicles on a regular basis. A paved or unpaved shoulder of a road shall not be considered in determining the street edge.

Structure - A building constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Mobile homes are not considered to be structures for the purpose of this Law. (A mobile home is considered to be a structure under the Flood Insurance Program.)

Swimming Pool - Any man-made receptacle for water (excepting farm ponds) located above or below ground designed for capacity of over three feet in depth at any point and intended to be used for swimming.

Temporary Dwelling Unit - Dwellings intended for temporary occupancy and including but not limited to: travel trailers, motor homes, truck campers, and tents. Persons residing in temporary dwelling units generally do not include those residing in the primary dwelling unit located on the parcel.

Tower/Telecommunications Facilities - Towers and/or antennas and accessory structures together used in connection with the provision of cellular telephone service, personal communication services (P.C.S), paging services, radio and/or television broadcast services, microwave transmissions and/or similar or like broadcast services.

Tower - A structure designed to support antennas. It includes without limitation freestanding towers, guyed towers, monopoles, and similar structures that do or do not employ camouflage technology or any wind driven devices (i.e. windmills, turbines, etc.) whether used for energy conversion or creation, or not.

Town House - A dwelling unit designed to be occupied as a residence for one family and one of a group of three or more attached dwellings, placed side by side, separated by party walls, each containing one or two stories, and each having separate front and rear or side and rear or front and side entrances from the outside.

Tract - A piece of land under single ownership.

Trash - Glass, scrap metals, salvaged metals, rags, refuse, garbage, wastepaper, salvaged machines, appliances, or similar materials, etc. Generally, trash can be described as any items that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Travel Trailer/Camper - A temporary living quarter designed to be hauled behind a vehicle. Travel trailers are not designed as permanent living quarters and generally are used on a seasonal basis. They are supported at all times primarily by their own wheels. Travel trailers generally have self-contained, independent utility systems. See

definition of **Accessory Dwelling Unit**.

Travel Trailer Camp/Commercial Campground - A parcel of land used or intended to be used, let, or rented on a seasonal basis for occupancy by campers or for occupancy of travel trailers, motor homes, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

Urbanized - A densely populated area of dwellings, business, and industrial uses as compared to rural, less developed areas.

Use - Any purpose, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Variance - Permissive waivers from the terms of the Law, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Law will result in unnecessary hardship, or practical difficulty, but that the spirit of the Law shall be observed, and substantial justice done, and granted by the Zoning Board of Appeals.

Vehicle Repair Shop - A commercial business operated for profit which repairs or services motor vehicles.

Vintage Vehicle - A vehicle of collectable value, an antique, classic, limited production, and special interest vehicle due to ownership or unique historical use.

Wholesale Business, General – A wholesale business with more than three (3) employees, or larger than 4,000 square feet of floor space.

Wholesale Business, Limited - A wholesale business with a maximum of three employees, no more than 4,000 square feet of floor space and no outside storage.

Yard, Rear - The area extending across the entire width of the lot between the rear wall of the principal building and the rear line of the lot and unoccupied except for parking, loading and unloading space, and garages and carports.

Yard, Side - The open area of a lot situated between the sidelines of the building and the adjacent sidelines of the lot.

Zoning Board of Appeals - The Zoning Board of Appeals of the municipality.

Zoning Permit - Written permission issued by the appropriate Municipal Board/Office authorizing the use of lots or structures. Zoning Permits are issued for uses that are permitted by the Zoning Law where all conditions required by the Law can be met for the district where the lot/structure is located. The relocation, enlargement, alteration, or the change of use shall require the issuing of a Zoning Permit. The two types of permits include By Right Permit and Special Use Permit.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

SECTION 301 CREATION AND ENUMERATION OF DISTRICTS

For the purpose and provisions of this Local Law, the Municipality is hereby divided into the following types of districts:

- R -- Residential**
- B -- Business**
- C -- Conservation**
- I -- Industrial**

SECTION 302 ZONING MAP

The boundaries of the aforesaid zoning districts are hereby established as shown on the map entitled, "Zoning District Map of the Village of Cassadaga, New York, dated _____, which map accompanies and is made a part of this Local Law and shall have the same force and effect as if the zoning map, together with all notations, references, and other information shown thereon, were fully set forth and described herein.

SECTION 303 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A.** Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- B.** Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C.** Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance as given, such dimension shall be determined by the use of the scale shown on said zoning map.
- D.** Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of jurisdiction of the Municipality unless otherwise indicated.

E. Any flood boundary shown on the zoning map indicates general location only. The precise location of flood plain boundaries shall be established by the Enforcement Officer after consulting with the Chautauqua County Planning Department.

F. Any party aggrieved by an interpretation as to boundaries may appeal to the Zoning Board of Appeals, whose decision will be final. However, all decisions of the Zoning Board of Appeals are subject to court reviews in accordance with applicable laws of the State of New York. The burden of proof shall be on the appellant.

ARTICLE IV

DISTRICT REGULATIONS

SECTION 401 RESIDENTIAL (R) DISTRICT

A. Purpose - R Districts are established to primarily provide for the new “subdivision,” single-family development or to protect existing residential neighborhoods from encroachment of other non compatible uses. Very few other uses are allowed in this district. R Districts are served by a municipal utility system, thus accounting for its high development potential. Note: Uses marked with an asterisk (*) are allowed by two or more types of permits (By Right, Special Use, or no permit), and the supplemental section referred to should be consulted in each case to fully understand which permit applies.

B. Uses: See Section 405 Land Use Matrix

C. Area Standards: See the following sections: Substandard-sized Lots, Established Front Yards, and Municipal/County Utility Systems

<u>Single and Multiple Family Units</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot size (Base + Sq. Ft. per Unit)	10,000	-----
Minimum Lot Width (Base + Sq. Ft. per Unit)	75	-----
Maximum Lot Coverage (% of Lot area)	30%	-----
Minimum Front Yard (Ft. from street edge)	35	35
Minimum Side Yard (Base plus Ft. per Unit)	10 + 1	10 + 1
Minimum Rear Yard (Ft. from Property Line)	25	25
Maximum Structure Height (Number of Stories)	2 ½	2 ½
Minimum Floor Space (Sq. Ft. of Living Space)	720	-----
Minimum Floor Space (Sq. Ft. of Elderly Living Space)	600	-----

SECTION 402 BUSINESS (B) DISTRICT

A. Purpose - The purpose of the B District is to promote retail and service uses for the use of Cassadaga residents and visitors. At the same time, a major goal is to protect and enhance the community by encouraging aesthetically appealing businesses with safe ingress and egress. Note: Uses marked with an asterisk (*) are allowed by two or more types of permits (By Right, Special Use, or no permit), and the supplemental section referred to should be consulted in each case to fully understand which permit applies.

B. Uses: See Section 405 Land Use Matrix

C. Area Standards: See the following sections: Substandard-sized Lots, Established Front Yards, and Municipal/County Utility Systems.

<u>Business and Residential Units</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot size (Sq. Ft.)	10,000	-----
Minimum Lot Width (Sq. Ft.)	75	-----
Maximum Lot Coverage (% of Lot Area)	30%	-----
Minimum Front Yard(Ft. from street edge)	35	-----
Minimum Side Yard (Ft. from property Line)	10	-----
Minimum Rear Yard (Ft. from property Line)	25	-----
Maximum Structure Height (Number of Stories)	2 ½	-----
Minimum Floor Space (Sq. Ft. of Living Space)	720	-----
Minimum Floor Space (Sq. Ft. of Elderly Living Space)	600	-----

SECTION 403 INDUSTRIAL (I) DISTRICT

A. Purpose - I Districts have the purposes of promoting a variety of wholesale and industrial uses not associated with nuisances or large utility systems. A major goal is to protect and enhance the community by encouraging aesthetically appealing businesses with safe ingress and egress and prohibiting chaotic strip development. Most agricultural and residential uses are allowed in order to provide reasonable alternatives prior to industrial development. Note: Uses marked with an asterisk (*) are allowed by two or more types of permits (By Right, Special Use, or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.

B. Uses: See Section 405 Land Use Matrix

C. Area Standards: (See Article on General Provisions for Substandard Lots)

<u>All Combined Uses</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size	20,000	-----
Minimum Lot Width	200	-----
Maximum Lot Coverage	30%	-----
Minimum Front Yard	35	-----
Minimum Side Yard	25	-----
Minimum Rear Yard	50	-----
Maximum Structure Height	2 ½	-----

SECTION 404 CONSERVATION (C) DISTRICT

A. Purpose - C Districts are established to provide protection for the preservation of natural features of a municipality such as gorges, watersheds, wetlands, open space, recreation areas, etc. Some agricultural uses are allowed. Note: Uses marked with an asterisk (*) are allowed by two or more types of permits (By Right, Special Use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.

B. Uses: See Section 405 Land Use Matrix

C. Area Standards: (See the following sections: Substandard-sized Lots; Established Front Yards, and Municipal/County Utility Systems.)

All Area Standards will be Determined when application is made to insure full Conservation concerns are considered.

ARTICLE V

GENERAL PROVISIONS

SECTION 501 ACCESS TO PUBLIC STREET

Except as otherwise provided for in this Local Law, every building shall be constructed or erected upon a lot, or parcel of land which abuts upon a public street unless a permanent easement of access to a public street is of record prior to the application for building permit. However, this shall not preclude the creation of a private road on a 50-foot right-of-way which connects to a public road and serves 5 or more subdivided lots. Upon request from a developer, landowner(s), etc., the Municipal Board shall consider the takeover of a private roadway, but only after assurances are received by all involved parties that the roadway will be constructed to standards specified by the municipality. The municipality is in no way obligated to take over any road even if it meets specified road construction standards. Where less than 5 lots are involved, a legal right-of-way of any width shall be required to connect all lots to a public road when said lots do not abut a public road.

SECTION 502 CONTIGUOUS PARCELS

When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one (1) ownership, they may be used as one (1) lot for such use.

SECTION 503 CORNER LOTS

Both street sides of a corner lot shall be treated as front yards in the application of bulk and area requirements and parking.

SECTION 504 HEIGHT

A. The height limitation of this Law shall not apply to church spires, belfries, cupolas, silos, equipment building on flat roof, penthouses, and domes, not used for human occupancy; nor to chimneys, ventilators, skylights, windmills, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area 20% of the ground floor area of the building.

B. The provisions of this Law shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet.

SECTION 505 EXISTING SUBSTANDARD SIZED LOTS

The minimum area requirements specified for each type of allowed use shall not prevent the construction of an allowable use on a substandard sized lot less than 6000 sq. ft. and 60 ft frontage, in size which existed and was officially recorded at the time of enactment of the Zoning Law of 1974, if the following conditions are met:

A. At the time of enactment of this Law, the substandard lot was not contiguous with another lot in the same ownership (see section on contiguous parcels found in Article V).

B. The substandard lot is not less than 75% of all of the applicable standards and,

C. The County Health Department approves the lot where there are no municipal utilities.

D. If B cannot be met but C has been accomplished, then the applicant can request an Area Variance from the Zoning Board of Appeals (see Variance Section).

SECTION 506 VISIBILITY AT INTERSECTIONS

For the purpose of maintaining sight lines and promoting traffic safety, on a corner lot in any district, no fence, wall, hedge, or other structure or planting more than 3 feet in height shall be erected or placed within the triangular areas formed by the intersecting street edge lines and the imaginary straight line down between the points 25 feet from the intersecting street edge lines along the street edge lines.

SECTION 507 INTERPRETATION OF PERMITTED USES

When a use is not specifically listed as a "Use by Right" or a "Use by Special Use Permit" within any zoning district, it shall be assumed to be a prohibited use unless it is determined in a written decision by the Board of Appeals that said use is similar to permitted uses, meets the intent specified in the zoning districts, and is not inherently a nuisance, menace, or danger to the health, safety or welfare of the residents of the municipality.

SECTION 508 PRESERVING YARDS, COURTS AND OPEN SPACE

A. Preservation of Yards, Courts and Open Space - Rear yards, courts and other open space shall be kept undeveloped in order to meet setback and coverage requirements of this Law except as specified in B below.

B. Permitted Obstructions - The following shall not be considered to be obstructions when located in the preserved yards, courts, and open space:

1. Open terraces, patios, awnings and canopies, chimneys, trellises, flag poles, open fire escapes, decks, balconies, and other similar uses which do not extend more than 40% of the required setback nor come closer to a lot boundary line by more than 40% of the required setback; and

2. Bay windows, steps, chimneys, overhanging eaves and gutters and other similar uses shall not extend more than 3 feet from the principal structure nor come within 2 feet of any property lines.

C. Location - All yards, courts and open space shall be located on the same undivided lot as the structure for which the setback and area requirements are required. Refer to General Provision on "Contiguous Parcels" and "Number of Residential Dwellings on a Lot."

SECTION 509 ESTABLISHED FRONT YARDS

In an existing neighborhood where structures are not set back from the edge of the road the distance specified by this Law, it shall be determined by the Enforcement Officer what appropriate setback will be permitted by new construction or by alterations to existing structures in order to aesthetically blend with existing adjacent structures. The varied setback will be based on the average of the setbacks of the 2 adjacent structures minus up to 5 feet. Any variation requested which is in greater variation than that permitted by this rule will require an Area Variance.

SECTION 510 NUMBER OF RESIDENTIAL DWELLINGS ON LOT(LOT DIVISION)

A. Number of residential dwellings on a lot - No more than 1 principal building shall be constructed on a lot.

B. Division of Lots - No lot improved with a building or buildings shall hereafter be divided into 2 or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings shall not be less conforming to all the bulk regulations of the zoning district in which

the property is located. However, any portion of a parcel may be removed if it is to be used with an adjacent parcel and the original parcel continues to conform to the bulk regulations.

SECTION 511 DRIVEWAYS WITHIN RIGHT-OF-WAYS

When property to be developed fronts on a highway and access to the highway is desired, an approved permit from the applicable agency for the development of such highway access shall be presented. The Highway/Street Superintendent may require the installation of an appropriately sized sluice pipe where it is likely that drainage problems exist or may be created by the presence of a driveway on a public right-of-way.

SECTION 512 TRANSITION BETWEEN DISTRICTS

A. Purpose - The purpose of this section is to promote harmonious use of land located at district boundaries.

B. Conditions - Where the Permitting Board determines there is a need to protect a residential neighborhood located in a Residential District from a permitted use in an adjacent district, the Board may:

1. Require an artificial or natural buffer such as a hedge, fence, wall, etc., which shields the residential units from the business use;
2. Require a doubling of the yard setback requirements to protect the neighborhood;
3. Control the positioning of signs, lights, parking, mechanical equipment, and any other features so as to reduce the potential nuisance; or
4. Impose other appropriate requirements.

C. Preexisting Uses - This section shall only apply to new construction to include additions and enlargements.

SECTION 513 DISPUTED LOT LINES

A. Purpose - It is the intent of this section to clarify the procedures to be followed in verifying where lot lines are in order to insure that area requirements (side yards, etc.) are met.

B. Procedures - When the Enforcement Officer is in doubt as to the location of lot lines and it is apparent that new development may not be in accordance with area requirements, the Enforcement Officer shall withhold the granting of the Zoning Permit until one of the following occurs:

1. Applicant provides proof, such as a survey prepared by a licensed surveyor.
2. Refer the matter to the Zoning Board of Appeals for an interpretation of documentation provided by the applicant.
3. Grant Zoning Permit after the applicant receives an Area Variance from the Zoning Board of Appeals.

SECTION 514 LOTS IN TWO DISTRICTS

Where a district boundary divides a parcel at the time of enactment of this Law, the regulations pertaining to the portion of the parcel within the district shall conform to the district boundary map. A use variance may be requested in accordance with the article dealing with Zoning Board of Appeals.

SECTION 515 BUSINESS ENTRANCES ON RESIDENTIAL STREETS

A. Purpose - To preserve the residential character of neighborhoods which abut Business Districts, the regulations which follow shall apply to all businesses which are adjacent to a Residential District and have both access to a primary business street and primary residential street.

B. Regulations

1. Store Entrance - Business structures erected in the Business District shall not face and open onto the street which is primarily in the Residential District.
2. Display Windows - Primary display windows shall front on the primary business street and not the primary residential street.
3. Parking – Off street parking for use by business patrons shall be situated so that the access is from the primary business street.

4. Signs - Business Signs shall be oriented toward the primary business street.

5. Lighting - All lighting fixtures associated with the business shall be oriented away from the Residential District.

SECTION 516 BUFFER ZONES

The Zoning Board of Appeals and Planning Board shall include in their analysis of any application (Variances, Special-Use Permits, etc.) a consideration for the need of an appropriate buffer zone. If such a barrier is deemed necessary, then this condition will be included in the written decision and the Zoning Officer shall insure that appropriate vegetation is planted or other man-made structure is installed within a reasonable time after completion of the construction.

ARTICLE VI

SUPPLEMENTAL REGULATIONS

SECTION 601 ANIMALS, POULTRY, AND BIRDS

A. Purpose - This section has as its main purpose the protection of residential neighborhoods from certain nuisances such as noise and odor associated with the keeping of animals.

B. Conditions - Animals and birds shall be regulated under the following conditions:

1. Nuisances - Animals and birds that create a nuisance due to odor, noise, property damage etc., shall be prohibited.
2. Containment - Animals shall be confined so as not to be able to come within 50 feet of adjacent residential structures nor within 10 feet of any boundary line.
3. Horses & Cows - Horses and/or cows shall be allowed for non - commercial use where over two (2) contiguous acres of pasture are present. The maximum number of horses or cows allowed shall be based on the acres of pasture available with (1) acre being required per horse or cow.
4. Poultry or Birds - No yards, coops, lofts, etc., for poultry or birds shall be erected or maintained in the front yard.

SECTION 602 BOARDING HOUSE/ BED AND BREAKFAST

A. Purpose - The conversion of existing dwellings to bed and breakfast uses shall be regulated in accordance with this section for districts where conversions are specifically listed as being allowed uses. The purpose of this section is to provide guidelines, which will insure that any conversions will not permit a significant adverse change in a residential neighborhood.

B. Conditions - The following conditions shall be considered by the Permitting Board:

1. Parking - Convenient off-street parking shall be available at a rate of 1 space per proposed bed and breakfast bedroom. These spaces shall be located beyond the minimum front yard setback line. Natural or artificial buffers may be required as necessary by the Permitting Board.
2. Existing Structures - Only dwelling units existing at the time of enactment of this section shall be eligible for conversion to a bed and breakfast. Garages or accessory buildings shall not be utilized.
3. Signs - In addition to all requirements of the supplemental sign section, signs shall be constructed of natural materials and shall not be illuminated. Other reasonable conditions may be imposed in order for the sign to blend into the neighborhood.
4. Location - A bed and breakfast shall only be established on a state or county road in Residential Districts where listed as a permitted use. They may be located anywhere in Business Districts where allowed.
5. Nuisances - Outside activities shall not be permitted by guests when it creates a nuisance or in any way, alters the character of the neighborhood.
6. Other Conditions - Any other reasonable condition as deemed necessary by the Permitting Board shall be permissible.

SECTION 603 CLUSTER RESIDENTIAL DEVELOPMENT

A. Purpose - Cluster residential provisions for single-family subdivisions and attached multiple-family projects, are intended to allow flexibility where desirable to permit and encourage superior development of relatively large undeveloped sites; development aims may include the preservation of views or natural features, provision of amenities for common use, including recreational facilities not feasible on individual lots, and innovative groups of dwellings which will provide desirable variety in the municipal housing stock. To carry out this purpose, standards for individual lot area and dimensions may be reduced from the standards of the district in which the cluster is located, if compensating permanent common area ancillary to the dwelling units is provided.

B. Standards for Development of Single-Family Clustered Subdivision -

1. A cluster single-family residential development shall not be less than 15 acres of contiguous undeveloped area under single ownership.
2. Uses permitted shall be limited to the residential uses permitted in the district in which the cluster development is located.
3. An approved municipal or community sewage system and water system must be utilized, if in place.
4. Maximum permitted reductions in individual lot standards - Any lot in a cluster development may be reduced from the standards of the district in which it is located by the following or lesser amounts:
 - a. Minimum lot area may be reduced by up to 25% of the required area.
 - b. Minimum lot width may be reduced by up to 25%.
 - c. Minimum yard requirements (front, side, and rear) may be reduced up to 25% where the yards are not adjacent to an existing public roadway.
5. Compensating permanent common areas ancillary to the dwelling units shall consist of all land and recreational areas held in common by the owners of the dwelling units in the development. This shall include but not be limited to private streets, parking areas, utility systems, parks, buffer areas, recreational areas to include tennis courts, pools, golf courses, storage areas, and wetlands. Permanent common areas shall be legally set aside and developed for the common use and enjoyment of all residents of the cluster development and appropriate convenient access shall be provided.

6. Compensating permanent common areas shall equal or exceed 100% of the total of individual lot area reductions, thus there shall be no overall increase in density.

7. Applicable general provisions and supplemental regulations of this Law shall apply to all cluster residential development.

8. Clustering regulations - May be mandated by the Permitting Board if it decides that clustering will be beneficial to the municipality and developer.

C. Standards for Development of Clustered Multiple Attached Dwellings (Apartments, Condominiums, Townhouses) -

1. A cluster multiple-family residential development shall not be less than 5 acres of contiguous undeveloped area under single ownership.

2. Multiple dwellings (attached) shall be listed as an allowable use in the district in which the project is proposed.

3. An approved municipal or community sewage and water system must be utilized, if in place.

4. The per acre density may be increased up to 10% over that specified in the area requirements for the district as long as the overall density of the project is maintained at or below the maximum allowed. This is accomplished by setting aside common areas as defined below.

5. Compensating permanent common areas ancillary to the dwelling units shall consist of all land and recreational areas held in common by the owners of the dwelling units in the development. This shall include but not be limited to private streets, parking areas, utility systems, parks, buffer areas, recreational areas to include tennis courts, pools, golf courses, storage areas, and wetlands. Permanent common areas shall be legally set aside and developed for the common use and enjoyment of all residents of the cluster development and appropriate convenient access shall be provided.

6. Applicable "general provisions" and "supplemental" sections of this Law shall apply to all cluster residential development.

D. Application and Procedures for Establishing a Cluster Residential Development-

1. Application for establishing a cluster residential development shall be made to the Zoning Enforcement Officer who shall refer the application to the appropriate Board.

2. The application shall include:

a. Names and addresses of owner and developer;

b. Written statements concerning need for development and suitability of site, potential impact on abutting properties and the neighborhood, development schedule for private and common areas, method of disposition of common areas including pertinent documents regarding owner's association or other organization and long-term maintenance, estimates of annual maintenance costs, other pertinent information;

c. Location map drawn to scale of not less than 1 inch equals 1,000 feet showing subject parcel, existing and proposed access streets and nature of abutting development;

d. Overall development plan drawn to scale of 1 inch equals 10 feet with contour interval of 2 feet, showing exact size and shape of the subject parcel, natural features to be preserved, proposed residential lots and their dimensions, internal and surrounding streets and all other provisions for pedestrian and vehicular access and circulation, off street parking and loading areas, utility rights-of-ways or installations on or near the property, location, dimensions and area of proposed open space or other commonly held facilities which are part of the compensating permanent common area, comparison of total area of residential lot reduction with total area of common area, nature and location of public or private utilities which would serve the residential cluster;

e. Preliminary landscaping and drainage plans at a scale of 1 inch equals 10 feet with 2 foot contour intervals and/or;

f. Preliminary architectural and engineering drawings to show the nature of residential and open space or recreational facilities proposed.

E. Action by Permitting Board and Planning Board -

1. The Permitting Board will review and rule on the application for a cluster residential development as expeditiously as practical and in no case later than 90 days after all information required for the application is received. The Planning Board may make a recommendation to the Permitting Board in accordance with the article on Planning Boards.

2. The Boards will consider -

a. Need for development and suitability of site;

b. Impact on the neighborhood, traffic flow through the community and municipality as a whole;

c. Feasibility and practicality of providing and maintaining common areas, including costs to prospective homeowners;

d. Need for complete disclosure to prospective buyers of future costs and responsibilities in connection with common areas;

e. Need to require performance bond if nature of development warrants; and

f. Other factors which affect the viability of the proposal and the general welfare of the municipality.

3. The Permitting Board may request preliminary meetings with the applicant to provide additional information or explain the proposal.

4. The Permitting Board may hold an informational meeting in addition to a required public hearing to receive local opinion and reaction and shall make information concerning the proposal available to the public before such meeting.

SECTION 604 DAY CARE CENTER

A. Purpose – The purpose of this section is to provide guidelines for Day Care Centers in order to insure the safety and welfare of those being cared for while at the same time providing protection to existing neighborhoods.

B. Conditions - The following conditions shall be considered by the permitting board - for all Day Care Centers requiring a Special Use Permit:

1. Lot size
2. Heating Source
3. Load and unload areas
4. Outside recreation
5. Signs
6. Fire safety
7. Adjacent uses
8. Buffers
9. Other conditions

C. Preexisting Conditions - Day Care Centers existing at the time of passage of this section shall only be subject to review by hearing under this section if the board responsible for administering this section becomes aware of obvious non-compliance with this Law.

SECTION 605 DRIVE-IN BUSINESS

A. Purpose - Traffic safety shall be the primary purpose in designing drive-in businesses.

B. Definition - Drive-in establishments shall include those businesses designed to either wholly or partially provide services to customers while in their automobiles parked on the premises.

C. Conditions - Drive-in establishments shall be allowed in districts where they are listed and the following conditions shall be considered prior to granting the permit:

1. Traffic Safety, including the following:
 - a. Provisions for traffic to "back up" off of public streets shall be provided.
 - b. Safe entry and exit shall be provided with separate designated entry and exit points.
 - c. Proper parking, which allows convenience and safety shall be provided.
 - d. Pedestrian safety shall be considered when constructing the facility and parking spaces.
2. Location considerations will be analyzed to insure that the character of the neighborhood will not be significantly diminished.
3. Hours of operation.
4. The need for buffers, especially when situated near residential structures.

SECTION 606 FENCES/WALLS

A. Purpose - For the purpose of protecting properties adjacent to fences and walls from indiscriminate placement, unsightliness, related health and safety problems, etc., the following rules and standards shall apply:

B. Definition - Fences shall, for the purpose of this Law, include hedges and walls and are further defined in the definitions section.

C. Regulations - Fences and walls shall be allowed by permit in any district and shall conform to the regulations which follow:

1. Exempt Fencing - Fencing used for agricultural purposes on farms (see definition) shall be exempt from all regulations except for maintenance requirements detailed below. Additionally, non boundary fencing, located more than 25 feet from any property line shall be exempt.

2. Permits - Fences not exceeding 6'4" in height (when installed) shall be allowed without permit. Fences above 6'4" in height shall require a Special Use Permit and consideration will be given to visibility from adjacent properties, light and air movement, etc.

3. Setback from Road - Fences shall not be located within a legal right of way.

4. Proximity to Neighboring Properties - All fences, walls and hedges shall be located no closer than 2 feet from adjacent property lines. This rule can be waived if agreed to in writing by adjacent property owners.

5. Fire Hazard - Any fence considered to be flammable shall be prohibited. Also, any fence in a potentially hazardous location shall be not allowed.

6. Finished Sides - The finished sides of all fences must face adjacent properties. This rule can be waived if agreed to in writing by adjacent property owners.

7. Materials - Only durable materials generally used and accepted by the industry shall be used for fences.

8. Maintenance - All fences shall be maintained structurally and visually.

9. Lakeshore Fence - See supplemental section on Lakeshore Regulations.

10. Corner setbacks - Fences, walls, and/or hedges shall not be located

so as to cut off or reduce visibility at intersections. See Section on Visibility in Article V.

11. Inter-block setbacks – Fences, walls, and hedges over thirty inches (30”) in height shall not be located so as to cut off or reduce visibility along adjoining driveways. For fences over thirty inches (30”) in height a minimum of 20 feet from the road edge shall be required for all driveways within 20 feet of the joint property line for passing traffic and pedestrian safety.

D. Preexisting Fences - Fences in existence at the time of the enactment of this Law shall only be subject to regulation number 8 Maintenance, and number 11 Inter-block setbacks, unless continued by Special Use Permit as listed above.

SECTION 607 GAS COMPRESSORS

A. Purpose - Gas transmission compressors are capable of producing unacceptable environmental intrusion, especially where residential uses are prevalent. In order to avoid unreasonable use of property resulting in substantially reduced use-value of adjacent inhabited or not inhabited properties, this section shall regulate the location and installation of all gas compressors not under the jurisdiction of the NYS Public Service Commission.

B. Administration -

1. Permit Requirements - In districts where gas compressors are permitted, a Special Use Permit shall be required for the placement of a new gas compressor.

2. Preexisting Gas Compressors - All gas compressors existing or being constructed at the time of enactment of this Law shall be subject to the following conditions, as listed below; C2c, Maintenance; C2d, Barriers; and C3, Identification Signs. These conditions shall be considered at a public hearing held a minimum of 30 days after the owner of the compressor station is notified in writing. All owners of parcels as well as renters within 2,000 feet of the existing gas compressor shall be notified in writing of the public hearing. Compliance shall take place within 2 months of receipt of a written decision by the Permitting Board. A longer compliance period may be granted by the Permitting Board if the cost of the alterations are significantly high.

C. Conditions - All gas compressors shall be located and designed such that any nuisances associated with the use shall be minimized. It shall be unlawful for any person or firm to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers comfort, repose, health, peace or safety to others. The following specific conditions shall be met:

1. Location - The site shall be appropriately located with consideration given to predominant wind direction, topography, location of dwelling units, and any other reasonable conditions as deemed necessary by the Permitting Board.

2. Noise Levels -

a. Easement - All new gas compressors covered by this section, must be located such that lands subject to a 40 decibels or higher noise level produced by a new compressor shall be covered by a noise easement clearly delineating the maximum noise level allowed at any inhabited dwelling unit or proposed site of a dwelling

unit. Preexisting leases shall not negate the requirement for a noise easement as described above.

b. Certification of Noise Level - Prior to being granted a permit for the placement of a gas compressor, the owner of the proposed compressor shall be responsible for verifying the compressor and quieting devices (silencer, low speed fan, barriers such as walls or berms, etc.) as proposed will meet the specified decibel level requirements. A certified noise consultant must certify in writing that the requirements will be met. Additionally, after placement of the compressor is completed along with the specified quieting devices the same certified noise consultant must verify that the 40 decibels requirements are not exceeded. This certification must be accomplished within 30 days or the compressor shall be only operational during daylight hours until it is brought into compliance.

c. Maintenance - The compressor and quieting devices must be properly operated and maintained such that the noise level will not rise above the specified permissible levels. If it becomes apparent to the Permitting Board that the noise levels are not in compliance, the Board may require the owner of the compressor to do corrective maintenance and again, at the owner's expense, have the compressor noise level verified by a certified noise consultant. This certification must be accomplished within 30 days or the compressor shall be only operational during daylight hours until it is brought into compliance.

d. Barriers - Where it is deemed necessary, either a natural or man-made acoustical barrier may be required for the purpose of minimizing the nuisances associated with a gas compressor. In extreme cases, where no alternative is available, a fully enclosed acoustically designed structure may be required. Generally, this section is intended to preserve and protect the general welfare, health, and safety of the public while still promoting the transmission of natural gas in a reasonable environmentally acceptable manner.

3. Identification Sign - Each gas compressor shall be identified with a conspicuously placed sign identifying the compressor, its location and the name of the person/company responsible for the unit in case of emergency. Additionally, a 24-hour emergency telephone number should be included.

4. Other - Any other reasonable conditions as deemed necessary by the Permitting Board may be imposed.

D. State Environmental Quality Review Law - All Permit requests for gas compressors shall be subject to an environmental review, in accordance with state law. No zoning permit shall be granted, until this environmental review has been accomplished by the municipality and necessary environmental permits obtained under NYS Environmental Conservation Law.

SECTION 608 GENERAL DEVELOPMENT CONDITIONS

A. Purposes – Development conditions shall be attached to permits or variances when necessary or advisable to reduce or eliminate conflicts between uses or to protect the health, safety, and general welfare.

B. Areas of Concern – The following checklist shall be considered by the appropriate Boards and administrators in their reviews of requests for building permits, Special Use Permits and Variances. The check list is not inclusive and does not limit the areas of concern over which conditions may be imposed.

1. Traffic – safety of ingress/egress from roadway, intersection visibility, level of anticipated new traffic generation in relation to existing road capacity and traffic, adequacy of off street parking and loading, pedestrian safety, and/or location of structures in relation to all of the above.
2. Safety – trash disposal, steep slopes, open pits, toxic and/or flammable fluids.
3. Health – sewers/water, sunlight, air movement, junk vehicles and/or trash storage.
4. Character of Neighborhood – development density, traffic volume, lot size, compatible uses, and/or buffers.
5. Public costs – road damage, need for new roads, and/or need for new utilities.
6. Environmental Protection – flood plain, wetlands, Protected waters and/or natural features.
7. Nuisances - noises, odor, dust, lights, hours of operation, lot size, buffer, and nuisance location.
8. Land Use Preservation – agriculture, and/or open space.
9. Aesthetics – restoration, appearance, scenic views, and/or buffers.
10. Lighting - impact on neighboring properties, and traffic safety.
11. NYS Certified Agriculture Districts.

C. Failure to comply – Applicants that receive Variances or Special Use Permits with conditions attached shall be responsible for the continual compliance with the specified conditions. Non compliance with any condition shall result in the revocation of the Variance/ Special Use Permit and the continuance of the use shall only be allowed after

reapplication for the Variance/ Special Use Permit.

SECTION 609 GRAVEL OPERATIONS

A. Purpose - Gravel pits, not regulated by the NYSDEC, shall be regulated by this section, the purpose being to limit the nuisances associated with gravel pits and insure that adjacent residential neighborhoods are protected. See the definition of gravel pit, small.

B. Conditions - In districts where small gravel pits are allowed, the following conditions shall be considered:

1. Equipment Location - The placement of power activated sorting machinery, blasting, stockpiling, etc., shall only be as close to residential structures, on adjacent parcels, as is necessary. In determining the minimum distance, the following will be considered:

- a. Type of machinery and potential nuisances associated with it.
- b. Density of development in vicinity.
- c. Prevailing winds.
- d. Size of operation or number of trips per day.
- e. Attitude of the adjacent property owners.

2. Fencing - Fences may be required for public safety as determined by the Permitting Board. Consideration will be given to the topography, type of operation, and equipment being used, size of the lot, population density, and any other reasonable characteristic.

3. Restoration - All gravel pits shall be restored to a safe and an aesthetically pleasing state within 2 months after termination of the operation. Termination shall be considered to have taken place when no gravel and sand has been extracted for a 1-year period and there is no intention of reactivation of the site. A Special Use Permit shall be required to keep a site in an active status after no reasonable amount of activity has taken place for 5 years.

C. Preexisting Operations - Gravel pits in existence before the enactment of this Law shall be subject to B2, Fencing and B3, Restoration above. In addition, any expansion or enlargement (purchase of additional property or use of property beyond scope of permit) of such gravel and sand operations shall be subject to all regulations in this Law within reason as determined by the Permitting Board.

SECTION 610 HOME OCCUPATIONS

- A. In districts where allowed Home Occupations shall meet the following conditions:
1. Not more than one-third of the floor area in the principal building is so used.
 2. No non-residents are employed.
 3. Only customary household appliances and equipment are used.
 4. There is no outside display of commodities.
 5. No advertising except as allowed by Supplemental Sign Section. See Article VI, Section 630.
 6. No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced.
 7. Examples of acceptable uses include art studio, dressmaking, musical instruction to a single pupil.
 8. Sufficient off-street parking in accordance with Supplemental Section. See Article VI, Section 623.

SECTION 611 HOUSEHOLD SALES

A. Purpose - In order to preserve the character of neighborhoods, garage and other similar type of noncommercial sales (lawn sales, household sales, flea markets, etc.) shall be subject to the following conditions.

B. Conditions -

1. Frequency - Sales shall be limited to 3 periods of 3 days each per year per property owner.
2. Signs - Refer to supplemental sign section.
3. Fees - No fees shall be charged for household sales and permits are not required.
4. Exempt sales- All public or semi – public non-profit organizations shall be exempt from the requirements and limitations of this section.

SECTION 612 INDUSTRIAL PERFORMANCE STANDARDS

A. Purpose - It is the intent to maintain a quality environment that will lead to the development and maintenance of a well-planned industrial area, which will be attractive to sophisticated industrial establishments and will enhance the general welfare of the residents and assure both users and employees thereof of a safe and stable working area.

B. The Standards of Performance are:

1. Noise. It shall be unlawful for any person to permit the emission of measurable noise, as measured at the edge of the manufacturing district to exceed seventy decibels during the periods between 6:00 A.M. and 10:00 P.M. or sixty decibels during the periods between 10:00 P.M. and 6:00 A.M. The sound level may exceed these established sound levels for a period not to exceed six minutes, during any sixty minutes by not more than seven decibels. Noises shall be muffled so as not to become unreasonably offensive due to intermittence, beat frequency, high frequency or other means.

2. Odor - It shall be unlawful for any person to permit the emission of any odor that is unreasonably offensive.

3. Dust and Dirt - It shall be unlawful for any person to permit or cause the escape of such quantities of soot, cinders or fly ash as to exceed 0.3 grains per cubic foot of the flue gases when measured at the top of the stack. Other kinds of dust, dirt and other particulate matter shall not be in excess of 3.0 grains per cubic foot of air as measured at the top of the stack and corrected to standard conditions.

4. Parking and Driveways - Each land user subject to this Article VI must provide sufficient, suitable, on-site parking space to prevent any necessity for off-site parking. Drive and traffic access systems are allowed in all yard areas. However, when any yard sides on land that allows residential development, the drive or traffic access facilities must be placed as far from the boundary line as practical. No parking shall take place in any required yard area.

5. Vibration - It shall be unlawful for any person to permit or cause, as a result of normal operations, a vibration which creates a displacement of plus or minus 0.003 of one inch on a Vibration Monitor as measured outside the manufacturing district.

6. Noxious gases - It shall be unlawful for any person to permit the escape of such quantities of noxious acids, fumes or gases in such manner and concentration as to endanger the health, comfort or safety of any person

or to cause injury or damage to property, business or vegetation, or which causes any excessive soiling at any point beyond the property line.

7. Glare - It shall be unlawful for any person to carry on a process such that a direct or sky-reflected glare, whether from floodlights or from high temperature process such as combustion or welding or other such process, is unreasonably offensive when visible.

8. Fire and safety hazards - All buildings, operations, storage, waste disposal, etc., shall be in accordance with applicable provisions of the latest edition of the New York State Uniform Fire Prevention and Building Codes. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices.

9. Open Storage – It shall be unlawful for any person to permit the open storage of more than incidental quantities of any materials derived from the given industrial operation, without screening, such as a fence, hedge or other barrier, at least (7') high, that obscures view of the storage area to persons passing in a normal manner from a public way or from any property line facing a public way. The following is a list of materials requiring screening:

- a. New materials
- b. Component parts
- c. Work in progress
- d. Finished products
- e. Scrap or waste material

The location of said screening shall be subject to the front, side and rear yard restrictions provided, however, natural barrier screening, decorative planting, etc., shall not be subject to these restrictions. Preexisting open storage shall be exempt from this screening requirement.

10. Landscaping - A planted visual barrier may be required to be maintained in yard areas that abut land upon which residential structures exist or are permitted at the time of the special use permit application except when natural or physical man-made barriers exist. This planting barrier or visual screen shall have a width of no less than three feet. It shall be of such plant materials that within a reasonable period of time (five years) the vegetation barrier will provide a high degree of separation and privacy on a year round basis.

12. Lighting - The proposal for district and/or security lighting shall be

submitted, along with the application for special use permit, and the Permitting Board may impose such conditions as found reasonably necessary to prevent spillover of light into roadways, public rights-of-way and neighboring properties.

SECTION 613 JUNK VEHICLES

A. Purpose - It is the intent of this section to minimize safety, health and aesthetically related problems by limiting, according to district and lot size, the storage outdoors of junk vehicles.

B. Number of Vehicles - The maximum number of junk vehicles that may be stored outdoors shall be as follows:

Districts	Maximum Number
R	0
B	0
I	1
C	0

C. Location of Vehicles - Junk vehicles shall be stored out-of-sight as viewed from adjacent properties and roadways. Additionally, junk vehicles shall be placed a minimum of 50 feet from property lines of adjacent landowner and roadways.

D. Restoration of Vehicle Outdoors - Sustained progress in restoring a vintage vehicle (over 25 years) to operational condition shall be allowed under the following conditions and said vehicle shall not constitute a junk vehicle:

1. A maximum of 1 vehicle per parcel of land shall be allowed for restoration.
2. The entire restoration shall be accomplished in a reasonable amount of time, not to exceed 12 months.
3. Such vehicle shall be located so as to create the least nuisance possible.
4. Noise associated with the restoration shall be limited to reasonable hours.
5. Restoration shall be for personal use and not for profit.

E. Preexisting Junk Vehicles - Where more than the maximum number of junk vehicles are present at the time of enactment of this Law, a maximum of 6 months from date of written notification shall be allowed for the owner to come into compliance with this section.

SECTION 614 KENNELS

A. Purpose - In order to promote the general welfare of the village, new kennels shall be allowed only by Special Use Permit. The application shall include a diagram drawn to scale that displays the kennel building(s) and all other inhabited dwellings in the vicinity, information on buffers, number and type of animals, and any other information deemed appropriate.

B. Conditions to be considered when hearing a request for a kennel Special Use Permit:

1. Closeness to adjacent properties;
2. Maximum number of animals to be maintained;
3. Effect on character of neighborhood; and
4. Existing or proposed natural or man-made buffers.

SECTION 615 LAKESHORE REGULATIONS

A. Purpose - Due to the unique features associated with properties and the need to protect views, the following regulations shall apply to parcels located adjacent to Cassadaga Lake. In cases of conflict with other regulations, the most stringent shall apply.

B. Conditions -

1. Setbacks - No principal structures intended for inhabitation shall be permitted within 50 feet of the shoreline based on high water levels. Refer also to General Provisions section on established front yards.

2. Accessory Buildings - An Accessory Building not used for inhabitation, shall be allowed "By Right" when set back 50 feet or more from the shoreline based on high water levels. Accessory buildings less than 50 feet from the shoreline shall be allowed by Special Use Permit with consideration given to the following:

- a. Visibility from adjacent parcels.
- b. Structure is sufficiently anchored to prevent movement due to wind, high waters, etc.
- c. Structure does not extend beyond the natural high water shoreline.
- d. Other reasonable conditions deemed necessary may be imposed by the Permitting Authority.
- e. All necessary environmental permits have been obtained under New York State Conservation Law.

3. Fences - Any fence established within 50 feet of the shoreline (based on high water level) shall be by Special Use Permit only. Consideration shall be given to the supplemental section on fences; and the following:

- a. Visibility from adjacent parcels,
- b. Height of fence,
- c. Type of fence, and
- d. Other reasonable conditions deemed necessary by the Permitting Authority.

e. Preexisting fences over 4 feet in height shall be subject to a Special Use Permit review to determine if there is a nuisance associated with the fence. If a nuisance exists, it shall be corrected within a reasonable time period as determined by the Permitting Board.

f. All Necessary environmental permits have been obtained under New York Conservation Law.

SECTION 616 LARGE GROUP GATHERINGS

A. Purpose - In order to promote safe and healthy gatherings of large groups of people, as defined in the definition section, certain conditions shall be complied with as defined below.

B. Conditions - Prior to the granting of a Special Use Permit, the following will be taken into consideration:

1. Traffic safety, parking, access;
2. Noise;
3. Health and sanitation;
4. Beverages to be served;
5. Security and traffic control;
6. Cleanup and restoration of land; and
7. Other, appropriate considerations.

C. Sponsor Responsibility - The sponsor of any large group gathering shall be responsible for compliance with any conditions which are specifically imposed as well as the overall conduct of the gathering.

D. Exempt Gatherings - Nonprofit and local civic group sponsored gatherings shall be exempt from permit requirements.

E. Preexisting Uses - All "large group" gatherings held after the effective date of this Law shall be subject to this section.

SECTION 617 LOADING AND UNLOADING

A. Purpose - Off-street loading and/or unloading spaces for non-farm commercial vehicles while loading and/or unloading shall be provided for new uses where it is deemed that such facilities are necessary to serve the use or uses on the lot. At least 1 off street loading and/or unloading space shall be provided for all commercial establishments in excess of 7,500 square feet of floor area.

B. Conditions:

1. Size - Each loading and/or unloading space shall be at least 14 feet wide, 60 feet long and shall have at least a 15 foot vertical clearance; shall have a 60 foot maneuvering area. Refer to Variance Section where this requirement cannot be met.
2. Use of Parking Spaces - Generally parking space shall not be used for loading and/or unloading purposes except during hours when business operations are suspended or if pedestrian and traffic will not be obstructed. However, the permitting board may allow the use of parking spaces when it is determined that the effects will be minimal.

Design – Loading and/or unloading facilities shall be designed so that trucks need not back in or out, or park in any public right of way. No truck shall be allowed to stand in a traveled roadway or pedestrian walk way or in any way block the effective flow of persons or vehicles. The loading and/or unloading area shall have an all weather surface to provide safe and convenient access during all seasons.

C. Preexisting Uses – Any Commercial use existing, as of the effective date of this Law, shall not be subject to this section. However, any existing use that is changed to another more intensive commercial use shall be evaluated at a public hearing to determine if portions of this section should apply.

SECTION 618 MIXED RESIDENTIAL/BUSINESS USES IN B DISTRICT

Commercial structures (preexisting and new) located within a retail section of a Business District may, by Special Use Permit, be partially used for dwelling purposes when the following conditions are met:

- A. Location - The location is appropriate for housing units with respect to health, safety, and general welfare of the occupants.
- B. Parking - Sufficient off street parking is available, preferably on the parcel where the structure is located or in close proximity to the structure.
- C. Other Conditions - Other reasonable conditions as deemed necessary by the Permitting Authority.

SECTION 619 MOBILE HOME PARKS

A. Purpose - This section provides the various conditions that will insure that a quality park will be designed which provides a safe, healthy and appealing environment for mobile homes.

B. Conditions - Mobile home parks shall comply with the following standards:

1. Area and Setback Requirements -

a. Size - Parks shall consist of a minimum of 50 contiguous acres and shall be designed for a maximum of 4 units per acre overall.

b. Buffer - Appropriate vegetation or open space buffer shall be located around the perimeter of the park. Type and size of the buffer, shall be determined by the density and type of adjacent uses and the need for separating the uses. As a minimum, a 25-foot buffer (open space or vegetation) shall be required with the Permitting Board determining the need for a greater buffer.

c. Setback - All mobile homes and other development shall be located a minimum of 100 feet from the edge of any public road. Mobile homes shall be setback a minimum of 20 feet from the edge of the park's private road.

d. Lot - Each mobile home shall be located on a lot that is a minimum of 5,000 square feet, and a minimum of 50 feet in width. The width requirement can be waived for corner lots.

e. Side Yard - Mobile homes (including enclosed additions) shall be spaced a minimum of 25 feet from each other.

f. Floor Space - The minimum floor space allowed for a mobile home placed in a park shall be in accordance with area requirements for the district in which the park is located. Add-ons shall not be used in calculating the size.

2. Streets and Walkways -

a. Entrance and exits to the park shall be safely designed.

b. Private roads shall be a minimum of 16 feet wide and shall as a minimum be carpet coated, graveled, or paved, and be approved

by the fire chief for use by emergency vehicles.

c. Private roadways shall be maintained in a manner so as to permit safe travel year-round (e.g., free of snow and ruts.)

d. Walkways from the street to door shall be required in addition to a patio for each mobile home, using generally accepted materials.

3. Parking -

a. Off street parking shall be provided with a minimum of 400 square feet for each mobile home with gravel, carpet coating, or paving being used.

b. Sufficient auxiliary parking shall be provided for trucks, boats, travel trailers, etc.

4. Recreation -

a. Open space and recreational areas shall be set aside and improved at central locations at a rate of 700 square feet per mobile home. They shall be maintained in a manner conducive to recreational use.

5. Skirting - Mobile homes shall be skirted with an attractive fire-resistant material within 3 months from the time of setup.

6. Outdoor Storage - Due to the limited lot sizes and close proximity of mobile homes no outdoor storage of tools, materials, equipment, junk, or any other items, other than registered vehicles, or patio-related items shall be allowed. Where storage sheds are necessary to comply with this requirement, they shall be located in rear yards and out-of-sight to the greatest degree possible, substantially anchored, and well - maintained.

7. Drainage - The park shall be located on a well drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.

8. Location - Mobile home parks shall not be located in developed residential areas where their presence will result in a detrimental effect on the character of the neighborhood, due to significant traffic increases for the existing residential streets.

9. Park Design - It is recommended that the design of the park not be barracks-like in nature and not be designed on the gridiron pattern with

identical rectangular spaces. The angling of spaces and the clustering of mobile homes around cul-de-sacs could be considered. Should this latter type of design be hampered by the minimum area requirement, the Permitting Board shall have the authority to alter those requirements by up to 10%.

10. Lighting & Utilities - Lighting within the park sufficient to promote public safety as may be required and directed by Permitting Board. It is recommended that consideration in each instance be given to the construction of all utilities underground. It shall be required that all lines between the meter and lot be underground.

11. Accessory Retail or Service Uses - Accessory uses such as recreational facilities, convenience stores, laundries, and mobile home sales/service, customarily associated with mobile home parks shall be permitted. However, the land utilized in this manner should not account for more than 5% of the total area of the park. Finally, no commercial character shall be visible from outside the park and such services shall only be allowed when the number of sites is sufficient to support these services.

C. Bond - At the discretion of the Permitting Board, the developer may be required to obtain an appropriate bond to insure compliance with conditions attached to the Special Use Permit/Site Plan Review.

D. Preexisting Parks - Mobile home parks in existence before the enactment of this Law shall be subject to the following regulations:

1. Mobile homes shall be skirted with an attractive fire-resistant material within 1 year of the effective date of this Law.
2. Enlargements or expansions of all mobile home parks in existence before the enactment of this Law shall comply with all regulations in this Law to the extent determined by the Permitting Board.
3. Off-street parking shall be provided within 1 year, where reasonable.

SECTION 620 MOBILE HOME STANDARDS

A. Purpose - This section has as its main purpose the preservation of neighborhoods by insuring that mobile homes are placed properly with aesthetic and safety standards considered.

B. Conditions - In districts where mobile homes are allowed by Special Use Permit, all of the conditions listed below shall be considered prior to the granting of the zoning permit. However, in those districts where mobile homes are allowed "by right," a zoning permit will only be granted after the first 3 conditions listed below (floor space, parking, and skirting) have been met.

1. Minimum Floor Space - The original "advertised" floor space for a mobile home, excluding add-ons shall be a minimum of 760 square feet.
2. Parking - Off-street parking spaces in accordance with the supplemental section on parking.
3. Skirting - Attractive, fire-resistant skirting shall be installed within 6 months of when the mobile home is placed on the lot.
4. Location - Mobile homes shall only be allowed in Mobile Home Parks.
5. Landscaping - Landscaping appropriate to the neighborhood shall be considered.
6. Additions - All additions shall be in accordance with the New York State Uniform Code and shall be compatible with the construction of the mobile home.
7. Storage - Miscellaneous garage and recreational items traditionally stored undercover shall not be stored outdoors. Appropriate storage shall be supplied.
8. HUD Requirements - All mobile homes (new and used) shall comply with HUD construction requirements prior to being allowed to be placed on a lot.
9. Other Considerations - Any other reasonable conditions as deemed necessary by the permitting board shall be considered for inclusion. See supplemental section on general development conditions for a list of possible conditions to include.

SECTION 621 MOTOR VEHICLE SERVICE STATIONS

A. Purpose - Gas stations as defined in the definition section, are regulated in this section to promote safe and properly located stations that are visually attractive.

B. Conditions - The following conditions shall be considered:

1. Entrance/Exit - No public garage, or motor vehicle service station, or private garage for more than 5 vehicles shall have a vehicular entrance closer than 200 feet to an entrance to a church, school, theater, hospital, public park, playground, or fire station. Such measurement shall be taken at the shortest distance between such entrances if across the street, and along the street frontage if both entrances are on the same side of the street or within the same square block.

2. Location - All motor vehicle service stations shall be so arranged and all gasoline pumps shall be so placed as to require all servicing on the premises and outside the public way; and no gasoline pump shall be placed closer to any side property line than 50 feet.

3. Storage of Vehicles Awaiting Repairs -

a. 1 to 3 vehicles stored outside awaiting repairs shall be kept in one contiguous location and neatly arranged.

b. Where 4 to 10 vehicles are temporarily stored outdoors, they shall be screened by an appropriate fence which makes it impossible to view the vehicles from adjacent roads or properties.

c. The temporary storage of over 10 vehicles outdoors shall be prohibited.

d. All parts shall be enclosed within a screened/fence area or stored inside of a building.

4. Abandoned Tanks and Pumps - All abandoned tanks and pumps shall be removed or secured in accordance with the NYS Uniform Fire and Building Code and/or DEC rules and regulations.

SECTION 622 MULTIPLE DWELLINGS

A. Purpose - Attached multiple dwellings, in districts where allowed shall be subject to Special Use Permits and where 3 or more units are proposed, site plan review requirements shall also apply. Each development proposal shall be evaluated on its own merits with reasonable conditions attached.

B. Special Use Permit Conditions – The following shall be considered where appropriate for inclusion.

1. Safe ingress and egress.
2. Roadway ownership and design. Insure roadways and fire lanes are adequate for year round fire equipment movement.
3. Parking in accordance with the supplemental section, and additionally auxiliary parking.
4. Storage facilities such that adequate indoor storage is available. See supplemental section.
5. Utilities to include sewer, water, phone, electric, cable TV, etc. See supplemental section on TV dishes.
6. Sign size, location, lighting, etc. See supplemental section on signs.
7. Recreational uses, active and passive.
8. Buffers, natural and man-made as necessary.
9. Clustering of development as specified in the area requirements.
10. Other reasonable and appropriate conditions as deemed necessary by the Permitting Board. See supplemental section on development conditions.

C. Site Plan Review Conditions - See site plan review section.

D. Accessory Apartment- A secondary apartment developed in an existing single family dwelling. No more than one unit shall be created per dwelling unit in districts where multiple units are allowed; the apartment shall be a minimum of 600 square feet in floor space with the resultant primary dwelling meeting all

requirements such as minimum floor space.

SECTION 623 PARKING

A. Purpose - Off-street parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district. Any application for a building permit for a new or enlarged building structure or change in use shall include with it a plot plan drawn to scale and fully dimensioned, showing parking in compliance with the regulations of this Law. However, in the existing Business Districts, parking shall only be required to be provided for new development where it is reasonably possible. All parking spaces shall be allowed "By Right" which requires a zoning permit except that no permit is required for new single-family or duplex parking spaces.

B. Size Requirements - A required off street parking space shall be an area of not less than 171 square feet, not less than 9 feet wide by 19 feet long, exclusive of access drives or aisles, ramps, columns, or office and work areas. Aisles between vehicular parking rows shall not be less than 12 feet in width when serving automobiles parked at a 45 degree angle in 1 direction or not less than 20 feet in width when serving automobiles parked perpendicular to the aisles and accommodating 2- way traffic.

C. Street Access - Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic.

D. Location - No parking space nor portion thereof established on the same zoning lot with a building, shall be located within a required front yard, and no parking spaces nor portion thereof established on a lot without a building, shall be located closer to any street line than the front yard setback requirements of this Law in the same manner as a building or structure. The aforementioned required setbacks shall not be applicable to the Business District, nor to residential driveways which may be used for parking. For nonresidential off street parking, the Municipal Board may, upon request by the applicant, allow certain parking spaces off the applicant's property but within 500 feet of said property to be included as part of the required spaces.

E. Material Composition - All open off street parking space and access areas, except those accessory to single-family dwellings and duplexes shall be surfaced with some all-weather low dust materials such as stone, gravel, macadam, or asphalt.

F. Number of Spaces - The following parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each use which, after the date when this Law becomes effective, is erected, enlarged, or altered for

use for any of the following reasons:

Uses	Minimum of 1 Space Per
One-Family Residence & Mobile Home	Dwelling Unit
Two Family Residence	Dwelling Unit
Multi-Family Residence	Dwelling Unit
Church	5 Fixed Seats
Home for Aged	3 Residents
Elementary School	20 Students
High School & College	12 Students
Library	1,000 Sq. Ft.
Places of Assembly, inc., Convention	200 Sq. Ft.
Hall & Dance Hall	200 Sq. Ft.
Club, Lodge (Without Sleeping	Each 5 capacity of hall
Accommodations)	Each 5 capacity of hall
Places Providing Sleeping Accommodations,	Sleeping Unit
inc., Hotels, Motels, & Tourist Homes	* 1/8 Viewing Room
Mortuaries or Funeral Parlors	Plus 1 for every
Offices, Banks	Employee
Food Market	100 Sq. Ft. Floor Area
Eating & Drinking Establishments	200 Sq. Ft. Floor Area
Bowling Alley	4 Seats or 1 for each
Other Business	200 Sq. Ft. of floor
Industrial	Area whichever is
Other Uses not Listed Above	more
Bowling Alley	Each 4 capacity of
Other Business	Facility.
Industrial	300 Sq. Ft. Sales
Other Uses not Listed Above	Area
Industrial	Employee (Max. Work
Other Uses not Listed Above	Shift)
Industrial	500 Sq. Ft. Floor
Other Uses not Listed Above	Area

* 8 spaces per Viewing Room

SECTION 624 PONDS

A. Purpose - In order to minimize traffic safety problems associated with ponds inappropriately located near roadways and to reduce the probability of creating an attractive nuisance in densely populated areas, the following conditions shall apply.

B. Conditions -

1. Traffic Safety -

a. Setback - All ponds constructed shall be set back a minimum of 50 feet from the edge of any roadway.

b. Location - New ponds shall be located in such a manner so as to minimize the likelihood of accidental vehicular access (e.g., avoid locating at the end of a dead end or "T" roadway).

c. Area Requirements - All area requirements (except front yard) for the district in which the pond is proposed shall be met in locating the pond.

2. Water Safety - In Residential and Conservation Districts in areas where there are 1 or more neighboring housing units within 100 feet of the proposed site for the pond, one of the following shall be accomplished:

a. Fence - As a minimum a 4-foot high security fence shall completely surround the pond, or

b. Slope – The pond shall be designed so that the slope from the shore 10 feet toward the center of the pond shall be a maximum of 25% (3 feet of drop per 12 feet in run).

SECTION 625 PROFESSIONAL OFFICES

Professional offices may be allowed by Special Use Permits, in accordance with the following specific conditions:

A. Parking - Adequate off-street parking must be provided in order to handle peak parking. Adequate space for expansion of parking and/or the maneuvering of vehicles must be provided.

B. Traffic Safety - The ingress/egress system must be designed so as to minimize potential traffic safety problems.

C. Signs - Only 1 sign for the purpose of advertising the business shall be allowed on the premises and it shall be in accordance with the sign section. Additionally, it shall be not higher than 5 feet in height to the top of the sign.

D. Buffer - A proper buffer zone shall be provided to protect adjacent properties if deemed necessary by the Permitting Authority.

E. Hours - Limited hours and days of operation may be included as a condition for the granting of the Special Use Permit.

F. Lot Size - The overall size of the property must be such that it is capable of supporting the professional office operations and any related activity while at the same time maintaining appropriate open space.

G. Neighborhood - The general character of the neighborhood must not be substantially changed by the presence of professional offices nor shall there be a resultant devaluation of adjoining properties.

SECTION 626 - RECREATIONAL VEHICLE/TRAILER STORAGE

A. Purpose - To encourage aesthetically pleasing residential neighborhoods, this section allows for the reasonable control of recreational vehicles.

B. Conditions - The following conditions shall be met:

1. Number - A maximum of two recreational vehicles, trailers or other similar vehicles may be stored outside on each parcel or series of contiguous parcels under single ownership.

2. Location - All recreational vehicles/trailers, etc., shall be stored in rear yards whenever it is possible and shall not be stored in a front yard. Nor shall they be allowed to become a nuisance. All area requirements of the district in which the vehicle is stored shall be met. Area Variances shall be requested where these rules cannot be met.

C. Preexisting Vehicles - All recreational vehicles existing at the time of enactment of this Law shall be subject to the regulations of this section 6 months from the date of notification in writing.

SECTION 627 RESTAURANTS

A. Purpose - Restaurants are regulated in order to promote safe, appealing establishments with minimal nuisances present.

B. Permanent Conditions - The following conditions must be met as required by the Permitting Board in order to receive the Special Use Permit.

1. Parking - See supplemental section on parking to determine the number of off-street parking spaces required. The location and layout of the parking spaces may be specified in the permit.
2. Traffic Safety - The entrance and exit location and size shall be safely designed with minimal obstructions. Pedestrian safety shall also be considered.
3. Nuisances - Noises from electric motors, compressors, etc., or glare from lighting shall be minimal.
4. Signs - All sign regulations as specified in the supplemental section shall be complied with fully.
5. Decks - Any deck, patio, porch or similar area utilized by customers shall be approved and in accordance with all area requirements.
6. Trash - All trash shall be located inconspicuously and in well-maintained containers that minimize the chance for spillage, unhealthy or unsightly conditions.
7. Buffers - As is required by the Permitting Board, appropriate buffers may be required which shield adjacent properties from any adverse conditions associated with the restaurant (e.g., parking lots, lighting, etc.).
8. Entertainment - The applicant shall specify the type of entertainment to be utilized, location in building, maximum frequency and hours of entertainment. No nuisance shall be permitted; and if it becomes apparent that any of these provisions are creating a nuisance, a public hearing shall be required to reevaluate the original application.
9. Other - Any other condition as deemed reasonable and necessary may be required by the Permitting Board.

SECTION 628 ROADSIDE STAND (SEASONAL)

A. Purpose - In order to minimize traffic safety problems associated with retail sales at roadside stands, the following regulations shall apply.

B. Definition - For the purposes of this Law, roadside stands shall consist of 2 types, general roadside stand and limited roadside stand.

1. General Roadside Stand - Produce sold but not necessarily grown on premises where stand is located.

2. Limited Roadside Stand - All produce grown on the premises (lots) where the stand is located and are sold only by the owner(s) of said premises. Also, the stand may only be located at the sales location during the produce sales season.

C. Minimum Conditions -

	<u>Limited</u> Standards		<u>General</u> Standards
1. Year round operation possible	No		Yes
2. Some produce from off premise		No	Yes
3. Employees other than owner and relatives	No		Yes
4. Type permit	None		None
5. Requires safe entry and exit with good "line of sight"	Yes		Yes
6. Sufficient off-street parking to cover peak periods	Yes		Yes
7. Signs allowed in accordance with sign section	Yes		Yes
8. Maximum sign size	16 sq. ft.		16 sq. ft.
9. Hour operation specified	No		Yes
10. Section 608 Conditions can be imposed	No		Yes

D. Preexisting Roadside Stands - All stands utilized in the 24-month period prior to the effective date of this Law shall be exempt from all regulations found in this section. However, any expansion or alterations shall be subject to regulations of this section.

SECTION 629 SEASONAL RECREATION CAMPS

Seasonal Recreation Camps shall be permitted according to the General Provisions of this Zoning Law.

SECTION 630 SIGNS

A. Purpose - The intent of this section is to preserve and enhance the Commercial and Industrial Districts, by encouraging signs in character and scale with individual buildings and with the municipality to avoid a chaotic, unsafe, or unattractive clutter of signs by prohibiting signs or advertising devices which are inappropriate, in size or type, to municipal character; and to protect the character of the Residential Districts by strictly limiting signs within them.

B. Administration -

1. Permits Required - Except as listed in paragraphs B2 and B3, a Zoning Permit shall be required before an outdoor sign is created, altered, relocated, or enlarged. A permit shall not be issued until all applicable sign regulations are met. All requests for permits must be accompanied by a plan drawn to scale showing the exact size, shape, location, and type of sign.

2. Exempt Signs - The following signs shall be exempt from all regulations of this Section - Public signs such as directional, street, traffic, and personal identification signs not more than 2 square feet in size.

3. Signs Requiring No Permit - The following signs shall be subject to all regulations of this section but shall be exempt from obtaining a permit as required above:

- a. Temporary Signs to include contractor signs, political signs and fruit stand signs (see C3 below);
- b. Non-illuminated, indoor signs;
- c. Realty signs; and
- d. Household sale signs. (See C3c below.)

C. Specific Regulations by Sign Type - Specific regulations shall take precedence over the more general sign regulations.

1. Signs Attached to Buildings -

- a. No sign parallel to the building shall project more than 12 inches from the building wall on which it is attached.
- b. No sign shall project higher than a roof -line.
- c. No sign shall be permitted to be mounted on the roof of a

building above the roof -line.

d. No sign shall extend higher than 18 feet in height as measured from the ground.

2. Freestanding Signs

a. Freestanding signs within the Business and Industrial Districts shall be in accordance with the following:

1. Height - A maximum height of 25 feet from the ground to the top of the sign shall be allowed.

2. Setback - Freestanding signs shall be set back a minimum of 15 feet from the road edge.

b. Freestanding signs in Residential and Conservation Districts shall be by Special Use Permit only.

3. Temporary Sign Regulations - The following specific regulations shall apply to temporary signs:

a. Contractor signs shall be allowed during periods from when the job commences and is completed. The sign must be removed if substantial progress on the job is not taking place. The maximum size shall be 10 square feet.

b. Political signs up to 32 square feet in size shall be allowed 4 weeks before and up to 1 week after the election and it shall be the responsibility of the candidate to comply with this regulation. Permission from the property owner must be received prior to sign placement.

c. Household Sale signs shall be permitted in accordance with the following regulations:

(1) Maximum Size - no more than 4 feet high by 4 feet wide.

(2) Maximum Number - no more than 6 signs shall be used and permission must be received from property owners where off premise signs are located.

(3) Location - Signs shall not be placed on utility poles.

(4) Illumination - Signs shall not be illuminated.

(5) Time - Household signs may be erected two days before the sale starts and must be removed within 24 hours of the last day of the sale.

d. Seasonal On-Premise Roadside Stand Signs shall be allowed in accordance with the following conditions:

(1) Maximum Size - 16 sq. ft. (Limited Stand) and 100 sq. ft. (General Stand).

(2) Maximum Number - No more than 2 signs shall be used per property with more signs requiring a Special Use Permit.

(3) Location - Signs shall not be placed on off premise trees or utility poles.

(4) Illumination - Signs shall not be illuminated.

(5) Time - Roadside stand signs shall only be permitted during the season in which the agricultural product being sold is available.

(6) Permits - No permit shall be required for seasonal on premise roadside stand signs.

e. Real estate signs up to 10 square feet in size shall be allowed until 1 month after the sale is finalized.

f. Signs for quasi-public uses to include churches, schools, libraries, hospitals, and nursing homes shall be a maximum of 25 square feet in size, and shall require a Special Use Permit. If the sign is to be freestanding, it shall be setback 15 feet from the street edge.

4. Billboards shall not be allowed.

5. Interior Illuminated Window Signs - Inside illuminated signs shall be a maximum of 2 square feet each and no more than 5% of the front window area can contain such signs. No permit is required. More than these maximum limits shall require a Special Use Permit.

6. Residential Development Signs - Signs advertising a subdivision or multiple-family development shall be allowed by Special Use Permit. A maximum size of 50 square feet shall be permitted and said signs may be illuminated.

7. Home Occupation Signs - See Supplemental Section on Home Occupations.

D. General Regulations for Business Signs - The following general regulations shall only apply to signs for which regulations covered herein are not covered in other more specific subsections.

(1) The sign size provided represents the maximum square feet allowed per Business or 20% of the building front, whichever is greater.

(2) Sign proposed to be located 100 feet or less from a Residential District shall require a Special Use Permit.

Sizes of Signs-

<u>Districts</u>	<u>Permit Type For</u>		<u>Max . Sq. Ft.</u>	
	<u>Business Signs</u>		<u>Business Signs</u>	
	<u>On</u>	<u>Off</u>	<u>On</u>	<u>Off</u>
	<u>Prem.</u>	<u>Prem.</u>	<u>Prem.</u>	<u>Prem.</u>
Res.	R	sp/u	24'	24'
Bus.	R	sp/u	48'	48'
Cons.	R	sp/u	48'	48'
Ind.	R	sp/u	64'	64'

LEGEND: R - By Right Permit
 sp/u – Special Use
 NA - Not Allowed

Maximum Number Signs

District	
Residential	1
Business	4
Conservation	0
Industrial	4

Note: More than the maximum number of signs shall be allowed by Special Use Permit with conditions attached if it can be accomplished in good character with the neighborhood and does not exceed size requirements.

E. General Regulations -

1. Condition -

a. Every permitted sign must be constructed of durable materials and kept in good condition and repair.

b. It shall be the responsibility of the property owner to at all times maintain the sign in good and safe condition.

2. Location -

a. Traffic -

(1) No sign shall be so located that the sign might interfere with traffic, be confused with or obstruct the view or effectiveness of any official traffic sign, signal or marking.

(2) No sign shall be stapled, pasted or otherwise attached to utility poles or trees or within a road or street right-of-way.

b. Ingress and /or Egress -

(l) No sign shall be located which shall prevent free ingress

or egress from any window, door, or fire escape.

(2) No sign shall be so placed that it will obscure light and/or air movement from a building.

3. Illumination -

- a. No off premise neon signs are permitted.
- b. Illuminating arrangements for signs shall be such that the light is concentrated on the sign with a minimal spillover cast on the street, sidewalk or adjacent properties.
- c. Signs that contain, include or are illuminated by any flashing, intermittent or moving lights are prohibited.

4. Moving Parts -

- a. No signs shall utilize moving parts.
- b. Pennants, banners, flags, bunting whirligigs, or other similar attention-getting devices shall not be permitted where their purpose is to advertise or bring attention to a commercial business operation. This provision does not apply to the displaying of a national, state, or other flags not intended for advertising.

F. Cessation -

1. If a use ceases for a period of 1 year, all detached signs must be removed.
2. Such signs may be removed by the municipality at the expense of the owner or lessee of the property on which the sign is located if the sign has not been removed after 30 days' notice. All state laws will be complied with in causing removal of any sign.

G. NYS Regulations -

1. New York State Highway regulations related to outdoor advertising must also be complied with where applicable.

H. Preexisting Signs -

I. General Regulations Covered - Legally existing nonconforming signs shall be required to comply with the following general paragraphs:

1. Part E1, Conditions; and

2. Part F, Cessation;

Compliance - Sign owners notified of a violation must comply within 3 months of notification.

SECTION 631 SOLAR SYSTEMS

In order to promote and protect the use of solar systems (active and passive) the following regulations shall apply:

A. Solar Permit and Placement - The placement of structures or modification of existing structures which are to contain solar systems shall be by Special Use Permit if protection is to be sought under part B of this section. If no protection is sought for a solar system, then no permit shall be required for the installation unless the floor space is increased. Consideration should be given to locating the solar structure the furthest distance from adjoining properties, on the southern exposure. This distance shall be a minimum of 100 feet and may be required to be more if the slope so dictates.

B. Notification - If protection is sought, owners of all properties, within 200 feet of the property on which the solar collector is to be placed will be notified in writing of the intent to place a solar system in the neighborhood, and the possible effects that this could have on future development. The date, time, and location of the public hearing shall be included in the notification.

SECTION 632 STORAGE STRUCTURES

A. Purpose - Storage structures are regulated to insure that they are properly located so as to protect the rights associated with neighboring properties with respect to visibility, light and air movement, fire safety, and aesthetics.

B. Administration - All storage structures shall, as a minimum, require a Permit By Right while storage sheds over 150 square feet which are located in a Residential District shall require a Special Use Permit. Multiple storage sheds shall be aggregately considered to determine if the 150 square foot requirement is surpassed.

C. Conditions -

1. Area Requirements - The accessory area requirements for each district shall be met.

2. Lakeshore Regulations - Refer to the supplemental section on Lakeshore Regulations for additional requirements for any storage shed that is proposed to be located on a parcel adjacent to a lake.

3. Vacant Lots - In Residential District a storage structure may be placed on a vacant lot if it meets appropriate yard requirements and if it is accessory to a primary use located within 200 feet. For all other districts, storage structures need not be accessory, to a residential unit.

4. Truck Storage - For any truck, semi-trailer or other similar unit to be used for storage, a Special Use Permit shall be required. In residential districts, trucks and similar units shall only be allowed if they will have a negligible effect on the neighborhood.

SECTION 633 SWIMMING POOLS (PRIVATE)

- A. Purpose - The primary purpose of this section is to promote the safe installation and maintenance of private swimming pools.
- B. Conditions - Private swimming pools shall be required to meet the following conditions:
1. Permits - It shall be unlawful to maintain, construct, erect, install, modify, alter, demolish or change any swimming pool, or to permit any such acts, without first obtaining a Zoning Permit, and then only as an accessory to a dwelling, for the private use of the owners, or occupants, of such dwelling, and their families and guests.
 2. Fences – Outdoor swimming pools shall be provided with an enclosure which shall comply with the following:
 - a. Shall be at least four feet in height and have a maximum vertical clearance to grade of two inches.
 - b. Where a picket type fence is provided, horizontal openings between pickets shall not exceed 4 inches.
 - c. Where a chain-link fence is provided, the openings between links shall not exceed 2 3/8 inches.
 - d. Enclosure shall be constructed so as not to provide footholds.
 - e. Pickets and chain-link twists shall extend above the upper horizontal bar.
 - f. Such enclosure shall have railings and posts within the enclosure, which shall be capable of resisting a minimum lateral load of 150 pounds applied midway between posts and at top of posts, respectively. Enclosures, fence material or fabric shall be capable of withstanding a concentrated lateral load of 50 pounds applied anywhere between supports on an area 12 inches square, without failure or permanent deformation. Gates provided in the enclosure shall be self-closing and self-latching with the latch handle located within the enclosure and at least 40 inches above grade; and

g. A wall of a multiple dwelling is permitted to serve as part of the enclosure, provided that there is no direct access from the dwelling to the pool.

EXEMPTIONS:

a. Above-ground pools with at least 46 inches between pool decking or pool top and adjoining grade, are exempt from the requirements of above section 633 of this part, provided that their access ladder or steps can be blocked in an approved manner when not intended for use.

b. A pool less than 24 inches deep is exempt from the requirements of section 633.

3. Health Standards - Such pool shall be maintained in a manner sufficient to meet the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools.

4. Drainage - It shall be insured that provisions for the drainage of such pools are adequate and will not interfere with the public water supply system, or existing sanitary facilities.

5. Noise - Such pool shall be equipped with an integral filtration system and filter pumps or other mechanical devices which shall be so located and constructed as not to interfere with the peace, comfort, and repose of the occupant of any adjoining property.

6. Setback Requirements - Pool shall be installed in accordance with the area requirements of the appropriate district.

C. Preexisting Uses - Pools in existence prior to the enactment of this Law shall, within two months, comply with the following conditions in the previous paragraphs: B2, Fences; B3, Health Standards; and B4, Drainage.

SECTION 634 TV DISH ANTENNAS

A. Purpose - The purpose of this section is to protect the aesthetic values of the community and the health and safety of its citizens. This section recognizes that the most visible parts of our environment are the public streets and the abutting front yards, and that the appearance of these areas largely sets the character and quality of our environment. Large TV dish antennas are intrusive and incompatible elements when installed in front yards and seriously impair the aesthetic qualities of residential streets and properties. Further, dish antennas in highly visible and accessible locations are an attractive nuisance for small children who might attempt to climb and play on them, and a tempting target for vandals; particularly during dark hours. Therefore, it is the intent and purpose of this section to require that TV dish antennas (over 4 feet in diameter) be located inconspicuously.

B. Conditions -

1. Location of Large TV Dish Antennas Over 4' in Diameter - Primary structure area standards (front, side, and rear yards) shall be met. Large dish antennas shall not be located in a front yard and they shall be as inconspicuously located in relation to adjacent structures as is reasonably possible.
2. Advertising - Advertising located on the dish shall be limited to identification lettering of the business that sold the dish to the landowner.

SECTION 635 TEMPORARY DWELLING UNITS (TRANSPORTABLE)

A. Purpose - The primary purpose of this section is to limit the use of travel trailers and other temporary dwelling units to uses for which they are intended, namely, seasonal/recreational use. Ultimately, the protection of neighborhoods is promoted with respect to health and general quality. Commercial travel trailer parks are not subject to regulation under this section.

B. Inhabitation Time - Travel trailer, motor homes and other similar uses, may be occupied only by non-renters and on a temporary basis in accordance with the following chart. No permit or fee is required unless the number of inhabitation days desired is greater than that specified, in which case a Special Use Permit must be requested.

<u>Maximum Number of Days</u>	
<u>District</u>	<u>Inhabited Per Time Period</u>
Res.	2 weeks per 3 months
Bus.	4 weeks per 3 months
Ind.	6 months per year
Cons.	6 months per year

C. Conditions -

1. Inhabitation - To be inhabited in an Industrial and Conservation District, the travel trailer need not be located on a lot which contains an inhabited dwelling. For all other districts, the lot must have an inhabited dwelling. It is intended that travel trailers be generally inhabited by visitors/guests and not be residents of the principal dwelling unit.

2. Storage - A travel trailer may be stored (uninhabited) on any lot indefinitely.

3. Setbacks - Front, side, and rear yard setbacks shall be met in the placement of the travel trailer.

4. Utilities - Permanent utility systems, used exclusively for temporary dwellings in residential or commercial districts, shall not be constructed.

5. Nuisances - Accessory dwellings may not be utilized in a manner to cause a nuisance.

6. Field Offices - Contractors may use temporary dwellings for "field offices" after obtaining a permit. Additionally, temporary dwelling units may be utilized by owner/builders during the construction of a structure.

7. Maintenance - All travel trailers shall be maintained in a condition suitable for highway use and capable of passing a state inspection.

D. Preexisting Uses - Storage and occupancy of travel trailers, already in existence as of the effective date of this Law, shall within 1 year be in compliance with this section.

SECTION 636 TEMPORARY MOBILE HOMES

A. Purpose - The control of mobile homes in districts where they are normally not allowed is the primary goal of this section.

B. In Conjunction with Construction (Inhabited) -

1. Administration - A temporary Special Use Permit may be applied for in conjunction with the construction of a dwelling unit.

2. Conditions - The following conditions may be attached to the permit:

a. A time schedule for commencement and completion of the dwelling unit. As a minimum, construction on the dwelling unit shall begin within 1 year from the date when the mobile home is placed temporarily on the lot. Additionally, the mobile home shall be removed within 3 years from the date it was first placed on the lot, at which time the dwelling unit shall be habitable.

b. The placement of the mobile home on the lot shall be in accordance with area standards unless the Municipal Board determines that such conforming placement would not be practical, in which case the conditions will be specified.

c. Due to the temporary nature of the permit, the mobile home need not be skirted.

C. Not Inhabited -

1. Administration - A mobile home may be stored uninhabited within a district which allows mobile homes by right or by Special Use Permit only after a temporary Special Use Permit has been granted.

2. Conditions to be considered include: time limitations and placement location.

SECTION 637 TOPSOIL/EXCAVATION

A. Purpose - During the construction of a foundation, general landscaping, or any other extensive excavating project, a person, firm, corporation, etc., shall not strip, excavate, or otherwise remove soil/gravel unless the following conditions are met:

B. Conditions -

1. Topsoil - Topsoil is replenished or left with sufficient amounts to support future development needs.
2. Steep Slopes - The creation of steep slopes shall be limited to the greatest extent possible.
3. Groundwater Runoff - Runoff will not be caused to flow into neighboring properties, to pool, or cause erosion. A storm water drainage plan for both the construction period and the long term should be considered when slope and soil types dictate. A minimum amount of siltation should be allowed to leave the site.
4. Time Requirement - All of the above conditions shall be met within 1 year from the time the project started. However, the Municipal Board shall have the power to grant extensions or shorten the time frame for just cause after receiving a written request that includes the reasons for the request.

SECTION 638 TOWERS/WINDMILLS

A. Purpose - All towers over 60 feet in height as well as all windmills shall be regulated for the purpose of assuring safe installations which are properly located.

B. The following conditions shall be considered for inclusion in the permit:

1. Location - Towers over 60 feet and all windmills shall be located a distance from surrounding residential structures sufficiently so as to not cause a nuisance, due to noise, appearance or other factors.
2. Buffer - The placement or retention of buffers shall be required where they would improve the compatibility of the use with surrounding areas.
3. Attractive Nuisance - The base of towers over 60 feet in height and windmills shall be sufficiently protected from entry either by tower/windmill design or by protective fences, etc. Where guy wires are utilized, the anchor points shall be sufficiently protected to minimize the possibility of hitting the guy wires with recreational vehicles. Additionally, a sign shall be conspicuously placed near the base of a communications tower and it shall generally state that danger exists and that no access is permitted.
4. Other Regulations - State and federal regulations governing towers or windmills must be complied with.
5. Only one tower or windmill shall be located on any one lot.

C. Preexisting Towers - All towers utilizing guy wires in existence at the time of enactment of this section shall be brought into compliance with part B3 within 6 months from date of written notification.

SECTION 639 TOXIC WASTE/FLAMMABLE LIQUIDS

A. Purpose - For the purpose of protecting present and future generations from the potentially harmful health and safety effects of toxic and flammable materials, the following regulations shall apply to new Industries/Business:

B. Conditions -

1. Toxic Waste - It shall be unlawful to maintain, store, bury or in any other way keep solid or liquid wastes, which are considered to be toxic or hazardous. However, toxic wastes, which are the results of a locally operated manufacturing process shall be permitted to be temporarily stored for a reasonable period of time pending proper disposal.

2. Flammable Liquids - It shall be unlawful to maintain flammable liquids used in commercial operations within 200 feet of any inhabited dwelling unit. The storage of any flammable liquid must be in accordance with state and local regulations. Farm operations shall not be subject to this regulation.

SECTION 640 TRASH STORAGE

A. Purpose - It is the intent of this section to minimize safety, health, and aesthetically related problems by controlling the storage of trash in accordance with the needs of each district.

B. Conditions for Temporary Storage

1. Quantity - Trash may be temporarily stored or collected if it does not exceed the following limits. More than the maximum shall require a Special Use Permit.

<u>Districts</u>	<u>Maximum Cubic Feet</u>
Res.	60 per dwelling unit (1- 2 yds.)
Bus.	432 (2- 8 yds.)
Ind.	960 (4 - 8 yds)
Cons.	60 (1- 2 yds)

2. Only trash originating from the parcel on which the container is placed shall be allowed.

3. Location - Trash must be stored in 1 contiguous location. All new accumulations of trash created after the enactment of this Law shall be out of sight of highways and adjacent properties to the greatest degree possible. Additionally, new accumulations of trash shall be placed a minimum of 200 feet from any parcel boundary or public roadways if the parcel size permits.

4. Buffer - Trash shall be located so as to be not visible from adjacent properties and roadways; otherwise, artificial barriers (e.g., fences, shrubs, etc.) shall be used to screen the trash.

5. Disposal - Trash shall be stored only as long as necessary and shall be disposed of in a timely manner, not to exceed 60 days.

6. Covers - All dumpsters and storage containers shall have a top that shall be utilized.

7. Preexisting - These conditions shall apply to all trash existing at the time of enactment of this Law.

SECTION 641 TRAVEL TRAILER PARKS (COMMERCIAL CAMPGROUND)

A. Purpose - The purpose of this section is to protect existing neighborhoods from intense development associated with travel trailer parks. Consideration will be given to aesthetics, buffers, safe access, and other reasonable conditions.

B. Conditions -Travel trailer parks shall comply with the following standards:

1. Area & Setbacks -

a. All lots (pads) shall be a minimum of 75 feet from any public highway.

b. A 100 feet wide buffer zone of appropriate vegetation shall be provided around the circumference of the park where adjacent property use is of such a nature that there could be conflicts. No travel trailers or other structures shall be located in the buffer area.

c. Minimum lot sizes shall be 2,500 square feet for a vacation camp and 1,500 square feet for overnight camps.

2. Streets & Walkways -

a. Access to the park must be designed to assure safe and convenient movement of traffic into and out of the park with a minimum disruption of traffic on adjacent public roads. This shall include a minimum clear view of 150 feet while pulling out onto the adjacent public roadways.

b. Walkways shall be provided to service buildings.

c. All park roadways shall be a minimum of 50 feet from any property line except for the entry and exit roads.

d. Park roads shall be constructed or treated in such a manner so as to minimize the creation of dust or mud.

3. Parking - Off-street parking, loading, and maneuvering space shall be provided.

4. Occupancy - The maximum length of occupancy per year shall be 8

months. Trailers shall not be utilized as a permanent residence.

5. Accessory Uses - Accessory uses such as snack bars, recreation facilities, showers, laundries, etc., customarily associated with travel trailer parks shall be permitted. However, the land utilized in this manner should not account for more than 10% of the total area of the park and the services shall be directed towards the occupants of the park. Finally, no commercial character shall be visible from outside the park and such services shall only be allowed when the number of sites is sufficient to support these services.

6. Location - Parks shall not be located so as to cause heavy traffic to be directed through residential areas not accustomed to heavy traffic.

7. Lake Dockage - All docks shall begin on the shoreline no less than 200 feet from all property lines abutting the shorelines.

8. Supervision - The park owner shall be responsible for having supervisory personnel on premises around the clock during the camping season for the purpose of policing the premises within the limits prescribed to him by law.

9. Nuisances - The park owner shall prevent any undue proliferation of smoke, dust, or any pollution of the air or water by the campers or campsites. Quiet hours shall be established by the owner, as necessary.

SECTION 642 VEHICLE REPAIR/AUTO BODY REPAIR SHOP

A. Purpose - In order to preserve the character of neighborhoods and promote safe and aesthetically pleasing repair shops, all such shops shall be reviewed in accordance with the following conditions:

B. Conditions - The following conditions shall be met:

1. Storage of Vehicles Awaiting Repairs

- a. 1 to 3 vehicles stored outside awaiting repairs shall be kept in one contiguous location and neatly arranged.
- b. Where 4 to 10 vehicles are temporarily stored outdoors, they shall be screened by an appropriate fence that makes it impossible to view the vehicles from adjacent roads or properties.
- c. The temporary storage of over 10 vehicles outdoors shall be prohibited.

2. Hours of Operation - The hours of operation shall be derived so as to limit the noise during non-business hours.

3. Area Requirements - The lot on which the shop is to be located shall be a minimum of 1-1/2 times the minimum lot size for the appropriate district (other use category).

4. Buffers - Where deemed necessary, appropriate buffers shall be required.

5. Trash - The supplemental section 640 on trash shall be complied with.

6. Other Conditions - Conditions listed in supplemental section on "General Conditions" may be required where deemed appropriate.

C. Preexisting Uses

1. Expansion and Enlargements - All expansions or enlargements of repair shops in existence prior to enactment of this Law shall be subject to the regulations of this section.

2. Preexisting Uses - Where it is determined at a public hearing held by the Zoning Board of Appeals that a nuisance exists with a preexisting use, then B1, Vehicle Storage; B2, Hours of Operation; B4, Trash; can be required to be enforced within a reasonable time period.

SECTION 643 VEHICLE SALES

A. Purpose - For the purpose of promoting safe and aesthetically pleasing motor vehicle sales lots, the following conditions are enacted:

B. Conditions -

1. Lot Size - Land area must be sufficient to handle vehicles, ingress and egress, and off-street parking.

2. Location - All vehicles being offered for sale shall be set back a minimum of 25 feet from the street edge and neatly arranged in an organized manner. Vehicles not offered for sale shall be located behind the main building setback line and, if necessary, it may be required that they be fenced in so as not to be visible.

3. Signs - All signs and advertising devices must comply with the supplemental sign section.

4. Traffic Safety - Ingress and egress must be safely located.

5. Buffer - As needed to provide compatibility with adjacent uses.

C. Preexisting Vehicle Sales Operations – All Vehicle Sales existing at the time of enactment of this law shall be subject to the regulation of this section 6 months from the date of notification in writing.

ARTICLE IV
SECTION 405 LAND USE MATRIX

DISTRICTS				
A. RESIDENTIAL	R	B	I	C
1. Assessorly Apartment	R	R	R	
2. Boarding Homes/ Bed & Breakfast Sec. 602	S	R	S	
3. Duplex-attached	R	R	S	
4. Homes for the Aged	S	S	S	
5. Mobile Home Parks Sec. 619				
6. Mobile Homes Sec. 620	S	S	S	
7. Multiple Dwellings attached	S	R	S	
8. Mobile Home Parks Sec. 619				
9. Nursing Home/Rest Home			S	
10. Residential Conversions	S	S	S	
11. Single Family dwelling-detached (Conventional,prefab,module, modular)	R	R	S	

DISTRICTS				
B. BUSINESS/AGRICULTURE	R	B	I	C
1. Agriculture Buildings	N	R	R	R
2. Agriculture land use	N	N	N	N
3. Animal Farms (mink, etc) Sec. 601	S	S	S	
4. Blacksmith Shop				
5. Fruit Processing Plant			S	
6. General Agriculture Business	S	S	S	N
7. Horticulture-private	N	R	N	N
8. Limited Agriculture	R	N	N	
9. Nursery/Greenhouse-commercial		R	S	R
10. Roadside Stand-general Sec. 628	N	N	S	
11. Roadside Stand-limited Sec. 628	N	N	N	
12. Sawmill-commercial			S	
13. Winery	S	S	S	

LEGEND:

By Right	R (Permit Required-No Hearing)
Special Use Permit	S (Permit and Hearing Required)
No Permit	N (No Permit-Abide by Rules where applicable)
Blank	Use Not Allowed/Variance Required

DISTRICTS				
C. BUSINESS-RETAIL	R	B	I	C
1. Antique Shop	S	R	R	
2. Auto Sales/Used Car Lot Sec. 643		R	R	
3. Bakery Shop		R	R	
4. Building Materials Store		S	S	
5. Catalog Store		R	R	
6. Corner Grocery Store	S	R	R	
7. Department/Variety Store		S	S	
8. Drug Store		R	R	
9. Farm Machine/Implement Shop		R	R	
10. Feed & Seed Shop		R	R	
11. Florist Shop		R	R	
12. Food Supermarket		S		
13. Furniture/Appliance Shop		R	R	
14. Gift Shop	S	R	R	
15. Hardware/Glass/Paint Shop		R	R	
16. Liquor Store		R		
17. Mobile Home Trailer Sales		S	S	
18. Monument Sales		R	R	
19. News Stand		R	R	
20. Pet Store		R	R	
21. Plumbing/Heating Shop		R	R	
22. Rental Store		R	R	
23. Retail Stores		R	S	
24. Shopping Center/Mall				
25. Vehicle Service Station Sec. 621		S	R	

LEGEND:

By Right	R (Permit Required-No Hearing)
Special Use Permit	S (Permit and Hearing Required)
No Permit	N (No Permit-Abide by Rules)
Blank	Use Not Allowed/Variance Required

DISTRICTS

D. BUSINESS-SERVICE	R	B	I	C
1. Animal Hospital		R	S	
2. Animal Shelter		R	S	
3. Appliance Repair Shop	S	R	R	
4. Autobody Repair Shop Sec. 642		S	R	
5. Bank		R		
6. Bar	S	R		
7. Barber/Beauty Shop	S	R	R	
8. Bldg. Contractor Business	S	S	R	
9. Boat Storage Business	S	R	R	
10. Car Wash		R	R	
11. Custom Workshop	S	R	R	
12. Drive Inn Business Sec. 605		S	R	
13. Funeral Home	S	R		
14. General Service Shop		S	R	
15. Hotel/Motel		S		
16. Kennel Business	S	R	R	
17. Laundry & Dry Cleaning Shop		R	R	
18. Limited Photography Studio	S	R		
19. Locksmith Shop	S	R	R	
20. Photography Studio	S	R		
21. Professional/Business Office Sec. 625	S	R	R	
22. Realty Office	S	R	R	
23. Restaurant Sec. 627	S	R		
24. Truck Terminal		S	R	
25. Vehicle Repair Shop Sec. 642		S	R	

LEGEND:

By Right	R (Permit Required-No Hearing)
Special Use Permit	S (Permit and Hearing Required)
No Permit	N (No Permit-Abide by Rules)
Blank	Use not Allowed/Variance Required

DISTRICTS				
E. WHOLESALE	R	B	I	C
1. Storage of Materials/Fuel-Warehouse			S	
2. Wholesale Business-Warehouse		S	S	

F. OTHER BUSINESS	R	B	I	C
1. Home Occupation	Sec. 610	N	N	N

G. INDUSTRY- LIGHT	R	B	I	C
1. Electronic & Small Parts Mfg.		S	R	
2. Gas Compressor				
3. Gas/Oil Well			S	
4. General Limited Industry		S	R	
5. Gravel & Sand Operation	Sec. 609	S	S	
6. Lab & Research (Commercial)		S	S	

H. INDUSTRY-HEAVY	R	B	I	C
1. General Heavy Industry		S	S	
2. Junk/Scrap Yard				
3. Machine shop		S	S	
4. Manufacturing of Food Products		S	S	
5. Manufacturing-General		S	S	
6. Mill Structure			R	
7. Vehicle Dismantling Yard			S	

LEGEND:

By Right	R (Permit Required-No Hearing)
Special Use Permit	S (Permit and Hearing Required)
No Permit	N (No Permit-Abide by Rules)
Blank	Use Not Allowed/Variance Required

DISTRICTS

I. PUBLIC AND QUASI-PUBLIC USES	R	B	I	C
1. Cemetery-Crematory	S		R	
2. Church/Rectory	S	S	S	
3. Daycare Center Sec. 604	R	R	S	
4. Fraternal Meeting Facility	S	S		
5. Landfill				
6. Large Group Gathering Sec. 616	S	S	S	
7. Library/Museum/Gallery	R	R	S	
8. School-Public/Private	S	S		

J. RECREATION & ENTERTAINMENT	R	B	I	C
1. Amusement Park				
2. Boathouse/Dock/Pier-public	R	R		
3. Cabins/Cottages-Commerical	S	S		
4. Carnival/Circus Temporary		S	S	
5. Commercial Recreation		S		
6. Drive-In Movie				
7. Electronic Game Room		R	S	
8. Golf Course-Private/Public	S	R		
9. Hunting Camp				
10. Marina/Tackle Shop	S	R		
11. Recreation Camp-Private				R
12. Recreation Camp-Public/Quasi-Public				
13. Riding Academy/Stable Sec. 601	S	S		
14. Rifle Range/Skeet/Gun Club				
15. Ski Area-Commerical	S	S		
16. Swimming pool-private Sec. 633	R	R		
17. Swimming pool-public Sec. 633	S	S		
18. Tennis Court-Private	R	R		
19. Theater		S		
20. Travel Trailer Park Commerical				

K. CONSERVATION	R	B	I	C
1. Forestry/Lumbering/Reforestation				S
2. Game Farm/Fish Hatchery/Preserve		S	S	S
3. Pond Sec. 624	S			N
4. Solar System Sec. 631	N	N	N	N
5. Topsoil Removal Sec. 637	N		N	N
6. Toxic Waste Storage/Flammable Liquid Sec. 639				
7. Wildlife Habitat Sec. 601	N			N
8. Windmills-Private Sec. 638			S	

DISTRICTS				
L. MISCELLANEOUS	R	B	I	C

1. Customary Accessory Use		R	R	R	R
2. Farm Animals (noncommercial)	Sec. 601	N	N	N	
3. Fences/Wall	Sec. 606	S/N	S/N	S/N	S/N
4. Garage-Accessory		R	R	R	
5. Gasoline/Volatile Fuel	Sec. 639	N	N	N	
6. Household Sales	Sec. 611	N	N	N	N
7. Junk Cars-Private property	Sec. 613	R	R	R	R
8. Load/Unload Facility	Sec. 617		S	S	
9. Open Porch/Deck		R	R	R	
10. Parking-Commercial Lot	Sec. 622	N	R	R	N
11. Parking-Private	Sec. 623	N	N	N	N
12. Signs	Sec. 630	R	R	R	R
13. Storage Structure (Over 120 sq. ft.)	Sec. 632	R	R	R	
14. Temporary Dwelling Units	Sec. 635	N	N	N	
15. Temporary Mobile Home	Sec. 636	R	R	R	
16. Trash-Private Property	Sec. 640	N	N	N	N
17. TV Dish Antenna	Sec. 634	R	R	R	
18. TV Radio Tower-Commercial	Art. XIV	S	S	S	S/N

LEGEND:

By Right	R (Permit Required-No Hearing)
Special Use Permit	S (Permit & Hearing Required)
No Permit	N (No Permit-Abide by Rules)
Blank	Use Not Allowed/Variance Required

ARTICLE VII

ADMINISTRATION BY ENFORCEMENT OFFICER

SECTION 701 ENFORCEMENT

This Law shall be enforced by the Enforcement Officer appointed by the municipality. No building permit shall be issued by him except where there is to be compliance with all provisions of this Law.

SECTION 702 DUTIES

It shall be the duty of the Enforcement Officer in connection with this Law to do the following:

- A. PERMITS** - Issue building/zoning permits or refuse to issue the same and give the reasons for such refusal in writing to the applicant.
- B. RECORDS** - Keep a record of all applications for permits and a record of all permits issued with a notation of all special conditions involved.
- C. FEES** - Receive all required fees and deposit them with the Village Clerk at least monthly.
- D. COORDINATION** - Keep the Village Board, the Zoning Board of Appeals, and the Planning Board informed and advised of all matters, other than routine matters in connection with this Law.
- E. REPORTS** - Submit such reports as may be deemed necessary by the Village Board.
- F. ASSIST APPLICANTS** - Whenever possible, advise and assist persons applying for building permits with the preparation of their applications.
- G. VIOLATIONS** - Assist in securing warrants and prosecution of violators of the provisions of this Law.
- H. NOTICES** - Serve or cause to be served all notices that may be required to be served in connection with this Law.
- I. FIRE INSPECTION** - Notify Fire Code Inspector of all permits issued.
- J. BUILDING CODE INSPECTOR** - Notify Building Code Inspector of all permits issued.
- K. AMENDMENT RECOMMENDATIONS** - Make recommendations for keeping the Zoning Law and accompanying map up to date.

L. INSPECTIONS - Inspect new constructions or changes of use during and/or after constructions or changes in use to insure conformity with the provisions of this Law and other applicable laws.

ARTICLE VIII

NON-CONFORMING USES

SECTION 801 CONTINUATION

The lawful use of any building or land existing at the time of the enactment of this Law may be continued although such use does not conform with the provisions of this Law. However, all legally pre-existing uses which do not conform with specific provisions of this Law shall not be required to comply with these provisions unless it is specifically stated within this Law that they must comply within a certain reasonable time period.

SECTION 802 ALTERATION OF STRUCTURES

A. Unsafe Structures - Non-conforming buildings damaged by fire, wind, and other catastrophic causes as well as structures declared to be unsafe due to general dilapidation may be restored or rebuilt for the non-conforming use they were used for last. Unsafe structures cannot be restored or rebuilt if it would result in a use which is more non-conforming than the structure was prior to becoming unsafe. When the unsafe condition was caused by fire, wind, or any catastrophic causes, the permit must be applied for within six months from the date of the fire, etc. Otherwise, the building permit need not be granted, as decided by the Village Board.

B. Alterations of Structures - A non-conforming structure may be added to an existing non-conforming structure, or said structure may be altered during its life to an extent of up to 50% of the market value of the building. If the alterations are made to bring the building into conformity with all provisions of this Law, then the 50% rules do not apply. Alterations above 50% shall be allowed if all conditions of this Law are met.

SECTION 803 PRIOR-APPROVED CONSTRUCTION

Nothing herein contained shall require any change in plan, construction, or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently carried on within three months of the date of such permit.

SECTION 804 CESSATION

Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Law.

SECTION 805 DISPLACEMENT

No non-conforming use shall be extended or enlarged to displace a conforming use on the property or adjacent property.

SECTION 806 DISTRICT CHANGES

Whenever the boundaries of a district or zone shall be changed so as to transfer an area from one district or zone to another district or zone of a different classification, the provisions of this article shall also apply to any uses made non-conforming as a result of the change.

SECTION 807 NON-CONFORMING YARD CHANGES

A permitted use which does not conform with yard requirements (e.g., set backs, etc.) may be removed and placed with another structure (same use) which is the same or more in compliance with the yard requirements without going through area variance procedures. The Enforcement Officer shall determine the applicability of this section to specific cases. Additionally, where an existing structure does not comply with set back requirements, additions to the structure may be made where the set backs will not be further violated. Generally, this shall apply to the filling in of irregularly -shaped structures.

SECTION 808 USE CHANGES

A. Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.

B. A legal non-conforming use may be changed to another non-conforming use which is of such a character so as to be equal or less of a nuisance and more in conformance with the zoning law requirements. The Zoning Board of Appeals shall make all determinations as to what new nonconforming uses would be allowable through the normal use variance procedures (See Section 906 on Variances).

ARTICLE IX

ZONING BOARD OF APPEALS

SECTION 901 CREATION

A Zoning Board of Appeals is hereby created: said Board shall consist of five members, to be appointed by the Village Board, and function in accordance with enabling Law. The Village Board's appointment of the initial Zoning Board of Appeals shall be as follows: one member's term shall expire at the end of the Village fiscal year in which such member was appointed; one member's term shall expire at the end of the second Village fiscal year from initial appointment: one member's term shall expire at the end of the third Village fiscal year from initial appointment: one member's term shall expire at the end of the fourth Village fiscal year from initial appointment: one member's term shall expire at the end of the fifth Village fiscal year from initial appointment, the replacement member shall be appointed for a full five year term.

The members of the Zoning Board of Appeals shall be removable for cause by the appointing authority upon written charges and after public hearing.

The Village Board shall designate the chairperson and deputy chairperson of said Zoning Board of Appeals. The Zoning Board of Appeals may prescribe rules of procedure for its affairs.

No member of the Zoning Board of Appeals shall hold other elective or appointive offices in the Village Government.

SECTION 902 POWERS AND DUTIES

With due consideration for the purpose and intent of the Zoning Text, the Zoning Board of Appeals shall:

- A. Hear and decide all appropriate matters referred to it, or upon which it is required to pass under this Text.
- B. Interpret the meaning of the Zoning Law when called upon to do so, see Article IX, Section 904.
- C. Hear and act upon applications for special use permits, see Article IX, Section 905.
- D. Hear and act upon applications for variances, see Article IX, Section 906.
- E. Decide appeals from a person who feels aggrieved by a decision of the Building Inspector. The board may reverse, affirm, or modify the decision made by the Building Inspector.

SECTION 903 GENERAL PROCEDURES (DUTIES)

A. Duties - The Zoning Board of Appeals shall act in strict accordance with procedures specified by Law and by this Zoning Law. The major duties of the Board shall be to hear and to decide on Special Use permit and variance requests as well as to interpret the meaning of the Zoning Law as requested. Additionally, they shall hear requests for selected Special Use Permits when a Variance (Use or Area) is also required.

B. Format for Requests - All requests shall be in writing on forms prescribed by the Zoning Board of Appeals. Specific provisions of the Zoning Law shall be referred to and as a minimum, the following information shall be provided by the person requesting the variance/interpretation:

1. property identification;
2. project description;
3. drawing of sufficient detail to provide needed information sufficient to decide on the request;
4. reasons for permit denial;
5. proof of unnecessary hardship or practical difficulties; and
6. hearing information.

C. Referral to the Planning Board - On an optional basis, the Zoning Board of Appeals may request in writing a recommendation by the Planning Board. The failure of the Planning Board to submit said report shall be deemed to be an approval of the appeal or interpretation in favor of the applicant.

D. Hearings - All hearing procedures shall be in accordance with Section 7-712 of the Village Law and other applicable laws with respect to notices, timeliness, etc.

E. Decisions - Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings. Decisions shall be made in a timely manner in accordance with state law. As per state law, a majority of the membership is needed to pass or reject any request.

F. Time Requirements - All appeals to the Zoning Board of Appeals for interpretations or variances shall be submitted to the Zoning Board of Appeals within thirty days of the date of denial of the application.

SECTION 904 INTERPRETATION

The Zoning Board of Appeals shall have the power to interpret the meaning of this Zoning Law whenever called upon by the Municipal Board, Zoning Officer, or an aggrieved party. This shall include the power to reverse any order, requirement, decision, or determination of an administrative official of the Board. This interpretive power shall include the determination of district boundary lines.

SECTION 905 SPECIAL USE PERMITS

A. General Procedure – The Zoning Board of Appeals may issue a special use permit for any of the special uses listed in this Text, provided such special use complies with the general standards set forth in this Text and with the special requirements enumerated elsewhere herein.

1. Legal requirements- The Zoning Board of Appeals shall act in strict accordance with procedure specified by law and by this Zoning Law with regard to public hearings, notices, publications, etc.
2. Plan – A plan for the proposed development of a site for the designated special use shall be submitted with an application for a special use permit. Such plan shall show the location of all buildings, lots, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that the Zoning Board of Appeals deems necessary.
3. Permit – A special use permit shall be deemed to authorize only one particular use and shall expire if the special use shall cease for more than one year for any reason. No special use permit shall be issued for a property where there is an existing violation of this Law.
4. Planning Board Recommendations – At least 15 days before the date of the hearing required by Law on an application or appeal to the Zoning Board of Appeals, the Board may, at its discretion, transmit to the Planning Board a copy of said application or appeal, and the Planning Board shall submit a report of its advisory opinion prior to the date of such hearing. If the Planning Board fails to submit such report within the specified period, the Zoning Board of Appeals may act on the application, without such report.
5. Decisions – Every decision of the Zoning Board of Appeals shall be by resolution, which shall contain a full record of the findings of the Zoning Board of Appeals in the particular case. Decisions shall be made within 30 days from the hearing date and failure to decide in this time span shall result in automatic approval of the permit.

B. General Standard

A special use permit shall only be granted when the proposed use is of such character, size, and location that in general it will be in harmony with the orderly development of the district in which the property is situated and will not be detrimental to the orderly development of adjacent districts.

The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it shall be such that it will be in harmony with the orderly development of the district, and the location and/or size, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights, than would be the operations of any permitted use.

Upon finding that such general standards and the special standards set forth herein have been fully met, the Zoning Board of Appeals may issue such special use permit and in so doing may impose any conditions that it may deem necessary to accomplish the reasonable application of said standards. Furthermore, it may deny any such application which in its judgment is not in accordance with said general or special standards. Said Board may require as a condition of the issuance of any special use permit, that it shall be periodically renewed, or said Board may issue a temporary special use permit, subject to adequate guarantees that the use covered will be terminated at the end of the period specified or such extension thereof as may be granted by said Board, provided that any such renewal or extension shall be subject to the same procedure as specified herein for original issuance of the special permit involved and shall be in conformity with aforesaid general and special standards.

C. Standard for Creating Substandard Sized Lots:

For single-family units: An applicant who desires to create a lot which does not meet the lot size and width requirements found in Article V, Section 505 may apply for a special use permit. In determining whether to allow a substandard sized lot to be created the following specific standard (in addition to the general standards of Article IX Section 905 (A & B) shall be considered.)

1. The following table must be complied with as attested by a licensed engineer or other appropriate person:

Percolation Rate (minutes)	Lot Area (square feet)	Lot Width (feet)
45 or more	43,500	150
40	41,000	144
35	38,000	138
30	35,000	131
25	32,000	125
20	29,000	119
15	26,000	113
10	23,000	106
5 or less	20,000	100

2. The possibility of the parcel being served by either municipal sewer or water systems in the future shall be considered. The proximity to existing municipal systems, the size of adjacent lots, etc., shall be evaluated.
3. Appropriate permits from the County Health Department are mandatory prior to the issuance of any special use or building permits.
4. The effects the proposal could have on the character of the neighborhood shall be considered.
5. If the Zoning Board of Appeals turns down the special use permit request for any reason, an area variance may be applied for in accordance with Article IX, Section 906.
6. If desired, the Zoning Board of Appeals may refer the special use permit request to the Planning Board for their recommendations.

SECTION 906 USE AND AREA VARIANCES

A. Reasons for Variances - The Zoning Board of Appeals has the authority to vary or modify the strict letter of the Zoning Law where a literal interpretation would cause practical difficulties (Area Variances) or unnecessary hardships (Use Variance).

B. Applicability and Limitations -

1. The Zoning Board of Appeals can decide appeals from a person who feels aggrieved by a decision of the Enforcement Officer.

2. The Zoning Board of Appeals has absolutely no power to amend the Zoning Law and must exercise great care to insure that its rulings do not, in effect, amend the Zoning Law.

C. The Zoning Board of Appeals has the power to grant use variances provided that the applicant demonstrates that the applicable zoning regulation causes unnecessary hardship as applied to the applicant's property. In order to prove unnecessary hardship the applicant must demonstrate all of the following.

1. Under the applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.

2. That the hardship relating to the property is unique, and does not apply to a substantial portion of the district or neighborhood.

3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

4. That the hardship has not been self-created.

The Zoning Board of Appeals, in the granting of a use variance, shall grant only the minimum variance that it deems necessary and adequate to address the unnecessary hardship proven by the applicant, and to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. The Zoning Board of Appeals has the power to grant area variances. In making its determination, the Zoning Board of Appeals must weigh the benefit (which will be accorded the applicant by the granting of the variance), against the detriment to the health, safety and welfare of the neighborhood or community. In making such determination the Board must consider:

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 variances.

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 difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in the granting of area variances, shall grant only 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.

E. In granting any variance, the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable. The conditions must be written in the resolution in detail, including the reasons for the conditions imposed.

SECTION 907 MANDATORY REFERRAL
(GENERAL MUNICIPAL LAW 239 I and m)

A. Applicability - In accordance with General Municipal Law 239 I and m, before issuing a Special Use Permit or granting a variance affecting any real property lying within a distance of five hundred feet of the boundary of this Municipality or from a boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway, or from the channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county- or state-owned land on which a public building or institution is situated, the matter shall be referred to the Chautauqua County Planning Board.

B. Response Time - Within thirty days after receipt of a full statement of such referred matter, the Chautauqua County Planning Board to which referral is made or an authorized agent of said agency shall report its recommendations thereon to the Permitting Board, accompanied by a full statement of the reasons for such recommendations. If the Chautauqua County Planning Board fails to report within such period of thirty days, the Permitting Board may act without such report. If the Chautauqua County Planning Board disapproves the proposal or recommends modification thereof, the Permitting Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

C. Report of Action - Within seven days after final action by the Permitting Board, modifications or disapproval of a referred matter, the Permitting Board shall file a report of the final action it has taken with the Chautauqua County Planning Board which had made the recommendations, modifications, or disapproval.

ARTICLE X

VILLAGE PLANNING BOARD

SECTION 1001 CREATION

The Village Board shall appoint a Planning Board consisting of five members as prescribed by Law.

SECTION 1002 DUTIES

The Planning Board shall have the following duties with respect to the Zoning Law.

A. Recommendations

1.) Optional Recommendations - The Planning Board shall submit reports within thirty days after referral on any "optional" matter referred to it.

2.) Mandatory Recommendations - The Planning Board shall submit recommendations to the appropriate Board on all applications for:

- a.) all Special Use Permits under the jurisdiction of the Village Board;
- b.) any Special Use Permits which the Zoning Board of Appeals chooses to refer to the Planning Board; and
- c.) zoning amendments.

B. Review of Zoning Law - To review the Zoning Law at least every five years and make written recommendations for amendments, should they be deemed necessary.

ARTICLE XI
VILLAGE BOARD

SECTION 1101 DUTIES, AMENDMENTS, AND SPECIAL USE/SITE PLAN

The Village Board shall have the following duties with respect to this Zoning Law:

A. Amendments -

1.) The Village Board may from time to time on its own motion or on petition or on recommendation of the Planning Board, amend, supplement, or repeal the regulations and provisions of this Law after public notice and hearing.

B. Special Use Permit/Site Plan Review -

1.) **Applicability** - The Village Board shall hear all requests for Special Use Permits/Site Plan Reviews for any project including the extension of infrastructure (roads, utilities) as well as all commercial/industrial projects with 15,000 sq. ft. of floor space or more. Requests for mobile home parks shall also be reviewed by the Village Board.

2.) **Special Use Permit Provisions** -

a.) **Standards** -- The location and size of the use, the nature, and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature, and height of buildings, walls, and fences and will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights than would be the operations of any permitted use.

b.) **Conditions** --

1.) In the granting of Special Use Permits, the Village Board shall attach such conditions and safeguards as it deems appropriate under this Law.

2.) The supplemental section of this Law entitled **General Conditions** will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested. It should not be assumed that this section is all-inclusive.

3.) A plan for the proposed development of a site for a designated special use shall be submitted with an application for a Special Use Permit, and the plan shall show the location of all

buildings, lots, parking areas, traffic access, and circulation drives, and any other pertinent information that the Village Board deems necessary.

c.) Procedures -- The Village Board shall act in strict accordance with procedures specified by Law and by the Zoning Law with regard to public hearings, notices, publications, and referral to County Planning Board, etc.

d.) Expiration -- A Special Use Permit shall be deemed to authorize only one particular use and the Village Board may provide for a time limit or expiration date for such permit. The Special Use Permit shall expire if the special use shall cease for more than one year.

e.) Existing Violations -- No Special Use Permit shall be issued for a property where there is an existing violation of this Law.

3.) **Site Plan Review Requirements** –

a.) Purpose -- Site plan review has the purpose of specifying for all involved parties what the intended design, arrangement, and uses of the land shall consist of so as to optimize the physical, social, and economic effects on the community for specified types of development.

b.) Administration --

1.) Permits – The Village Board shall be responsible for a site plan review of all commercial development with over 15,000 square feet of floor space or residential development involving more than five dwelling units. In these instances, the Village Board shall also be responsible for administering the Special Use Permit requirements, with both processes taking place simultaneously, if practicable.

2.) Expiration - A Site Plan Review shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than one year.

3.) Hearings - An attempt shall be made to integrate, where appropriate, the Site Plan Review requirements into the required Special Use Permit Hearing, thus eliminating the need for two hearings.

4.) Referral - The Village Board shall, within seven days of receipt of the completed application, submit to the Planning Board a request for an opinion on any proposed project. The Village Board shall wait fourteen days for a response prior to acting on the matter.

5.) Decision Requirements - Within forty-five days of receipt of the completed application, the Village Board shall render a decision to the applicant. The applicant shall be notified in writing of the decision with the reasons for the decision specified.

c.) Information Required -- Sketches drawn to approximate scale will be prepared by the applicant, where feasible, to display the following information:

1. Administration, Legal, and Other Miscellaneous Information

- a.) Project title and date;
- b.) Name, address, and telephone number(s) of applicant, owner (if different), contractor, architect, and other major involved parties;
- c.) Construction schedule to include phasing and the completion date;
- d.) If applicable, performance bond, to include amount, public improvements covered and bond approval;
- e.) Location width and purpose of all easements, public land holdings, leases, covenants, deed restrictions, or any other unique land restriction;
- f.) Record of all applications for permits from the Federal, State, or County governments to include approval status; and
- g. Necessary State Environmental Quality Review (SEQR) documents.

2. Existing Man-made Features to be Shown -

- a.) Boundary lines of project site as well as adjacent properties;
- b.) Ownership pattern of all adjacent parcels;
- c.) Existing structures on project site and adjacent property to include location, dimensions, height, and use. Decks and accessory structures should also be shown as well as historic structures.
- d.) Roadways to include public roads, private roads, or driveways on the site, on and off-street parking, load/unload zones, access and egress, pedestrian pathways, or sidewalks. Width and elevations should be included.
- e.) Utilities shall be identified to include location and size of water, sewer, drainage pipes, telephone, electric, gas, and TV cable. Additionally, any solar systems should be identified.
- f.) Miscellaneous features to include: fences, signs,

outside lighting, public address systems, storage areas, and retaining walls shall be shown.

g.) Fire lanes and fire hydrants, if any exist, should be displayed.

h.) Recreational areas both on the site and adjacent properties should be displayed to include public and private facilities. Decks, pools, tennis courts, etc, should be included.

i.) Trash or garbage collection areas shall be identified.

j.) Services such as banks, schools, retail, or service districts should be identified.

k.) Zoning district boundaries shall be identified.

l.) Other information deemed necessary by the Village Board.

3.) Existing Natural Features to be Shown -

a.) Topographic features with a minimum interval of ten feet but preferably two feet. Areas of steep slope should be delineated.

b.) Geographic features such as depth to bedrock and load bearing capacity for large development proposals.

c.) Hydrogeological features including drainage and runoff patterns, flood hazard areas, wetlands, depth to groundwater, and drainage capacity of soil.

d.) Landscaping and vegetative cover including wooded areas, significant isolated trees, ground cover, shrubs, and other similar features. Buffers should be identified.

e.) Watercourses to include lakes, streams, or ponds.

f.) Archaeologically significant areas.

g.) Significant views of landscapes should be identified.

h.) Other information deemed necessary by Village Board.

4.) New Proposal Features -

a.) Referring to the **EXISTING** man-made and natural features above, provide a description/sketch of any changes that are being proposed.

b.) Include construction materials proposed for use.

c.) Provide design features.

d.) List the positive and negative effects for each existing feature listed above (e.g., traffic to be generated and the effects it will have on specific roadways).

SECTION 1102 REFERRAL TO VILLAGE AND COUNTY PLANNING BOARDS

A. Prior to action on zoning amendments, Special Use Permits/Site Plan Review Permits, the Village Board shall advise the Village and County Planning Boards of the proposed action.

B. The Planning Boards shall have thirty days in which to review the proposed action and return its recommendation to the Village Board. After the thirty days has expired, the Village Board may act without receipt of a recommendation from Either of the Planning Boards.

SECTION 1103 MANDATORY REFERRAL

General Municipal Law 239, l and m, must be followed when amending a zoning law. The Mandatory Referral section found in the Zoning Board of Appeals Article should be consulted for the procedure to be followed.

ARTICLE XII

VIOLATIONS & PENALTIES

SECTION 1201 VIOLATIONS

Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate. However, the Village Board shall be responsible for enforcing compliance with this Law when it is brought to its attention that a violation may exist, even though no formal complaint is filed.

SECTION 1202 PENALTIES

Any violation of any provision of this Law by any person, corporation, or entity shall be punishable by fine or imprisonment as set forth in Section 20-2006 of the Village Law as from time to time amended. Each week's continued violation shall constitute a separate additional violation. The village may also in addition to the above penalties, seek any such remedies as set forth in Section 7-714 of the Village Law, and any other legal remedies, as it deems necessary and appropriate.

ARTICLE XIII

LEGALITY

SECTION 1301 CONFLICTS

In their interpretation and application, the provisions of this Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Law are at variance with other requirements of this Law or the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

SECTION 1302 SEPARABILITY

The invalidity of any provision of this Law shall not invalidate any other part thereof.

SECTION 1303 REPEALER

Village Local Law 70-4, together with any and all amendment thereto is hereby repealed.

SECTION 1304 EFFECTIVE DATE

This Local Law shall take effect 10 days after the date of its publication and posting as required by Law.

**ARTICLE XIV
TELECOMMUNICATIONS FACILITIES
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ARTICLE XIV

TELECOMMUNICATIONS FACILITIES

SECTION 1401 INTENT

The Village of Cassadaga (hereinafter "Village") recognizes the increased demand for wireless communication transmitting facilities and the need for the services they provide. Often, these facilities require the construction of a communications tower and/or similar facilities. The intent of this local law is to regulate the location, construction, and modification of Telecommunication Facilities in accordance with the guidelines of the Telecommunications Act of 1996 and other applicable laws by:

- 1.) Facilitating the provision of wireless telecommunications services to the residents and businesses of the Village;
- 2.) Regulating the location and number of Towers/Antennas in the Village;
- 3.) Minimizing adverse visual impacts of these Tower/Antennas through proper design, siting, and screening;
- 4.) Preserving and enhancing the positive aesthetic qualities of the natural and man-made environment in the Village;
- 5.) Avoiding potential damage to adjacent properties from Tower failure or falling debris through engineering and careful siting of Tower structures;
- 6.) Providing for the general health, safety, and welfare of the Village in and by the regulation of these facilities as such regulation is permitted under applicable Federal and/or State Law;
- 7.) Requiring the joint use of Towers when available and encouraging the placement of Antennas on existing structures wherever possible.

SECTION 1402 DEFINITIONS

A. Accessory Structure - A non-habitable accessory facility or structure serving or being used in conjunction with a communications Tower and/or a similar facility or an Antenna and located on the same lot as the communications Tower or Antenna. Examples of such structures include utility or transmission equipment, storage sheds, or cabinets.

B. Antenna - A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication service (PSC) and microwave communications.

C. Co-Located Antennas - Telecommunications Facilities which utilize existing Towers, buildings, or other structures for placement of Antennas and which do not require construction of a new Tower.

D. Fall Down Zone - The radius around a Tower within which all portions of the Tower and Antennas would fall in the event of a structural failure of the Tower.

E. Telecommunications Facilities - Towers and/or Antennas and accessory structures together used in connection with the provision of cellular telephone service, personal communication services (PCS), paging services, radio and/or television broadcast services, microwave transmission, and/or similar or like broadcast services.

F. Tower - A structure designed to support Antennas. It includes without limitation freestanding Towers, guyed monopoles, and similar structures which do or do not employ camouflage technology.

SECTION 1403 TELECOMMUNICATIONS FACILITY PERMIT REQUIRED

A. A Telecommunications Facility is permitted in an Industrial District and on any municipal property, only if the Village Zoning Board of Appeals (hereinafter "Zoning Board") grants a Special Use Permit for such a facility pursuant to this ordinance. The Zoning Board shall have the right to waive any provision of this Article for facilities whose total height above ground does not exceed thirty-five feet.

B. Any and all grants of a Special Use Permit for a Telecommunications Facility under this Article shall be non-assignable and non-transferable and shall not run with the land.

C. All applications for Telecommunications Facilities shall be treated as a Type One Action under the State Environmental Quality Review (SEQR) Act.

SECTION 1404 GENERAL STANDARDS FOR ISSUANCE OF A PERMIT

A. No permit or renewal thereof or modification of the conditions of a current permit relating to a Telecommunications Facility shall be authorized by the Zoning Board unless it finds that such Telecommunications Facility:

- 1.) Is necessary to meet current or expected demands for the services supported by the Telecommunications Facility;
- 2.) Conforms with all applicable regulations promulgated by the Federal Communications Commission;

- 3.) Is designed and will be constructed in a manner which minimizes its visual impact;
- 4.) Complies with all other requirements of this Law and any other applicable Village Laws, including the Zoning Law, and
- 5.) Is the most appropriate site within the immediate area for the location of the Telecommunications Facility.

B. All applicants are required to provide a report which establishes to the satisfaction of the Zoning Board that the applicant is required to provide service to locations which it is not able to serve through existing facilities which are located either within or outside of the Village, showing the specific locations and/or areas that applicant is seeking to serve.

SECTION 1405 CO-LOCATED ANTENNAS PREFERRED

A. The shared use of existing or approved Telecommunications Facilities or other structures shall be preferred to the construction of new facilities. Any application for a Telecommunications Facility permit or renewal or modification thereof, shall include proof that reasonable efforts have been made to co-locate with an existing or approved Telecommunications Facility or upon an existing structure. The application shall include an adequate inventory report specifying existing or approved Telecommunications Facilities and structures within a one-mile radius of the proposed site if the application is for cellular telephone or personal communication use or a five-mile radius for other services, and outlining opportunities for shared use as an alternative to the proposed location. The applicant must demonstrate that the proposed Telecommunications Facility cannot be accommodated on all sites in the inventory due to one or more of the following reasons:

- 1.) The planned equipment would exceed the structural capacity of the existing or approved Telecommunications Facility or structure, as documented by a qualified and New York State licensed professional engineer, and the existing or approved Tower could not be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- 2.) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the Telecommunications Facility or structure, as documented by a qualified and New York State licensed professional engineer, and the interference could not be prevented at a reasonable cost.
- 3.) Existing or approved Telecommunications Facilities and structures within the search radius could not accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and New

York State licensed professional engineer; and

- 4.) Other technical reasons would make it impracticable to place the planned equipment on existing Telecommunications Facilities or structures.

B. Any proposed Telecommunications Facility shall be structurally, electrically, and in all respects, designed to accommodate both the applicant's Antennas and comparable Antennas for at least two additional users if the Telecommunications Facility is over one hundred feet in height or for at least one additional user if the Telecommunications Facility is over sixty feet in height, but no higher than one hundred feet in height. Telecommunications Facilities must be designed to allow for future rearrangement of Antennas upon the facility and to accept antennas mounted at varying heights.

SECTION 1406 PREFERENCES FOR TELECOMMUNICATIONS FACILITIES

A. If the applicant demonstrates that the proposed Telecommunications Facility cannot be accommodated on an existing or approved Telecommunications Facility or upon an existing structure, the proposed Telecommunications Facility shall be located in a higher intensity use district or on higher intensity use property, provided there is a technologically feasible and available location. The from most favorable to least favorable locations, are as follows:

- 1.) Municipal or government-owned property, including schools and other institutional sites;
- 2.) Utility property;
- 3.) Church sites, when camouflaged as steeples or bell towers; and
- 4.) Industrial zoned sites.

B. Any request by the Village for information on a preferred alternate site shall not unreasonably delay the application for a Special Use Permit.

SECTION 1407 APPLICATION PROCEDURES

A. Application Materials - All applicants for a Special Use Permit for a Telecommunications Facility shall make written application to the Zoning Board of Appeals, which application shall include the following in triplicate:

- 1.) Village-supplied permit application form;
- 2.) Village-supplied Long Form Environmental Assessment Form in accordance with the State Environmental Quality Review Act;
- 3.) Site plan, in form and content acceptable to the Village, prepared to scale

and in sufficient detail and accuracy showing at a minimum:

- a.) The exact location of the proposed Tower, together with guide wires and guide anchors, if applicable;
 - b.) The maximum height of the proposed Tower;
 - c.) The detail of the type of Tower (monopole, guyed, freestanding, or other);
 - d.) The color or colors of the Tower;
 - e.) The property's boundaries, including a property survey;
 - f.) Proof of the landowner's consent to construct the Tower at the location if the applicant is not the landowner, including any lease agreement;
 - g.) The location of all structures on the property and all structures on any adjacent property within fifty feet of the property lines, together with the distance of these structures to the Tower;
 - h.) The names of adjacent landowners;
 - i.) The location, nature, and extent of any proposed fencing and landscaping or screening;
 - j.) The location and nature of any proposed utility easements and access roads, if applicable; and
 - k.) Building elevations of accessory structures or immediately adjacent buildings.
- 4.) Proof of efforts to co-locate as required in Section 1405, Paragraph (A) of this Law;
 - 5.) Proof of compliance with Section 1405, Paragraph (B) of this Law regarding accommodations for future Antennas;
 - 6.) "Before" and "after" propagation studies prepared by a qualified Radio Frequency Engineer demonstrating existing signal coverage contrasted with the proposed signal coverage resulting from the proposed Telecommunications Facility;
 - 7.) A "Search Ring" prepared by a qualified Radio Frequency Engineer and overlaid on an appropriate background map demonstrating the areas within

which the Telecommunications Facility needs to be located in order to provide proper signal strength and coverage to the target cell;

8.) A statement from the applicant indicating:

a.) Why it chose the proposed site;

b.) If the site is not a co-located facility, the availability of a suitable structure within the search ring which would have allowed for co-located Antennas, with correspondence with other Telecommunications companies concerning co-location attached;

c.) If the site is not a preferred site as described in Section 1406 of this ordinance, to what extent the applicant explored locating the proposed Tower in a preferred site, with documentation attached; and

d.) Its policy regarding co-location on the proposed Tower with other potential future applicants.

9.) A report from a qualified New York State licensed professional engineer which:

a.) In case of a Tower:

i.) Describes its height and design, including a cross-section;

ii.) Demonstrates its compliance with applicable structural standards; and

iii.) Describes its capacity, including the number and type of Antennas it can accommodate.

b.) In the case of an Antenna(s) mounted on an existing or proposed Telecommunications Facility or structure:

i.) Describes whether and how the Telecommunications Facility or structure is suitable to accept the Antenna(s);

ii.) Describes the proposed method of affixing the Antenna(s) to the Telecommunications Facility or structure, including details of all fixtures and couplings; and

iii.) Indicates the precise point of attachment.

10.) An agreement by the applicant, in writing, to remove the Telecommunications Facility if such facility becomes technically obsolete or ceases to be used for its originally intended purpose for twelve months;

11.) An agreement by the applicant, in writing, to secure a financial security bond with the Village as assigned, in an amount fixed by the Zoning Board to cover the cost of removal of the Telecommunications Facility should the Village be required to do so;

12.) The Village reserves the right upon review of the application to request reasonable, additional, visual, and aesthetic information it deems appropriate on a case-by-case basis and as it may pertain to a residential zone, historic district, agricultural use, or other special situation; and

13.) An application fee as set by the Village.

B. Referral to Zoning Board and Planning Board

Upon receipt of the application materials set forth in Paragraph One of this Section, the Village shall refer the application to the Village Planning Board. The Planning Board shall review the site plan and recommend changes, if any, to the Zoning Board in accordance with procedures and standards set forth herein. Once review is completed, the Planning Board shall transmit the application to the Zoning Board. The Zoning Board shall consider the application and approve or deny the same in accordance with the procedures and standards set forth herein.

C. Planning Board Procedures and Standards

The Planning Board shall review the site plan in accordance with the requirements for any site plan as set forth in Section 1101, Article XI, Paragraph B of the Village Zoning Law.

D. Zoning Board Procedures and Standards

The Zoning Board shall determine whether the application shall be approved or denied, with conditions set by the Zoning Board if it deems it necessary to protect the health, safety, and welfare of the Village and its residents, in accordance with the requirements established for determining a Special Use Permit pursuant to Article IX, Section 905 of the Village Zoning Law.

E. Special Use Permit Transferability

Any and all grants of a Special Use Permit for a Telecommunications Facility under this Article shall be non-assignable and non-transferable and shall not run with the land.

SECTION 1408 DESIGN STANDARDS

A. Setback Requirements

1.) Each Telecommunications Facility shall be separated from residential dwellings, schools, houses of worship, and places of public assembly by the greater of five hundred feet or five times the height of the facility. The Zoning Board may modify this condition if the facility is attached to an existing structure or for other satisfactory reasons supported by substantial evidence.

2.) Towers shall meet the setback requirements of the underlying zoning district.

B. Height Restrictions

The maximum height of any Tower, including all Antennas and other attachments, shall not exceed one hundred and fifty feet. The height of Towers shall be determined by measuring the vertical distance from the Tower's point of contact with the ground or, if attached to a structure, the structure's point of contact with the ground to the highest point of the Tower including all Antennas and other attachments. When Towers are mounted on other structures, the combined height of the structure and the Tower must meet the height restriction.

C. Fall Zone

All permits shall include a fall zone surrounding any support, which fall zone must have a radius of at least equal to the height of such support Tower and any Antenna(s) attached thereto. The entire fall zone may not include public roads, must be on private property, either owned or leased by the applicant or for which the applicant has obtained an easement. It may not contain any structure other than those associated with the Telecommunications Facility and may not be located within any setback area established by this Article. If the Facility is attached to an existing structure, fall zone requirements may be modified by the Zoning Board.

D. Lighting

Towers, Antennas, and masts shall not be artificially lit and shall not display strobe lights unless otherwise required by the Federal Aviation Administration or other Federal, State, or local authority. When incorporated into the approved design of the Tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be

attached to the Tower.

E. Signs and Advertising

No Tower shall contain any signs or advertising devices. Notwithstanding the foregoing, the Zoning Board may require appropriate signage indicating ownership of the facility and telephone numbers in case of emergency.

F. Camouflaging

Towers and Antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by the Federal Aviation Administration or other Federal, State, or local authorities.

G. Screening

Reasonable landscaping is required consisting of trees or shrubs to screen the Tower from adjacent residential property or when located in a residential zone. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.

H. Fencing

Towers and auxiliary structures shall be surrounded by a fence or wall at least eight feet in height of a design approved by the Code Enforcement Officer, so as to make intrusion extremely difficult but with limited visual impact. Barbed wire is not to be used in residential areas or on public property unless specifically permitted by the Zoning Board.

I. Alarm Systems

Towers shall be equipped with an alarm system providing that any intrusion or attempt to climb the fence or wall is signaled to both the local law enforcement agency and to the owner of the facility.

J. Climbing Pegs

There shall be no permanent climbing pegs within fifteen feet of the ground on any Tower.

K. Roadways

A road turnaround and one parking space shall be provided to assure adequate year-round emergency and service access. Maximum use of existing roads, public or private, shall be made.

L. Other Uses

All other uses ancillary to the Antenna/Tower and associated equipment including, but not limited to, a business office, maintenance depot or vehicle storage, are prohibited from the site unless otherwise permitted by the zoning of the particular district.

SECTION 1409 CONTINUING STANDARDS

All Telecommunications Facilities, both predating and postdating this Law, shall fulfill the requirements of this Section. The Village Code Enforcement Officer is empowered to assist all local law enforcement agencies to enforce these regulations as follows:

- 1.) The sufficiency of the financial security bond shall be confirmed at least every five years by an analysis of the cost of removal and property restoration performed by a qualified and New York State licensed professional engineer. The results of such analysis shall be forwarded immediately to the Village Code Enforcement Officer. If the bond amount in force is insufficient to cover the cost of removal and restoration, the permit holder shall immediately increase the amount of the bond to cover the full costs.
- 2.) The Facility shall be inspected every two years for structural integrity by a qualified and New York State licensed professional engineer who must submit a copy of his/her inspection report to the Village Code Enforcement Officer.
- 3.) Any work to augment or repair the facility must comply with all applicable code requirements, and a building permit shall be obtained to conduct such work.
- 4.) Any additional Antennas, reception or transmission dishes, or other similar devices proposed for attachment to an existing facility shall require review in accordance with this Section. The intent of this requirement is to ensure the structural integrity, visual aesthetics, and land use compatibility of the Facility upon which the additional device(s) are to be installed. The application for approval to install the additional device(s) shall include certification from a qualified and New York State licensed professional engineer, indicating that the additional device(s) will not adversely affect the structural integrity of the Facility. A visual impact analysis shall be included as part of the application for approval

to install one or more additional communications devices on an existing facility.

5.) No outside storage of vehicles, materials or waste shall be allowed except for limited periods when the facility is undergoing construction, additions, repairs, or renovations.

6.) The Facility shall be maintained in good order and repair at all times. Paint and other finishes on Towers, auxiliary buildings, fences, and walls shall be renewed as required to maintain the good appearance of the facility.

Accumulations of rubbish, papers, and other trash on the ground shall be promptly removed. Trees, grass, and shrubs shall be trimmed as necessary.

Access roads are to be maintained in good working order.

SECTION 1410 EXEMPTIONS

The following are exempt from these regulations:

- 1.) Repair and maintenance of existing Towers and Antennas;
- 2.) Antennas used solely for private, residential household television and radio reception; and
- 3.) Satellite Antennas regulated by the Federal Communications Commission.

SECTION 1411 VIOLATIONS/PENALTIES

1.) This Local Law is adopted pursuant to the zoning and planning powers granted to the Village of Cassadaga under the Village Law 7-700 of the State of New York. In the event of any violation of this Law or any permit(s) issued hereunder, the Village may seek enforcement under any available authority including, but not limited to, Village Law Section 7-714 as from time to time amended.

2.) Any Facility receiving a Village Special Use Permit under this Article which does not substantially meet the requirements and/or conditions of that permit, shall have its permit revoked, and the Tower and other facilities shall be removed within ninety days of notification of revocation by the Village.

ARTICLE XV

BUILDINGS, UNSAFE

SECTION 1501 PURPOSE

The intent of this section is to promote and preserve a clean, wholesome, and attractive environment within the Village of Cassadaga, which is declared to be of importance to the health, safety and welfare of residents and owners of property located within the Village of Cassadaga, by providing a method of removal or repair of buildings or structures within the limits of the Village that from any cause may now be or shall hereafter become dangerous or unsafe to the public. It is further declared that the unrestrained allowance of unsafe buildings and structures is a hazard to such health, safety and welfare of the inhabitants of said Village, necessitating the regulation, restraint and elimination thereof.

SECTION 1502 UNSAFE BUILDINGS PROHIBITED

No person, firm, corporation or association owning, possessing or controlling a building or structure in the Village of Cassadaga, County of Chautauqua and State of New York, shall permit, suffer or allow said building now or hereafter to be or become dangerous or unsafe to the public from any cause whatsoever.

SECTION 1503 DEFECTS CONSTITUTING DANGEROUS BUILDINGS

Any building or structure that has any or all of the following defects shall be deemed for the purpose of this chapter to be a dangerous or unsafe building:

- A.** A building or structure whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- B.** A building or structure which exclusive of the foundation, shows thirty-three percent (33%) or more of damage, deterioration or other signs of decay to the supporting member or members, or fifty percent (50%) of damage, deterioration or other signs of decay to non-supporting enclosing or outside walls or covering.
- C.** A building or structure that has improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used.
- D.** A building or structure which has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village of Cassadaga.
- E.** A building or structure that has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or the carrying on of the usual occupation or business or is likely to cause sickness or disease so as to work an injury to the health, morals, safety or general welfare of those living therein or thereby.

F. A building or structure having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

G. A building or structure having inadequate facilities for egress in case of fire or panic or having insufficient stairways, elevators, fire escapes or other means of escape.

H. A building or structure having parts so attached that they may fall and injure members of the public or other property.

I. A building or structure which because of its condition is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people in this Village.

J. Those buildings existing in violation of any provision of the Zoning Law of the Village of Cassadaga, or special use permit or any other local law of the Village.

K. Any building or structure which remains vacant and unattended continuously for a period of eighteen (18) months.

SECTION 1504 INSPECTION, NOTICE AND ORDER

In the event that it shall come to the attention of the Village Board that any building or structure in the Village of Cassadaga may be dangerous or unsafe to the public, the Board shall direct the Zoning Officer to inspect the alleged unsafe building. If the Village Board adopts the Zoning Enforcement Officer's report as to an unsafe building or a dangerous building, then the Board shall cause notice to be served on the owner or some one (1) of the owners, executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by certified mail, addressed to the last known address of the owner or some one (1) of the owners, executors, legal representatives, agents, lessees, or some other person having a vested or contingent interest in the same, as shown by the records of the receiver of the taxes and/or in the office of the County Clerk, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring same to be made safe and secure or removed. The owner or his legal representatives shall commence said repair or the removal of said building or structure within thirty (30) days of the service of notice, and complete the same within sixty (60) days of the service of the notice.

SECTION 1505 DISREGARD OF NOTICE; SURVEY

In the event of the neglect or refusal of the person served with the notice to fully comply with the same, a notice of survey shall be served upon such person, notifying such person that a survey of the premises will be made at the time and place specified in such notice by the Zoning Enforcement Officer and a practicing builder, engineer or architect to be named by the Village Board and designated in the notice. The notice shall also state that a practicing builder, engineer or architect may also be appointed by the person served with the notice, and that in the event of refusal or neglect of said person so notified to appoint said builder, engineer or architect and to cause his attendance at the designated time and place, then the surveyor named by the Village shall make the survey and report. The notice shall also state that in the event the building or other structure shall be reported unsafe or dangerous under such survey, then an application shall be made at a term of the Supreme Court in this judicial district for an order determining the building or structure or any part thereof to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

SECTION 1506 ISSUANCE OF SEARCH WARRANT

In the event that the person, firm, corporation or association owning, possessing or controlling a building or structure in the Village of Cassadaga refuses to allow the appointed Zoning Officer or surveyor as herein provided to make the inspection or survey, then the Zoning Officer shall file an affidavit of the facts showing a probable violation of this chapter with the Town Justice, and if after examination of said Zoning Officer, the Town Justice shall make a written finding that there appears to be a probable cause that there is a violation of this chapter which is creating a dangerous or unsafe building in the Town, then the Town Justice shall issue a search warrant to the Zoning Officer authorizing a search of the premises to determine if there is a violation of this section.

SECTION 1507 STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in conducting the survey of the structure or building by the surveyors to determine the condition of the said structure or building:

- A.** If the dangerous building can reasonably be repaired so that it will no longer exist in violation of this section, it shall be ordered repaired.
- B.** If the dangerous building is in such condition as to make it dangerous to health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
- C.** In any case where a dangerous building is fifty percent damaged or decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building can't be repaired so that it will no longer exist in violation of the terms of this section, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of any law of

the Village or statute of the State of New York, it shall be demolished within 60 days
of notification of the unsafe condition.

SECTION 1508 ASSESSMENT OF COSTS AND EXPENSES

A. All costs and expenses incurred by the Village in connection with the inspection, removing, demolition, repairing or vacating of any dangerous building or structure, as determined pursuant to this chapter, including surveyor's costs or fees, attorney's fees, advertising costs, title searches, costs of actually removing or securing said building or structure and all other expenses, shall, when properly certified to and by the Board, be audited and paid by the Village the same as any other claim against the Village.

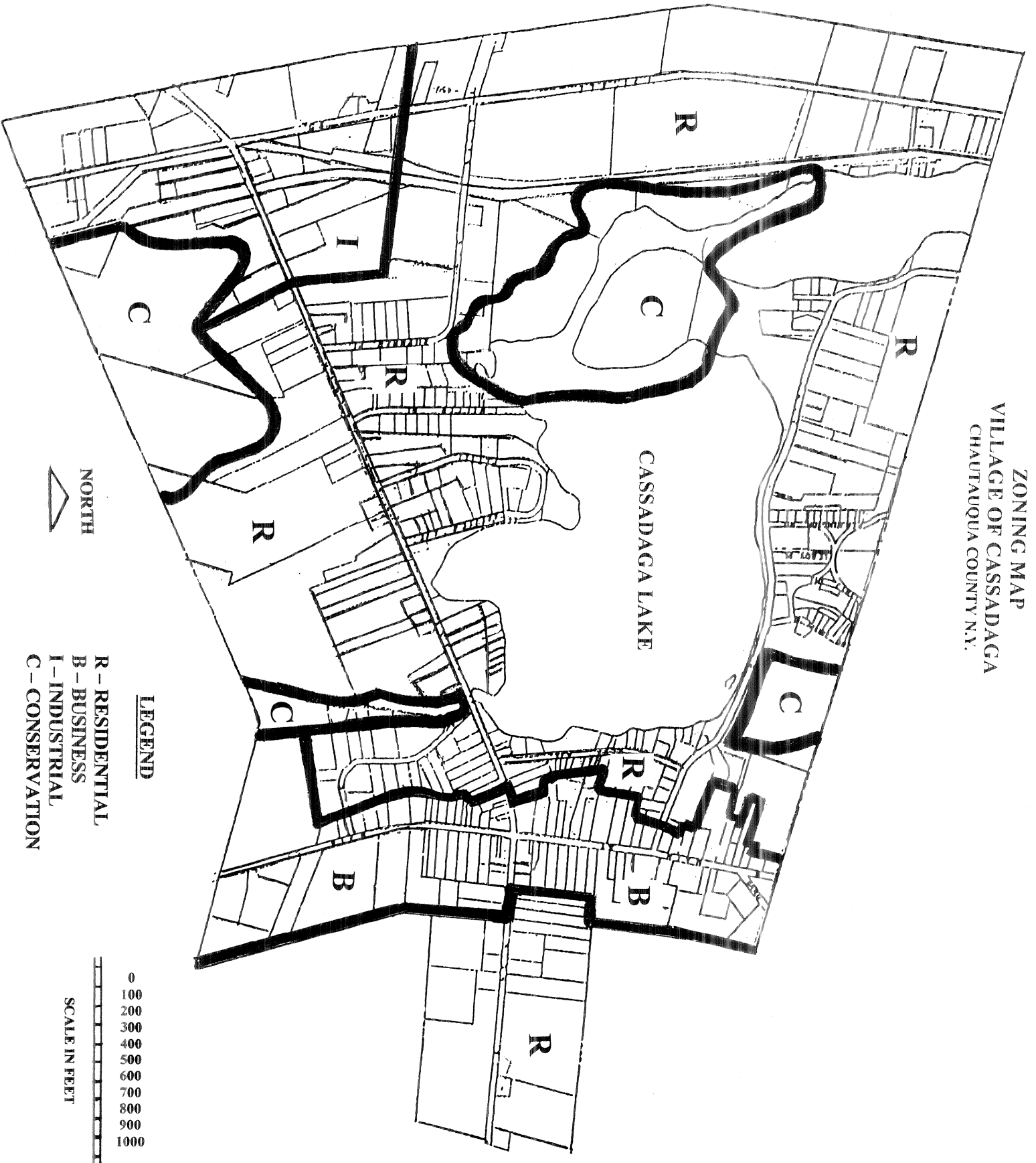
B. A bill for such expenses shall be presented to the owner or person notified pursuant to the foregoing sections of this chapter, or if the same cannot be so served or notified, then by posting the same in a conspicuous place on the premises.

C. If such owner shall fail to pay the same within ten (10) days thereafter, the Village Board shall file a certificate of the actual expenses incurred as aforesaid, together with a statement as to the property in connection with which the expenses were incurred, with the Village Assessor, who shall, in the preparation of the next assessment roll of the general Village taxes, assess such amount upon such property and against such building or structure and the lot or land upon which the same is situated, and said bill or amount so levied is to be collected and enforced in the same manner, by the same proceedings at the same time, have the same penalties and have the same lien effect upon such property as the general Village tax and as a part thereof.

SECTION 1509 EMERGENCY CONDITIONS

In cases of great emergency where the delay of the proceedings as herein before provided would result in probable loss of life or property, the Village Board shall have the power to proceed at once to take such action as is needed to guard the safety of persons and property. In such cases, the Board shall have full power and authority to provide all necessary means therefore, and all expenses therefore shall be paid and collected as provided in Section 1508 hereof.

ZONING MAP
VILLAGE OF CASSADAGA
CHAUTAUQUA COUNTY N.Y.



LEGEND

- R - RESIDENTIAL
- B - BUSINESS
- I - INDUSTRIAL
- C - CONSERVATION



NORTH

