

**ZONING**

**Chapter 200**

**ZONING**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Vernon 1-12-1982 as L.L. No. 1-1982. Sections 200-5, 200-12B(1)(g)[3], 200-18B(2), 200-22H, 200-29C, E(3), F(1) and G(1), 200-41A, 200-48 and 200-50D and Schedule A, Dimensional and Use Regulations amended and §§ 200-29B(11) and 200-30 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 74.  
Flood damage prevention — See Ch. 107.  
Subdivision of land — See Ch. 182.

**ARTICLE I**  
**General Provisions**

**§ 200-1. Title.**

This chapter shall be known and may be cited as the "Vernon Village Zoning Law."

**§ 200-2. Purpose.**

- A. This chapter is enacted in accordance with the provisions of §§ 4-412, 7-700, 7-702 and 7-704 of the Village Law.
- B. This chapter is enacted for the purpose of promoting the health, safety, morals and general welfare of the community; and the regulations herein contained are made in accordance with the Comprehensive Plan and designed to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to promote the health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations are made with reasonable consideration, among other things, as to the character of the districts and their peculiar suitability for particular uses, and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the village.

**§ 200-3. Interpretation of provisions.**

- A. The provisions of this chapter shall be held to be the minimum requirements for the provision of public health, safety and general welfare.
- B. When this chapter imposes a greater restriction on the use of buildings or land or on building heights or requires larger open spaces or makes any other greater restriction than is required by any other law, ordinance, rule, regulation or by easements, covenants or agreements, the provisions of this chapter shall govern.

- C. When any provision of this chapter imposes a greater restriction than another restriction, the more stringent shall govern.

## ARTICLE II Definitions

### § 200-4. Word usage.

Words used in the present tense include the future tense; words in the singular number include the plural, and the plural the singular. The word "lot" includes the words "plot" and "parcel." The word "building" includes the word "structure." The word "used" shall be deemed also to include "designed, intended or arrange to be used." The word "shall" is mandatory and not permissive. The word "may" is permissive and not mandatory.

### § 200-5. Terms defined.

For the purposes of this chapter, certain words and terms used herein are defined as follows:

**ALLEY** — A public way which affords generally a secondary means of vehicular access to abutting property.

**ALTERATION, EXTERIOR** — Any building addition, new entranceway, business portal such as a delivery door or exhaust fan, or change in the supporting member of a building. A change in exterior facade (new siding or storefront) is not considered an "exterior alteration" unless it includes the items above, but such a change requires Planning Board review and approval if the property is located in any design review area.

**ALTERATION, INTERIOR** — The relocation of any local bearing support or wall, or the relocation, addition or removal of any non-load-bearing wall which would result in a change in any zoning requirement applicable to the property. [Example: If removing a non-load-bearing wall to expand a professional office to a previously unused portion of a building results in increasing the floor space by two hundred (200) square feet,

then the off-street parking requirement for that office would be increased by one (1) space and therefore it would constitute an "interior alteration."]

**AUTO SALES** — Any activity involving storing, parking or displaying more than one (1) motor vehicle on any lot for the purpose of selling same, regardless of ownership (personal property of landowner, displayed on consignment for owner, etc.). Specific regulations governing "auto sales" are contained in § 200-47F(7).

**AUTO WASH** — A structure designed or intended primarily for the washing of automobiles using power washing equipment. Specific regulations governing "auto washes" are contained in § 200-47F(3).

**BASEMENT** — A story partly below grade and having at least half of its clear floor-to-ceiling height above the average grade of the adjoining ground, as distinguished from a cellar, which is a story more than one-half (1/2) below such grade.

**BED-AND-BREAKFAST HOME** — A private residence that provides one (1) to three (3) guest rooms for a nightly rent or rate. The home is a residence, occupied by the owner while providing bed and breakfast, usually for one (1) party or family, for a short stay. [Added 4-5-1990]

**BUILDING** — Any roofed structure intended for the shelter, housing or enclosure of persons, animals or chattels.

**BUILDING AREA** — Total of areas taken on a horizontal plane at the main grade level of principal buildings and all accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

**BUILDING AUCTION** — A building or roofed structure used by an activity engaged in the public sale of property to the highest bidder.

**BUILDING COVERAGE** — That percentage of the lot area covered by the building area.

**BUILDING, HEIGHT OF** — The vertical distance measured from the established grade at the curb; or if no grade has been officially established at the curb, measured from the average level of the finished ground surface across the front of the building to the highest point of the roof for flat roofs, to the decline of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING OR USE, ACCESSORY** — A building or use subordinate or supplemental to the main building or use on the same lot and customarily incidental thereto. Examples of "accessory uses" are private garages, storage sheds, playhouses and private swimming pools. Specific regulations governing "accessory buildings" are contained in § 200-24.

**BUSINESS OFFICE** — An office such as insurance, real estate, financial planning, stockbroker.

**CANOPY** — A permanent rooflike shelter or shade attached to a building or on freestanding supports, or both, including canvas covering.

**DRIVE-IN SERVICE** — A traffic-generating facility where a product is sold or a service performed for customers while they are in or near their motor vehicles in off-street parking or service areas. The term includes drive-in banking, drive-in food service, fast-food service, gasoline station, auto wash and similar uses. Specific regulations governing drive-in food services are contained in § 200-47F(2).

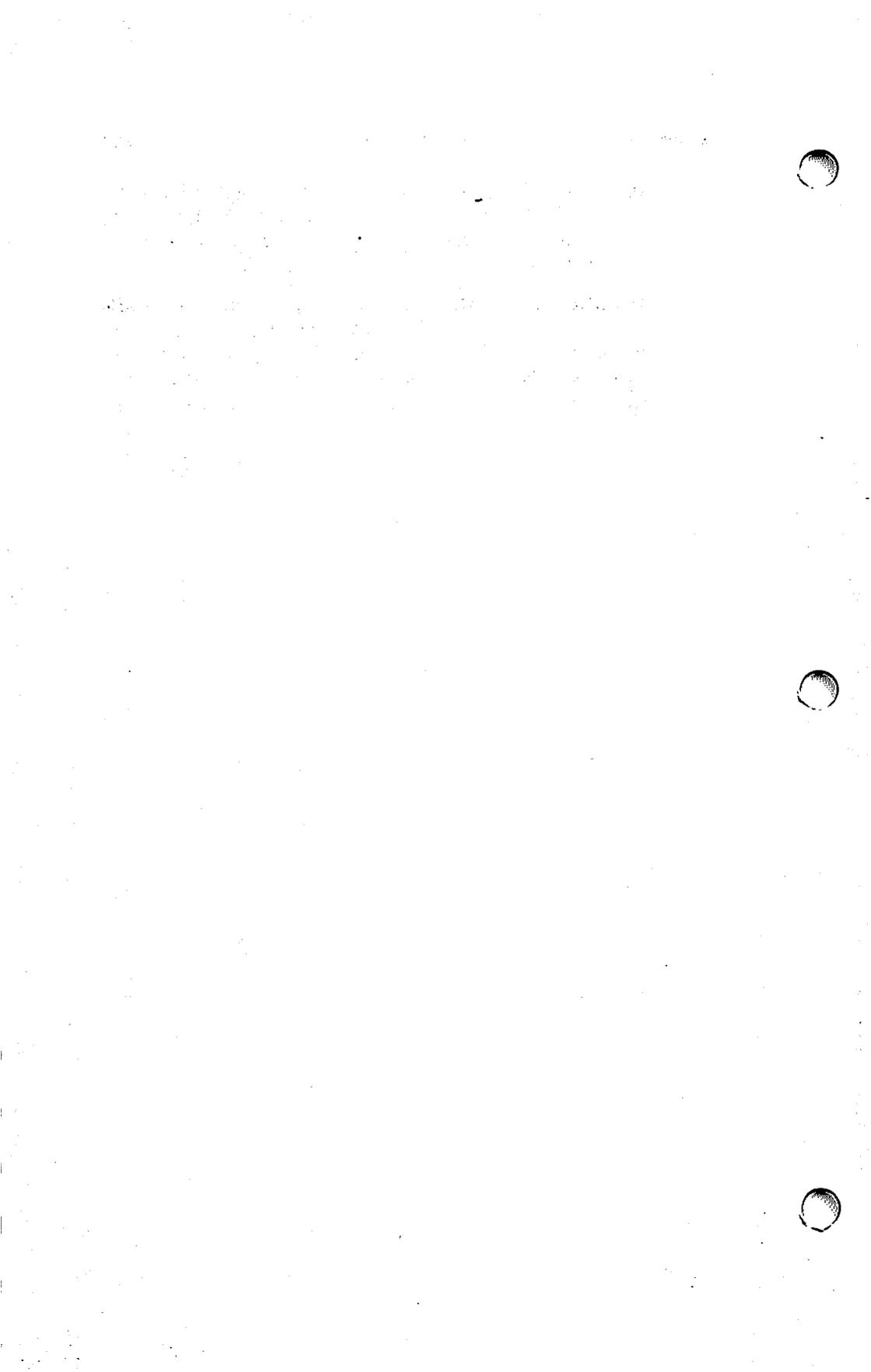
**DWELLING, CONDOMINIUM:**

- A. Any apartment, townhouse or other residential building or portion thereof involving a combination of two (2) kinds of ownership of real property:
- (1) Fee simple ownership of the individual dwelling unit; and
  - (2) Undivided ownership, together with other purchasers, of the common elements of the structure, land and appurtenances.

- B. A "dwelling, condominium" shall be regulated as a two-family dwelling if it contains two (2) dwelling units only. It shall be regulated as a multifamily dwelling if it contains three (3) or more dwelling units.

**DWELLING, MOBILE HOME** — A structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when

(Cont'd on page 20009)



connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. It is considered under the purposes of this chapter to be real property.

**DWELLING, MULTIFAMILY** — A building or portion thereof containing three (3) or more dwelling units.

**DWELLING, ONE-FAMILY** — A detached building containing one (1) dwelling unit only.

**DWELLING, SECTIONAL** — A factory-finished dwelling unit delivered to the building lot in halves or other major sections and erected on a permanent foundation, all complying with applicable local and state building codes. The term "sectional" includes "modular."

**DWELLING, TOWNHOUSE** — One (1) of three (3) or more attached dwelling units designed for year-round occupancy and containing separate dwelling units for occupancy for one (1) family per unit. Such dwelling shall be regulated as a multifamily dwelling.

**DWELLING, TWO-FAMILY** — A detached building containing two (2) dwelling units only.

**DWELLING UNIT** — A building or portion thereof providing complete housekeeping facilities for one (1) family.

**FAMILY** — One (1) or more persons related by blood, marriage or adoption maintaining a common household and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, rooming house, lodging house, club, fraternity, hotel or commune.

**FLOOR AREA RATIO (FAR)** — The ratio of floor area permitted on a zoning lot to the size of the lot. Thus, a permitted "floor area ratio" of twenty-five hundredths (0.25) on a ten-thousand-square-foot lot would allow a building whose total floor area is two thousand five hundred (2,500) square feet. FAR provisions give developers flexibility in deciding whether to build a low building covering part of the lot or a high building covering only a very small portion of the lot.

**GARAGE, PRIVATE** — A roofed or enclosed space primarily designed or used for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein.

**GARAGE, PUBLIC** — A building or part thereof used for the storage, hiring, greasing, washing, servicing and repair of motor vehicles, operated for gain.

**GARAGE, STORAGE** — A building or part thereof used only for the storage of vehicles for gain and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, serviced, repaired, hired or sold.

**GASOLINE STATION** — Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles. Specific regulations governing "gasoline stations" are contained in § 200-47F(6).

**GROUP HOME** — A facility licensed or supervised by an appropriate state or federal agency to provide resident services and twenty-four-hour supervision to its residents. Such a facility is headed by agency-approved staff and functions as a single housekeeping unit.

**HOME OCCUPATION** — Any personal or professional service customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in which there is kept no stock-in-trade. Specific regulations governing "home occupations" are contained in § 200-47F(8).

**JUNKYARD** — A lot, land or structure or part thereof used for the collecting, storage or sale of wastepaper, rags, scrap metals, used or salvaged building or other discarded materials or for the collecting, dismantling, storage and salvaging of machinery or vehicles. It shall mean any place of storage or deposit, whether in connection with a business or not, where one (1) or more unlicensed, old or secondhand motor vehicles

no longer in condition for legal use on the public highways are held, whether for the purpose of resale of used parts or materials therefrom or not. Such term shall include any place of storage or deposit for any such purpose of used parts or waste materials from motor vehicles which, taken together, equal in bulk one (1) or more such vehicles. As used herein, the term "vehicle" shall mean passenger-type automobile, truck, tractor-truck, trailer, bus, motorcycle, snowmobile or other vehicle, however propelled, as well as tractors, bulldozers, all boats, machinery and similar equipment.<sup>1</sup>

**LAUNDERETTE** — A business premises equipped with individual clothes-washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority or residential hotel or club.

**LIVESTOCK** — Includes but is not limited to horses, cattle, hogs, fowl or furred animals.

**LOT** — A parcel of land considered as a unit, occupied or capable of being occupied by one (1) building and accessory buildings or uses or by a group of buildings united by a common use or interest, and including such open spaces as are required by this chapter and having the principal frontage upon a street or upon an officially approved place.

**LOT AREA** — The total horizontal area included within lot lines, except that no part of the area within a public right-of-way may be included in the computation of "lot area."

**LOT, CORNER** — A lot located at the intersection of and fronting on two (2) or more intersecting streets and having an interior angle of the corner of intersection of less than one hundred thirty-five degrees (135°).

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

**LOT, INTERIOR** — A lot other than a corner lot.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**LOT, THROUGH** — An interior lot having frontage on two (2) approximately parallel or converging streets.

**LOT WIDTH** — The distance between side lot lines, measured at right angles to the lot depth at a point from the front lot line equal to the front yard specified for the district.

**MARQUEE** — A permanent roofed structure projecting from a building, usually over an entrance, attached to the building or on freestanding supports, or both, including canvas covering.

**MOBILE HOME** — See “dwelling, mobile home.”

**MOTEL** — A building or group of buildings comprising three (3) or more individual sleeping units per building, used primarily for sheltering transient motorists, and accessory uses, such as restaurants and parking; includes, but is not limited to, the terms “motor courts,” “motor inn,” “tourist court” and “hotel.”

**NONCONFORMING LOT** — Any lot in single ownership which does not conform to the minimum area and/or dimensions required in the district in which it is situated and where the owner of said lot does not own any adjoining unimproved property the subdivision of which could create one (1) or more conforming lots.

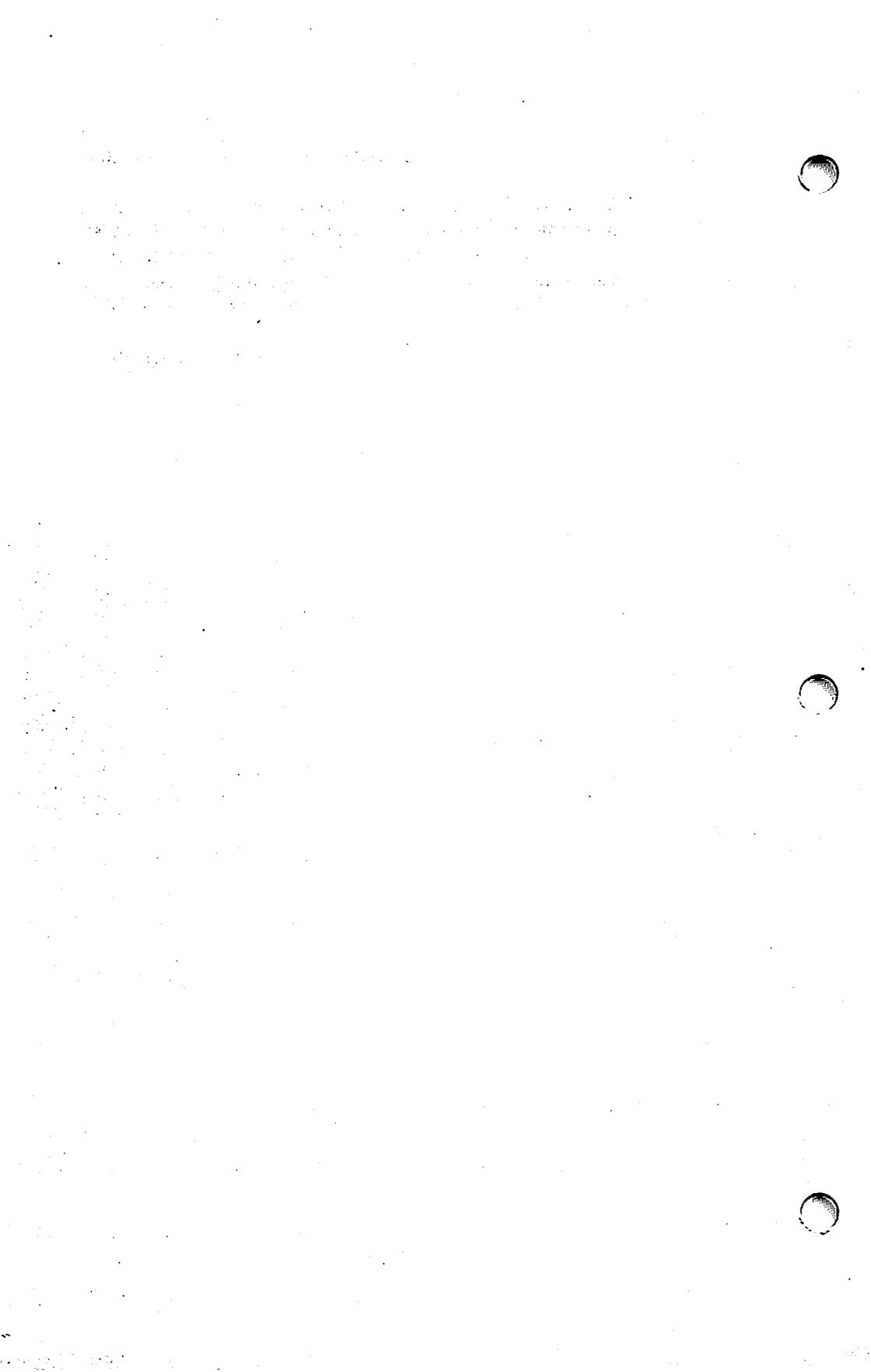
**NONCONFORMING SITUATION** — A building or use that does not comply with the regulations for the district in which it is situated and where such building or use existed legally on the effective date of this Zoning Chapter or its amendment.

**NURSING OR CONVALESCENT HOME** — Any dwelling used for the accommodation and care of persons with, or recuperating from, illness or incapacity, where nursing services are furnished for hire.

**OVERLAY DISTRICT** — A mapped zoning district that imposes a set of requirements in addition to those of the underlying districts.

**PARKING SPACE** — An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet, exclusive of passageways and driveways thereto, and having direct access to a street, alley or aisle. Such off-street "parking space" shall

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be properly marked or delineated and be located on a durable hard-surface base.

**PERMIT, BUILDING** — A certification required prior to any construction, addition, alteration, relocation or demolition as governed by the laws, ordinances and codes relating to properties and buildings.

**PERMIT, ZONING** — A certification required prior to any activity governed by this chapter.

**PLANNED DEVELOPMENT DISTRICT** — A tract of land in single ownership and/or controlled by an individual, partnership, cooperative or corporation, designed or capable of being designed and used as a unit or group of related units and having certain facilities in common, such as yards, open space, recreation areas, garages or parking areas. A “planned development district” may be residential, commercial, industrial, recreational or a combination of such uses.

**PROFESSIONAL OFFICE** — An office such as a physician, dentist, chiropractor, optometrist, lawyer, accountant, architect, landscape architect, engineer, veterinarian.

**RECREATIONAL VEHICLE** — A mobile unit designed and built for recreational travel, camping or vacation use which is equipped to provide portable temporary shelter. The term includes campers, truck mounts, pickup camper, travel trailers, converted bus, motor home or similar vehicles.

**ROOMING HOUSE** — Any dwelling or portion thereof containing more than two (2) and less than ten (10) rooms that are used, rented or hired out to be occupied or that are occupied primarily for sleeping purposes for compensation, whether the compensation be paid directly or indirectly. The term “rooming house” shall be deemed to include lodging house or boardinghouse.

**SETBACK** — See “yard.”

**SIGN** — Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency or of any civic, charitable,

religious, patriotic, fraternal or similar organization. For purposes of administering this chapter, "signs" are further subdivided into the following three (3) categories:

**SIGN, ADVERTISING** — A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

**SIGN, BILLBOARD** — An advertising or business sign which contains a display area in excess of fifty (50) square feet.

**SIGN, BUSINESS** — A sign which directs attention to a business or profession conducted, or a commodity, service or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed. A "for sale" or "for rent" sign relating to the lot on which it is displayed shall be deemed to be a "business sign."

**SMALL MACHINE SHOP** — Any use wherein the primary occupation is the processing, fabrication, converting or altering of materials or goods, the operation of which is conducted solely within a building or group of buildings and which use creates no objectionable odors, fumes, dirt, vibration, glare or noise beyond the site containing the use.  
[Added 7-9-1986]

**SPECIAL USE** — A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance or general welfare. Such use may be permitted in certain zoning districts as a "special use" if specific provision for the Board of Appeals' review and approval for such "special use" is made in this chapter.

**STABLE, PRIVATE** — An accessory building in which one (1) or more horses, ponies or other livestock are kept for private use and not for hire, remuneration or sale.

**STORY** — That portion of a building included between the surface of any floor and the surface of 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** — That part of a building between a pitched roof and the uppermost full story and having a floor area at least half as large as the floor below. Space with less than five (5) feet clear headroom shall not be considered as floor area.

**STREET** — A public thoroughfare which affords the principal means of access to abutting property.

**STRUCTURAL ALTERATION** — Any building addition or change in the supporting member of a building.

**STRUCTURE** — Anything constructed or erected the use of which requires location on the ground or attachment to something having location on the ground.

**SWIMMING POOL, PRIVATE** — A swimming pool installed for the primary use and enjoyment of the property owner and family and for the use of which no fee, membership in a group or club nor residency in a rental unit on or off the premises is required. "Private swimming pools" include permanent and portable swimming pools and are structures requiring zoning permits. Specific regulations governing "private swimming pools" are contained in § 200-47F(4).

**SWIMMING POOL, PUBLIC** — Any swimming pool which does not fall within the definition of private swimming pool. "Public swimming pools" are structures. Specific regulations governing "public swimming pools" are contained in § 200-47F(5).

**SWIMMING POOL, WADING** — Any private swimming pool which is less than three (3) feet in height measured from the lowest point of the pool to the top rim and less than fifteen (15) feet in length or diameter. "Wading swimming pools" are exempt from the requirements of this chapter and are not structures.

**TOURIST HOME** — A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

**VARIANCE** — A departure authorized by the Board of Appeals from the terms of the chapter due to practical difficulty or a hardship peculiar to an individual lot or situation and otherwise in accord with the powers and duties of the Board of Appeals. "Variances" are further divided into use and area variances as follows:

**VARIANCE, USE** — An authorization by the Zoning Board of Appeals to allow a use normally prohibited in a zone district, such authorization to be granted only in accordance with § 200-47D(1) of this chapter.

**VARIANCE, AREA** — An authorization by the Zoning Board of Appeals to sanction a violation of any zone district requirement other than a use requirement, such authorization to be granted only in accordance with § 200-47D(2) of this chapter.

**YARD** — An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this chapter.

**YARD, FRONT** — An open, unoccupied space on the same lot with a building, between the front line of the building and the street or highway line and extending the full width of the lot. For lots occupied by more than one (1) principal building, each building shall be deemed to have its own "front yard" with its width extending to the midpoint of the space between it and the adjoining building.

**YARD, REAR** — An open, unoccupied space, except for accessory buildings, on the same lot with the building, between the rear line of the building and the rear lot line and extending the full width of the lot. For lots occupied by more than one (1) principal building, each building shall be deemed to have its own "rear yard" with its width extending to the midpoint of the space between it and the adjoining building.

**YARD, SIDE** — An open, unoccupied space on the same lot with the building, situated between the building and the side lot line and extending from the front yard to the rear yard.

### ARTICLE III Zoning Districts

#### § 200-6. Districts enumerated.

In order to regulate the location and use of a buildings, structures and land for trade, industry, residence and other purposes, and to regulate the height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces, the amount of parking space and the density of population, the Village of Vernon is hereby divided into the following zoning districts:

RI	Residence
RT	Residence Transition
B1	Business
B2	Business
M1	Manufacturing
PD	Planned Development
PM	Planned Mobile Home
OD	Overlay Design Review
OF	Overlay Flood Area

#### § 200-7. Zoning Map.

- A. The locations and boundaries of the zoning districts hereby established are shown on the Master Zoning Map, entitled "Zoning Map, Village of Vernon, New York," which is on file in the Village Office. The Zoning Map and all notations, references and other information shown thereon are hereby adopted and declared to be a part of this chapter.<sup>1</sup>

<sup>1</sup> Editor's Note: The Zoning Map is on file at the village offices.

- B. The Planning Board shall delineate on the Master Zoning Map all amendments to district boundaries immediately upon the effective date of such amendment.<sup>2</sup>

**§ 200-8. Interpretation of boundaries.**

Where uncertainty exists as to the location of any boundaries shown on the Zoning Map, the following rules shall apply:

- A. District boundary lines are intended to follow center lines of streets or alleys, rights-of-way or watercourses, lot lines or be parallel or perpendicular thereto, unless such boundary lines are fixed by dimensions shown on the Zoning Districts Map.
- B. Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- C. In unsubdivided land and where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.
- D. If, after the application of the foregoing rules, uncertainty exists as to the exact location of a district boundary, the Board of Appeals shall determine the location of said lines.

**§ 200-9. Overlay districts.**

- A. In an overlay zoning district, property is placed simultaneously in two (2) districts and the requirements of both districts apply.
- B. The requirements of the overlay zone modify those of the basic district.

<sup>2</sup> Editor's Note: Provisions regarding a copy of the Zoning Map, which immediately followed this subsection, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**§ 200-10. Annexed properties.**

Prior to annexation of any area by the village, the Planning Board shall recommend to the Board of Trustees the appropriate zoning designation. The Board of Trustees, after a public hearing, shall determine the zoning designation, to be effective on the date of annexation.

**§ 200-11. Uses prohibited in all districts.**

- A. In all districts, uses are prohibited which would be injurious to the safety or welfare of the neighborhood because of health, noise, vibration, glare, dirt, odor, smoke or danger of fire or explosion.
- B. No garage or accessory building shall be occupied or used for residence or dwelling purposes. (See § 200-24A.)
- C. No recreational vehicle shall be occupied or used as a permanent residence or dwelling, but owners of such a vehicle may use it as a temporary dwelling while visiting residents of the property on which it is parked for fourteen (14) days maximum.
- D. The raising or harboring of livestock is prohibited in all districts except at auction houses and dairy farms now in existence. Common household pets are excepted from this provision, provided that there are not more than four (4) cats and/or dogs over six (6) months old.
- E. In all districts the dumping of refuse and waste material for landfill is prohibited. Fill material shall be as approved by the Village Superintendent for the conditions required and for proper compaction, to grades approved by the Village Superintendent.

**ARTICLE IV**  
**District Regulations**

**§ 200-12. R1 Residence Districts.**

A. The purpose of the R1 Residence District is as follows:

- (1) To delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance with the Village Plan.
- (2) To improve the character of residential areas by requiring standards of land use and lot and building size which accurately reflect existing and desirable development.
- (3) To protect the integrity of residential areas by prohibiting the intermixture of incompatible nonresidential uses.

B. In any R1 District, no building or premises shall be used and no building shall hereafter be erected or altered except for one (1) or more of the following uses:

- (1) Uses permitted.
  - (a) One- or two-family dwellings.
  - (b) Churches and other places of worship or religious education; convent, parish house or rectory.
  - (c) Schools and libraries, public parks and playgrounds, fire stations.
  - (d) Off-street parking for uses permitted in the R1 Residence District.
  - (e) Accessory uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business, including a private garage for use of the residents of the premises.
  - (f) Medical building. [Added 3-29-1988]

- (g) [Added 4-5-1990] Private swimming pool. Private outdoor swimming pools which are accessory to a principal residential use shall be regulated as follows:
- [1] Such pool may be erected only on the same lot with the principal structure.
  - [2] Such pool may be erected only in the side or rear yard of such structure and not less than five (5) feet from the side or rear lot line.
  - [3] Such pool shall be surrounded by a fence at least four (4) feet in height, with a maximum clearance to adjoining grade of two (2) inches, to prevent inadvertent entry.<sup>1</sup>
  - [4] Such pool shall not adversely affect the character of any residential neighborhood.
  - [5] There shall be no loudspeaker or amplifying devices allowed that project sound beyond the bounds of the lot.
  - [6] Any pool lighting or spotlighting shall be directed away from, shaded or screened from all adjacent residential property.
- (2) The following uses, subject to approval by the Board of Appeals as a special use:
- (a) Three- or four-family dwellings in existing structures, provided that parking lot area and residential living area requirements shall be met.
  - (b) Home occupation.
  - (c) (Reserved)<sup>2</sup>
  - (d) Municipal or public utility structure.
  - (e) Funeral home.
  - (f) Cemetery.

<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>2</sup> Editor's Note: Former Subsection (c), Private swimming pool accessory to a residential use, was deleted 4-5-1990.

**§ 200-13. RT Residence Transition Districts.**

- A. The purpose of the RT Residence Transition District is as follows: to delineate an area or areas which are appropriate for multifamily residences or for business or professional offices, churches, institutions, public schools or public libraries.
- B. In the RT District, no building or premises shall be used and no building shall be erected or altered except for one (1) or more of the following uses for which there shall be kept no stock-in-trade and no goods, equipment or machines shall be sold, stored or displayed:
- (1) Uses permitted.
    - (a) R1 Residence District uses.
    - (b) Three- or four-family dwellings in existing structures, provided that parking lot areas and residential living area requirements shall be met.
    - (c) Multifamily dwellings, condominiums.
    - (d) Business or professional office.
    - (e) Customary accessory uses.
  - (2) The following uses, subject to approval by the Board of Appeals as a special use:
    - (a) Home occupation.
    - (b) (Reserved)<sup>1</sup>
    - (c) Municipal or public utility.
    - (d) Funeral home.
    - (e) Nursing home.
    - (f) Group home.

**§ 200-14. B1 Business Districts.**

- A. The purpose of the B1 Business District is as follows: to delineate an area where retail stores, personal services and

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<sup>1</sup> Editor's Note: Former Subsection (b), Private swimming pool, was deleted 4-5-1990.

offices; recreational, institutional and cultural facilities; and municipal buildings and services are provided for the community.

B. In any B-1 Business District, no building or premises shall be used and no building shall hereafter be altered or erected except for one (1) or more of the following uses:

(1) Uses permitted.

- (a) Any use permitted in the R1 Residence District.
- (b) Multifamily dwellings, condominium.
- (c) Three- or four-family dwellings in existing structures, provided that parking lot area and residential living area requirements shall be met.
- (d) Business, professional and governmental offices.
- (e) Hotels, motels, tourist homes and rooming houses.
- (f) Retail stores.
- (g) Retail outlets for laundry, cleaning, pressing, dyeing or similar businesses.
- (h) Banks, including drive-in, and other monetary institutions.
- (i) Restaurants where no alcoholic beverage is served.
- (j) Service shops, such as barber- or beauty shop, shoe repair, tailor, photographer, optician, florist.
- (k) Radio and television and household appliance shops.
- (l) Tailoring, dressmaking, millinery, bakery, confectionery and similar shops, provided that all goods made or processed are sold at retail on the premises.
- (m) Theaters, indoor.
- (n) Billiard parlor.
- (o) Clubs, lodges, social and recreational buildings.

- (p) Laundromats.
  - (q) Funeral home.
  - (r) Municipal or public utility building or structure.
  - (s) Musical studios.
  - (t) Storage garages.
- (2) The following uses, subject to approval by the Board of Appeals as a special use:
- (a) Gasoline station.
  - (b) Public garages.
  - (c) Drive-in food services.
  - (d) Restaurant or other place serving food and alcoholic beverages, or alcoholic beverages only.
  - (e) Musical studios.
  - (f) (Reserved)<sup>1</sup>
  - (g) Public outdoor swimming pool accessory to a hotel or motel.
  - (h) Marquees and canopies over a public walk or drive.

### § 200-15. OD Overlay Design Review District.

- A. The purpose of the OD Overlay Design Review District is as follows: to encourage preservation of important business, public, semipublic and transitional residential areas of the village, including the preservation of buildings of architectural or historical importance and the appropriate and compatible location and design of new or altered structures and signs.

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<sup>1</sup> Editor's Note: Former Subsection (f). Private outdoor swimming pool accessory to a residential use, was deleted 4-5-1990.

- B. Jurisdiction. The design review area for buildings and structures shall be an overlay zone as delineated on the Zoning Map which is a part of this chapter.
- C. Application. All applications for a zoning permit for all exterior construction and/or alteration or for demolition of any building, structure or sign in Overlay Design Review Districts shall be referred to the Planning Board. The Planning Board shall, in discharging its duties under this design review process, consult with such advisors as may be appropriate on a particular project, including planners, historians, architects, landscape architects and artists.
- D. Procedures shall be as follows:
- (1) Upon application for a zoning permit in accordance with Subsection C above, two (2) copies of a plan shall be submitted showing the dimension of the lot, proposed bulk and height of the building, proposed elevation, description of exterior materials, landscaping and other aspects of the site plan, the size, color, lighting and lettering for any sign and such other materials as may be required by the Planning Board for its review of the project.
  - (2) The Planning Board shall review the proposal according to those requirements of lot size and dimension, required front, side and rear yard, bulk, height and location of the building, adequacy of parking and other facilities according to those regulations specified for the respective districts in Schedules A and B.<sup>3</sup>

(Cont'd on page 20025)

<sup>3</sup> Editor's Note: Schedules A and B are included at the end of this chapter.



- (3) In addition, the Planning Board shall consider the following guidelines in determining the acceptability of the proposed project:
  - (a) Appropriateness of exterior additions and alterations to the architectural character of the existing structure and overall character of the Village.
  - (b) The exterior construction materials and color, their contribution to the appearance of the Design Review District and their relationship to adjoining uses.
  - (c) The size, location and graphics of all signs and displays.
  - (d) Site and landscaping improvements, including parking and service requirements, and their relationship to the Village Master Plan.
- (4) The Planning Board shall, within 30 days from the date of application, make recommendation to the Village Board as to the acceptability of the plan for the area in question according to the procedure and the guidelines established herein, upon which recommendation the Village Board will authorize the Enforcement Officer to issue or deny the permit or to allow the approved proposal to be taken before the Zoning Board of Appeals for a variance or special permit, whichever is appropriate.

**E. Existing signs. [Added 5-14-2002; amended 5-28-2002]**

- (1) For any permanent business signs in the Overlay District, business owners will be allowed to change prices on permanent signs without prior review or approval.
- (2) All permanent signs in the Overlay District may remain as is without further action by the Planning Board, Village Board and Zoning Board of Appeals.

**§ 200-16. B2 Business Districts.**

- A. The purpose of the B2 Business District is as follows: to delineate an area for commercial uses which generally require large lots, buildings and structures with appropriate access to highway transportation, and uses which are intended for service to vehicles or for nonretail commercial uses.
- B. In any B2 Business District, no building or premises shall be used and no building shall hereafter be erected or altered except for one or more of the following uses:
- (1) Uses permitted.
    - (a) Any use permitted in B1 District, § 200-14B(1), except that in Subsection B(1)(1), the requirement "that all goods made or processed are sold at retail on the premises" shall be eliminated.
    - (b) Printing, heating, plumbing, electrical shops and similar uses.
    - (c) Establishments for storage and sale of lumber, wood, plumbing supplies, feed, fertilizer, solid fuel and similar products.
    - (d) Automobile, recreational vehicle or farm machinery sales building.
    - (e) Garage for repair or storage of automobiles and other vehicles.
    - (f) Laundry and dry-cleaning establishments.
    - (g) Greenhouse, nursery.
    - (h) Bowling alley, dance hall, skating rink or similar place of recreation or amusement.
  - (2) The following uses, subject to approval by the Board of Appeals as a special use:
    - (a) Special permit uses as listed for B1 Business District under § 200-14B(2).

- (b) Vehicular sales lot or parking lot for five or more vehicles.
- (c) Drive-in service other than banking.
- (d) Auto wash.
- (e) Mobile home sales.
- (f) Municipal or public utility shop or storage yard.
- (g) Small machine shop. [Added 7-9-1986]

(Cont'd on page 20027)



**§ 200-17. M1 Manufacturing District.**

A. The purpose of the M1 Municipal District is as follows:

- (1) To delineate those areas best suited for industrial use because of location, transportation, topography, existing facilities and relation to other land uses.
- (2) To preserve the integrity of the manufacturing areas by excluding uses which are incompatible with industry.

B. In any M1 Manufacturing District, no building shall be erected or extended and no land or building or part thereof shall be used except for any of the following purposes:

- (1) Uses permitted.
  - (a) Any nonresidential use permitted in B2 Districts, § 200-16B(1), with the exclusion of Subsection B(1)(a).
  - (b) Industrial uses, including food processing, employing electric power or other unobjectionable motor power or utilizing hand labor for fabrication or assembly and which cause or emit no objectionable odors, fumes, dirt, vibration, glare, electrical interference or noise beyond the immediate site of the building in which such uses are conducted.
  - (c) Wholesale storage and warehouses.
  - (d) Municipal or public utility shop or storage yard.
  - (e) Food locker.
  - (f) Mobile home sales.
- (2) The following uses, subject to approval by the Board of Appeals as a special use:
  - (a) Bulk storage of flammable liquids above ground for commercial and/or industrial purposes.
  - (b) Buildings and/or yard used by a contractor for storage and repair of heavy-duty trucks and earthmoving equipment.
  - (c) Restaurants where no alcoholic beverage is served.

- (d) Drive-in food service.
- (e) Auto wash, gasoline station.

### § 200-18. PD Planned Development District.

- A. Purpose. The regulations hereinafter set forth in this section are intended to provide a means for the development of a residential, business, commercial, manufacturing, recreational or park area, or a combination thereof, in a manner which will permit flexible and imaginative design concepts to be utilized and, by means of adequate supervision and control by the Board of Trustees and the Planning Board, to ensure that the spirit and intent of this Zoning Chapter will be preserved. No specific requirements with respect to minimum lot sizes within the district, lot coverage, building height, yard dimensions, off-street parking or density of residential use are made, although, so far as is practicable within the overall scheme of a planned development district, the requirements of Schedules A and B<sup>4</sup> of this chapter should be considered as a guide in determining reasonable requirements for compatible uses within a planned development district, except that the minimum residential living area requirements for interior space in dwelling units as established elsewhere in this chapter shall be met. No limitations upon permitted uses within the planned development district are intended to be made, nor is it intended to limit the areas within the village in which a planned development district may be created.
- B. Procedure for establishment of planned development districts.
- (1) Application for establishment of a planned development district shall be made to the Board of Trustees at a regular Village Board meeting and shall include:
    - (a) Petition for change of zoning to PD Planned Development District.
    - (b) Basic site data pertaining to the boundaries (including a metes and bounds description) of the proposed district, existing zoning, proposed residential density

<sup>4</sup> Editor's Note: Schedules A and B are included at the end of this chapter.

and residential living area for all proposed dwelling units, topography and subsoil conditions.

- (c) A plat showing such preliminary plans as may be required for an understanding of the proposed development.
  - (d) A completed short environmental assessment form (EAF) to comply with the provisions of the State Environmental Quality Review process (SEQR).
- (2) Creation of a PD District is an amendment of the Zoning Chapter and may therefore be subject to the State Environmental Quality Review process (SEQR). Village Board should identify the type of action the zone change is according to SEQR regulations. Depending on the size of the zone change and several other factors, it may be a Type 1 or an unlisted action. To make a decision, the Board should consult 6 NYCRR 617. If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement has been filed. An application is not complete, and therefore the review clock does not start, until a determination of no significance has been made or until a draft environmental impact statement is completed.<sup>5</sup>
- (3) Within fifteen (15) days after the receipt of such application, the Board of Trustees shall refer the application to the Village Planning Board and County Planning Department.
- (4) The Village Planning Board shall, within forty-five (45) days or such greater period, not to exceed an additional forty-five (45) days, as the applicant may consent to in writing, after referral to it by the Board of Trustees of such application, either grant tentative approval of the application as submitted or grant tentative approval of the application subject to specified conditions not included in the application as submitted or deny tentative approval of the application. Failure of the Planning Board to act

<sup>5</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

within forty-five (45) days or such longer period as may be consented to shall be deemed to be a grant of tentative approval of the plan as submitted. In the event that tentative approval subject to conditions is granted, the applicant may, within ten (10) days after receiving a copy of the Planning Board's decision, notify the Board of Trustees in writing of his or her refusal to accept all such conditions, in which case the Planning Board shall be deemed to have denied tentative approval of the application. In the event that the applicant does not notify the Board of Trustees within said period of his or her refusal to accept all said conditions, tentative approval of the application subject to such conditions shall stand as granted.

- (5) In considering the application for the creation of a planned development district, the Planning Board may require such changes in the preliminary plans and specify such additional requirements as are deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote and protect the orderly growth and sound development of the community. In reaching its decision on the proposed development and changes, if any, in the preliminary plans, the Planning Board shall consider, among other things, the following:
  - (a) The need for the proposed land use in the proposed location.
  - (b) The existing character of the neighborhood.
  - (c) The location of principal and accessory buildings on the site in relation to one another and in relation to buildings and uses on properties adjoining the proposed district.
  - (d) The pedestrian circulation and open space in relation to structures.