

- (e) The traffic circulation features within the site, and the amount, location and access to automobile parking areas.
 - (f) The height and bulk of buildings, their relation to other structures in the vicinity and the residential living area within dwelling units.
 - (g) The proposed location, type and size of signs, driveways, loading areas and landscaping.
 - (h) The safeguards provided to prevent possible detrimental effect of the proposed use on adjacent properties and the neighborhood in general.
 - (i) Storm drainage and sanitary waste disposal in and adjacent to the area.
 - (j) The compatibility of uses proposed for such district where a combination of uses is proposed.
- (6) The decision of the Planning Board shall be in the form of a written resolution which shall include findings of fact and shall set forth the reasons for granting or denying tentative approval, specifying with particularity in what respects the proposal contained in the application would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:
- (a) In what respects the plan is or is not consistent with the statement of purpose set forth in Subsection A of this section.
 - (b) The extent to which the proposal departs from zoning and subdivision regulations⁶ otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

⁶ Editor's Note: See Ch. 182, Subdivision of Land.

- (c) The nature and extent of the common open space in the planned development district, the reliability of the proposal for maintenance and conservation of such open space and the adequacy or inadequacy of the amount and function of the open space in terms of the densities of residential uses and the types thereof where residential uses are proposed.
 - (d) The plat of the proposal and the manner in which such plat does or does not make adequate provision for public services, control of vehicular traffic and the amenities of light and air and visual enjoyment.
 - (e) The relationship, beneficial or adverse, of the proposed planned development district upon the neighborhood in which it is proposed to be established.
 - (f) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect the interests of the public and the residents of the district in the integrity of the plan.
- (7) The County Planning Department shall have thirty (30) days from receipt of the application to complete such review as that Department deems necessary. The county review shall be advisory in nature unless referral is mandatory pursuant to General Municipal Law, in which case the county review shall have the full force of that law.
 - (8) The Planning Board resolution required by Subsection B(5) of this section and the County Planning Department review, if any, shall be filed with the Village Clerk and shall be available during regular office hours for inspection by any interested person.
 - (9) Upon the filing of the Planning Board resolution with the Village Clerk, the Board of Trustees shall, within thirty (30) days, hold a public hearing on said proposal after giving the requisite public notice required by law.

- (10) The Board of Trustees may thereafter amend this Zoning Chapter and Map so as to establish the proposed planned development district and define the boundaries thereof. Such action shall have the effect only of establishing a planned development district for the uses proposed by the applicant. Such amendment of the Zoning Chapter shall not constitute or imply a permit for construction or final approval of plans.
- (11) Upon amending this Zoning Chapter so as to establish a planned development district, the Board of Trustees shall, by resolution, resubmit the application to the Planning Board for review of plans and final approval of the proposal. In passing on such application, the Planning Board may require as a condition to final approval the posting of an undertaking sufficient to assure the completion of all requirements of the Planning Board, including the dedication, maintenance and completion of all streets, easements and open space or recreational areas, creation or extension of special districts or improvement areas, construction of storm and sanitary sewers, landscaping and such other improvements as may be required.
- (12) Within sixty (60) days of the submission to it of a proposal for final approval, the Planning Board shall either grant such approval, grant approval subject to specified conditions or deny final approval and forthwith file its decision with the Village Clerk and notify the applicant of its decision. Thereupon within ninety (90) days the applicant shall file with the County Clerk the final plat of any subdivision proposed and shall make application for a zoning permit or permits in accordance with the proposal as finally approved.
- (13) No zoning permit shall be granted for the construction of any building or structure other than as approved by the Planning Board and no building or structure shall be erected at variance with the proposal as finally approved, except that a changed application may be submitted to the Board of Trustees pursuant to Subsection B(15) below.

- (14) The applicant for final approval may appeal a Planning Board decision denying final approval or granting final approval subject to conditions with which the applicant is unwilling to comply. Such appeal shall be made to the Board of Trustees and must be made within thirty (30) days after the Planning Board has filed its decision with the Village Clerk.
- (15) Nothing herein shall prevent an applicant from changing the nature of the application subsequent to rezoning. However, in the event an applicant makes such changes, the changed application shall be submitted to the Board of Trustees, which body may, by resolution, resubmit to the Planning Board for review of final plans and final approval pursuant to Subsection B(10) of this section, provided that the Board of Trustees finds that the changes are minimal in their impact. If major changes are requested by the applicant, the Board of Trustees may submit the changed application to the Village Planning Board and County Planning Department for the reviews pursuant to Subsection B(4), (5) and (6) of this section or, by resolution, reject the changed application. The Board of Trustees may, after receipt and consideration of such reviews, hold a new public hearing on the proposal and may adopt a resolution resubmitting the application to the Planning Board for review of changed final plans and final approval pursuant to Subsection B(10) of this section.
- (16) Final approval of the application shall run with the land and shall not lapse or be waived as a result of any subsequent change in the tenancy or ownership of any or all of said area. Approval of the application shall bind the applicant and all heirs in title or interest to constructing the project only in accordance with the application as approved.
- (17) If construction work in the approved project is not begun within time limits specified by the zoning permit, or if any such work is not completed within the period of time specified by such permit, the Code Enforcement Officer shall so notify the Board of Trustees, Planning Board and

applicant. Unless the Board of Trustees, for good cause, authorizes an extension to the time limits, final approval of the application shall then become null and void and all rights therein shall cease. The applicant shall, however, retain the right to reapply for approval pursuant to the regulations governing a changed application in Subsection B(15) of this section.

- (18) If the applicant has not applied for a zoning permit within one (1) calendar year from the date of final approval of the application, or if the application shall remain null and void for a period of one (1) calendar year pursuant to Subsection B(17) of this section, the Code Enforcement Officer shall so notify the Board of Trustees, Planning Board and applicant. The Board of Trustees shall then, on its own motion, introduce a Zoning Map amendment returning the planned development district to its former zone district pursuant to this chapter.

§ 200-19. PM Planned Mobile Home District.

The following additional standards and guidelines shall be used in the consideration of PM Districts:

- A. Access to individual mobile homes shall be via internal roadways having a minimum right-of-way of fifty (50) feet and a minimum pavement of twenty-two (22) feet.
- B. All dead ends shall have appropriate turnarounds.
- C. Utility connections to individual mobile homes and to the village systems shall conform to applicable codes and be as approved by the Village Superintendent.
- D. Each mobile home shall be enclosed from the floor to the ground with a metal, wood or other approved skirting, properly ventilated, within sixty (60) days after location.
- E. All accessory structures, freestanding or attached, such as carports, porches, ramadas, storage units and similar, shall be as located and approved by the Planning Board.

- F. Service facilities, including laundry, storage and recreation, shall be provided on the site as approved by the Planning Board. If lots are individually owned, these facilities must be provided for each lot or by a neighborhood association or other entity satisfactory to the Planning Board.
- G. A minimum of ten percent (10%) of the project land area shall be common open space designated for recreation.
- H. Screening and landscaping shall be required to provide a satisfactory residential environment and to prevent detrimental impact on adjacent properties.
- I. Yards: minimum of twenty (20) feet between buildings, and a minimum of thirty (30) feet between buildings and a district boundary line or public street.
- J. Building coverage: maximum fifty percent (50%) of any single lot.
- K. Parking and loading: in accordance with the off-street parking and loading section of this chapter, Article VII.

§ 200-20. OF Overlay Flood Area District.

- A. The purpose of the OF Overlay Flood Area District is as follows: to delineate special flood hazard areas defined by the Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps.
- B. General Process. The Flood Area District is an overlay. The uses in the underlying districts are permitted, subject to Planning Board review. Upon referral of a proposed action, the Planning Board shall determine whether or not the proposal is within the one-hundred-year floodplain. This determination shall be based on the FEMA Flood Hazard Boundary Map as delineated on the Village Zoning Map as the Flood Area Overlay District, or on other recognized professional hydrologic data. If it is determined that the proposal is within the one-hundred-year floodplain, then compliance with this section is required.

C. Procedures for action in floodplain areas.⁷

- (1) Review criteria. In passing upon such applications, the Board may consider all relevant factors specified in other sections of this chapter and:
 - (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (b) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - (e) The importance of the services provided by the proposed facility to the community.
 - (f) The requirements of the facility for a waterfront location.
 - (g) The availability of alternative locations not subject to flooding for the proposed use.
 - (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (i) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
 - (j) The safety of access to the property in times of flood by ordinary and emergency vehicles.
 - (k) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

⁷ Editor's Note: See also Ch. 107, Flood Damage Prevention.

- (l) Such other factors as are relevant to the purposes of this chapter.
- (2) Standards for flood-prone area uses.
 - (a) All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment or other use may be allowed which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodplain or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.
 - (b) Fill.
 - [1] Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof shall be not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
 - [2] Such fill or other materials shall be protected against erosion by riprap, vegetation cover or bulkheading.
 - (c) Structures (temporary or permanent).
 - [1] Whenever possible, structures shall not be designed for human habitation.
 - [2] Structures shall have a low flood-damage potential.
 - [3] The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.

- [a] Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - [b] So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures; and
 - [c] Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and
 - [d] Service facilities, such as electrical and heating equipment, shall be constructed at or above the regulatory flood-protection elevation for the particular area or floodproofed.
- (d) Storage of material and equipment.
- [a] The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
 - [b] Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- (3) Possible conditional requirements. Upon consideration of the factors listed above and the purpose of this chapter, the Planning Board may attach such conditions to the granting of permits as it deems necessary to further the purposes of this chapter. Among such conditions, without limitation because of specific enumeration, may be included:

- (a) Modification of waste disposal and water supply facilities.
- (b) Limitations on periods of use and operation.
- (c) Imposition of operational controls, sureties and deed restriction.
- (d) Requirements for construction of channel modifications, dikes, levees and other protective measures.
- (e) Floodproofing measures such as the following shall be designed consistent with the flood-protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces and other factors associated with the regulatory flood. The Board may require that the applicant submit a plan or document, certified by a registered professional engineer, that the floodproofing measures are consistent with the regulatory flood-protection elevation and associated flood factors for the particular area. The following floodproofing measures may be required, without limitation because of specific enumeration:
 - [1] Anchorage to resist flotation and lateral movement.
 - [2] Installation of watertight doors, bulkheads and shutters or similar methods of construction.
 - [3] Reinforcement of walls to resist water pressures.
 - [4] Use of paints, membranes or mortars to reduce seepage of water through walls.
 - [5] Addition of mass or weight to structures to resist flotation.
 - [6] Installation of pumps to lower water levels in structures.
 - [7] Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.

- [8] Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
 - [9] Construction to resist rupture or collapse caused by water pressure or floating debris.
 - [10] Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
 - [11] Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood.
 - [12] Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately floodproofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into floodwaters.
- (4) Nonconforming uses. A structure or use of a structure or premises which was lawful before the passage or amendment of this chapter which is located in the defined floodplain but which is not in conformity with the provisions of this section may be continued, subject to the provisions of Article VIII of this chapter and the following conditions:

- (a) If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty percent (50%) or more of its value, it shall not be reconstructed except in conformity with the provisions of this chapter. Reconstruction may be permitted, provided that adequate and safe flood-proofing is completed in conformity with Subsection C(3) of this section.

ARTICLE V

Lot and Building Regulations

§ 200-21. General regulations.

Regulations governing lot area and lot width, front, side and rear yards, building coverage and building height are as specified in Schedule A, which is hereby made a part of this chapter.⁸ The regulations appearing in Schedule A are subject to the supplementary regulations of Article VI and additional regulations as follows.

§ 200-22. Additional area regulations.

A. Lots of less than required dimensions.

- (1) Any lot with an area or a width less than that required in the district in which said lot is located may be used for any purpose permitted in the district, provided that all other regulations prescribed for the district shall be complied with, and further provided that said lot was held under separate ownership at the time of adoption of this chapter and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimension requirements.
- (2) In the event that compliance with the yard and coverage requirements of the district would result in a residential structure of less width than twenty-four (24) feet, the Board of Appeals shall determine and fix yard and

⁸ Editor's Note: Schedule A is included at the end of this chapter.

coverage requirements for said lot to permit its reasonable utilization for a permitted use.

- B. Reduction of lot area. The minimum yards and open spaces, including lot area per family, required by this chapter for any building existing at the time of adoption of this chapter or for any dwelling hereafter erected or structurally altered shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot be reduced below the district requirements of this chapter.
- C. Corner lot. On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on such streets. One (1) rear yard shall be provided on each corner lot, and the owner shall designate the rear yard on his or her application for a zoning permit. Nothing in this regulation shall be so interpreted as to reduce the building width of a corner lot facing an intersecting street and of record at the time of the passage of this chapter to less than twenty-four (24) feet.
- D. Visibility at street corners. On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than three (3) feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points twenty (20) feet distant from the point of intersection, measured along said right-of-way lines.
- E. Front yard exceptions. The front yard of all buildings and structures hereafter constructed within a residence district shall be not less than the average front yard of all buildings in the block for a distance of three hundred (300) feet on each side of such building. A vacant lot within the said distance shall be considered as having the minimum front yard required in the district for the purpose of computing such average front yard.
- F. Transition yard requirements.

- (1) When two (2) zone districts with different front yard requirements meet between intersections on the same street, any buildings within fifty (50) feet of the district boundary line which are hereafter constructed or structurally altered shall have a front yard equal in depth to at least the average of the front yard requirements of the two (2) districts.
 - (2) Where the side or rear yard of a lot abuts a side or rear yard of a lot in a more restricted district, there shall be provided along such abutting line or lines a side or rear yard equal in depth to that required in the district or in the more restricted district, whichever is greater.
- G. Projecting architectural features, terraces, porches and fire escapes.
- (1) The space in any required yard shall be open and unobstructed except for the ordinary projections of windowsills, belt courses, cornices, eaves and other architectural features; provided, however, that such features shall not project more than two (2) feet into any required yard.
 - (2) A paved terrace shall not be considered as part of a building in the determination of yard size or lot coverage, provided that such terrace is unroofed and without walls, parapets or other form of enclosure exceeding six (6) feet in height.
 - (3) In determining the percentage of building coverage or the size of yards for the purpose of this chapter, enclosed porches or porches open at the side but roofed shall be considered a part of the building.
 - (4) An open fire escape may extend into any required yard not more than six (6) feet, provided that such fire escape shall not be closer than four (4) feet at any point to any lot line.
 - (5) Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard a distance not to exceed six (6) feet.

- H. Walls, fences and hedges. The yard requirements of this chapter shall not prohibit any necessary retaining wall nor any fence, wall or hedge, provided that in any residence district, no fence or wall shall exceed four (4) feet in height in any front yard or six (6) feet in height in any side or rear yard, and provided further that such fence or wall shall be no closer to any lot line than three (3) feet and shall comply with visibility at street corners as provided in Subsection D above. The decorative or finished side of any fence shall face outwards from the lot. [Amended 4-5-1990]⁹
- I. Domestic fuel tanks. Aboveground domestic fuel tanks shall be in side or rear yards.

§ 200-23. Additional height regulations.

- A. Chimneys, spires, etc. The height limitations of this chapter shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to flagpoles, monuments, transmission towers and cables, radio and television antennas or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the roof limitations.
- B. Through lots. On through lots one hundred twenty (120) feet or less in depth, the height of a building may be measured from the grade of either street. On through lots more than one hundred twenty (120) feet deep, the height regulations and basis of height measurement of the street permitting the greater height shall apply to a depth of not more than one hundred twenty (120) feet from that street.

⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 200-24. Accessory buildings.

- A. **Number.** There shall be not more than one (1) principal dwelling structure nor more than two (2) accessory buildings, including a private garage, on each lot intended or used for residential purposes, except that dwelling groups and large-scale developments shall not be subject to the provisions of this section.
- B. **Height.** Accessory buildings shall not exceed one and one-half (1½) stories or fifteen (15) feet in height.
- C. **Location of unattached accessory buildings in R Districts and RT Districts.** Accessory buildings not attached to a principal building may be erected within one (1) of the side yards or within the rear yard in accordance with the following:
- (1) **Rear yard:** five (5) feet from side or rear line, except ten (10) feet when abutting an alley.
 - (2) **Side yard.**
 - (a) **Interior lot:** five (5) feet.
 - (b) **Corner lot:** same as for the principal building.
 - (3) **Not closer to a principal building than ten (10) feet.**
- D. **Attached accessory buildings in R Districts and RT Districts.** An accessory building attached by roof and/or walls to the principal building shall comply in all respects with the requirements of this chapter applicable to the principal building.
- E. **Accessory buildings in business and manufacturing districts.** Nondwelling accessory buildings shall comply with front and side yard requirements for the principal building to which they are accessory and shall be not closer to any rear property line than ten (10) feet.

§ 200-25. Residential ground floor areas.

Minimum residential ground floor areas, measured from the exterior faces of exterior walls, exclusive of garages and open porches, shall be as follows:

District	Number of Stories	Minimum Area (square feet)
Residential R1 and Residential RT	Less than 2	1,000
	2 or more	800
Mobile Home PM	1	800
Business B1 and B2	Less than 2	800
	2 or more	600

§ 200-26. Residential living area requirements.

Minimum living areas for dwelling units hereafter established shall be as follows:

- A. One- and two-family dwellings. Minimum living areas shall be measured from exterior faces of exterior walls, exclusive of garages, cellars and unenclosed porches. Minimum living area per dwelling unit shall be one thousand (1,000) square feet, except mobile homes in Planned Mobile Home PM Districts shall be eight hundred (800) square feet.
- B. Multifamily dwellings. Minimum living areas for each such dwelling unit shall be calculated by totaling the interior square footage of all rooms, halls and closets in the dwelling unit which are reserved for the use of that unit's residents, but excluding all areas shared in common with any other dwelling unit. Minimum living areas per individual dwelling unit shall be as follows:
 - (1) Zero (0) bedroom: four hundred twenty-five (425) square feet (efficiency).
 - (2) One (1) bedroom: five hundred twenty-five (525) square feet.
 - (3) Two (2) bedrooms: six hundred fifty (650) square feet.

- (4) Three (3) bedrooms: seven hundred seventy-five (775) square feet.

§ 200-27. Floor area ratio.

The floor area ratio (FAR) specified in Schedule A (Zoning Schedule)¹⁰ is the maximum square footage of total floor area permitted for each square foot of land area, except that the specified maximum building coverage shall apply if a lesser density.

**ARTICLE VI
Supplementary Regulations**

§ 200-28. Lots in more than one district.

Where a district boundary line divides a lot in one (1) ownership at the time of adoption of said district line, the regulations for the less restricted portion of such lot shall extend not more than fifty (50) feet into the more restricted portion, provided that the lot has frontage on a street in the less restricted district.

§ 200-29. Signs.

A. This chapter regulates signs and street graphics in order to promote public welfare and safety as follows, to:

- (1) Encourage appropriate and compatible signs and graphics.
- (2) Lessen objectionable competition in sign size and placement.
- (3) Reduce the hazards of sign obstructions and distractions.
- (4) Create a more attractive business climate.
- (5) Conserve the value of buildings and properties.
- (6) Protect and enhance village appearance.

¹⁰ Editor's Note: Schedule A is included at the end of this chapter.

- B. General sign regulations. The following regulations shall apply to all permitted sign and billboard uses:
- (1) Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
 - (2) Signs, other than an official traffic sign, shall not be erected within the right-of-way lines of any street.
 - (3) Signs shall not project beyond property lines nor over public sidewalk areas except as noted in Article VIII of this chapter.
 - (4) All temporary signs erected for any special event or political campaign shall be removed by the property owner when the circumstances leading to their erection no longer apply. In particular, all office seekers and their campaign organizations shall remove their candidate's signs and stickers within seven (7) days following the election.
 - (5) No revolving, flashing or intermittently illuminated signs shall be permitted in any zone district, except that informational signs displaying the current time and/or temperature may flash as necessary to convey this information.
 - (6) Signs for home occupations are further regulated under Article X of this chapter.
 - (7) Signs for auto sales are further regulated under Article X of this chapter.
 - (8) Nonconforming signs are subject to the restrictions contained in Article VIII of this chapter.
 - (9) Flags, emblems or insignia of a nation, government or school may be displayed without a permit, except in connection with commercial purposes.
 - (10) No sign shall be placed on any fence, utility pole or tree.

(11) Any signs advertising garage sales or lawn sales shall be removed within twenty-four (24) hours after said sale has ended.¹¹

C. No sign shall be erected, altered, changed or relettered in any RT, B1, B2 or M1 Zone District unless a special permit shall have been issued by the Code Enforcement Officer pursuant to this section. Any such special permit shall, unless otherwise indicated thereon, be subject to revocation by the Code Enforcement Officer. A permit shall not be required for the erection, alteration or maintenance of any permitted sign in the R1 Zone District.¹²

D. R1 Residential Districts.

(1) Nonilluminated and nonadvertising signs are permitted as follows:

(a) One (1) nameplate, identification or professional sign not to exceed two (2) square feet of sign area showing the name and/or permitted home occupation of the occupant.

(b) One (1) sign not to exceed six (6) square feet of sign area pertaining to the sale, lease or rental of the lot or building.

(c) One (1) temporary sign not to exceed six (6) square feet of sign area during and pertaining to construction, repairs or alterations on the property.

(d) Institutional or religious sign not to exceed fifteen (15) square feet of sign area.

(2) Illumination exception. Signs announcing the name of the occupant may be illuminated, provided that the source of light is directed away from or shielded from any adjacent residential property or street. Any such illuminated sign may include a professional title which is a commonly accepted form of address (i.e., R.F. Jones, D.D.S.) but may not advertise a home occupation.

¹¹ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

¹² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

- (3) Signs advertising functions, uses, products or services not pertaining to the premises on which they are located and mobile advertising or attracting devices are expressly prohibited; no vehicle or trailer on which an advertising or business identification sign in excess of two (2) square feet has been applied or painted shall be parked or stored forward of the building line for more than five (5) hours during any twenty-four (24) consecutive hours.

E. RT Residence Transition Districts.

- (1) Signs for uses permitted in R1 Residence Districts shall comply with Subsection D above.
- (2) Signs for uses which are permitted in B1 Business Districts but not permitted in R1 Residence Districts shall comply with Subsection F below.
- (3) Signs in the RT District must be approved by the Planning Board pursuant to the design review area requirements before the Code Enforcement Officer may grant a permit for them.¹³

F. B1, B2 and M1 Districts.

- (1) Signs in the B1 District must be approved by the Planning Board pursuant to the design review area requirements before the Code Enforcement Officer may grant a permit for their erection, except as noted.¹⁴
- (2) Portable business signs do not require design review area approval or a special permit, provided that the total sign display surface on each side does not exceed fifteen (15) square feet. Such signs must conform to the general regulations in Subsection C above. Their placement within any right-of-way lines of any street or beyond the property line shall render them nonconforming as to location pursuant to Article VIII of this chapter.

G. PD Planned Development Districts.

¹³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

¹⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

- (1) Signs in PD Planned Development Districts must receive the Code Enforcement Officer's approval pursuant to Article IV, § 200-18, of this chapter before the Board of Trustees may grant a special permit for them.¹⁵
- (2) The sign requirements for the zone district most closely resembling the uses requested in a PD Zone shall be used as guidelines by the Planning Board in reviewing any sign request.

§ 200-30. Maintenance of premises.¹⁶

- A. Structures damaged by fire. In addition to the other provisions of this chapter, any structure damaged by fire shall be demolished or repaired within six (6) months from the date of damage.
- B. The exterior of all premises shall be kept free of the following matter, materials or conditions:
 - (1) Refuse, as hereinabove described.
 - (2) Rubbish, as hereinabove described.
 - (3) Abandoned, uncovered or structurally unsound walls, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations.
 - (4) Abandoned iceboxes, refrigerators, heaters, television sets and other similar major appliances.
 - (5) Structurally unsafe or unsound buildings, structures or fences or parts thereof.
 - (6) Animal excrement piles or manure piles within one hundred (100) feet of a property line.
 - (7) Buried refuse or rubbish.
 - (8) Stagnant surface or ground water accumulations which create or are likely to create mosquito or other insect breeding areas.

¹⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁶ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (9) Nuisances, as hereinabove described.
- (10) Vehicles or parts thereof, including boats and trailers, motorized or not, licensed or unlicensed, registered or unregistered, which vehicles or parts thereof are or have been junked, abandoned, dismantled or are in a state of visible disrepair for a period of more than two (2) weeks. This subsection shall take effect only where the conditions described herein are visible from surrounding or adjoining properties. No part of this subsection, however, shall be applicable to properties upon which the business of an automobile body shop or automobile dealership is conducted.
- (11) Dangerously loose and overhanging objects, including but not limited to dead trees or tree limbs, accumulations of ice or any object, natural or man-made, which could threaten the health and safety of persons if caused to fall, or other similar dangerously loose and overhanging objects which, by reason of their location above ground level, constitute an actual hazard to persons or vehicles in the vicinity thereof.
- (12) Broken glass or windows or rotted, missing or substantially destroyed window frames and sashes, door frames, exterior doors or other major exterior component parts of buildings or structures.

ARTICLE VII

Off-Street Parking and Loading

§ 200-31. Off-street parking.

- A. Off-street parking space shall be required for all buildings constructed or new uses established after the effective date hereof, except in the B1 District. Each off-street space shall consist of at least one hundred eighty (180) square feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. Parking requirements specified in this

Article include Schedule B, which is hereby made a part of this chapter.¹⁷

- B. For uses not specified, the Board of Appeals shall, on appeal and after recommendation of the Planning Board, establish parking requirements in specific cases consistent with those specified in Schedule B and the following:
- (1) For any building having more than one (1) use, parking space shall be required for each use.
 - (2) Required parking spaces for any uses in R1 or RT Districts shall be located only in the side or rear yard on the same lot or tract as the principal use. Parking in R1 and RT Residential Districts shall not be located in any required front yard. Parking spaces required for other uses may be located in the same district within two hundred (200) feet of the principal use, subject to the approval of the Board of Appeals as a special use.
 - (3) Floor areas for the purposes of computing parking requirements shall be the sum of the horizontal areas within exterior walls of the several floors of a building, excluding basement, cellar and attic areas used primarily for storage or service.

§ 200-32. Off-street loading.

- A. At least one (1) off-street loading facility shall be provided for each commercial or industrial establishment hereafter erected or altered to have a gross floor area in excess of five thousand (5,000) square feet, computed as described in § 200-31. Space for off-street loading shall be in addition to space for off-street parking.
- B. Each facility shall be subject to the following minimum requirements:
- (1) Each berth shall be not less than twelve (12) feet wide, thirty-three (33) feet long and fourteen (14) feet in height when covered.

¹⁷ Editor's Note: Schedule B is included at the end of this chapter.

- (2) Space for such berth may occupy any part of any required side or rear yard, except no such berth shall be located closer than one hundred (100) feet to any lot in any R District unless wholly within a completely enclosed building.

ARTICLE VIII Nonconforming Uses

§ 200-33. Continuation of existing use, building or structure.

Any nonconforming use, building or structure which existed lawfully at the time of this chapter may be continued, subject to the regulations which follow in this Article.

§ 200-34. Registration.

It shall be the duty of the Zoning Enforcement Officer to give written notification to the owners (as they appear on the most current village tax rolls) of all nonconforming uses of land and buildings concerning their nonconforming status. Such notification shall be made within six (6) months of the date of adoption of this chapter or amendment and shall include such information as is necessary for the property owner to meet with the Zoning Enforcement Officer for a fuller explanation of nonconforming status. The Enforcement Officer shall also maintain a registration log listing the owner, address, date of such notification and particular nonconformity of each nonconforming property. Failure of the Zoning Enforcement Officer to so notify a property owner shall not relieve said property of its nonconforming status.

§ 200-35. Land.

The nonconforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of the adoption of this chapter. A nonconforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of adoption of this chapter. A nonconforming use of land shall not be changed to

another nonconforming use. If a nonconforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

§ 200-36. Buildings.

- A. Additions. A building containing a nonconforming use shall not be added to or enlarged in any manner unless such nonconforming building and the use thereof are made to conform to all the regulations of the district in which it is located.
- B. Alterations and repairs. No structural alterations shall be made to any building containing a nonconforming use unless such alterations are required by law; provided, however, that such maintenance and repairs as are required to keep a nonconforming building or structure in sound condition shall be permitted.
- C. Changes. A nonconforming use of a building may not be changed except to a conforming use. When so changed, the nonconforming use shall not be resumed thereafter.
- D. Discontinuance. A nonconforming use of a building or structure or a portion thereof which is discontinued for a period of twelve (12) consecutive months shall not be reestablished, and any subsequent use shall conform to the use regulations of the district in which the premises are located. A use shall be deemed to have been discontinued under any of the following conditions:
 - (1) Vacancy of a nonconforming use of a building or discontinuance of a nonconforming use for a period of twelve (12) consecutive months.
 - (2) Manifestation of a clear intent on the part of the owner to abandon the nonconforming use.
- E. Extension. A nonconforming use may not be extended to any other part of such building.

- F. Restoration. A building devoted to a nonconforming use destroyed or damaged by fire, wind, explosion, structural failure or other natural cause to the extent of fifty percent (50%) or more of its assessed value at the time of such damage, as adjusted to full value, based upon State Board of Equalization rates, shall not be repaired, rebuilt or reoccupied except in conformity with the provisions of this chapter and after a zoning permit and certificate of zoning compliance have been issued by the Zoning Enforcement Officer.
- G. Removal. If any building in which any nonconforming use is conducted is removed, the subsequent use of the land on which such building was located and the subsequent use of any building erected thereon shall conform to the regulations of the district.
- H. Validity of permit. Any building for which a permit has been lawfully granted and on which the construction has been started and diligently prosecuted before the effective date of this chapter may be completed.

§ 200-37. Miscellaneous.

- A. Nonconforming lots shall be subject to the following:
 - (1) Residential lots in R1 and RT Zone Districts.
 - (a) Nothing herein shall prevent the owner of a lot in the R1 or RT Zone Districts which is nonconforming as to width or area from constructing an allowed residential use on it, provided that all yards, setback and residential living area requirements are met pursuant to § 200-22A(1) and (2).
 - (b) If any yard or setback requirement cannot be met, residential development shall only be allowed if an area variance is granted by the Zoning Board of Appeals.
 - (c) If the residential living area requirements cannot be met, the Zoning Board of Appeals may grant an area variance reducing the required yard or

setbacks, but shall not reduce the residential living area requirements.

- (2) All others. Development on all other nonconforming lots shall only be permitted, provided that the Zoning Board of Appeals grants the appropriate variance.

B. Nonconforming buildings shall be subject to the following:

- (1) Residential buildings in R1 and RT Zone Districts. Nothing herein shall prevent the owner of a nonconforming residential building in the R1 and RT Zone Districts from rebuilding, repairing or altering such building, provided that the degree of nonconformity is not enlarged and provided that said building complies with all use and residential living area requirements for that zone district.
- (2) All nonconforming buildings. Except as noted above, nonconforming buildings which comply with the use regulations of their zone districts may be altered, extended, enlarged, rebuilt or restored only if an appropriate variance has been granted by the Zoning Board of Appeals, unless such activity is required by law; provided, however, that such maintenance and repairs as are required to keep such nonconforming buildings or structure in sound condition shall be permitted without a variance.

C. Signs. Notwithstanding the foregoing, nonconforming signs shall be subject to the following regulations:

- (1) Signs which are nonconforming because they rotate, flash or are intermittently illuminated shall be modified to bring them into conformance within six (6) months after the owner has been notified of the nonconformity by written notice from the Code Enforcement Officer.
- (2) Permanent signs which are nonconforming due to location (i.e., overhanging a public right-of-way or located in a public right-of-way) shall be removed or brought into conformance within six (6) months after the owner has been notified of the nonconformity by written notice from the Enforcement Officer; provided, however, that said

owner may appeal to the Zoning Board of Appeals for relief from the notice of nonconformity.

- (3) Temporary or portable signs which are nonconforming due to location.
 - (a) Such signs shall be in violation of this chapter twenty-four (24) hours after the property owner or sign owner, whichever is appropriate, has been notified of the nonconformity by written notice from the Enforcement Officer.
 - (b) Once such a temporary or portable sign has been identified, proper written notice sent and the twenty-four-hour period exceeded, that sign shall thereafter be in violation of this chapter immediately upon being placed in a nonconforming location.
 - (c) Notwithstanding the foregoing, the Board of Trustees may grant interim permits for temporary signs announcing special events and thereby authorize them to be placed in nonconforming locations; provided, however, that any such permit shall expire twenty-four (24) hours after the special event, and at that time any such sign shall become subject to the restrictions in Subsection C(3)(a) above.

D. Off-street parking. Notwithstanding any other provision of this chapter, off-street parking requirements shall be subject to the following exceptions:

- (1) Any conforming use or building existing as of the adoption of this chapter or amendment which does not conform to the off-street parking requirements may be changed to a new use without meeting the parking requirement, provided that the new use requires the same or less parking than the previous use.
- (2) Changes to uses which require more parking shall only have to provide new off-street parking in an amount equal to the difference between the requirements for the two (2) uses as determined from Schedule B.¹⁸

¹⁸ Editor's Note: Schedule B is included at the end of this chapter.

- (3) Alterations or extensions to existing buildings which do not involve a change in use shall only have to provide additional off-street parking as required by Schedule B applied to such alteration or extension.
- (4) New buildings erected on lots with more than one (1) principal structure shall only have to provide additional off-street parking as required by the new building pursuant to Schedule B.

ARTICLE IX
Administration and Enforcement

§ 200-38. Enforcement Officer.

- A. The provisions of this chapter shall be administered and enforced by a person designated by the Village Board as the "Zoning Enforcement Officer." It shall be his duty to prepare such forms as are necessary to accomplish his duties, including but not limited to forms for zoning permits, certificates of zoning compliance, appeals to and final determinations from the Zoning Board of Appeals, requests for home occupation, sign permits and notices of zoning violations.
- B. He shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. No zoning permit or certificate of zoning compliance required hereunder shall be issued by the Zoning Enforcement Officer except in compliance with the provisions of this chapter or as directed by the Board of Appeals under the provisions of Article X.

§ 200-39. Zoning permits.

- A. No building or structure shall be erected, moved, altered, added to or enlarged, no interior or exterior alterations as defined herein shall be undertaken and no excavation for any building shall be begun unless and until a zoning permit for such work has been issued by the Zoning Enforcement Officer.

- B. Applications for a zoning permit and certificate of zoning compliance shall be submitted in duplicate on a form or forms provided by the Zoning Enforcement Officer. Each application shall set forth the purpose for which the building is intended to be used and shall be accompanied by a plot plan showing the dimensions of the lot and the building and dimensions of required proposed yards. The Zoning Enforcement Officer may require such additional information, other than that called for on the application form, as may reasonably be needed for him to determine if the proposed building, its use and the use of the land are in conformity with the provisions of this chapter.
- C. Zoning and building permit fees shall be as established by resolution of the Board of Trustees.
- D. Permit shall be issued or denied within thirty (30) days of receipt of complete application, unless subject to design review.
- E. If construction authorized by a permit has been started within one (1) year, said permit shall be null and void.

§ 200-40. Certificate of zoning compliance.

- A. A certificate of zoning compliance is required for any of the following:
 - (1) Occupancy and use of a building hereafter erected, altered, moved or extended, provided that such activity requires a zoning permit.
 - (2) Change in the use of an existing building from one type of use to another.
 - (3) Occupancy and use of vacant land, except for any use consisting primarily of tilling the soil or similar agricultural use.
 - (4) Change in the use of land, except for any use consisting primarily of tilling the soil or similar agricultural use.

- B. A certificate of zoning compliance shall be obtained, on application, from the Zoning Enforcement Officer. Such certificate shall be issued only if the proposed use of the building or land conforms to the provisions of this chapter and to the plans on which the permit was issued.
- (1) The Zoning Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a certificate of zoning compliance has been applied before issuing such certificate. Such inspection shall be made within five (5) days from the date of application, Saturdays, Sundays and legal holidays excepted.
 - (2) Failure to make such inspection and determination within the specified period of time shall be deemed to be disapproval of the application for a certificate of zoning compliance. Satisfactory as-built drawings shall be filed with the application for a certificate of zoning compliance.

§ 200-41. Penalties for offenses.

- A. Any person, association, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be punished by a fine of not more than two hundred fifty dollars (\$250.) or fifteen (15) days' imprisonment, or both, for each offense; and each day that the violation is permitted to exist shall constitute a separate offense.¹⁹
- B. In addition to the foregoing penalty, a violation of this chapter shall constitute disorderly conduct and the person violating the same shall be a disorderly person and such violation shall constitute disorderly conduct.
- C. In case of violation of this chapter, the village and its officers may, in addition to any other remedies conferred by law or ordinance, institute any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain,

¹⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE X
Zoning Board of Appeals

§ 200-42. Establishment; functions.

- A. A Board of Appeals shall be established by resolution of the Board of Trustees. It shall consist of five (5) members appointed by the Board of Trustees for a term of five (5) years. The Chairman and a Deputy Chairman, who shall act in the absence or inability of the Chairman, shall be designated by the Mayor. The Board shall serve without compensation for its services.
- B. This Board of Appeals shall have the duties, rights, powers and function conferred upon it by § 7-712 of Article 7, as amended, of the Village Law and any other provisions of law or ordinance applicable thereto, including, but without limiting the generality of the foregoing, the following.

§ 200-43. Meetings.

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine. Such Chairman, or in his absence, the Deputy Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Such Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

§ 200-44. Records.

All decisions of the Board shall be in writing, and a copy of each decision shall be sent to the applicant and to the Zoning Enforcement Officer. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and shall be a public record. Each decision shall set forth fully the reasons for the decision of the Board and the findings of fact on which the decision was based. Such findings and reasons shall include references to the appropriate standards of § 200-47 where the appeal is for a variance or a special use.

§ 200-45. Appeals.

- A. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Enforcement Officer. It shall also hear and decide all matters referred to it upon which it is required to pass under this chapter.
- (1) No Board of Appeals decision shall be made on a variance until an advisory opinion is received from the Planning Board. Failure of said Board to report an opinion prior to the hearing shall be construed as approval of the variance.
 - (2) The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer or to decide in favor of the applicant any matter upon which it is required to pass under this chapter or to effect any variation in this chapter. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the village.
- B. Such appeal shall be taken within thirty (30) days or such additional time as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Enforcement Officer and with the Board of Appeals a notice of appeal, specifying the grounds thereof and accompanied by a site plan or other appropriate description sufficient to demonstrate the appli-

cant's intent to the Zoning Board of Appeals. The Zoning Enforcement Officer shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken. Failure of the applicant to furnish such site plan or description, or failure of the applicant to furnish such additional or more detailed information as the Board of Appeals deems necessary, shall constitute sufficient grounds for the Board of Appeals to reject the appeal as incomplete; provided, however, that nothing herein shall prevent a rejected applicant from providing such additional or more detailed information and having the appeal subsequently accepted.

§ 200-46. Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

§ 200-47. Powers and duties.

The Board of Appeals shall have the powers and duties prescribed by statute and by this chapter, as follows:

A. Appellate jurisdiction.

- (1) Appeals from the interpretation of the Zoning Enforcement Officer.
- (2) To grant a variance in case of practical difficulty or unnecessary hardship.

B. Original jurisdiction.

- (1) Authorization of a permit for special uses where provided for in this chapter.

- C. Interpretation. On appeal from a determination of the Zoning Enforcement Officer, to hear and decide on questions where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Enforcement Officer involving the interpretation of any provision of this chapter.
- D. Variance. On appeal from a determination of the Zoning Enforcement Officer, to grant a variance where the property owner can show that his property was acquired in good faith and where the strict application of this chapter would result in practical difficulty or unnecessary hardship. The Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall make a finding of fact based upon the evidence as presented to it in each specific case, as follows:
- (1) Use variances. Upon written determination by the Zoning Enforcement Officer that a proposed use is prohibited by any provision of this chapter, a person aggrieved may appeal for relief by firmly establishing the following:
 - (a) That the land in question cannot yield a reasonable return (profit) if used only for a purpose allowed in that zone.
 - (b) That the use requested will not alter the essential character of the neighborhood.
 - (2) Area variances. Upon written determination by the Zoning Enforcement Officer that, while a proposed use is a permitted or accessory use, it does not strictly comply with all district regulations or other supplemental provisions of this chapter, a person aggrieved may appeal for relief by establishing the following:
 - (a) That the request is of reasonable size or dimension and is the minimum variance necessary to accomplish the desired purpose.
 - (b) That the request is consistent with the character of the neighborhood.

- (c) That the request is not caused by simple inconvenience which can be obviated by another method and has not resulted from any act of the applicant subsequent to the adoption of this chapter.
 - (d) That the request will not adversely affect governmental facilities.
 - (e) That the interests of justice will be served by granting the variance.
- (3) In any case, the granting of the variance will be in harmony with the intent, spirit and purpose of this chapter and will not permit a use of the property in question for any purpose not permitted in the district in which such property is located or otherwise be injurious to the neighborhood.

E. Special uses. On application, the Board of Appeals may authorize issuance of a permit for a special use for which approval of the Board is required under this chapter. In authorizing such permit, the Board may specify appropriate conditions in harmony with the following standards:

- (1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts.
- (2) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children; relation to main traffic thoroughfares and to street and road intersections; and the general character and intensity of development of the neighborhood.

- (3) The location and height of building, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
- F. Special uses requiring Board of Appeals authorization include, but are not limited to, the following:
- (1) Public utility or municipal structure or use. Such uses shall include electric or telephone substations, transformers and auxiliary apparatus serving a distribution area and water pumping stations in any residential district and shall be subject to the following regulations:
 - (a) Such facility shall not be located on a residential street (unless no other site is available) and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
 - (b) The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
 - (c) Adequate fences, barriers and other safety devices shall be provided, and the facility shall be screen-planted in accordance with the dictates of the Board.
 - (2) Drive-in food service. In addition to meeting the minimum yard and lot coverage requirements, such businesses where persons are served in automobiles or out-of-doors shall be subject to the following regulations:
 - (a) Such use shall be not closer than two hundred (200) feet to a residence district, the "use" referring to the principal building.
 - (b) Such use shall have frontage on a public street.
 - (c) Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Board of Appeals.

- (d) Such use shall be adequately fenced and screened from any adjacent residential property, and lighting shall be directed away from adjacent property.
- (3) Auto wash. In addition to meeting the minimum yard and lot coverage requirements, any auto wash establishment shall be subject to the following regulations:
- (a) Such establishment shall not be closer than two hundred (200) feet to a residence district.
 - (b) The wash water shall not pollute any stream nor create a hazard because of surface drainage.
 - (c) The number and location of driveways shall be subject to a review and approval of the Board of Appeals.
 - (d) Such establishment, in addition to meeting the off-street parking requirements of Schedule B,²⁰ shall provide three (3) stacking spaces or more per bay on the lot to prevent the waiting of automobiles in the public street.
- (4) (Reserved)²¹
- (5) Public swimming pools.
- (a) All such uses shall conform to the same restrictions as apply to accessory uses in the same zone district.
 - (b) All such uses shall be constructed, maintained and operated in accordance with all applicable New York State statutes and policies, including Bulletin 27, Swimming Pools and Bathing Beaches, and Bulletin 31, Policies Governing the Preparation of Plans for Artificial Swimming Pools, and Part 6, Swimming Pools and Bathing Beaches, of the New York State Sanitary Code.

²⁰ Editor's Note: Schedule B is included at the end of this chapter.

²¹ Editor's Note: Former Subsection (4), Private swimming pool, was deleted 4-5-1990. See now § 200-12B(1)(g).

- (6) Gasoline station. No gasoline station shall be permitted except where the Board determines:
- (a) That the proposed use is consistent with the intent and purpose of this chapter to promote public health, safety, morals and the general welfare.
 - (b) That the location and size of the use, the site layout and its relation to any street shall be such that vehicular traffic and turning movements and their relation to pedestrian traffic will not be more hazardous than the normal traffic of the district.
 - (c) That the nature, location, size and site layout and height of walls and fences, and display of signs in connection with the use shall be such that the use will not hinder the appropriate development and use of adjacent land and buildings or impair the value thereof.
 - (d) That the location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings by reason of noise,

(Cont'd on page 20071)

fumes or flashing of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses.

- (e) That the nature, location, size and site layout of the use shall be such that it will be a harmonious part of the business or commercial district in which it is situated.
 - (f) That the location of the filling station or gasoline pumps and islands shall be on premises which shall not be less than two hundred (200) feet from any church, school or public playground, measured along the street line from the nearest boundary line of the premises on which such filling station or pump may be located to the nearest boundary line of the premises on which such church, school or playground is located.
- (7) Auto sales.
- (a) The sale of new or used motor vehicles shall not be permitted except where the Zoning Board of Appeals determines:
 - [1] That the proposed use is consistent with the intent and purpose of this chapter to promote public health, safety, morals and the general welfare.
 - [2] That the location of the use, the parking areas for vehicles for sale and their layout in relation to any street, lot entrance and other activities which normally occur on the same lot shall be such that on-site and off-site vehicular traffic and turning movements and their relation to pedestrian traffic will not be more hazardous than the normal on-site and off-site traffic.
 - [3] That the nature, location, size and site layout and height of walls and fences, and display of signs in connection with the use shall be such that the use will not hinder the appropriate

development and use of adjacent land and buildings or impair the value thereof.

- [4] That the location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings by reason of noise or flashing of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses.
- (b) In addition to the above, auto sales which are to be the principal use on any lot shall be further regulated as follows:
- [1] All required yards, setbacks, lot coverage, etc., requirements shall be as listed for "auto sales/principal" use in Schedule A.
 - [2] Signs shall be allowed in accordance with § 200-29 of this chapter, and, in addition, no more than one (1) sign shall appear on each motor vehicle and each such sign shall have a maximum size of one hundred forty-four (144) square inches.
 - [3] Unusual advertising devices such as streamers, colored flags or radio antenna decorations are prohibited.
 - [4] Any area lighting shall be directed away from or shaded or screened from any residential zone or use. Such lighting shall be extinguished or reduced during nonbusiness hours to a degree consistent with security surveillance requirements.
- (c) In addition to Subsection F(7)(a) and (b) above, auto sales which are to be an accessory use on any lot shall be further regulated as follows:
- [1] All required yards, setbacks, lot coverage, etc., requirements shall be as listed for "auto sales/accessory" use in Schedule A.²²

²² Editor's Note: Schedule A is included at the end of this chapter.

[2] All motor vehicles for sale shall be in proper working condition and must bear a New York State Department of Motor Vehicles' registration.

(8) Home occupation.

- (a) Permitted home occupations shall include, but not be limited to, the following: teaching (musical, art, dance or craft instruction limited to a single pupil at a time); barbershop and/or beauty shop limited to one (1) operating chair; sewing; tourist homes or bed-and-breakfast homes of three (3) bedrooms or fewer; and the skilled practice of an accountant, architect, artist, dentist, doctor, engineer, insurance agent, lawyer, planner, realtor, writer or member of a similar lawful profession conducted within a dwelling occupied by the same. Similar unlisted uses may be authorized by the Board of Appeals. [Amended 4-5-1990]
- (b) The conducting of a medical clinic, animal hospital, kennel or any similar use shall not be deemed to be a home occupation. [Amended 4-5-1990]
- (c) No home occupation shall be permitted except where the Board of Appeals determines:
- [1] That the specific occupation requested agrees with the letter or intent of the definition of "home occupation" contained herein.
- [2] That the home occupation shall be carried on by a member of the family residing in the dwelling unit and that, in particular, the practitioner resides in that dwelling unit.
- [3] That the occupation or profession shall be carried on wholly within the principal building within a building or other permanent structure accessory thereto.

- [4] That not more than one (1) nonfamily member shall be engaged in the home occupation.
 - [5] That there will be no exterior display or sign (including signs clearly visible through windows or glass doors) except one (1) unlighted identification sign not more than two (2) square feet in area, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
 - [6] That no offensive noise, vibration, smoke, dust, odors, heat, light, glare or garbage shall be produced.
 - [7] That the home occupation will occupy no more than twenty-five percent (25%) of the residential living area contained in the principal building.
- (9) Small machine shop. [Added 7-9-1986]
- (a) In the event that the proposed small machine shop is located adjacent to a residence, the minimum side yard setback should be fifteen (15) feet and the minimum rear yard setback should be at least fifteen (15) feet. If the small machine shop is located adjacent to a commercial operation, the side yard setbacks should be at least ten (10) feet and the rear yard setback should be at least ten (10) feet.
 - (b) An appropriate visual buffer shall be established, either vegetative, man-made structural or a combination of both, of sufficient height and depth so as to effectively screen the proposed use from adjoining properties, structure and uses.
 - (c) One (1) accessory structure for the storage of machinery or materials is permitted. The accessory structure shall be subject to the same front, rear and side yard setbacks as the principal structure. The outdoor storage of machinery or materials is expressly prohibited.

§ 200-48. Hearings and determinations.²³

The Board of Appeals shall fix a reasonable time for the hearing of an appeal and give due notice thereof to the parties and by publication at least once in the official newspaper ten (10) days before the date of the hearing and shall decide the same within sixty-two (62) days. Upon the hearing, any party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

§ 200-49. Action against determination.

Any person or persons aggrieved by any decision of the Board of Appeals may apply to the State Supreme Court for relief by a proceeding under Article 78 of the Civil Law and Rules. Such an action, by law, must be instituted within thirty (30) days after the filing of the decision in the office of the Village Clerk.

**ARTICLE XI
Amendment Procedure****§ 200-50. Initiation of procedure.**

- A. The Village Board may, from time to time on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by this chapter.
- B. Whenever the owners of fifty percent (50%) or more of the frontage in any district or part thereof shall present a petition, duly signed and acknowledged, to the Village Board, requesting an amendment, supplement or change of the regulations prescribed for such district or part thereof, it shall be the duty of the Village Board to vote upon said petition within forty-five (45) days after the filing of the same by the petitioners with the Village Clerk.

²³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

- C. The Planning Board may, by resolution, propose an amendment, supplement or change of the regulations to the Village Board. Within thirty (30) days from the time such resolution is filed with the Village Clerk, it shall be the duty of the Board to vote on such proposed amendment.
- D. Amendment of the Zoning Ordinance may be subject to the State Environmental Quality Review process (SEQR). Village Board should identify the types 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 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.²⁴

§ 200-51. Referral to Planning Board.

- A. All proposed amendments, supplements or changes originating by petition or by motion of the Village Board shall be referred to the Planning Board for a report and recommendations thereon. The Planning Board shall submit its report within twenty-one (21) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.
- B. Whenever any zoning regulation or any amendment, including any application for a special use or variance, would change the district classification of or a regulation applying to real property in an area as described in §§ 239-l and 239-m of the General Municipal Law, said application or zoning regulation or amendment shall be referred to the Oneida County Planning Department, which Department shall report its recommendations to the Village Board. Failure of the County

²⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Planning Department to report within thirty (30) days may be construed to be approval by the Department.

- (1) The concurring vote of a majority plus one (1) of the Village Board of Trustees shall be necessary to override the County Planning Department recommendations of approval with modifications or disapproval.
- (2) Within seven (7) days after final action by the Village Board on the recommendations, modifications or disapproval of a referred matter, the Board shall file a report of the final action with the County Planning Department. Any defect in complying with this referral procedure will render the Village Board powerless to take further action under the adoption procedure.

§ 200-52. Hearings on proposed amendment.

- A. Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. Such hearing may be held by the Village Board, by a committee of the Board or by the Planning Board on request of the Village Board. In addition to the public notice of a hearing, notice shall be given in writing either personally or by mail to all property owners of the land included in such proposed change and the land immediately adjacent extending one hundred (100) feet therefrom and the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, as said property owners and addresses appear on the latest completed assessment roll of the village.
- B. Where more than twelve (12) properties are included in such change and the Village Board, by resolution, determines that notice in writing to each property owner is not feasible, the notice of hearing shall be published in the official paper once a week for three (3) successive weeks and shall be posted in twelve (12) public places in the village, of which six (6) shall be in the area affected.

§ 200-53. Adoption of amendments.

After the public hearing and referral to and report by the Planning Board, a majority vote of the members of the Village Board shall be required to amend the Zoning Chapter, except as described in § 200-54, Protest petitions.

§ 200-54. Protest petitions.

If a protest against a proposed amendment, supplement or change is presented to the Village Board, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the land included in such proposed change or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of three-fourths (¾) of the Village Board.

§ 200-55. Periodic review.

From time to time, at intervals of not more than three (3) years, the Planning Board shall reexamine the provisions of this chapter and the location of district boundary lines and shall submit a report to the Village Board recommending such changes or amendments, if any, as may be desirable in the interest of public safety, health, convenience, necessity or the general welfare.

**ARTICLE XII
Miscellaneous Provisions**

§ 200-56. Applicability of construction codes.

Nothing herein contained shall be construed to limit the applicability of the New York State Uniform Fire Prevention and Building Construction Code.