

Village of Heuvelton

**51 State Street
Heuvelton, NY 13654
315-344-2214**

ZONING LAWS

Revised 1994

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VILLAGE OF HEUVELTON

ST. LAWRENCE COUNTY

ZONING LAWS

ARTICLE I GENERAL PROVISIONS

Section 1. Title

These Laws hence forth shall be known as the Zoning Laws for the Village of Heuvelton, New York.

Section 2. Authority

Enactment of this Local Law by the Village of Heuvelton is pursuant to Article 7 Section 7.700 of Village Law of the State of New York.

Section 3. Scope

- A. These regulations shall apply to the construction, erection or location of any new building or use; the expansion of addition that would alter the exterior dimensions to an area occupied by and existing building or use; and the introduction, expansion or change of any use as provided for the Village of Heuvelton.
- B. These regulations authorize and empower those duly appointed or delegated by the Board of Trustees of the Village of Heuvelton to approve or disapprove zoning permits, site plans and variance applications.
- C. Whenever the requirements of this Local Law are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, such as the New York State Uniform Fire Protection and Building Code, the most restrictive of those imposing the higher standards shall govern.

Section 4. Purpose

The purpose is to promote the health, morals, safety and general welfare of the Village; to conserve the value of property; and to establish zones wherein regulations concerning the use of land, and other supporting regulations, will be set forth to encourage the most appropriate development of the Village in accordance with an overall development plan.

Section 5. Enactment

This Local Law shall take effect upon its being duly filed in the office of the Secretary of State after adoption by the Village Board of the Village of Heuvelton. The effective date of these Regulations shall be the date that the Secretary of State notifies the Village that the Local Laws are filed. From and after the date when this Law takes effect, any and every existing Law of Ordinance of the Village of Heuvelton, pertaining to zoning or land use control is hereby superseded and repealed.

Section 6. Fees Schedule

Every application for a building permit/special permit shall be accompanied by a fee as noted on a fee schedule as established by the Village Board of Trustees. The fee schedule will be available at the Village Office for review. Fees may be amended from time to time by the Village Board of Trustees.

ARTICLE II LAND USE CONTROL DISTRICTS

Section 200

For the purpose specified in these Laws, the Village of Heuvelton is divided into the following land use control districts:

RESIDENCE (RD) - The intent of the Residence zoning district is to provide a high quality residential environment in suitable areas of the Village. This district is intended to be composed mainly of single and two family houses of conventional construction or appearance and for supporting public or semi-public uses. (See Article III for permitted and conditional use/special permitted uses).

COMMERCIAL (C-1) - The intent of the Commercial zoning district is to provide designated areas of the Village where business of a retail of personal service nature (grocery stores, restaurants, gas stations), residential usages such as multi-family dwelling units or town houses and public uses such as fire stations, post offices, municipal building (s). (see Article III for permitted and conditional use/special permitted uses in a Commercial District).

DOWNTOWN COMMERCIAL DISTRICT (C-2) – See Appendix page IV.

INDUSTRIAL (I) - The intent of the Industrial zoning district is to provide areas in the Village where industrial manufacturing or other materials handling, processing and/or storage activities may take place with maximum economic and environmental feasibility and with minimum negative impact on residential and commercial developments.

Section 201 Zoning Map

There shall be a map known and designated as the “Official Village of Heuvelton Zoning Map”, which shall show the boundaries of all zoning districts within the Village.

This map shall be available for inspection in the Village Office. All land use within the Village of Heuvelton shall fall within one of the established land use control districts as shown on a zoning map. Said map and all notations and references shown thereon are hereby incorporated into, and made part of, these Laws.

Section 202

In determining boundaries of land use control districts, the following guidelines shall apply:

1. Boundary lines are intended to follow center lines of streams, streets and road lines as shown on plots of record at the time these Laws become effective.
2. Where the map indicates a boundary approximately upon a lot line, such lot line shall be construed to be said boundary.
3. Where boundaries are shown approximately parallel to a street, highway or shoreline such boundaries shall be construed to be parallel to the center of said street, highway, railroad or parallel to the center to said shoreline, and at such distance therefrom as indicated on the map. If no dimension is specified on the map, the boundary shall be determined by use of the graphic scale drawn on said map. Dimensions shown on the zoning map are intended to be measured from the street right-of-way line or the high-water mark.
4. When a lot is divided by two district boundaries the regulations and requirements of one district may be extended for a distance of 100 ft. into the other district.

ARTICLE III ZONING DISTRICT REGULATIONS

Section 300

Except as hereinafter provided, the following general provisions shall apply to land use and development in the Village of Heuvelton.

1. General Application. No land or building shall hereafter be used or occupied and no building or part thereof shall hereafter be enlarged or its use altered unless such action is in conformance with all the regulations specified for the land use control district in which said action occurs.
2. Small Lots. No lot shall hereafter be reduced or altered so as to result in a lot that does not meet the minimum area or yard requirements prescribed by this Law.
3. Yards In determining the size of yards, for the purpose of this Law, porches or covered terraces open at the sides, but roofed, shall not be considered a part of this building.
4. Height. The height limitations of this Law shall not apply to church spires, belfries, cupolas, chimneys, skylights, mechanical equipment, water tanks, monuments, flagpoles, utility lines or similar features (as determined by the Planning Board).

5. Area Measurements. Measurements for minimum lot size and front yards shall be made from the road right-of-way line and not the center of the road (see appendix page ii).
6. Repair of Excavations. Within 60 days after work on any excavation for a building has begun such excavation shall be covered or filled by the owner to the normal grade. Any excavation or cellar hole remaining after demolition or destruction of a building from any cause shall be fenced in immediately and covered over or filled within 60 days. If the owner fails to cover over or fill such excavation after thirty (30) days written notice by the Code Enforcement Officer, the Village Board may order said excavation to be covered or filled and may charge the owner of said property any costs connected therewith.

AMENDMENT (1998)

7. Drainage-ways. Natural drainage-ways shall be preserved in their natural state and shall be kept free of debris or other obstructions to water flow. Where relocation of such a drainage-way cannot be avoided it must be carried out in a way that will assure the free and unobstructed flow of storm water.
8. Rubbish and Junk. Lots in all use control districts shall be kept free from abandoned inoperable vehicles, discarded building material, appliances and furniture, and all forms of rubbish and junk.
9. General Maintenance. Property in all land use districts shall be maintained in an orderly fashion as to not deter from the general appearance or makeup of the district in which it is located in. Examples are, lawns mowed and maintained, trash is cleaned up, buildings maintained in proper repair and painted.
10. Flood Hazard Area
 - a. Notwithstanding any other provisions of this Law, all development occurring within a Flood Hazard Area as delineated on the Zoning Map, and involving a structure or the placement of fill material shall be permitted only by approval of the Planning Board. In considering requests for such approval the Planning Board, shall be satisfied that such structure or fill area will not significantly retard the free flow of floodwaters and that the lowest habitable floor of any dwelling will be above the flood level or be flood proofed.
 - b. In general, the flood hazard boundary will be considered to coincide with limits of the special flood hazard area as shown on map prepared by the Village of Heuvelton and the Department of Housing and Urban Development as periodically amended.
 - c. The Planning Board may require flood-proofing measures for all buildings and structures other than those which have low flood damage potential. Of special concern will be: provisions for anchorage or added weight to prevent flotation and lateral movement of the structure; design of water supply systems so as to minimize infiltration of floodwaters; and, design and location of sewage disposal systems so as to prevent contamination from said systems during flooding.

11. More Than One Principal Structure Per Lot. There may be constructed more than one principal structure on a lot, provided that all structures are so located that a separate lot could be formed for each principal structure which would comply with all lot area, width, and setback requirements for the district in which the property is located.

Section 301 Zoning Districts

1. Purpose. The purpose of this section is to set forth the land use activities which will be permitted in the Village of Heuvelton; to specify the land use control districts in which each activity will be permitted, subject to the general and special regulations pertaining to the district in which the land use activity is located; and to set forth supplementary use regulations that apply to selected land use activities in the Village of Heuvelton.
2. Land Use Activities, Districts, and Special Requirements.
The following list of land use activities and the districts wherein each activity can occur and any special requirements applying to such use in said district are set forth in this section. All land use activities not set forth are not permitted in the Village of Heuvelton:

RESIDENTIAL DISTRICTS

- a. Permitted Uses (requiring a building permit)
One-family dwelling unit
Two-family dwelling unit
Mobil Home - Private Lot
Accessory Structures
- b. Conditional Uses (requiring special permit)
Multi-Family dwelling unit
Rooming House/Bed Breakfast
Home Occupations
School/Library
Church
Public Park/Playground
Day Care Center (Private home and center)
Essential Care Facility/Nursing Home
Group Home/Community Residence
- c. Minimum Lot Area:
Residential uses -- 10,000 sq. ft. for each dwelling unit
All other uses -- 10,000 sq. ft.
- d. Minimum Lot Width:
Residential uses -- 100 ft.
All other uses -- 100 ft.

e. Minimum Setbacks:

Residential uses:

Principal Building

AMENDMENT (1998)

Front -- 10 ft.

Side -- one side must be 15 ft. total -- 25 ft.

Rear -- 20 ft.

Height -- 3 stories or 35 ft.

Accessory Structures:

Front -- 30 ft.

Side -- 10 ft.

Rear -- 10 ft.

Height -- 3 stories or 35 ft.

All other uses:

Principal Building

Front -- 30 ft.

Side -- one side must be 15 ft. total 25 ft.

Rear -- 20 ft.

Height -- 3 stories or 35 ft

Accessory Structures

Front - 30 ft.

Side - 10 ft.

Rear - 10 ft.

Height - 3 stories or 35 ft.

f. Required Off Street Parking

See use schedule in Appendix page i for specific requirements.

COMMERCIAL DISTRICTS

a. Permitted Uses (requiring building permit)

Day Care Center

Nursery/Greenhouse

Multi-Family Dwelling Unit

Rooming House/Bed & Breakfast

Fire Station

School/Library

Cemetery and Related Buildings

Churches

Funeral Homes

Professional Clinics

Professional/Business Office (s)

Bank

Retail Sales Outlet
Bowling Alley
Restaurant/Tavern/Bar
Fraternal/Veterans Organization
Auto Sales
Farm Equipment, R.V.s, Lawn Maint. Equip.
Sales and Services
Warehouse/Wholesale Outlet
Printing, Plumbing, Electrical or similar type Shops or Establishments
Museums
Entertainment/Amusement Centers
Essential Care Facility/Nursing Home/Community Residence
Public Garage
Building Material Outlet
Body Shop
Machine Shop
Accessory Structures

b. Conditional Uses (require a special permit)

Electric, Gasoline, Telephone and Cable T.V. Station or Substation
Light Manufacturing Establishment
Food Processing Plant
Public Playground/Park

c. Minimum Lot Area:

Residential use -- 10,000 sq. ft.
All other uses -- 5,000 sq. ft.

d. Width:

Residential use -- 100 ft.
All other uses -- 100 ft.

e. Minimum Setback Requirements

Residential use:

Principal Building
front -- 30 ft.
side -- one side must be 15 ft. for a total of 25 ft.
rear -- 20 ft.
height -- 3 stories or 35 ft.

Accessory Structures

side -- 10 ft.

rear -- 10 ft.

height -- 3 stories or 35 ft.

All other uses

Principal Building

front -- 10 ft.

side -- 10 ft.

rear -- 20 ft.

height -- 4 stories or 40 ft.

Accessory Structures

side -- 10 ft.

rear -- 10 ft.

height -- 4 stories or 40 ft.

f. Required Off Street Parking

See use schedule in the appendix page i for specific requirements.

INDUSTRIAL DISTRICTS

a. Permitted Uses (require building permit)

Nursery/Greenhouse

Printing, Plumbing, Electrical, or other similar Industrial Establishment

Warehouse/Storage Building

Light Manufacturing establishments that require D.E.C. permits

Auto Sales/Service

Public Garage

Sales/Display of Farm Equipment, R.V.s , Lawn Maint. Equip. etc.

Food Processing Plant/Establishment

Building Materials Outlet

b. Conditional Uses (require special permits)

Electric, Gasoline, Telephone, and Cable T.V. Station or Substation

c. Minimum Lot Size --10,000 sq. ft.

d. Width --100 ft.

e. Minimum Setback Requirements

Principal Building

Front--50 ft.

Side--25 ft. each side

Rear--20 ft. or the same as the height of the building is adjacent to a residential district.

Height -- 40 ft.

Accessory Building

Side -- 20 ft.

Rear -- 20 ft. or the same as height of building if adjacent to a residential district or lot.

f. Off Street Parking Requirements

See use schedule in Appendix page i for specific requirements.

DOWNTOWN COMMERCIAL DISTRICT (C-2)

This district contains an area on both sides of State Street (also known as State Highway 812) in the Village of Heuvelton from the corner of Lisbon and State Streets extending to the northern shore of the Oswegatchie River. An extension of this district on State Street on the south side of the river includes all the commercially zoned property to the south of the Oswegatchie River. (Refer to the map of the Land Use Control Districts of the Village.)

- a. Purpose. The purpose of the Downtown Commercial District (C-2) is to regulate the location of ground floor, and particularly ground floor storefront, residential use in a commercial district. The loss of retail and commercial spaces to residential uses erodes the retail and commercial potential of the Downtown Commercial District. As this potential erodes, it is possible that additional units would be converted to residential, leading to a change in the character of an area traditionally serving as a retail and service center in the community.

- b. Permitted Uses (requires a building permit).

Nursery/Greenhouse

Multi Family Dwelling Unit on second story or above only, where first floor shall be reserved for a commercial business

Fire Station

School/Library

Funeral Home

Professional Clinic

Professional/Business Office

Bank

Retail Sales Outlet

Restaurant/Tavern/Bar

Fraternal/Veteran's Organization
Barber/Beauty Salon
Wholesale Outlet
Printing, Plumbing, Electrical or similar type shop or establishment
Museum
Entertainment/Amusement Centers
Public Garage
Post Office
Accessory Structures

c. Conditional Uses (requires a special permit).

Electric, Gasoline, Telephone, Cable TV Station or Substation
Light Manufacturing Establishment
Food Processing Plant
Public Playground/Park
Auto Sales
Farm Equipment/RVs/Lawn Maintenance Equipment
Building Material Outlet
Body Shop
Machine Shop

d. Area Requirements Permitted uses in the Downtown Commercial District (C-2) are not required to meet the minimum lot area, width, and minimum setback requirements as set forth in the Commercial District (C-1) section of the Village of Heuvelton Zoning Code Section 301. However, conditional uses are required to meet the minimum lot area, width, and minimum setback requirements as set forth in the Commercial District (C-1) section of the Village of Heuvelton Zoning Code Section 301.

e. Principal buildings constructed within the Downtown Commercial District (C-2) shall be constructed with a zero lot line setback from the street or shall be setback in accordance with the degree of building setbacks existing on the block face, should the block front consist predominantly of existing buildings with other than a zero lot line setback. The area between the building front and the street (or for corner lots, the major street), shall be landscaped between the building front and the front lot line. Principal buildings constructed on corner lots shall have the building front face the "major street", defined as the street carrying the most vehicular traffic as determined by New York State Department of Transportation vehicle count.

f. Required Off Street Parking

See use schedule in the appendix page i for specific requirements.

Section 302: Conditional Use Standards/Special Permits

1. General Provisions. “Conditional Uses” are types of land uses that are an appropriate use in a district only if it meets the minimum standards that follow for that particular use. If the proposed use conforms with the standards in this section it shall be approved. Uses failing to meet these specific standards shall be denied and will require a variance to receive a building permit. A building permit shall be issued by the Code Enforcement Officer for any use listed as a “conditional use” if the Planning Board approves of the special use permit request and approves the site plan. Approval of a special permit for a “conditional use” does not exempt the proposal from Site Plan Review Regulations.
2. Required Submissions. Adequate information must be submitted by the applicant so that the Planning Board can clearly assess whether the proposal meets the specific standards for that particular “conditional use”.
3. Procedure. The Planning Board, on application may approve the issuance of a special permit for a “special use” authorized in the text of these Regulations according to the following procedures:
 - a. Application. The Code Enforcement Officer shall transmit copies of the application to the Planning Board. Site Plan information shall also be forwarded to the Planning Board for coordinated review.
 - b. Public Hearing. The Planning Board will schedule and hold a public hearing on any application for a special permit to allow a “special use” within 60 days from the date of receiving a completed application.
 - c. Decision of Planning Board. The Planning Board shall render its decision within 60 days following the date of the public hearing. The Board shall vote to approve, disapprove or attach conditions to the approval of a “special use” to satisfy the specific standards for the particular “special use”. Notice of the Boards decision shall be given in writing to the Code Enforcement Officer and the applicant.
4. Expiration A special permit for a “special use” shall be deemed to authorize only one particular “special use” and shall expire if the “special use” or uses shall cease for more than one (1) year except as an extension of the permit period is applied for and, for due cause shown, granted by the Planning Board.
5. Special Uses -- Specific Standards
 - a. Electric, Gasoline, Telephone and Cable T.V. Substations
 1. Electric, Gasoline, and Telephone Stations and Substations in a commercial and industrial district may be permitted when site plan review has been submitted and approved and a special permit has been authorized, by the Planning Board.

2. Stations and Substations must blend into the layout and scheme of the district that it is in. It is to produce minimal noise keeping in line with the district that it is located.
3. All site plans must include landscaping and a fence must be erected to insure that accidental or unauthorized entry can be prevented and to insure that safety in the area can be maintained. All fences will be constructed of chain link and shall be six (6) ft. in height.

b. Home Occupations in Residential Districts

1. Definition -- see Article IX of these Laws.
2. Purpose -- The intent of regulations governing home occupations is to balance the increasing importance and community benefits of allowing work in the home while still protecting the character of the surrounding neighborhood, particularly adjacent residential uses, from intrusions and nuisance that can occur from businesses that operate out of the home.
3. Prohibited Home Occupations --The following businesses are prohibited from home occupations: automotive vehicle repair or sales, body shop, vehicle painting, small engine repair, commercial outdoor storage, or other similar usage as determined by the Planning Board.
4. Standards for Special Permitted Home Occupations -- Home occupations are allowed under a special permit if they meet all of the following standards:
 - a. The total area of all home occupations business shall be limited to 35% of the dwelling's gross floor area.
 - b. Such use shall employ no more than the equivalent of two (2) full-time employees other than those who reside in the dwelling.
 - c. Adequate off street parking shall be provided to accommodate traffic related to the business activity. (See use schedule in Appendix page i).
 - d. Instruction to students and services to clients or customers shall be limited to no more than ten (10) persons at any one time.
 - e. Storage of equipment, vehicles or machinery, supplies or raw materials associated with the business shall be screened from roadways and adjacent residential uses.
 - f. The home occupation shall produce no undue disturbance caused by unreasonable noise, smoke, vibration, fumes, dust, odors, glare, electronic disturbance or other nuisance.

5. If property is transferred to new ownership the special permit to operate a home occupation will cease. The new property owner must apply for a special permit if they wish to continue a home occupation.
6. An annual inspection shall be conducted by the Code Enforcement Officer to insure compliance with these regulations and to insure that the special permit issued is being adhered to.

c. Public Parks/Playground

1. See Article IX for definition of a public park or playground.
2. Site plan review is required and needs approval by the Village Planning Board prior to issuance of a Special Building Permit.
3. All parks and playground require a minimum lot size of 10,000 sq. ft. and must provide off street parking of at least ten (10) parking spaces for every 10,000 sq. ft. of playground/park area.
4. All public playground or park areas must be fenced in. Fences can only be constructed of a chain link type fencing and must meet fencing requirements as required in Article IV, Section 400.b-2.
5. All recreational equipment will be placed within side the enclosed area that is fenced in.
6. Hours of operation or times when the park is to be open on a daily basis will be established by the Planning Board.
7. If the park is to be in a residential district it will be screened from bordering neighbors with a natural landscaping that is in balance with the existing surroundings.

d. Day Care Centers/Essential Care Facilities/Group Homes/Community Residence.

1. Will require a site plan review be conducted by the Village Planning Board to insure that the character of the layout is in balance with the surrounding neighborhood.
2. Playground Area for Day Care Centers. An enclosed area that is at least a minimum of 500 sq. ft. will be established for recreational/play to insure that a safe area is maintained for children/adults. The enclosure will be constructed of a chain link type fencing and will be in compliance with the fencing requirements of these laws.
3. All recreational equipment will be placed within the enclosed recreational area.

4. Parking standards shall be adhered to as established in Article IV Section 400. b-5 and the use schedule in appendix page i.
5. Day Care Centers will adhere to all regulations and standards as established in NYCRR Part 417.
6. Lot Size Requirements
 - Day Care in the Home - same as residential home standards.
 - Day Care Center -- minimum 21,000 sq. ft. (approx. 1/2 acre) and meet minimum lot requirements for the district it is being placed in.
 - Nursing Home, Essential Care Facility, Group Home, Community Residence -- min. 4,000 sq. ft. per dwelling unit or residence room and meet min. lot size requirements for the district it is being placed in.
7. Screening. To protect neighboring residences, parking areas, outdoor waste disposal areas, outdoor storage areas, located within 20 ft. of an adjacent lot line shall be visually screened from the neighboring use through vegetation, fencing or topography in the side and rear yards.
8. Day Care in the home and Day Care Centers will not conduct business after the hours of 9:00 p.m. or prior to 5:00 a.m.
9. Day Care in the home will be considered a home occupation and will adhere to all regulation as established in these laws under Sec. 302. 5-0b, Home Occupation as well.

e. Multi-Family Dwellings

1. See Article IX for definition of a Multi- Family Dwelling Unit.
2. Site Plan Review will be required by the Planning Board prior to issuance of a Special Permit.
3. The plans must be in balance with the character of the surrounding neighborhood and district that the said multi-family unit is being planned for.
4. If the unit is new construction or an existing single family dwelling unit that is being renovated to be a multi-family dwelling unit, it must comply with the provisions of this section.
5. Each multi-family dwelling unit must have at least 20,000 sq. ft. per lot and also must meet required set-backs for the district it is to be in.
6. Owners of a multi-family dwelling must provide or insure that the following is adhered to:

- a. Proper off street parking as established in Article 400, B-5 (see use schedule as well)
 - b. Must insure that there is provided proper snow and trash removal.
 - c. Green space of at least a minimum of 400 sq. ft. per dwelling unit is to be provided for recreational purposes and a fenced in play area for children.
- 7. To protect neighboring residences, parking areas, outdoor waste disposal areas, outdoor storage areas, located within twenty (20) ft. of an adjacent lot shall be visually screened from the neighboring use through vegetation, fencing, or topography in the side and rear yards.
 - 8. All entrances and parking areas shall provide proper lighting and the lighting shall not exceed beyond the boundaries of the lot it is on.

f. Bed and Breakfast/Rooming House

- 1. Site Plan Review will be required by the Planning Board prior to the issuance of a Special Permit to operate a Bed and Breakfast or Rooming House to insure that the character of the layout is in balance with the surrounding neighborhood and the district in which said request is in.
- 2. Each Bed and Breakfast or Rooming House shall have a minimum of 30,000 sq. ft. per lot and must meet district setback requirements.
- 3. Off street parking of at least three (3) parking spaces per every two (2) rooms and one parking space per employee not living in the house must be provided.
- 4. Must provide green space for recreational use of at least 400 sq. ft. per room to be rented.
- 5. All entrances and parking areas shall provide proper lighting that does not extend beyond the boundaries of said lot.
- 6. All parking areas, outdoor waste disposal areas, outdoor storage areas located within twenty (20) ft. of an adjacent lot shall be visually screened from the neighboring use through vegetation, fencing or topography in the side and rear yards.
- 7. All signs must comply with the standards as set forth in Section 400.4 of these Laws.

g. Churches, Schools, Libraries

1. Site plan review will be required by the Planning Board prior to issuance of a Special Permit.
2. All plans should be in balance with the surrounding neighborhood and district that the plans are being submitted for.
3. Off Street Parking. Parking must comply with all requirements of off street parking regulations as listed in Article IV Sec. 400. b-5 and in appendix page i of these regulations There shall be fire lanes established to each building that will be free of any parking and shall be maintained and accessible at all times.
4. Signs. All signs associated with any churches, schools or libraries shall comply with the sign regulations of these regulations located in Article IV Sec. 400.b-4.
5. Screening. To protect the neighboring residences, parking areas, outdoor waste disposal areas, outdoor storage areas shall be visually screened from the neighboring use through vegetation, fencing or topography.
6. All entrances and parking areas shall provide proper lighting and the lighting shall not exceed beyond the boundaries of the lot it is on.

h. Light Manufacturing Establishments/Food Processing Plant

1. Will require that site plan review be conducted by the Planning Board prior to the issuance of a Special Permit.
2. All Federal and State permits that may be required must be acquired prior to the approval of the site plan reviews by the Planning Board and the issuance of a Special Permit by the Code Enforcement Officer.
3. Parking. Shall be in compliance with the established requirements of Article IV Sec. 400.b-5 and the use schedule on appendix page i. All parking areas shall be located in either the side or rear yards.
4. All loading and unloading areas shall be located in the side or rear yards.
5. Light Manufacturing Establishments or Food Processing Plant cannot be located within 500 ft. of any residential district.
6. Screening. Parking areas, outdoor waste disposal areas and storage areas shall be visually screened from neighboring use through vegetation, fencing or topography.

7. Setback requirements for rear and side yards shall be ten (10) ft. on the side yards and twenty (20) ft. in the rear yard or the same as the height of the building to insure that shadowing of a building onto the adjacent property does not occur.
8. Signs. All signs must meet the requirements for signs as established in these regulations as established in Article IV Sec. 400. b-4.

ARTICLE IV REGULATION APPLICABLE TO ALL DISTRICTS

Section 400 Accessory Structures/Usages

- a. Procedure -- On any lot accessory structure (s) or use (s) in connection with the principal building or use may be constructed and located subject to the following process:
 1. All accessory structures or uses shall require a building permit to be issued prior to their initiation.
 2. All structures or uses accessory to a residence shall be consistent in character and use with the principal residential use and the adjacent neighborhood.
 3. Accessory structures and uses in conjunction with another use requiring a Conditional Use shall be determined with the review process for any Conditional Use.
 4. No accessory structure shall be closer than ten (10) feet to a principal structure unless it is attached to such principal structure.
 5. Accessory structures or uses shall conform with all regulations in the district it is in unless otherwise specified.
 6. Unless specifically waived, all accessory structures or uses shall fully comply with requirements or these regulations.
 7. Generally, accessory structures and uses shall not be located within a required front setback. However, if a structure or use (i.e. a permitted sign) is to be located within the front setback requirements all regulations pertaining to setback requirements apply.
- b. Specific Standards for Certain Accessory Structures/Uses

1. Private Swimming Pool

- a. The construction of a swimming pool shall require that a building permit be issued by the Code Enforcement Officer.
- b. All setback requirements shall be satisfied.
- c. No lighting or spotlighting shall project light rays so as to effect advertently neighboring property or occupants therein.
- d. An enclosure shall be provided around outdoor swimming pools which surrounds the pool and accessory equipment only. Such enclosure shall be at least four (4) feet in height, have a maximum clearance to adjoining grade of two (2) inches and openings, if provided, shall prohibit the passage of a two (2) inch diameter sphere. Such enclosure shall resist a horizontal force of fifty (50) pounds per foot applied at a height of four (4) feet. Structural bracing shall be within the enclosure. Gates or doors shall be self-closing and self-latching, with the latch handle at least forty (40) inches above grade or located within the enclosure. Above ground pools with at least forth-six (46) inches between pool decking or pool top and adjoining grade, are exempt from this requirement provided that access is restricted. A pool less than twenty-four (24) inches deep is exempt from this requirement.

2. Fencing

- a. The construction of any fence (s) shall require that a building permit be issued by the Code Enforcement Officer.
- b. Fences shall not be constructed of material or in a manner that would be hazardous, unsightly or otherwise interfere with the use of adjoining properties or public right-of-way.
- c. Fences must project the finished side outward and any structural bracing shall be on the inside of the fence.
- d. Fences must not block the visibility of oncoming traffic at intersections, or driveways.
- e. Fences shall be no higher than (6) feet in height on the side and rear yards and four (4) feet in height on the front yard or if a corner lot on any yard running parallel to a street.
- f. Fencing Setback Requirements

1) Non-Maintenance Type Fences. No setback is required. These are fences that would not require any maintenance once erected. It could be constructed without going on the properties of others and does not require regular maintenance. Examples are chain link, vinyl coated, molded plastic, or page wire fences.

2) Maintenance Type Fences. Requires a one (1) foot setback. A fence that requires regular maintenance such as painting, replacing of broken or misplaced material. Example of maintenance type fences are stockade, picket, lattice, stone, brick, cement or cement block, split rail, board n' baton and vegetation, natural hedge or shrubbery fences.

3. Storage of Unlicensed, Operable Vehicles

The storage of up to two (2) unlicensed, operable vehicles is permitted in a residential district if they are visually screened from neighboring lots and roadways or they are covered with a tarp made of either colored plastic, canvas or a commercially made vehicle cover so that the vehicle cannot be seen.

4. Signs

- a. All signs shall comply with the New York State Fire Prevention and Building Code regarding construction, material, erection, and electrical fixtures.
- b. All signs shall be maintained in a safe and neat condition. Structural damage, missing letters, deterioration rendering the sign unreadable or hazardous shall be remedied or the sign shall be removed within sixty (60) days at the landowners expense.
- c. Signs in a residential district or connected with a residential building in any other district, shall not exceed four (4) square feet in area. No more than one (1) such sign shall be permitted for each premises. If lighted, such sign shall not be flashing and shall not project light rays beyond the lot lines that the sign is located on.
- d. Signs in a commercial or industrial district are permitted provided that such signs advertise or identify the owner or occupant of the premises or the business, profession, goods or services conducted or dispensed on the premises. No sign shall extend higher than thirty (30) feet above the ground nor extend into or hang over any public right-of-way by no more than two (2) feet, and all signs must be at least fifteen (15) feet from the ground.
Commercial District - Maximum of two (2) signs, total combined square footage not to exceed 64 square feet. No single sign shall exceed 64 square feet.

Industrial District - Maximum of two (2) signs, total combined square footage not to exceed 150 square feet. No single sign shall exceed 150 square feet.
AMENDMENT (1998)

- e. Billboards, posters, panels and similar outdoor advertising signs or devices which advertise or identify a product, event, place, personality, or service and are not located on the same premises as the thing advertised or identified, shall not be permitted in the Village of Heuvelton.
 - f. A temporary sign will be permitted in any district in the Village of Heuvelton for a maximum of thirty (30) days in a six (6) month period. Such temporary sign shall not exceed sixteen (16) square feet in area and no more than two (2) such signs shall be located on any single premise. Upon expiration of said thirty (30) day period, such temporary signs shall be promptly removed by their owner or by the Village of Heuvelton at the owner's expense. This provision shall not apply to signs identifying real estate for sale. Written permission must be granted by the Planning Board in order to erect a temporary sign.
 - g. When a sign consists of individual letters or devices painted on, or attached to, a building, the area shall be taken as the area required to circumscribe all such letters or devices and not just the sum of the area of each individual letter or device.
 - h. In the case of a sign or device designed to be read from both sides, whether attached to a building or not, the area of only one side will be measured in determining the size of the sign.
 - i. No sign or device shall be illuminated so as to constitute a hazard to safety or health or so as to affect advertently neighboring property or the occupants thereof.
5. Off-Street Parking and Loading - (See Appendix page i.) **AMENDMENT (1998)**
- a. Purpose It is the objective of these regulations to provide standards for adequate off-street parking and loading of motor vehicles in an orderly and efficient manner that maintains the function of the road network and protects the health safety and general welfare of the public.
 - b. Procedures Any structure or use in reference to off-street parking/loading requires that a building permit be issued by the Code Enforcement Officer.
 - c. Design

1. Each parking space shall measure nine (9) feet in width and twenty (20) feet in length, not including any required maneuvering aisle, public road, right-of-way or easement, but having direct access to a public road.
2. Driveway. A required driveway shall be a minimum of ten (10) feet wide and no greater than thirty (30) feet wide. Driveways may be built within three (3) feet of an adjoining property line unless it will be shared with the adjoining property owner. No driveway shall alter the natural drainage to drain onto adjacent property or the drainage on a public road.
3. Enclosed parking space in a residential district shall not encroach on any required front yard space. Up to 40% of the required front yard space may be used for open parking and access area.
4. Open parking in commercial districts may encroach on a required side or rear yard to within three (3) feet of such side or rear lot line. Access drives have a clear visibility at their intersection with the street.
5. Parking in an industrial district shall not encroach on more than one-third of any required front yard space. Parking may encroach on a required side or rear yard space to within ten (10) feet of the side or rear lot lines.
6. No required off-street parking space shall be used for the storage, servicing, or dismantling of automobiles or other vehicles or for loading or unloading purposes.
7. Parking lots for more than twenty (20) parking spaces shall be provided with landscaping areas amounting to an aggregated minimum of 5% of the total paved area of the parking lot. Each landscaped area must be at least thirty (30) square feet and shall be adequately maintained.
8. Driveways shall be located so that any vehicle leaving the driveway(s) shall have clear and unobstructed views for a reasonable and safe sight distance to any oncoming traffic.
9. Parking facilities shall be designed so as to eliminate the need for vehicles to back out onto public roads and to provide an orderly and safe circulation system to route traffic on site.

Section 401 Nonconforming Buildings, Uses and Activities

- a. Continuation of Existing Use. The lawful use or bulk of any building, land use, or activity in existence on the effective date of these Laws may continue even though it is not in conformity with these Laws, except as otherwise provided in this section.

- b. Maintenance and Repair. Normal maintenance and repair of a nonconforming building is permitted as long as the degree or extent of nonconformity is not increased or exceeded or no new nonconformity is created. No nonconforming building may be enlarged or altered and no land use or activity shall be enlarged or increased to occupy or use a greater area of land than was occupied at the effective date of these laws unless a variance has been granted by the Zoning Board of Appeals.
- c. Reconstruction and Restoration. If any building or land use activity or part thereof has been destroyed or damaged by any means it may be rebuilt or restored as a nonconforming building or used only if reconstructed or restored with the same or less floor area, height, and enclosed space and with the same or improved general site layout as that of the original structure. All reconstruction or restoration must be completed within one year. Extensions may be granted by the Planning Board and stipulations placed on the extension by the Board.
- d. Changes. A nonconforming use may be changed to another nonconforming use only by a variance granted by the Zoning Board of Appeals. A nonconforming use may be changed to conforming use but shall not thereafter revert to a nonconforming use.
- e. Abandonment or Discontinuance. Abandonment or discontinuance of any nonconforming use or activity for a period of twelve (12) consecutive months shall terminate such nonconforming use of the building or premises. No such nonconforming use shall be reinstated and any subsequent use of such building or premises shall be in conformance with the provisions of these Laws for the area in which such building or premises is located. The date of abandonment or discontinuance of a nonconforming use shall be determined by the Code Enforcement Officer and notification of such action shall be made in writing to the property owner with a copy to the Village Clerk. Extension of the termination date of such conforming use for an additional six (6) months may be granted by the Zoning Board of Appeals after a public hearing has been held.

Section 402 Mobile Homes on Single Lots

- a. Purpose. The purpose of this section is to establish regulations for a mobile home on a single lot in a manner that protects adjacent landowners and the safety and the general welfare of the Village. These regulations are further intended to recognize mobile homes as a legitimate source of affordable housing appropriate to certain areas of the community. Because quality and appearance varies greatly among mobile homes the regulations of this section are designed to insure that newly located mobile homes are compatible with the surrounding neighborhood and that Village property values are protected.
- b. Definition. See Article IX for definition of a Mobile Home.

- c. Occupancy. The mobile home shall be occupied as a single family residence.
- d. Foundation. The mobile home shall be attached to a permanent foundation or concrete pad and the wheels and towing equipment will be removed.
- e. Roof. The roof shall be sloped. Roof design shall be compatible with conventionally built homes in the surrounding neighborhood. The roofing material shall be shake, tile, asphalt, composition shingle or other material customarily used in site-built residential structures.
- f. Exterior Covering. The exterior covering material of the mobile home shall be similar or closely compatible to that found on conventionally built residential structures in the surrounding area. Siding material shall be non-reflective in nature.
- g. Skirting. The exterior covering material of the mobile home or other suitable skirting shall extend to the ground, fully enclosing the perimeter of the mobile home. All skirting shall be closely compatible with customarily built residential structures in the surrounding area. Bales of hay or other highly combustible materials shall not be used for skirting a mobile home.
- h. No more than one (1) mobile home may be placed on a lot.
- i. Proper steps with railings shall be constructed and maintained at each entrance to the mobile home.

ARTICLE V SITE PLAN REVIEW FOR SPECIAL PERMITS

Section 501

This section of the land use regulation is enacted under the authority of Section 7.725 of New York State Village Law to protect the health, safety, and general welfare of the inhabitants of the Village of Heuvelton. No special permit shall be issued by the Code Enforcement Officer for uses requiring site plan review except upon authorization of and in conformity with the plans approved by the Planning Board.

Section 502

This Local Law requires site plan review for potentially significant and nuisance-prone development projects. The Site Plan Review regulates the design and layout of development projects in a manner which considers the following concerns, and where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances.

The principle areas of concern are:

1. The balancing of landowners' rights to use their land, with the corresponding rights of neighboring landowners to live without undue disturbances from nuisances in the form of noise, smoke, fumes, vibrations, dust, odor, glare, and stormwater runoff.
2. The safety and convenience of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads.
3. The use shall be of such locations, size and character that it will be in harmony with the appropriate and orderly development of the Village and will not be detrimental to the orderly development of adjacent areas.

Section 503 Procedures

1. Sketch Plan. An optional sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of the development proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site plan design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives the applicant should provide the following:
 - a. A statement and rough sketch showing the locations and dimensions of existing and proposed structures, waste disposal systems, parking areas, access drives, signage, and anticipated changes in the existing topography and natural features.
 - b. A sketch or map of the area which clearly shows the locations of the site and nearby properties, land uses, street right-of-ways, easement and other pertinent features.
2. Application for site plan review/special building permit.

An application for site plan/special permit approval shall be made to the Code Enforcement Officer and shall be accompanied by information contained on the following check list where applicable.

Site Plan Checklist

- a. Title of drawing, including name and address of applicant, landowner (s), and person responsible for preparation of the drawing;
- b. north arrow, scale and date;
- c. boundaries of the property plotted to scale;
- d. existing water courses (if applicable)
- e. grading and drainage plan, showing existing and proposed contours and where storm water will leave the site;

- f. location, design, type of construction, setbacks from lot lines, proposed use and exterior dimensions of all buildings;
- g. locations, design and type of all construction of all parking and truck loading areas, showing access and egress;
- h. provisions for pedestrian access;
- i. location of outdoor storage, if any;
- j. location, design, and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
- k. location of fire hydrants;
- l. location, size, design and type of construction of all proposed signs;
- m. location and proposed development of all buffer areas and screening, including existing vegetative cover;
- n. location and design of outdoor lighting facilities;
- o. identification of the location and square footage of building areas to determine parking needs and footage for percentage of use of existing building for conditional usages;
- p. general landscaping plan and planting schedule;
- q. an estimate project construction schedule;
- r. other elements integral to the proposed development as considered necessary by the Planning Board.

3. Code Enforcement Officer Action on the Site Plan for a Special Permit

- a. The Code Enforcement Officer shall determine the completeness of any application made for site plan review and shall notify the applicant within ten (10) days of the date of application submission if such application is incomplete or deficient in any way, and shall further specify the deficiencies.
- b. The Code Enforcement Officer shall certify on each site plan whether or not the plan meets the requirements of all zoning provisions other than those of this section regarding Site Plan Review.
- c. Upon determination that the application is complete, the Code Enforcement Officer shall transmit copies of the application to the Planning Board.

4. Planning Board Review and Determination of Site Plans for a Special Permit

- a. Hearing and Decision of Site Plans for a Special Permit.
 - 1. Hearing. The Planning Board shall fix a time within sixty (60) days from the date they receive the completed application from the Code Enforcement Officer to hold a public hearing on such matters pertinent to the issuance of a Special Permit. Public notice shall be given thereof by the publication of the official newspaper of the Village of Heuvelton, of such hearing at least ten (10) days prior to the date of the public hearing. The Planning Board shall at least five (5) days before a public hearing, mail notice thereof, to the parties involved in said Special Permit.

Those are, but not limited to, the applicant, property owners who boarder the affected area/ land in which the Special Permit is being requested or other involved parties as deemed appropriate by the Planning Board. The Planning Board shall make a decision on any application requested within sixty (60) days after such hearing has been conducted or after the application has been filed and no hearing has been conducted. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board shall immediately be filed in the office of the Village Clerk and a copy thereof mailed to the applicant and the Code Enforcement Officer. Nothing herein precludes the holding of a public hearing on such matters on which a public hearing is not required.

24.

2. Decision. The Planning Board's final action, rendered in writing, shall consist of either;
 - a. approval of the Site Plans and Special Permit based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this section;
 - b. approval of the Site Plan and Special Permit subject to any conditions, modifications and restrictions as required by the Planning Board which will ensure he project meets the standards for review; or
 - c. disapprove the Site Plan and Special Permit based upon a determination that the proposed project does not meet the standards for review set forth in this section, and stating such deficiencies.

Section 504 Standards for Review of Site Plans

- A. The Planning Board's review of the site plan's design and layout shall include, as appropriate, but is not limited to the following general consideration:
 1. Compatibility -- The design and layout of the proposed use shall not have a detrimental affect on adjacent uses or orderly development of the area.
 2. Traffic -- The proposal shall provide safe and convenient movement of vehicular and pedestrian traffic within the site and in relationship to adjoining roads, streets, driveways, and properties.
 3. Parking and Loading -- Adequate off-street parking and loading spaces shall be provided consistent with "off-street parking and loading requirements"to prevent

safety hazards from parking on public streets or disrupting traffic flow on adjacent roads, and that the interior vehicle circulation system is adequate to provide safe accessibility to all required off-street parking areas.

4. Village Services -- The proposal shall not place unreasonable demands on village services and facilities.
5. Drainage -- The proposal shall provide adequately for storm water and drainage facilities such that site run-off will not run onto roads or cause nuisance conditions for neighbors, lead to pooling or excessive erosion.
6. Nuisance -- Adequate protection of neighboring properties shall be provided from any undue disturbance caused by excessive or unreasonable noise, smoke, vibration, fumes, dust, odors, glare, or other nuisance.
7. Legal -- The proposal shall conform with all provisions of this Local Law and applicable regulations of state agencies.

25.

ARTICLE VI ADMINISTRATION

Section 600 Enforcement

1. Enforcement Officer. These laws shall be enforced by a person designated by the Village Board of Trustees, who shall not issue a building and/or occupancy permit for any structure or use not in compliance with the provisions of this law or issue any building or land use which is not in conformance with the provisions of these laws.
2. Building Permits. No building or structure in any district shall be started or extended without a building permit issued by the Code Enforcement Officer.

No modifications to any existing building or structure shall be made which will infringe on the requirements of the District Regulations Schedule pertaining to maximum height of the principal building or setbacks or that would increase infringement of buildings and structures already nonconforming in this regard until a permit has been issued by the Code Enforcement Officer after an area variance approval by the Zoning Board of Appeals.

Ordinary maintenance to a conforming or existing nonconforming building or structure, or improvements to same which do not result in an infringement as set forth above do not require the approval of the Code Enforcement Officer.

Every application for a building permit shall state in writing the intended use of the

building and shall be accompanied by sketch drawing showing the plot shape and dimensions and indicating the size, shape, and location of the proposed building.

No building permit or certificate of occupancy issued under the terms of these Laws shall become or remain valid unless the holder thereof complies with the applicable rules and regulations of the New York State Health Department and Standard Building Code of New York State of jurisdiction.

3. Fees. Every application for a building permit shall be accompanied by a fee established by the Village Board of Trustees.
4. Expiration. Unless there has been substantial progress in the work for which a building permit was issued, said permit shall expire twelve (12) months from the date of issuance.
5. Certificate of Occupancy. Each property owner shall be responsible for compliance with all terms of these Laws affecting his property. Upon application and with an approved inspection by the Code Enforcement Officer such property owner shall be entitled to a complies with these Laws and that the building (s) have been constructed and the site developed is in accordance with submitted plans. No building shall be occupied, and no lot used, until said Certificate of Occupancy has been issued. The Code Enforcement Officer shall act on any application for a Certificate of Occupancy within five (5) working days from the date of said application.

26.

(Sec. 600 Enforcement-Certificate of Occupancy cont'd)

If occupancy or use is required prior to completion of all plan details the Planning Board, upon request, may authorize the Code Enforcement Officer to issue a temporary Certificate of Occupancy. A bond or letter of credit of sufficient amount to complete all unfinished improvements may be required by the Planning Board before a temporary Certificate of Occupancy is authorized.

6. Notice of Violation. Whenever, in the opinion of the Code Enforcement Officer after proper examination and inspection, there appears to exist a violation of any provision of these Laws, or of any rule or regulation adopted pursuant thereto, the Code Enforcement Officer shall serve written note of violation. Such notice of violation shall inform the recipient of:
 - a. The nature and details of such violation;
 - b. Recommend remedial action which if taken will effect compliance with the provisions of these Laws and with rules and regulations adopted pursuant thereto;
 - c. The date of compliance by which the violation must be remedied or removed.
 - d. Fine for non-compliance. \$50.00/week minimum and \$250/week maximum, after by

Code Enforcement Officer.

AMENDMENT (1998)

7. Extension. The Code Enforcement Officer may extend the date of compliance specified in a notice of violation, upon written application, if in his opinion there is reasonable evidence of intent to comply and that reasonable conditions exist which prevent compliance by the specified date.

Section 601 Appeals

1. Board of Appeals. The Village Board of Trustees shall appoint a Zoning Board of Appeals of three (3) members pursuant to Section 7-712 of Village Law, with the power, functions and duties and subject to all the provisions therein provided which are incorporated herein by reference, together with additional powers as may herein after be provided by statute. The Zoning Board of Appeals shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of Section 7-712 of the Village Law and of this Law, and all its resolutions and orders shall be in accordance therewith. The Zoning Board of Appeals shall take minutes of all of its meetings and keep a public record of its proceedings and the vote of each member on every issue.
2. Meeting, Minutes, Records. Meetings of the Board of Appeals shall be open to the public to the extent provided in Article Seven of the Public Officers Law. The Board of Appeals 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.
3. Filing Requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the Office of the Village Clerk and shall be a public record.

27.

4. Assistance to Board of Appeals. The Board of Appeals shall have the authority to call upon any department, agency or employee of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Village Board.
5. Hearing Appeals. Unless otherwise provided by local law or ordinance, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, determination made by administrative officials charged with enforcement of any ordinance of local law adopted pursuant to this article. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any such administrative officials from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the records upon which the action appealed

from was taken.

6. Time of Appeal. Such appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative officer charged with the enforcement of such ordinance or local law by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative officials from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the records upon which the action appealed from was taken.
7. Stay on Appeal. An appeal shall stay all proceeding in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in his or her 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 administrative official from whom the appeal is taken and on due cause shown.
8. Hearing of Appeal. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in a paper of general circulation in the Village of a notice of such hearing, at least five (5) days prior to the date thereof.
9. Time of Decision. The Board of Appeals shall decide upon the appeal within sixty-one (61) days after the conduct of said hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board of Appeals.
10. Filing of Decision and Notice. The Decision of the Board of Appeals on the appeal shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

28.

11. Notice of Park Commission or Planning Agency. At least five days before such hearing, the Board of Appeals shall mail notices thereof to the parties; to the regional state park within five hundred feet of the property affected by such appeal; and to the county, metropolitan or regional planning agency, as required by section 239.M of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in subdivision one of section 239.M of the General

Municipal Law.

12. Compliance with State Environmental Quality Review Act. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under article eight of the environmental Conservation Law and its implementing regulations as codified in title six, part 17 of the New York Codes, Rules and Regulations.

Section 602 Permitted Action by the Board of Appeals

1. Interpretations, Requirements, Decisions, Determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination made in the matter by the enforcement of this local law and to that end shall have all the powers of the administrative official from whose order, requirement, or decision the appeal is taken.
2. Use Variance.
 - (a) The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variance, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the ordinance or local law.
 - (b) No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that
 - (1) under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
 - (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood;
 - (4) that the alleged hardship has not been self-created.

- (c) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area Variances

- (a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of such ordinance or local law, to grant area variances from the area or dimensional requirements of such ordinance or local law.
- (b) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board of Appeals shall also consider:
 - (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - (3) whether the requested area variance is substantial;
 - (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or environment;
 - (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (c) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

- 4. Imposition of Condition. The Board of Appeals shall, in the granting of the both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or local law, and shall be imposed for the purpose of minimizing any adverse

impact such variance may have on the neighborhood or community.

Section 603 The Planning Board

1. The Village Board of Trustees shall appoint a Planning Board of five (5) members, pursuant to Section 7-718 of Village Law, with the powers, functions and duties and subject to all the provisions therein provided which are incorporated herein by reference, together with such additional powers as may hereinafter be provided by statute. The Planning Board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of Section 7-718 and of these Laws, and all its resolutions and orders shall be in accordance therewith. The Planning Board shall take minutes of all of its meetings and keep a public record of its proceedings and vote of each member on every question.

30.

2. Power of the Planning Board. The Planning Board shall have full power and authority pursuant to Section 7-726 of the Village Law to make such investigations, maps, reports and recommendations in connection therewith relating to the planning and development of the Village of Heuvelton as it seems desirable.

3. Approval of Site Plans, Certain Land Uses, Special Permits.

The Planning Board shall have the power, pursuant to section 7-725 of Village Law, to review and approve, approve with modifications, or disapprove site plans prepared to specifications, set forth in the said local law, showing the arrangements, layout and design of the proposed use of land shown on such plan(s). Certain land uses require that a Special Permit be approved by the Planning Board before a building permit can be issued by the Code Enforcement Officer (see Article 3 Section 301 Zoning Districts and Section 302 Special Use Standards/ Special Permits of these Laws).

Section 604 Appeal to Supreme Court

1. Application to Supreme Court by Aggrieved Persons. Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals or any officer, department, board or bureau of the Village, may apply to the Supreme Court for review by a proceeding under article seventy-eight (78) of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision of the board in the office of the Village Clerk.
2. Costs of Appeal. Costs shall not be allowed against the Board of Appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
3. Preference of Appeal Court. All issues in any proceeding under this section shall have preference over all civil actions and proceedings.

4. Power of Court. If upon the hearing at a special term of the Supreme Court, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Section 605 Complaint and Violation Procedures

1. Citizen Complaint. Any person may file with the Code Enforcement Officer a written signed complaint against any alleged violation of these regulations.

31.

2. Investigation. As directed by the Village Board of Trustees or by receipt of a signed, written citizen complaint the Code Enforcement Officer will make an investigation into the allegations. Depending on the findings the Code Enforcement Officer may at any time upon his discovery of a violation of these regulations issue a corrective notice without a complaint.
3. Persons Liable. The owner, tenant, or occupant of any building or land or part thereof and any architect, building, directs, creates, or maintains any situation that is contrary to the requirements of these regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies provided.
4. Procedures Upon Discovery of Violations.
 - a. Written Notice. If the Code Enforcement Officer finds that any provisions of the zoning regulations are being violated a written notice by certified mail shall be sent by the Code Enforcement Officer to the person or persons in violation indicating the nature of the violation and ordering action necessary to correct the violation (s).
 - b. A final written notice shall be issued (the initial written notice may be the final notice) stating what action the Village representative intends to take if the violation is not corrected.

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- c. In cases where delay would seriously threaten the effective enforcement of the zoning regulations or pose a danger to the public health, safety, or welfare of the general public the Village may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Sec, 606 of these regulations.

Section 606 Penalties and Remedies for Violations

1. Stop To Work Order. The Code Enforcement Officer may issue a stop to work order to preclude the continued and further violation(s) of these regulations or to protect the public health or safety. Such stop to work order shall stay all activities in conjunction with any violations of these regulations. If work continues in violation of the stop to work order, action by the Village Board of Trustees will be initiated to compel compliance, for injunction, or to assess such penalties as are hereafter provided for.
2. Permit Revocation. The zoning/building permit or special use permit (including site plan approval) may be revoked by the Code Enforcement Officer if the permit recipient fails to develop or maintain the property in accordance with plans submitted, the requirements of the zoning regulations, or any additional requirement lawfully imposed by the permit authorizing board.

Before the permit may be revoked, notice and hearing requirements for hearings of the Zoning Board of Appeals shall be complied with. A notice shall be sent to inform the permit recipient of the alleged grounds for revocation as noted in Sec. 606.4 of these regulations.

32.

The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked shall be upon the party advocating that position. The burden of persuasion shall also be upon that party. A motion by the permit-issuing board shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

Before a permit may be revoked, the permit recipient shall be given a ten (10) day notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing of the allegations. If the permit is revoked, a written statement of the decision, along with the reasons for the action, shall be provided to the permittee in writing.

No person may continue to make use of land or buildings in the manner authorized by any zoning/building permit after such permit has been revoked in accordance with this section.

3. Misdemeanor/Civil Penalty. If after all other remedies to correct violations of the zoning regulations do not deter the continuance of violation then all matters will be referred by the Code Enforcement Officer to the Village Board of Trustees for further legal action.

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4. Fine for Non-Compliance. \$50.00/week minimum and \$250.00/week maximum, after citation by Code Enforcement Officer. Each week's (7 days) continued violation shall constitute a separate, additional violation.

ARTICLE VII AMENDMENTS AND METHODS OF PROCEDURE

Section 700 Amendments

The Village Board may, on its own motion, on petition or on recommendation of the Village Planning Board, amend these regulations pursuant to the applicable requirements of law.

Section 701 Publication of Meeting Notice

At least ten (10) days prior to a public hearing to consider zoning amendments a notice of the time and place of such hearing shall be published in a paper of general circulation in the Village.

Section 702 Service of Written Notice

At least ten (10) days prior to the date of the public hearing, written notice of any proposed regulations, restrictions or boundaries of such districts, including any amendments thereto, affecting property within five hundred (500) feet of the following shall be served personally or by mail by the Village upon each person or persons listed below:

- (a) The property of the housing authority erecting or owning a housing project authorized under the public housing law; upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto.

33.

- (b) The boundary of a city, village, or town; upon the clerk thereof.

- (c) The boundary of a county; upon the clerk of the board of supervisors or other person performing like duties.

Section 703 Additional Requirements

The procedural requirements set forth herein shall be in addition to the requirements of the provisions of sections two hundred thirty-nine -1 (239-1) and two hundred thirty-nine -m- (239-m) of the General Municipal Law relating to review by a county, metropolitan or regional planning board; the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations which are codified in Title Six part six hundred seventeen of the New York Codes, Rules and Regulations and any other general laws relating to land use and any amendments thereto.

Section 704 Public Hearing

The public, including those served notice pursuant to Section 702 of this article, shall have an opportunity to be heard at the public hearing. Those parties set forth in paragraphs (a), (b), (c), and (d) of Section 702 of this section, however, shall not have the right of review by a court as hereinafter provided.

Section 705 Filing and Effective Date

Upon adoption or approval of a modification to the zoning laws, the Village Board must publish the laws or amendment or a summary or abstract thereof in a newspaper designated by the Village Board as having general circulation in the Village of Heuvelton. The Village Board shall also file the law or amendment thereof with the Office of the Secretary of State. The law or amendment shall take effect upon filing with the Office of the Secretary of State or ten (10) days after publication of the amendment, whichever occurs earlier.

ARTICLE VIII MISCELLANEOUS PROVISIONS

Section 800 Interpretation

The provisions of these Laws shall be held to be the minimum requirements necessary to accomplish the purpose of the Law and shall be interpreted and applied as such. When requirements of other lawfully developed rules, regulations or laws, the most restrictive or that imposing higher standards shall take precedence.

Section 801 Validity

If any article, section, subdivision, paragraph, sentence, clause or provision of this chapter be adjudged to be invalid, such adjudication shall apply only to the article, section, subdivision, paragraph, sentence, clause or provision so adjudged invalid, and the remainder of this chapter shall be and remain in full force and effect.

34.

Section 802 Repealing Clause

From and after the date when this chapter takes effect, any and every existing Law of the Village of Heuvelton, pertaining to zoning or land use control is hereby superseded and repealed.

ARTICLE IX DEFINITIONS

The following definitions of words and terms shall be used in the interpretation, administration and enforcement of these regulations;

Accessory Structure: A structure subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building. Examples include but are not limited to sheds, garages, fences, swimming pools, satellite dish antennas.

Accessory Uses: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Alteration: A change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Appeal: A request for a review of the interpretation of any provision of this law or a request for a variance.

Art Studio: Enclosed place for the production and sales of crafts and arts produced on-site.

Bed and Breakfast: An owner-occupied dwelling, or part thereof, in which lodging is provided for a fee by the owner or operator to not more than eight (8) boarders.

Building: Any structure where space is covered or enclosed.

Building Frontage: That side of any building facing a public street.

Building Height Of: The vertical distance measured from the established grade at the street center line or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front to the building to the highest point of the roof for or flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business Area: The total ground area covered by a principal building, accessory structures, parking and including outdoor display and storage areas integral to the business.

Certificate of Occupancy: A Certificate issued by the Code Enforcement Office indicating that a structure or the use of land is in compliance with any approved site plan, conditions on approval

and with this Local Law.

Church: Any place devoted to organized worship on a regular basis.

Cluster Housing: Development of one family dwellings on lots which are smaller than permitted by the regulations of these Laws; where the density of development is no greater than would otherwise be permitted by conventional lot regulations; and where residual land produced by the smaller lot size is used for public recreation and open space.

Commercial Recreation: A recreation facility designed and equipped for the conduct of sports and other leisure time activities which is operated as a business and open to the public for a fee.

Commercial Services: Establishments primarily providing services, as opposed to products, to the general public including but not limited to personal services, business services, repair services (except motor vehicle repair), educational services, social services, legal, accounting, engineering, and other professional services, and including Laundromats.

Community Residence: The term "community residence" shall be defined as in the New York Code of Rules and Regulations part 417, and shall for the purpose of these regulations be interchangeable with "agency group home" and "temporary home" as defined in those regulations. Such residential facilities must be authorized by the N. Y. S. Board of Social Welfare or by the New York Commissioner of Mental Hygiene and living as a single, stable housekeeping unit.

Conservation: The continuation of land in its natural state, or any use that will maintain the land in essentially its natural state.

Special Use: A use that would not be appropriate generally or without restrictions throughout the zoning district, but which, if controlled as to, area, location, layout, and design would be compatible with other uses permitted in the zoning district. Such as a conditional use, if all the specific standards established in Section 302 Special Use Standards/Special Permits are satisfied.

Day Care in the Family Dwelling: Day care in the family dwelling for three to six non-resident persons. Care includes services provided with or without compensation. Both local and state permits are required. Day care in the family dwelling unit shall be regulated in NYCRR part 417

Day Care Center: Any care arrangement for persons under the age of eighteen (18) or over the age of sixty (60) that provides day care on a regular basis for more than four hours per day for more than five persons, for payment or reimbursement.

Driveway: Vehicle travel lane between a public road and a parking area, not including field entrances. A divided driveway is so designed that traffic entering it is separated from traffic leaving it by a raised median or other physical barrier is considered a single driveway unit.

Dwelling: Any building, or part thereof, designed and used for year-round human habitation, or intended to be so used.

Dwelling Unit: One or more rooms located within a dwelling and providing complete living accommodations for one family, including cooking and bathroom facilities.

Dwelling Unit -- One Family: A detached dwelling containing one dwelling unit.

Dwelling Unit -- Two Family: A detached dwelling containing two dwelling units.

Dwelling Unit -- Multi-Family: One or more dwellings containing separate dwelling units for three or more families. May include apartments, cooperative housing, and condominiums and provide rental or sales housing.

Dwelling Unit -- Two House: A dwelling accommodating or designed to accommodate a single family in a single dwelling unit, the walls on two sides which may be in common with the walls of adjoining dwellings and are part or lot line walls. May provide rental or sales housing.

Family: An individual or two or more persons of recognized family relationship occupying a dwelling unit and living as a single household. For the purpose of these Laws a family may also consist of not more than five unrelated individuals living together as a single housekeeping unit.

Fence: An artificially constructed barrier of approved material or combination of materials erected to enclose or screen areas of land. Natural hedges or shrubbery for the purpose of enclosing or screening and area or land shall be constituted as part of these provisions and shall be covered by these regulations.

Frontage: The distance between the side lot lines measured at the street right-of-way line.

Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected before burial or cremation.

Garage, Private: A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a non-resident of the premises.

Garage, Public: A building or part thereof, used primarily for the storage, hiring, selling, greasing, washing, servicing, or repair of motor-driven vehicles, operated for gain.

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, but not including the painting or major repair thereof. The term "Gasoline Station" shall be deemed to include a filling station, a service station, and combination gas station and convenience store.

Gross Floor Area: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

37.

Hazardous: Any building or structure which is structurally unsafe, unsanitary, constitutes a fire hazard, harbors vermin, or is otherwise dangerous to human life, or uses which is in relation to existing conditions constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

Health Care Facility: Unless otherwise specified, the term "health care facility" shall be deemed to include a hospital, clinic, rest home, nursing home, sanitarium, or any other place for the diagnosis, treatment, and/or other care of human ailments, addictions, development disability, or old age.

Home Occupation: A subordinate and incidental use of a commercial nature which is not detrimental to the residential character or the lot on which said home occupation is located or the surrounding neighborhood and is performed or conducted in the owner-occupied dwelling. Home occupations shall be limited to an owner-occupied dwelling. A home occupation shall produce no offensive noise, traffic, vibrations, smoke, dust, heat, glare, or electronic disturbance beyond the property it occupies.

Junk: Is material that is re-usable or can be recycled to be used again in some form. Examples are iron, glass, wood, paper.

Junkyard: A lot or building, or part thereof, used for the collecting, storage or sale of wastepaper, rags, scrap metal, wood, discarded appliances or similar discarded or waste material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicle not licensed and in running condition or for the sale or storage of parts thereof. Example " an auto salvage yard.

Land Use Activity: The specific purpose for which land or building is used or designed and intended to be used and maintained.

Light Manufacturing or Assembly: An establishment engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products and the blending of materials inside an enclosed structure. It shall produce minimal noise, air pollution, electronic disturbance and shall not

detract from the overall nature of the district in which it is located.

Loading Space: An off-street space or berth, no smaller than a parking space, used for loading or unloading vehicles.

Lot: A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest.

Lot Area: The total area including within lot lines of a lot excluding any highway right-of-way.

Lot, Corner: A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of the intersection of less than 135 degrees.

38.

Lot, Depth: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot, Lines: The property lines bounding the lot.

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

Lot, Width: The distance between side lot lines measured parallel to the front setback line at a distance from the front lot line equal to the front setback specified for the district.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, productions of goods, and the blending or packaging of materials.

Mobile Home: A detached, one dwelling unit with any or all of the following characteristics:

- a. Manufactured as a relocatable dwelling unit intended for year round occupancy and for installation on a site without a basement or a permanent foundation;
- b. Designed to be transported, after manufacture, on its own chassis and connected to utilities after placement on a mobile home stand;
- c. Designed to be installed as a complete single-wide or double-wide unit with only incidental unpacking and assembling operations;

- d. Designed and manufactured as the type of unit which would require, after January 15, 1974, a seal as provided for in the State Code for Construction and Installation of Mobile Homes.

For the purpose of these Laws dwelling units which are prebuilt in two or more parts and transported to, and assembled on a permanent foundation, are not considered mobile homes.

Mobile Home Park: A contiguous parcel of land under one ownership or management which is at least two (2) acres in area and which has been planned and improved for the placement of at least two (2) mobile homes for non-transient use.

Nonconforming Use: A building or use of land existing on the date of enactment of these Laws which does not comply with the minimum frontage and area requirements for the zone in which said building or use is located.

Office Building: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

39.

Parking Area: An off-street, ground-level area, usually surfaced and improved for the temporary storage of motor vehicles in operating condition.

Parking Space: An off-street space available for parking on automobile and which is an area at least nine (9) feet wide and twenty (20) feet long, not including maneuvering area and access drives thereto.

Permitted Use: Any use allowed in a zoning district and subject to restrictions applicable to that zoning district.

Plat: A map representing a tract of land showing boundaries and location of individual properties and streets.

Plat, Preliminary: A preliminary map indicating the proposed layout of a subdivision or site plan which is submitted to the Planning Board for consideration and preliminary approval

Plat, Final: A final map drawn by a licensed engineer showing a proposed subdivision including all detailed information required by New York State Law and these regulations, which is submitted to the Planning Board and if approved, filed with the County Clerk.

Principal Use: The primary or predominant use of any lot.

Public Notice: The advertisement of a public hearing in a paper of general circulation in the area, indicating the time, place, and nature of the public meeting.

Public Use: A building, structure or use owned and operated by a governmental agency or non-profit organization to provide a public service. Example are Post Offices, Library, Fire House, Museum.

Restaurant: An establishment engaged in selling goods or merchandise to the general public for personal household consumption.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, trail, railroad, electric transmission line, gas pipeline, water main, sanitary or storm sewer, or for another special use.

Rubbish: Is material or rejected matter that is not reusable. It is considered useless waste (not recyclable). Examples are food or food products, light bulbs, kitty litter, oil, gas, asbestos, etc.

Salvage Yard: Any area, lot, land, parcel, building or structure or part thereof, for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other types of junk.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

40.

Setback: The distance between the lot line and the line of any building or and projection thereof, excluding uncovered steps, decks, porches and ramps. **AMENDMENT (1998)**

Setback Lines: That line that is the required minimum distance from the street right-of-way line or any other lot line that established the area within the principal structure must be erected or placed.

Setback Front: An open space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the rear lot line.

Setback Rear: An open space extending across the full width of a lot between the principal building and the rear lot line, and measure perpendicular to any building at the closest point to the rear lot line.

Setback Side: An open space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular for the side lot line to the closest

point of the principal building.

Sign: Any device used for the visual communication or advertisement of a place, building, product, service, or name.

Site Plan: An accurately scaled development plan illustrates the existing conditions on a land parcel as well as depicting major characteristics or proposed development.

Sketch Plan: A rough sketch map of proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion by the Planning Board.

Street: A public or private way which affords the principal means of access to abutting property.

Street Lines: The right-of-way of a street, road, or highway.

Street Width: The width of the road right-of-way measured at right angles to the center line of the street.

Structure: An assembly of materials forming a construction framed of component parts for use or occupancy, including but not limited to buildings.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement is started, or if the building has been damaged, before damage occurred.

Swimming Pool: A structure intended for bathing or swimming purposes made of concrete, masonry, metal, or other impervious material, having a depth of more than three (3) feet and owned and maintained by an individual for exclusive use by their family and friends.

Tavern: An establishment licensed by the State of New York used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged liquors may be served or sold as accessory to the primary use.

41.

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Use: The activity or function that actually takes place or is intended to take place on a lot.

Use Variance: A departure from the provisions of the zoning regulations relating to the use of a parcel of property. A variance may be granted by the Zoning Board of Appeals if it is demonstrated that a literal application of the regulations would result in unnecessary hardship or practical difficulties.

Variance: Written authority to deviate from any of the regulations of these Laws, said authority to be granted by the Zoning Board of Appeals if it is demonstrated that a literal application of the regulations would result in unnecessary hardship or practical difficulties.

Yard: An open unoccupied space located on the same lot as any building and measured by the distance between a lot line and the nearest point from any building (excluding porches or covered terraces open at the sides). Front yard measurements are to be made from the street right-of-way line and not the street center line (see illustration in appendix).

Yard, Front: An open space extending the full width of a lot between the principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

Yard, Rear: An open space extending across the full width of a lot between the principal building and the rear lot line and measured perpendicular to the building closest to the rear lot line.

Yard, Side: An open space extending from the front yard to the rear yard between the principal from the side lot lines measured perpendicular from the side lot lines to the closest point of the principal building.

Zoning Map: The map or maps, which are part of the zoning local law, and delineate the boundaries of zoning districts.

Zoning/Building Permit: A permit issued by the Code Enforcement Officer that authorizes the recipient to make use of property in accordance with the requirements of this Local Law.

| <u>Use or Activity</u> | <u>Spaces</u> |
|---|---------------|
| One and two family dwelling unit: for each dwelling unit | 2.00 |
| Multi-family dwelling unit: for each dwelling unit | 2.00 |
| Mobile Home on private lot | 2.00 |
| Rooming house or tourist home: for each room let for profit | 1.50 |
| plus: for basic dwelling unit | 1.00 |
| Home occupation: | 2.00 |
| plus: for the basic dwelling unit | 2.00 |
| School: for each teaching station | 1.00 |
| plus: for visitor use | 10.00 |
| Museum, gallery, library: for each 500 sq. ft. of gross floor area | 1.00 |
| plus: for visitor use | 10.00 |
| Church, theater, or similar place of public assembly: | |
| for each five persons to be accommodated | 1.00 |
| Nursing Home: for each three beds | 1.50 |
| plus: for each employee | 1.50 |
| Professional clinic: for each 200 sq. ft. of gross floor area | 1.50 |
| plus: for each professional person | 1.50 |
| Retail establishments and banks: for each 100 sq. ft. of gross floor area | 1.50 |
| Personal service outlets: for each 100 sq. ft. of gross floor area | 1.50 |
| Restaurant: for each 100 sq. ft. of gross floor area or for every four (4) seats, whichever is greater | 1.50 |
| Funeral home: at least | 10.00 |
| Club or Fraternal organization: for each member | 1.50 |
| plus: for each 200 sq. ft. of gross floor area | 1.00 |
| Commercial recreation: for each 200 sq. ft. of enclosed space | 1.00 |
| Plus: for each 5,000 sq. ft. or fraction thereof of outdoor facilities | 1.00 |
| Manufacturing, assembly or similar industry: for each 500 sq. ft. of gross floor area or for each two employees, whichever greater | 1.00 |
| Wholesaling, food processing, storage and similar industry: for each employee | 1.00 |
| Lumberyard and building materials: for each employee | 2.00 |
| for customer parking | 10.00 |
| Printing, plumbing, electrical and similar establishment: for each employee | 1.50 |