

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village  
(Select one:)

of Lowville

FILED  
STATE RECORDS

DEC 3 U 2024

Local Law No. 3 of the year 2024 DEPARTMENT OF STATE

A local law to Amend, Repeal and/or Replace Sections of its Zoning Law  
(Insert Title)

Be it enacted by the Village Board of the  
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village  
(Select one:)

of Lowville

as follows:

SEE ATTACHED LOCAL LAW

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2024 of the (County)(City)(Town)(Village) of Lowville was duly passed by the Village Board on Dec. 19 2024, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 2024, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*Wendy S. Snowden*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

12-18-24

(Seal)

## **Chapter 201. Zoning Article I. Introduction**

### **§ 201-110. Enacting clause.**

Pursuant to the authority conferred by Article 7 of the Village Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Village Board of the Village of Lowville hereby adopts and enacts the following chapter.

### **§ 201-120. Title.**

This chapter shall be known as the "Zoning Law of the Village of Lowville."

### **§ 201-130. Purpose.**

- A. The purposes of this zoning chapter are to provide for orderly growth in accordance with a comprehensive plan; to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety and general welfare of the public.
- B. This chapter has been made with reasonable consideration, among other things, as to the character of each zone and its peculiar suitability for particular uses, and with a view to conserving the value of building and encouraging the most appropriate use of land.

### **§ 201-140. Applicability.**

This chapter, and any amendment thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

### **§ 201-150. Prior existing zoning law.**

This chapter shall replace and supersede the prior existing Zoning Law of the Village of Lowville when adopted under law.

## **Article 11. Definitions**

### **§ 201-210. General word usage.**

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory.

### **§ 201-220. Interpretations.**

Any question as to the precise meaning of any word used in this chapter may be appealed to the Zoning Board of Appeals and clarified under their powers of interpretation.

## **§ 201-230. Specific definitions.**

Specifically defined words are as follows:

### **ACCESSORY DWELLING UNIT**

A second dwelling unit located on the same lot as a principal single-family dwelling, located within an existing or new accessory structure, which is subordinate to the principal dwelling in terms of size, location, and appearance. Such a dwelling is an accessory use to the principal dwelling.

### **ACCESSORY STRUCTURE**

A structure incidental and subordinate to the principal structure and located on the same lot with such principal structure, including private garages. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.

### **ACCESSORY USE**

A use customarily incidental and subordinate to a principal use and located on the same lot.

### **ADAPTIVE REUSE**

The development of a new use for an older building or for a building originally designed for a special or specific purpose.

### **ADULT ENTERTAINMENT USE**

Any business or activity conducted for gain, either as a principal or accessory use, which devotes or intends to devote more than 25 square feet of net floor area or more than 10% of its total net floor area, whichever is less, or more than 10% of the volume of its stock, to display, exhibit or disseminate material distinguished or characterized by emphasis on the display or depiction of sexual activity or specified anatomical areas, regardless of whether by live entertainment, motion picture, videocassette, photograph, cartoon or other means, in a manner unsuitable for viewing by minors or otherwise prohibited by the statutes of New York State.

### **AGRICULTURAL USE**

Shall be land used primarily for agricultural purposes in a commercial manner. "Agricultural use," therefore, is a principal use and must be on land consisting of at least two acres, and is used for raising livestock, agricultural products, including farm structure and storage of agricultural equipment; riding and boarding stables; and as an accessory use sale of agricultural or forest products raised on the property. This definition is not intended to cover accessory agricultural uses by homeowners who wish to have gardens or raise other agricultural products for personal use. [Amended 6-17-2015 by L.L. No. 7-2015]

### **APARTMENT COMPLEX**

Two or more multifamily dwellings on a single lot.

### **BED-AND-BREAKFAST INN**

A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

### **BLAST FURNACE**

A smelting furnace in the form of a tower into which a blast of hot compressed air can be introduced from below to process metals such as, but not limited to, steel, lead, and copper.

### **BOARDING HOUSE**

A building other than a hotel or motel containing a shared kitchen and/or dining room in which at least three but not more than six sleeping rooms are offered for rent, with or without meals.

**BREW PUB**

An eating and drinking establishment where certain beverages are prepared on the premises for on-site consumption. The brewing and retail sale of such beverages is accessory to the eating and drinking establishment.

[Added 2-17-2021 by L.L. No. 1-2021]

**BUILDING**

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

**BUILDING FRONT**

The wall of a building that faces the street that is included in the property address.

**BUILDING HEIGHT**

The vertical distance of a building measured from the average elevation of the finished grade at the front of the building to a) the highest point of the roof for flat and mansard roofs, or b) the top of the ridgeline for other types of roofs.

**BULK STORAGE, EXPLOSIVES**

The containment of large quantities of explosive materials on an individual property or in a dedicated facility on a tract of land.

**CAR WASH**

A building or premises or portions thereof used for the cleaning, washing, polishing, or waxing of motor vehicles.

**CEMETERY**

Property used for the interment of the dead.

**CERTIFICATE OF COMPLIANCE**

A certification by the Zoning Officer that a lot, structure, or use of land has been developed in conformity with an approved zoning permit and/or complies with the provisions of this chapter, and may be occupied and used for the purposes specified in such zoning permit and/or certificate of compliance.

**CLUB**

A building or use catering exclusively to club members and their guests for recreational purposes, not operated primarily for profit, including YMCA, YWCA, YMHA, fraternity, sorority, lodge, religious and similar clubs which may have dormitory accommodations.

**COMMERCIAL FACILITY**

A facility where retail sales and service are conducted, including sales and service for new and used automobiles, trucks, manufactured homes, boats, recreational vehicles, farm implements, tree nurseries and other large items stored outdoors for retail sales; business or institutions providing overnight accommodations; institutional residences or care or confinement facilities; and storage and parking facilities. This definition shall not include "group dwellings."

**COMMERCIAL USE**

An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

**COMMUNITY CENTER**

A building used for recreational, social, educational and cultural activities, owned and operated by a public or nonprofit group or agency.

## **COMMUNITY EVENTS**

Any planned gathering on public property consisting of 50 or more people, or any-sized event which blocks or reserves access to public property or a right-of-way. Examples include but are not limited to preplanned marches; demonstrations; parades; and weddings.

[Added 6-19-2019 by L.L. No. 4-2019]

## **CONTRACTORS YARD**

Any location used, or intended to be used, for the open storage of building materials and the equipment customarily used in the building contracting business.

## **CONVENIENCE STORE**

A retail establishment offering for sale food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

## **COVERAGE, LOT**

See "lot coverage."

## **CURING PLANT**

A facility that utilizes preservatives such as salt or chemicals to prevent the decomposition or spoilage of raw animal hides or pelts, to be further processed into leather products and/or other uses.

## **DAY-CARE, CHILD**

A use defined as "child day-care" in Section 390 of Social Services Law.

## **DRIVE-THRU USE**

A use that provides physical facilities that allow the service of customers while remaining in their motor vehicle.

## **DRIVEWAY**

The established or traveled way leading to a particular lot from the margin of a public street or private road.

## **DUMP**

A land site used primarily for the disposal by dumping, burial, burning, or other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap, or discarded material of any kind that is not approved by the village for such purpose.

## **DWELLING**

A building or part thereof used as living quarters, and not including a motel, hotel, boarding house, bed and breakfast, recreational camping vehicle or similar structure.

## **DWELLING, GROUP**

A dwelling intended to house a group of individuals not related by blood, marriage, adoption or guardianship living together as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

## **DWELLING, ONE-FAMILY**

A dwelling, other than a manufactured home, containing no more than one dwelling unit. This definition includes modular homes.

## **DWELLING, MULTIPLE-FAMILY**

A dwelling, other than a manufactured home, containing three or more dwelling units.

## **DWELLING, TWO-FAMILY**

A dwelling, other than a manufactured home, containing no more than two dwelling units. This definition includes modular homes.

**DWELLING UNIT**

A building or part thereof used as self-contained living quarters for one family living independently with cooking and bathing facilities.

**ESSENTIAL FACILITIES**

The operation or maintenance by municipal agencies or public or private utilities of telephone dial equipment centers; electrical or gas substations; water treatment, storage and transmission facilities; pumping stations; and similar facilities; but not including power generation facilities.

**FAMILY**

One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage or adoption, no such single housekeeping unit shall contain more than five members.

**FREESTANDING SIGNS**

Signs that are secured in the ground and which are not attached to, supported by, or erected on a building or other structure having a principal function other than the support of such signs.

**FUNERAL HOME**

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

**GARAGE, REPAIR**

A building designed and used for the storage, care, repair, or refinishing of motorized vehicles including both minor and major mechanical overhauling, paint, and body work.

**GARAGE, VEHICLE STORAGE**

A building primarily used for the storage of functioning automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking of privately owned vehicles.

**GASOLINE OUTLET, RETAIL**

See "retail gasoline outlet."

**GREEN INFRASTRUCTURE**

An approach to water management that protects, restores, or mimics the natural water cycle.

**HEDGE**

A hedge or hedgerow is a line of closely spaced (3 feet or closer) shrubs, bushes, and occasionally select tree varieties, planted and trained to form a barrier or to mark the boundary of an area, such as between neighboring properties.

**HEIGHT, BUILDING**

See "building height."

**HIDE TANNING PLANT**

A facility where animal hides are processed and converted into leather through a chemical and/or natural tanning process which includes, but is not limited to, soaking, liming, fleshing, tanning, and finishing for purposes such as, but not limited to, clothing, accessories, upholstery, and other uses.

**HOME-BASED BUSINESS**

An occupation, profession, business activity, or use that is clearly a customary, incidental, and secondary use of a dwelling, and which does not alter the exterior of the property or affect the residential character of the neighborhood.

## **HOSPITAL**

A building or structure for the diagnosis and treatment of human ailments (including obstetric and psychiatric care) and the furnishing of medical and surgical care on an overnight basis.

## **HOTEL**

A building containing primary sleeping units with internal access only, for the purpose of furnishing lodging, with or without meals, for transient occupancy; and with management maintaining a register, and providing daily housekeeping and other incidental services, including desk, telephone, or bellboy services.

## **IMPERVIOUS SURFACE**

**A hard surface that prevents water from soaking into the ground or significantly reduces the amount of water that can soak in.**

## **INDUSTRIAL USE**

Those fields of economic activity including manufacturing; construction; transportation; communication; electric, gas and sanitary services; other than those uses otherwise defined in this chapter; and excluding those uses prohibited by this chapter.

## **JUNKYARD**

Land or buildings used for collecting, storage or sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery parts or the presence of junk vehicles further defined as any motor vehicle, whether automobile, bus, trailer, truck, tractor-trailer, motor home, motorcycle, bicycle, mini-bicycle, snowmobile or any other device originally intended for travel on a public highway that meets any of the following: is unlicensed, abandoned, wrecked, stored, discarded, partly dismantled and not in condition to be used upon a public highway.

[Amended 6-17-2020 by LL. No. 4-2020]

## **LANDFILL**

An outdoor site used for the disposal of waste.

## **LANDSCAPING BUSINESS**

A business that specializes in the expansion or maintenance of natural and decorative features to include but not limited to lawns, trees, plants, natural materials such as rock, wood chips, and decorative features such as sculptures, patterned walks, fountains, and pools.

## **LIGHT INDUSTRIAL USE 1**

A use involving the assembly, manufacturing and/or processing of a product, but not producing noisy or otherwise objectionable disturbances such as vibration, dust, odors, or heavy truck traffic, and not involving the use of heavy machinery.

## **LOT**

Land occupied or to be occupied by a principal use or structure and accessory uses or structures, together with such open spaces as are required, having not less than the minimum area, width and depth required for a lot in the zone in which such land is situated, and having frontage on a street, or other means of access.

## **LOT AREA**

The total area within the property lines of a lot excluding any part lying within the boundaries of an existing or proposed public street.

## **LOT COVERAGE**

That the percentage of the lot area covered by the building area, including all principal and accessory structures, decks, porches, and carports which are open at the sides, but excluding parking lots and access driveways and roadways.

[Amended 7-20-2022 by L.L. No. 5-2022]

#### **LOT DEPTH**

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

#### **LOT FRONTAGE**

The distance measured across the width of the lot at the street line.

#### **LOT LINE**

A property line that defines the boundaries of a lot.

#### **MACHINERY WRECKING YARDS**

A piece of land or structure where machinery or non-functioning vehicles such as, but not limited to, motor vehicles, construction vehicles, agricultural machines, and industrial equipment are dismantled and/or salvaged for the purpose of recycling or selling of components.

#### **MANUFACTURED HOME**

A structure (formerly defined as a mobile home), transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities. A manufactured home shall be construed to remain a manufactured home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This definition shall not be construed to include factory manufactured homes known as "modular homes" bearing an insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212.

#### **MANUFACTURED HOME PARK**

Land on which two or more manufactured homes are placed and occupied for living purposes.

#### **MIXED-USE DEVELOPMENT**

A lot or structure with a variety of complementary and integrated uses such as, but not limited to, residential, office, light industrial, retail sales and service, general, restaurant/bar/hotel/motel, antique shop, and artisan shop.

[Added 2-17-2021 by L.L. No. 1-2021]

#### **MODULAR HOME**

A factory manufactured home bearing an insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212.

#### **MOBILITY ACCESS RAMP**

An elevated plane that is built in addition to or separate from stairs, constructed for the accessibility of entrances and/or exits.

#### **MOTEL**

A building or group of buildings, whether detached or in connected units, used as individual sleeping units with exterior access only designed primarily for travelers and providing for accessory off- street parking facilities.

#### **NONCONFORMITY**

A lot, structure, or use of land which lawfully existed prior to the enactment of this chapter, or conformed to the regulations of the zone in which it was located prior to the amendment of this chapter; which does not conform to the regulations of the zone in which it is located following the enactment or amendment of this chapter.

#### **OFFICE, BUSINESS**

A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment. Business offices are generally not open to the general public.

**OPEN SPACE**

Land that is mostly undeveloped and set aside for agricultural or recreational purposes. This land may be owned by public or private entities and can have restricted or unrestricted access.

**PARK**

A public area of land for recreational uses and includes all landscaping facilities and apparatus, athletic fields, utilities, buildings and other structures that are consistent with the general purposes of public entertainment and/or leisure.

**PARKING LOT**

A tract of land used for the temporary parking of motor vehicles when such use is not accessory to any other use.

**PERMANENT SIGNS**

Signs designed and intended to be displayed permanently.

**PERMIT, SPECIAL**

See "special permit."

**PERMIT, ZONING**

See "zoning permit."

**PERSONAL MESSAGE SIGNS**

Signs that display personal, noncommercial content.

**PERVIOUS SURFACE**

Surfaces that allow water to seep through and into the ground, instead of running off. They are also known as porous surfaces.

**PLANNING BOARD**

A board appointed by the Village Board pursuant to § 7-718 of the Village Law to implement this chapter.

**PRINCIPAL SOLAR ENERGY SYSTEM**

A solar energy system consisting of one or more freestanding ground- or roof-mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines and other related structures and facilities which has a rated capacity of more than 25 kilowatts for electricity or rated storage volume of more than 240 gallons or has a collector area of more than 1,000 square feet for thermal. It is noted that any system with a nameplate generating capacity of 25 megawatts or more is subject to the requirements, terms, and conditions of Article 10 of the New York State Public Service Law.

**PRINCIPAL STRUCTURE**

A structure through which the principal use of the lot on which it is located is conducted.

**PRINCIPAL USE**

The primary or predominant use of any lot.

**PUBLIC AREA**

A tract of land that is owned, controlled or primarily utilized by a municipality or similar entity for the primary purpose of resident/ tourist utilization alike.

**RECREATION, INDOOR**

A place designed and equipped for the conduct of sports and leisure-time activities where all activities are conducted within buildings.

**RECREATION, OUTDOOR**

Public areas for recreational activities to include but not be limited to: hiking, jogging, cycling, boating/kayaking,

horseback riding, fishing, etc., where some or all activities are conducted outside of buildings.

#### **RELIGIOUS INSTITUTION**

A church, synagogue, or other place of religious worship, as well as a monastery or other place of religious retreat, which is tax-exempt and incorporated.

#### **RENDERING PLANTS**

Facilities where animal by-products, such as fat, bones, and offal, are processed and converted into other materials such as, but not limited to, animal feed, biofuels, and other products through the process of grinding, cooking, and separating.

#### **RESTAURANT/BAR**

An establishment where food and/or alcoholic beverages are prepared, served and consumed.

#### **RESTAURANT/NO ALCOHOL**

An establishment where food and nonalcoholic beverages are prepared, served and consumed.

#### **RETAIL GASOLINE OUTLET**

An establishment that sells gasoline to the public. Sales of food products, household items, and other goods commonly associated with the same may also be included.

#### **RETAIL SALES AND SERVICE, GENERAL**

A commercial facility engaged in the indoor or outdoor selling of goods or merchandise to the general public for personal or household consumption; or providing indoor or outdoor retail services or entertainment to the general public including, but not limited to finance, real estate and insurance, personal services, amusement and recreational services, healthcare and medical offices, educational and social services; and not including "retail sales and service, large product."

#### **RETAIL SALES AND SERVICE, LARGE-PRODUCT**

A commercial facility including sales, rental, lease and service or repair for new and used automobiles, trucks, mobile homes, boats, recreational vehicles, farm implements, tree nurseries and garden shops and other large items stored outdoors.

#### **ROAD, PRIVATE**

A road that has not been legally or formally accepted by the municipality or other governmental entity.

#### **ROADSIDE STAND**

A stall or booth of a temporary nature for the sale of farm or garden products grown on the premises. Roadside stands are portable, not fixed to the ground, and not entered by customers.

#### **ROOFTOP SIGNS**

Any sign erected, mounted or placed on the roof of a building, or mounted or placed on any face of a building in a manner such that any portion of the sign extends vertically above the building eaves. [Added 6-19-2019 by L.L. No. 4-2019]

#### **SANITARY LANDFILL**

A site for solid waste disposal operated by the municipality.

#### **SCHOOL**

Any school licensed by the state and which meets the state requirements for elementary or secondary education.

#### **SIGN**

Any device, structure, building or part thereof, for visual communication used for the purpose of bringing the subject thereof to the attention of the public.

**SIGN, AWNING**

Any sign that is painted, engraved, or attached to an awning. An awning is supported from a wall of a building and projects beyond the building wall, and is generally designed and constructed to provide protection against weather.

**SIGN, CANOPY**

A sign that is erected on a separate, freestanding, roof-like covering.

**SIGN, FREESTANDING**

Any non-movable sign not affixed to a building.

**SIGN, OFF-PREMISES ADVERTISING**

Any sign, pictorial or otherwise, that directs attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, or manufactured, existing or provided at a location other than on the premises where the sign is located or to which it is affixed.

**SIGN, ON-PREMISES BUSINESS**

A sign which directs attention to a business, industry, profession, service, commodity, or entertainment sold or offered upon the same lot on which it is displayed, including real estate signs.

**SIGN, PROJECTING**

Any sign that is erected on a building wall or structure and extends beyond the wall of the building more than 12 inches.

**SIGN, TEMPORARY**

A sign designed and intended to be displayed for a short period of time.

**SIGN, WALL**

A sign attached to the exterior wall of a building or structure which does not extend from the building wall more than 12 inches.

**SILO**

An accessory structure used for either agricultural or manufacturing storage. [Added 7-20-2022 by LL. No. 5-2022]

**SITE PLAN REVIEW**

A process for the Planning Board review of site characteristics of a use prior to the Zoning Officer issuing a zoning permit.

**SLAUGHTERHOUSE**

A building or part thereof or premises used or kept for the purpose of killing, dressing or packing any cattle, sheep, hogs, or other livestock animals, or the meat thereof, intended for human consumption.

**SMALL ENGINE REPAIR**

The repair of small combustible or electric engines such as, but not limited to chainsaws, snowblowers, lawnmowers, and leaf blowers. Small engine repairs do not include repairs on combustible or electric engines such as, but not limited to automobiles, motorcycles, and aquatic vehicles (motorized fishing, speed, pontoon boats, etc.).

**SMALL SOLAR ENERGY SYSTEM**

A solar collection system consisting of one or more roof- and/or ground-mounted related equipment, which has a rated capacity of less than or equal to 25 kilowatts (for electricity) or rated storage volume of the system of less than or equal to 240 gallons or that has a collector area of less than or equal to 1,000 square feet (for thermal) and is intended to primarily reduce on site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal energy solely for on-site use, except when a property upon which the facility is installed also receives electrical power supplied by a utility company and in such case excess electrical power may be used by the utility company.

**SMELTER**

A facility where metal is extracted from ore by heating and melting, separating the metal from impurities.

**SMOKE SHOP AND/OR TOBACCO STORE**

Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store" and shall not be subject to the restrictions in this chapter.

[Added 9-15-2021 by LL. No. 6-2021]

**SOLAR ENERGY SYSTEM**

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat.

**SPECIAL USE PERMIT**

A permit for a use which must be approved by the Planning Board, granting permission to the Zoning Officer to issue a zoning permit.

**STORY**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

**STREET**

A public way for vehicular traffic which affords the principal means of access to abutting properties.

**STREET RIGHT OF WAY**

A right-of-way line dividing a lot, plot, or parcel from a street.

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground, except a wall or fence on a farm.

**STRUCTURE, ACCESSORY**

See "accessory structure."

**STRUCTURE, PRINCIPAL**

See "principal structure."

**TOBACCO**

Any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.

[Added 9-15-2021 by L.L. No. 6-2021]

**TOBACCO PARAPHERNALIA**

Any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of "tobacco paraphernalia."

[Added 9-15-2021 by L.L. No. 6-2021]

## **TOBACCO PRODUCT**

Any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this chapter, the term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

[Added 9-15-2021 by L.L. No. 6-2021]

## **TRAILER, VEHICULAR**

A vehicle which is customarily towed by a motor vehicle and is used for carrying or storing goods, equipment, machinery or boats, or is used as an office.

## **TRUCK TERMINAL**

A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units and other trucks, are parked or stored.

## **USE**

The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

## **USE, ACCESSORY**

See "accessory use."

## **USE, AGRICULTURAL**

See "agricultural use."

## **USE, PRINCIPAL**

See "principal use."

## **VARIANCE**

Any departure from the strict letter of this chapter granted by the Zoning Board of Appeals as it applies to a particular piece of property.

## **VEHICULAR TRAILER**

See "trailer, vehicular."

## **WAREHOUSING**

Terminal facilities for handling freight with or without maintenance facilities, and buildings used primarily for the storage of goods and materials.

## **WHOLESALE TRADE**

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

## **YARD**

An open space located on the same lot with a structure, unoccupied and unobstructed from the ground up, except for accessory structures, or such projections as are expressly permitted in this chapter. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main structure.

## **YARD, FRONT**

The space within and extending the full width of the lot from the street line to that part of the structure which is nearest to such street line. If a lot adjoins two or more streets, the yard that faces the street used in the

property address shall be considered the front yard.

#### **YARD, REAR**

The space within and extending the full width of the lot from the rear lot line to that part of the structure which is nearest to such rear lot line.

#### **YARD, SIDE**

The space within and extending the full distance from the front yard to the rear yard and from the side lot line to that part of the structure which is nearest to such side lot line.

#### **ZONING BOARD OF APPEALS**

A board appointed by the Village Board pursuant to § 7-712 of the Village Law to hear and decide appeals of this chapter.

#### **ZONING PERMIT**

A permit issued by the Zoning Officer certifying that all plans for the use and development of land comply with the regulations of this chapter, and granting permission to commence development activities in conformity with the conditions of the approved permit.

#### **ZONING OFFICER**

Any person appointed by the Village Board to enforce the provisions of this chapter.

## **Article III. Establishment of Zones**

### **§ 201-310. Types and purposes of zones.**

The Village of Lowville is hereby divided into the following zones:

**Park/Open Space (P):** To provide for parks, cemeteries, and open spaces.

**Residential (R):** To provide for a variety of residential development in the Village.

**Neighborhood Commercial 1 (NC-1):** To provide a pedestrian-oriented, mixed-use (residential and small-scale commercial) transition area between the Village center and surrounding residential areas. [Amended 7-20-2022 by L.L. No. 5-2022]

**Neighborhood Commercial 2 (NC-2):** To provide a pedestrian-oriented, mixed-use (residential, small-scale commercial, warehousing, and light industrial uses) transition between Industrial Zones, Neighborhood Commercial 1 Zones and surrounding residential areas.

[Added 7-20-2022 by L.L. No. 5-2022]

**Village Center (VC):** To provide for pedestrian friendly mix of uses (including commercial, institutional, and residential) in the Village's central business district.

**Auto Commercial (AC):** To provide for automobile-oriented commercial uses that are inappropriate in the central business district due to parking requirements.

**Industrial (I):** To provide for industrial and manufacturing uses in a manner that protects the natural environment and is compatible with a Village setting.

### **§ 201-320. Zoning Map.**

[Amended 6-21-2023 by L.L. No. 7-2023]

The zones are shown, defined and bounded on the Zoning Map accompanying this chapter entitled "Zoning Map," dated March 11, 2015, June 22, 2023 and as amended and corrected ~~December 05, 2024~~ upon revealing a discrepancy. The Zoning Map is hereby made a part of this chapter and shall be on file in the office of the Village Clerk.

### **§ 201-330. Interpretation of zone boundaries.**

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the Zoning Map, the following rules shall apply:

- A. Where the designation on the Zoning Map indicates a boundary approximately upon a street, the centerline of the street shall be construed to be the boundary.
- 8. Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
- C. Distances shown on the Zoning Map are perpendicular distances from street centerlines measured to the zone boundary. In all cases where distances are given, zone boundaries are parallel to the street centerline.
- D. In other cases the zone boundary shall be determined by the use of the scale on the Zoning Map.

### **§ 201-340. Divided lots.**

Where a zone boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than 30 feet into the more restricted part, provided the lot has frontage on a street in the less restricted zone.

### **§ 201-350. Metes-and-bounds descriptions.**

In the event that a metes-and-bounds description has been filed for a zone change or a variance as required by this chapter, such metes-and-bounds description may be used in lieu of other provisions of this article.

## **Article IV. Zoning District Regulations**

### **§ 201-410. General.**

All uses and structures requiring a zoning permit pursuant to this chapter shall conform to the regulations of this article which correspond to the zone in which the activity is situated.

### **§ 201-420. Schedule A: Permitted Uses.**

Schedule A is included as an attachment to this chapter, any use not listed on Schedule A is assumed to be prohibited in all zones unless specifically stated within the corresponding section.

### **§ 201-430. Schedule B: Dimensional Requirements**

Schedule B is included as an attachment to this chapter.

### **§ 201-440. Schedule C: Multiple-family dwelling lot sizes.**

Each multiple-family dwelling shall have a 5,000-square-foot lot size plus additional square footage based on the types of dwelling units included:

Type of unit	Additional square feet per unit
Bachelor	2,500
1 bedroom	3,000
2 bedrooms	3,500
3 or more bedrooms	4,500

## Article V. General Regulations

### § 201-505. Uses not permitted.

In all zones, the following uses are not permitted: junkyards; machinery wrecking yards; landfills, smelters; blast furnaces; slaughterhouses; rendering plants; hide tanning or curing plants; manufacturing or processing of fertilizer, bone, rubber, asphalt, ammonia, or chlorine; manufacture or refining of petroleum, gas, or explosives; bulk storage of explosives; dumps.

A municipally operated sanitary landfill is exempt from this section.

### § 201-510. Yards on corner lots.

Any yard adjoining a street shall be considered a front yard for the purpose of this chapter. If a lot adjoins two or more streets, the yard that faces the street used in the property address shall be considered the front yard.

### § 201-515. Dump/Landfill.

The burying of refuse and waste material for landfill is prohibited. The creation or existence of a Dump is also prohibited within the Village.

### § 201-520. Manufactured home locations.

[Amended 9-15-2021 by L.L. No. 5-2021]

It shall be unlawful for any person to park a manufactured home on any public or private property within the Village except in accordance with the provisions contained in this chapter.

- A. Pursuant to New York State Executive Law Article 21-B, Title 2, a manufactured home that is affixed to a permanent foundation and conforms with the identical development specifications and standards, including general aesthetics and architectural standards, applicable to conventional site-built single-family dwellings in the district in which the manufactured home is to be sited and upon compliance with such standards will be a single-family dwelling for all areas within the village when such residences are to be permitted.
- B. Without being in compliance with the requirements contained in § 201-520.A as noted above, the manufactured home is only allowable within a manufactured home park as established pursuant to § 201-545 of this chapter.
- C. Within any manufactured home sales lot that is otherwise duly permitted to offer manufactured homes for sale to the public.

### § 201-525. Manufactured home standards.

- A. All manufactured homes shall be in compliance with standards equal to or more stringent than the U.S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR 3280 (1976). The applicant is responsible for providing adequate evidence that these standards have been complied with. The presence of a permanent certification label affixed to the mobile home by the manufacturer stating that the home is in compliance with such standards shall be presumptive evidence that the construction of a manufactured home is in compliance with such standards.
- B. Manufactured homes may be permitted in any zone of the Village in which residential homes are permitted as long as such manufactured home is affixed to a permanent foundation and otherwise conforms with the requirements for residential developments within the lot in question. In other words, the manufactured home must be affixed to a permanent foundation and conform with the identical development specifications and standards, including general aesthetic and architectural standards, applicable to conventional site-built single-family dwellings in the district in which the manufactured home is being proposed.

## **§ 201-530. Manufactured Home Parks.**

Manufactured home parks shall comply with the following:

- A. Manufactured home parks shall be at least five acres in area and shall provide for individual manufactured home sites, access driveways and parking.
- B. Each manufactured home site shall be at least 9,000 square feet in area, and at least 70 feet wide by at least 125 feet in depth, and shall front onto an access driveway or street.
- C. All access driveways within a manufactured home park must have a gravel surface at least 20 feet wide and 12 inches in depth of compacted gravel.
- D. Each manufactured home site shall have a water supply source approved by the New York State Department of Health.
- E. Each manufactured home site shall have a sewage disposal system in compliance with State Department of Health regulations.
- F. No manufactured home site or service building shall be closer to a public street line than 50 feet, nor closer to a property line than 30 feet.
- G. A buffer strip at least 25 feet wide shall be maintained as a landscaped area abutting all manufactured home park property lines.
- H. No additions shall be made to a manufactured home except a canopy and/or porch open on three sides, or an addition made by the manufactured home manufacturer.

## **§ 201-535. Accessory dwelling unit.**

- A. One accessory dwelling unit shall be allowed for any single-family dwelling with a zoning permit issued by the zoning officer. Two accessory dwelling units may be allowed for any single-family dwelling with a special use permit. No more than two accessory dwelling units are permitted per lot.
- B. Each accessory dwelling unit shall be a maximum of 750 square feet of floor area.
- C. If a separate entrance to the accessory dwelling unit is provided, it shall be to the side or rear of the single-family dwelling.
- D. Lot size and dimensions shall conform to the zone in which the principal dwelling is located, and the provisions relating to nonconforming lots in Article XII of this chapter shall not apply.
- E. No manufactured home shall be used as an accessory dwelling unit.

## **§ 201-540. Accessory uses and structures.**

- A. Accessory uses and structures shall be allowed on the premises of any principal use in any zone.
- B. The establishment or change of an accessory use or structure which is incidental to a use requiring a site plan review pursuant to this chapter shall likewise require a site plan review.
- C. The establishment or change of an accessory use or structure which is incidental to a use requiring a special use permit pursuant to this chapter shall likewise require a special use permit.
- D. When an accessory building is attached to a principal building, it shall comply in all respects with the requirements of this chapter and the chapter(s) applicable to the principal building.
- E. Detached accessory buildings and all other structures shall comply with the following:

- (1) Building distance from other buildings: 10 feet minimum.
- (2) Front yard: same as principal use.
- (3) Side and rear yard: 5 feet minimum.

## **§ 201-545. Home-Based Businesses.**

A. All home-based businesses shall be subject to the following standards:

- (1) Operation shall be limited to the interior of a building.
- (2) The exterior of a building containing a home-based business shall not be altered to accommodate the business.
- (3) Operation shall be limited in size to 25% of building floor area or 500 square feet, whichever is less.
- (4) One on-premises sign, not to exceed six square feet, shall be allowed.
- (5) Excessive noise, light, glare, vibrations, and/or electronic and microwave interference with radios, TVs and other household appliances shall not be produced.
- (6) Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.
- (7) All parking shall be provided on-site in accordance with Article VIII of this chapter.
- (8) The business shall employ a maximum of three people.

B. Child day-care centers and repair garage operations shall not be conducted as home-based businesses.

## **§ 201-550. Drive Thru Uses.**

- A. Drive-thru uses shall be allowed only in VC, NC-2 and AC Zones upon approval of a special use permit. The Planning Board shall issue such permit only upon compliance with the requirements of this section.
- B. Drive-thru uses shall be allowed only in areas where vehicular traffic will not interfere with, or be detrimental to, the safety, comfort, and convenience of nearby residences, businesses, public or semipublic uses, and pedestrian ways.
- C. Drive-thru uses shall be designed so that no vehicular traffic shall need to queue for services on public streets or sidewalks. Facilities with drive-up service bays or windows shall have a minimum of five waiting spaces for each drive-up lane. Each waiting space shall be at least 20 feet in length. Where multiple drive-up windows exist, there shall be one additional waiting space which shall be in a common lane. These standards may be modified where the Planning Board deems necessary.

## **§ 201-555. Mobility Access Ramps**

- A. All mobility access ramps shall require a zoning permit.
- B. Mobility access ramps shall adhere to a minimum three (3) foot setback from sidewalks to allow safe travel by sidewalk users. Mobility access ramps shall not encroach and cause obstructions along sidewalks.
- C. Mobility access ramps shall have minimum rear and side setbacks of five (5) feet.
- D. If the setbacks mentioned above cannot be met, a variance must be pursued.

### **§ 201-560. Dwelling units in VC Zones.**

No portion of a structure located on the ground floor facing the street shall be used for residential purposes in the VC Zone. However, existing dwelling units in the VC Zone are exempt from this requirement. Existing dwelling units in this case shall be first-floor residential units within the Village Center Zone in place as of March 11, 2015, when this provision became effective.

### **§ 201-565. Repair garages.**

Repair garages shall comply with the following:

- A. All motor vehicle parts and dismantled vehicles are to be stored within a building and no repair work is to be performed outside of a building.
- B. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be 30 feet.
- C. The Planning Board may require a suitably curbed landscaped area complying with this chapter to be maintained at least five feet in depth along all street frontage not used as a driveway.
- D. In addition to the requirements stated in Sections 201-580, 201-1060, and 201-1070 respectively, the planning board may waive or modify these requirements as it sees fit on a case-by-case basis.

### **§ 201-570. Retail gasoline outlets.**

Retail gasoline outlets shall comply with the following:

- A. Outlets shall not be located within 300 feet of any lot occupied by a school, hospital, library or religious institution. Measurements shall be made between the nearest respective lot lines.
- B. Lot size shall be 20,000 square feet, minimum.
- C. Lot frontage shall be 150 feet, minimum.
- D. Lot depth shall be 125 feet, minimum.
- E. Pumps, lubricating and other service devices shall be located a minimum of 14 feet from the front lot line and a minimum of 50 feet from side and rear lot lines.
- F. All fuel and oil shall be stored a minimum of 35 feet from any property line.
- G. No signs shall extend beyond the pumps, nor exceed 15 feet in height.
- H. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be 30 feet.
- I. The Planning Board requires a suitably curbed landscaped area complying with this chapter to be maintained at least five feet in depth along all street frontage not used as driveway.
- J. In addition to the requirements stated in Sections 201-580, 201-1060, and 201-1070 respectively, the Planning Board may waive or modify the requirements stated in § 201-570. I, as they see fit on a case-by-case basis.

### **§ 201-575. Essential facilities.**

Essential facilities shall comply with the following:

- A. The facility shall be surrounded by a fence.
- B. A landscaped area complying with Article X of this chapter, at least 15 feet wide, shall be maintained in front, side and rear yards.

- C. The facility shall be designed and located such that any noise generated shall not interfere with the comfort and convenience of residents living in the vicinity.

### **§ 201-580. Line of sight for traffic safety.**

- A. No accessory structure, fence, wall, or hedge shall be erected in such a manner as to confuse or obstruct the views of any traffic sign, signal, or device, or obstruct the visibility of vehicles entering or exiting roadways.
- B. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and 10 feet above the street centerline grades of two intersecting streets, in the area bounded by the street lines of such corner lot and a line joining points along said street lines 20 feet from the point of the intersection.

### **§ 201-585. Fences and hedges.**

- A. No person being the owner or occupant of lands and premises shall construct, use or maintain a fence or hedge at a height of more than eight feet including any portions of the supporting structure such as, but not limited to, fence posts. No person being the owner or occupant of lands and premises shall construct, use or maintain a fence along the boundary line of any street, sidewalk or grounds if located within 20 feet from the intersection of two street lines, or so as to interfere with the view of traffic approaching the intersection within a distance of 75 feet measured along the center line of each street from the intersection of such center line.
- B. It is recommended that all perimeter fences be set back at least two feet from property lines to allow for maintenance of the structure, all disputes will be handled by the Village.
- C. All hedges shall be planted at least four feet from property lines and shall be maintained and trimmed a minimum of two feet from the property line. This additional space is required due to the anticipated growth of the hedge.
- D. All fences shall be constructed of vinyl, wood, composite, picket, iron or hedge. The finished side of all fences shall face neighboring properties.
- E. All fences and or hedges require compliance with Section 201-580 Line of Sight.
- F. Any nonconforming hedges shall be rectified to comply with the provisions of this section within 12 months from the amendment's filing date according to the Department of State. Compliance will only be enforced in situations with documented line of sight and or public safety concerns and will be enforced by the Village DPW as appropriate.

### **§ 201-590. Adult entertainment uses.**

Adult entertainment uses shall be permitted in Industrial (I) Zones only if the following conditions are met:

- A. Such uses may not be located within 300 feet, measured from lot line to lot line, of churches, schools, parks, playing fields or other areas in which groups of minors regularly congregate.
- B. No such use may be located on a New York State highway.
- C. Such uses shall not be located within 50 feet of any residential lot line.
- D. Such uses shall not be located within a one-thousand-foot radius of another such use.
- E. Only one sign shall be permitted and visible from the exterior of a building which is occupied by a regulated use, and such sign shall be no larger than four square feet and must be attached to the building and not on its roof. Such sign shall not consist of any material other than plain lettering. No sign shall have any photographic or artistic representation whatsoever there on.
- F. No off-site advertising shall be allowed.
- G. All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent a view into the interior from the outside of the premises. Windows shall be of opaque glass.

- H. Adult uses shall be fully screened from all residential properties by fencing or hedges at least eight feet in height.
- I. Outdoor lighting shall be limited to a light by the entrance and a shielded light on the structure. No colored lights are allowed.

## **§ 201-596. Smoke shops and tobacco stores.**

[Added 9-15-2021 by L.L. No. 6-2021]

- A. Notwithstanding any other provision of this chapter to the contrary, smoke shops and tobacco stores shall be a conditionally permitted use only in the following zone, subject to the regulations contained in this chapter: AC - Auto Commercial Zone.
- B. All smoke shops and tobacco stores wishing to operate within the above zones after the effective date of this chapter must obtain a special use permit.
- C. Additional zoning and land use standards for smoke shops and tobacco stores shall be as follows:
  - (1) Smoke shops and tobacco stores shall not be located within 2,500 feet, measured property line to property line, from a school (public or private), library, family day-care home, child-care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children (under 18 years of age) regularly gather.
  - (2) Smoke shops and tobacco stores shall not be located within 500 feet, measured property line to property line, from another smoke shop and tobacco store.
  - (3) It is unlawful for a smoke shop and tobacco store to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop and tobacco store.
  - (4) Smoke shops and tobacco stores shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
  - (5) Only one smoke shop/tobacco store is allowed at a time per 3,000 Village residents.

## **§ 201-600. Recreational vehicles and campers.**

[Added 4-19-2023 by L.L. No. 3-2023]

- A. General intent. It is the purpose of this section to promote the health, safety and general welfare of the inhabitants of the Village of Lowville by the more efficient regulation of recreational vehicles and campers.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

### **CAMPER**

A vehicle, be it self-driven, towable, or vehicle mounted, with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses.

### **OCCUPANT**

The individual residing overnight in a camper or recreational vehicle.

### **RECREATIONAL VEHICLE (RV)**

Any building, structure or vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes, and including pickup coaches (campers), motorized homes, travel trailers, and camping trailers not meeting the specifications required for a manufactured home or mobile home.

### **RECREATIONAL VEHICLE PARK**

An approved lot which includes three or more recreational vehicle sites.

### **RECREATIONAL VEHICLE SITE**

A plot of land sufficiently improved and equipped to accommodate the placement thereon, and the occupancy, of a recreational vehicle, together with so much of the surrounding real estate as is reserved exclusively to serve that recreational vehicle and its occupants.

#### **C. Prohibition.**

- (1) No camper or recreational vehicle shall be occupied within the Village except in approved and permitted manufactured home parks or recreational vehicle parks, with the exception that the temporary occupancy by family of the owner of the real property or the invited guest of the owner of the real property upon which the recreational vehicle or camper is located shall be permitted, provided that the recreational vehicle or camper not be occupied in excess of 14 days in a calendar month. In no event shall a recreational vehicle or camper be occupied upon a lot where there is no existing one-, two-, or multiple-family residence other than in an approved and permitted mobile home or recreational vehicle park.
- (2) No more than one camper or recreational vehicle shall be allowed, stored or maintained on any residential lot within the Village.
- (3) Any existing recreational vehicle or camper located on a property without a primary structure may remain until such time as the unit becomes uninhabitable. No replacement will be permitted.

## **Article VI. Solar Energy Systems**

### **§ 201-605. Small solar energy systems.**

Small solar energy systems are permitted as an accessory use in all zones, in accordance with state and local building, electric and fire code requirements. A combined zoning, building and electrical permit may be issued for grid-tied solar electric systems that meet the requirements of the New York State unified solar permit. Small solar energy systems that do not meet those requirements shall require a zoning permit as well as all other applicable permits.

- A. A system is considered a small solar energy system only if it supplies electrical or thermal power primarily for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. The owner of the small solar energy system shall provide written confirmation with the application that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves such connection. Off-grid systems shall be exempt from this requirement.

8. Any upgrades, modifications, or changes that materially alter the size or placement of an existing solar energy system shall comply with the provisions of this chapter.

#### **C. Design and installation.**

- (1) The design and installation of small solar energy systems shall conform to the existing industry standards, including those of the American National Standards Institute (**ANSI**), Underwriters Laboratory (**UL**), the American Society for Testing and Materials (**ASTM**), New York State Energy Research and Development Authority (**NYSERDA**), or other similar certifying organizations, and shall comply with the Uniform Building and Fire Code and with all other applicable fire and safety requirements. The manufacturer's specifications shall be submitted as part of the application.
- (2) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit unless the panels for electrical or thermal are installed on a structure that is either the main

structure or a structure attached to the main structure which is receiving the benefit from the panels.

- (3) Small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent public streets, roads, and highways.

D. Height restrictions. Solar energy systems must meet the following requirements:

- (1) Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zone. For purposes of height measurement, solar energy systems other than building integrated systems are considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.

- (2) Ground- or pole-mounted solar energy systems shall not exceed 20 feet.

E. Setback. Solar energy systems must meet the accessory structure setback requirement for the zone in which the system is located. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Ground- or pole-mounted solar energy systems shall not be located in front yards.

F. Plan applications. Plan applications for small solar energy systems shall be accompanied by to- scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mounted system, including the property lines. Applicants must identify a qualified installer or provide proof that the system they propose to install has been designed as a so-called "plug and play" system so that the applicant can plug the system into an existing PV circuit.

- (1) Pitched-roof-mounted solar systems. For all roof-mounted systems on pitched roofs, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted. Roof-mounted system applications shall include a roof load analysis performed by a structural engineer.

- (2) Flat-roof-mounted solar systems. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof. Roof-mounted system applications shall include a roof load analysis performed by a structural engineer.

G. Utility notification. The owner of the small solar energy system shall provide written proof that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also that the utility approves of such connection. Off-grid systems shall be exempt from this requirement.

## **§ 201-610. Principal solar energy systems.**

A. A principal solar energy system shall be permitted by special use permit limited to the Auto Commercial (AC) and Industrial (I) Zones.

B. Acreage. A proposed principal solar energy system may not be installed on a single lot smaller than five acres.

C. Height and setback. Panels mounted on the roof of any building will be subject to the height requirements specified for the underlying zone, but in no event shall they stand more than 10 feet above the roofline of the building. Ground- or pole-mounted solar energy systems shall not exceed 20 feet. Principal solar energy systems shall be setback 100 feet from all property lines.

D. Compliance. The construction and operation of a principal solar energy system shall comply with all applicable local, state, and federal requirements including but not limited to all safety, construction, electrical and communications requirements. All buildings and fixtures forming part of the system shall comply with the Uniform Building and Fire Code. No principal solar energy system shall be constructed without first obtaining a building permit.

E. Application.

(1) Applicant shall provide:

- (a) A site plan showing property lines and physical features, including roads; proposed changes to the landscaping of the site, grading, vegetation clearing and planting, exterior lighting, screening, vegetation or structures; blueprints or drawings of the proposed system signed by a New York-licensed professional engineer showing the proposed layout of the system; electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices; documentation of the major system components to be used. All plans and maps shall be prepared and stamped by a professional engineer licensed in the State of New York.
- (b) Name and address of the proposed installer.
- (c) An operation and maintenance plan.
- (d) Proof of liability insurance or the ability to secure same in an amount adequate for the size, scope, and other details of the proposed project.

(2) The Planning Board may waive certain documentary requirements if they deem appropriate.

- F. Utility notification. The applicant will provide proof that the local utility company has been informed of the system owner or operator's intent to install an interconnected system. Off-grid systems shall be exempt from this requirement.
- G. Signage. The facility shall have a sign which provides a twenty-four-hour emergency contact telephone number.
- H. Utility connections. Where at all possible, utility connections and transmission lines shall be underground depending on soil conditions, topography, and requirements of the utility company permitting.
- I. Safety and environmental.
  - (1) The system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator will cooperate with local emergency services to develop an emergency response plan. All means of shutting down the system will be clearly marked. At all times during the life of the project, the owner or operator shall identify a responsible person for inquiries.
  - (2) Land clearing, soil erosion. Clearing of natural vegetation shall be limited to what is necessary for the construction and operation of the system or as otherwise governed by applicable law.
- J. Monitoring and maintenance. The system owner or operator shall maintain all facilities in good condition. Maintenance shall include but not be limited to painting, structural repairs, and integrity of security measures. Site access shall be maintained in an acceptable manner to local fire and emergency services departments.
- K. Abandonment or decommissioning. Any principal system which has reached the end of its useful life or has been abandoned, which shall mean failure to operate with or without consent of the Village Board, for more than one year, shall remove all facilities within 180 days of operations being discontinued. Decommissioning shall consist of removal of all installations, structures, equipment, security barriers and transmission lines from the site. All solid and hazardous waste will be disposed of according to applicable law. Stabilization or revegetation of the site will be done as necessary to minimize erosion.
- L. Financial surety. Applicants shall provide prior to approval a form of surety through escrow account, bond, or otherwise in an amount sufficient to pay for removal of the installation and site remediation as set forth above in an amount and form determined to be reasonable by the Planning Board.

## Article VII. Signs

### § 201-705. Intent and purpose.

The purpose of this article is intended to accomplish the following objectives:

- A. To encourage a high standard for signs to enhance the aesthetic appearance and attractiveness of the community, and to further create an environment that contributes to the ability of the community to attract economic development and growth.
- B. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.
- C. To minimize distractions and obstructions of view that contribute to traffic hazards and may endanger the public.
- D. To allow for adequate and effective signs for communicating identifications and promoting businesses.
- E. In the interest of public safety, the visibility of street name signs, street address information, and address numbers for use by emergency responders (fire, police, and medical) is of preeminent importance and should be considered during the placement of signs covered under this chapter.

## **§ 201-710. Existing signs.**

Any signs existing as of the effective date of this chapter shall be considered to be preexisting, nonconforming signs as to placement and size only and grandfathered to that extent. Should repairs and or content updates be required to preexisting nonconforming signs, signs similar in size and placement may be grandfathered by the Village Planning Board. This provision is to encourage business and economic development by taking pride in the appearance of signs.

## **§ 201-715. Design, construction, and location of signs.**

- A. No sign shall be designed and located in such a manner as to impair public safety; restrict clear vision between a sidewalk and street; be confused with any traffic sign or signal; or prevent free access to any door, window or fire escape.
- B. No portion of any sign shall encroach upon any public right of way, with the exception of projecting signs in the Village Center zone, which shall be no lower than eight feet off the ground.
- C. Signs shall be set back 10 feet from any property boundary, with the exception of signs attached to buildings that are less than 10 feet from a property boundary.
- D. Signs shall not be placed in side or rear yards in all Neighborhood Commercial and Residential Zones.  
[Amended 7-20-2022 by L.L. No. 5-2022]
- E. Signs shall be designed to withstand a wind pressure load of at least 30 pounds per square foot.
- F. All signs shall comply with the appropriate provisions of the New York State Building Code, and shall maintain clearances from all overhead electrical conductors in accordance with the National Electric Code, provided that no sign shall be installed closer than 10 feet horizontally or vertically from any conductor.
- G. No sign shall be allowed to remain with a bent or broken display area, broken supports, loose appendages or struts, or stand more than 15° away from the perpendicular for a period of more than 30 successive days.
- H. No indirect or internally illuminated sign shall be allowed to have only partial illumination for a period of more than 30 successive days.
- I. Temporary signs must be erected in a location that does not present any safety hazard or litter problem. Once placed, they are intended to remain in that location no more than 30 days.
- J. No signs shall be erected or allowed to remain erected that, in the opinion of the Code Enforcement Official or Public Works Department, is structurally unsafe and constitutes a danger to public safety. If any sign should become insecure, in danger of falling, or otherwise unsafe, the owner thereof or the person maintaining the sign shall immediately secure or remove the sign.
- K. Signs shall remain legible and be maintained to reflect current uses.

- L. Advertising signs unrelated to the premises or serving as a directional sign for an establishment more than two miles from the premises are not permitted.
- M. Any sign that fails to comply with the requirements above must be immediately removed by the owner of the property or the person responsible for the sign. Should a hazardous sign not be removed in a timely manner, the Village of Lowville retains the right to remove a sign, holding it until the owner retrieves it.
- N. Any individual not in compliance with this section may be subject to a fine of \$50 following typical zoning enforcement proceedings.

## § 201-720. Prohibited signs.

- A. Audible signs. No sign shall be allowed that emits any sound capable of being detected on a public street or adjoining property.
- B. Flashing signs. No sign shall be allowed which utilizes flashing or strobe-type lights, or any type of pulsating or moving light. Electronic message boards may only be used in accordance with the provisions of this chapter.
- C. Signs attached to or painted on selected features. No sign shall be allowed which is attached to a utility pole, street sign, or is attached to or painted on tree trunks, rocks, or other natural objects unless it is the personal property of the person/business applying the sign.
- D. Signs imitating traffic or emergency signals. No sign shall be allowed which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner that might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shape, or order of lights customarily used in traffic signals, on emergency vehicles, or on law enforcement vehicles, except as part of a permitted private or public traffic control sign.
- E. No rooftop signs shall be permitted within the Village of Lowville. Notwithstanding the foregoing, rooftop signs existing as of the effective date of this chapter may remain and may be maintained and, if damaged or destroyed beyond repair, may be replaced in the same location with a sign of the same dimensions.  
[Added 6-19-2019 by LL. No. 4-2019]

## § 201-725. Temporary signs.

Temporary signs within this law are considered to be any signs intended to be erected for a period less than 30 days with the exemption of On-premises seasonal advertising signs, and election signs. Signs that are placed for greater than 30 days are to be considered permanent signs and will be permitted pursuant to permanent sign regulations. See Appendix A, 201 Attachment 4 for more information regarding signs.[1]

- A. Temporary signs are to be placed for a period specified by sign type below and must meet all size, safety and construction regulations in § 201-715 of this chapter.
- B. **Banner over public right-of-way.** Banners advertising community events spanning over public rights-of-way are allowed, subject to approval by the appropriate state DOT agency or appropriate local governmental (county or municipal) agency responsible for maintenance of the right-of-way. Banners attached to existing utility poles shall require the approval of such utility agency. Banners shall be removed no later than seven calendar days after event's end. Placement requires a permit.
- C. **Contractor sign.** Contractor signs displaying the names of the builders, contractors, architects, engineers, craftsmen, artisans, and similar information may be erected upon the premises of any work, construction, major repairs, or improvements. The display area of such signs shall not exceed 24 square feet. Signs shall be removed no later than seven calendar days after project completion. Placement does not require a permit.
- D. **Election sign.** Signs announcing candidates seeking public office or relating to any election or public referendum shall be allowed. Such signs shall be placed only on private property, and removed within seven calendar days after the election or referendum. These signs are not required to be set back from road right-of-ways barring no visual obstruction occurs. Placement does not require a permit.

- E. **Inflatable sign.** Inflatable signs are either expanded to their full dimensions or supported by gases contained with the sign parts at a pressure greater than atmospheric pressure. Signs must meet manufacturer specifications and be securely anchored. Signs must not be placed in the public right-of-way. Inflatable signs shall be removed no later than one calendar day after the end of the event. Placement requires a permit.
- F. **Off-premises directional sign.** Temporary directional signs are intended for use with activities for civic, church, or community special events, and real estate signs not associated with permanent business activities. These signs shall not exceed 12 square feet per sign and must be located on private property with the property owner's permission. There may be only one sign per 500 feet of street frontage or portion thereof and such signs do not have to be set back from the street right-of-way. These signs must be removed within seven calendar days after the end of the event for which they were intended. Placement does not require a permit.
- G. **On-premises seasonal advertising sign.** Seasonal signs that are on-premises signs advertising seasonal or holiday products or services. These signs shall not exceed 24 square feet in area. There may be only one sign per 500 feet of street frontage or portion thereof and such signs must be removed within seven calendar days after the end of the season. These signs shall be set back a minimum of 10 feet from the street right-of-way. Placement does not require a permit.
- H. **Pennant.** Pennants are any lightweight plastic, fabric, or other material, regardless of shape, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move with the wind. Pennants shall be limited to two strands for every 100 feet of road frontage or portion thereof. A strand is defined as being between two attachment points. Pennants shall be removed no later than seven calendar days after the event ends or thirty days, whichever is sooner. Pennants and/or attachment points shall be set back a minimum of 10 feet from the road right-of-way. Placement does not require a permit.
- I. **Personal message sign.** Short-term personal information signs, such as garage sale, lost and found pets, and wedding and reception directions, are allowed provided they are located on private property. These signs shall not exceed six square feet in size, are limited to no more than seven consecutive days, and must be removed within one calendar day after the completion of the event. These signs do not have to be set back from road rights-of-way. Placement does not require a permit unless the personal message sign is intended to be in place longer than thirty days then refer to § 201-735 of this chapter.
- J. **Real estate sign.** Real estate signs are temporary signs offering real estate for sale, rent, or lease; one sign per road frontage not to exceed six square feet advertising the sale, rental, or lease of the premises on which displayed. Placement shall not exceed seven calendar days following the sale, rental or lease of the property. All such signs shall be set back at least 10 feet from any property line. Placement does not require a permit unless placement exceeds 30 days, see § 201-735 of this chapter.
- K. **Sponsorship sign.** Sponsorship signs are signs employed by a school or by a civic, fraternal, religious, charitable or similar organization, which identifies the sponsor (by name, address and/or logo, crest, insignia, trademark or emblem only) of recreational or sports facilities provided on the premises where such signs are displayed. "Sponsorship fence signs" shall mean sponsorship signs affixed to permanent fencing. "Facility" shall mean the entire premises of an elementary or secondary school or a recreation or a sports facility. These signs are intended to be used for a specific event or sporting season. They must meet all safety standards and local event/location restrictions imposed by the event committee, site owner, etc. Such signs intended to remain beyond thirty days shall require a permit under § 201-735 of this chapter.
- L. **Subdivision sign.** Subdivision signs advertise two or more lots for sale on a site. One sign shall be allowed per road entrance to the subdivision and located on the property to be subdivided, not to exceed 32 square feet. Such sign may not be erected until the subdivision has been approved by the appropriate officials. Placement shall not exceed thirty days, however if an extension of time is necessary a permit may be required under § 201-735 of this chapter. The display period may be extended upon approval of the Planning Board for a reasonable period of time, not to exceed one year at any given time.

**§ 201-730. Permanent signs (permit not required).**

Signs that are placed for greater than 30 days are to be considered permanent signs. Placement of permanent signs listed below does not require a zoning permit from the Zoning Enforcement Officer.

See Appendix A, 201 Attachment 4 for more information regarding signs.[1]

- A. **Architectural features.** Integral decorative or architectural features of buildings, except trademarks, moving parts, or moving lights.
  - B. **Address sign.** Signs bearing only property numbers, post box numbers, or names of occupants of premises, not to exceed two square feet.
  - C. **Flag.** Official flags of government jurisdictions, including flags indicating weather conditions and flags which contain graphics that are decorative in nature or emblems of on-premises religious, charitable, public, and nonprofit organizations.
  - D. **Incidental sign.** Signs used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive-through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.
  - E. **Parking sign.** Signs directing and guiding traffic and parking on private property but bearing no advertising matter other than the respective business logo.
  - F. **Plaque.** Commemorative plaques placed by agencies recognized by local or state government.
  - G. **Public sign.** Signs of a public or noncommercial nature, which shall include community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historic points of interest, traffic control signs, required grant funding signs and all signs erected by a public officer in the performance of a public duty.
  - H. **Window sign.** Signs inside buildings intended for viewing from the exterior of a window or door.
- [1] *Editor's Note: Said appendix is included as an attachment to this chapter.*

## § 201-735. Permanent signs (permit required).

Signs that are placed for greater than 30 days are to be considered permanent signs. Placement of permanent signs listed below requires a zoning permit from the zoning enforcement officer. See Appendix A, 201 Attachment 4 for more information regarding signs.[1]

**Mural.** Paintings of a non-commercial/non-advertising nature applied to and made integral with the surface of walls shall be permitted by site plan review.

- A. **Off-premises advertising sign.** Off-premises business/advertising signs shall conform to the following standards:
  - (1) Freestanding sign.
    - (a) Number allowed per lot: one.
    - (b) Maximum size: 32 square feet.
    - (c) Maximum height: eight feet.
    - (d) Minimum setback: see§ 201-715C and D.
- B. **On-premises business sign.** On premises business/advertising signs shall conform to the following standards:
  - (1) Freestanding sign.
    - (a) Number allowed per lot: one.
    - (b) Maximum size: 80 square feet.
    - (c) Maximum height: 20 feet.
    - (d) Minimum setback: see§ 201-715C and D.

(2) Wall sign.

(a) Number allowed: one per business.

(b) Maximum size: one square foot per building front length.\*

\* "Building front" is defined as the side of the building that faces the street used in the property address.

\* Buildings that house multiple businesses are allowed one wall sign per business; total square footage of all wall signs combined must not exceed one square foot per building front.

(3) Projecting sign.

(a) Number allowed: one per business.

(b) Maximum size: 16 square feet.

(c) Minimum height off ground: eight feet.

(4) Canopy sign.

(a) Number allowed: one per canopy side.

(b) Maximum size: one square foot per canopy side length.

(5) Awning sign.

(a) Number allowed: one per awning.

C. **Permanent Personal message sign.** Signs that express some personal, political, or religious view shall conform to the following standards:

(1) Freestanding sign.

(a) Number allowed per lot: one.

(b) Maximum size: 16 square feet.

(c) Maximum height: eight feet.

(d) Minimum setback: 10 feet.

(1) *Editor's Note: Said appendix is included as an attachment to this chapter.*

## Article VIII. Parking and Loading

### § 201-810. General parking and loading requirement.

All uses in the AC, I, and R Zones shall be provided with off-street parking and loading facilities for all vehicles during typical peak use periods.

### § 201-820. Nonconforming parking and loading situations.

All uses with nonconforming parking or loading situations shall comply with the requirements of this article if one or more of the following conditions occurs:

A. The use changes.

B. The use expands its gross floor area by 20% or more.

C. The use is destroyed and seeks to be reestablished.

D. The use is discontinued for a period of six months or longer and seeks to be reestablished.

## **§ 201-830. Specific parking requirements.**

Parking requirements for specific uses in the AC, I, NC-1, NC-2 and R Zones are as follows:

- A. One-family and two-family dwelling: one space per dwelling unit.
- B. Multiple-family dwelling: one space per dwelling unit.
- C. Hotel, motel, tourist home, boarding house, bed-and-breakfast: one space per guest room, plus one additional space.
- D. Dormitory, fraternity, sorority, nurses' home, hospital: one space per two beds, plus one additional space.
- E. Places of public assembly: one space per five seats, or one space per 100 square feet of floor area, whichever provides for a greater number of spaces.
- F. Business, professional and medical offices: one space per 250 square feet of office area, plus one additional space.
- G. Commercial and business: one space per motor vehicle used directly in the business, plus one space per 350 square feet of business area.
- H. Restaurant, eating and drinking establishments: one space per 100 square feet of floor area.
- I. Industrial, wholesale, warehouse, storage, freight and trucking uses: one space per motor vehicle used directly in the business, plus additional spaces as determined necessary by the Planning Board.
- J. Unspecified uses: parking requirements will be determined by the Planning Board to the appropriate level based on what is deemed necessary for the proposed use.
- K. The Planning Board may grant parking waivers for the proposed use; if requirements cannot be satisfied and/or in the interest of reducing the amount of impervious surfaces.

## **§ 201-840. Parking area requirements.**

- A. A parking space shall be no less than 8.5 feet by 18 feet exclusive of accessways and driveways. A driveway shall be not less than 20 feet clear in width, except for one-family and two-family residential uses. Shared driveways may be permitted upon review and approval of the Planning Board. The Planning Board shall determine whether a driveway is required for the proposed use.
- B. Off-street parking may be located off-site but must be within 750 feet of the site.
- C. Nonresidential or multiple-family dwelling parking areas shall not be located within 10 feet of a side lot line when the adjacent parcel is a residential use.
- D. To the greatest extent possible, all parking areas for nonresidential and multiple-family dwelling uses shall be located behind the facility and out of roadside view. Where parking areas must be located in side or in front yards adjacent to public streets, and where parking must be located adjacent to residential areas, appropriate buffering, landscaping or visual barriers shall be provided. Side yard parking areas in the VC Zone shall be screened from view along the front building line.
- E. Resilient landscaping shall be provided within and around parking areas which shall be designed to break up the visual impact and filter runoff of such areas. Plantings shall be designed to provide adequate site distances to vehicles entering and exiting the site.
- F. All parking areas for nonresidential and multiple-family dwelling uses shall be designed to allow vehicles to exit front first onto streets.
- G. One parking area may contain required spaces for more than one use. The required spaces assigned to one use may be shared with another use, when able to satisfy the expected capacity of both uses.

- H. All parking areas shall be surfaced with dust-inhibiting materials acceptable to the Planning Board.
- I. In the event of creating additional parking areas for commercial or industrial uses, pervious surfaces are preferred and encouraged for stormwater resiliency.
- J. Should impervious surfaces be planned for non-residential parking areas, on-site water retainage shall be implemented along with any green infrastructure methods appropriate to accommodate the stormwater expected to be generated on-site. Detailed plans shall be provided and referred to the Village DPW and/or the Village's chosen representative to ensure adequacy.

### **§ 201-850. Off-street loading facilities.**

Off-street loading facilities shall be provided for each commercial or industrial establishment and shall be so arranged as not to interfere with pedestrians or motor traffic on public streets. Off-street loading facilities shall be to the rear of structures where practicable, and shall otherwise be to the side of structures. All facilities shall be appropriately screened as required of parking areas.

## **Article IX. Site Plan Reviews**

### **§ 201-905. Authority.**

The Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove site plans pursuant to Village Law § 7-725-a in accordance with the standards and procedures set forth in this chapter.

### **§ 201-910. Applicability.**

All uses designated as requiring site plan review shall have a site plan approved by the Planning Board prior to the issuance of a zoning permit and a certificate of compliance by the Zoning Officer.

### **§ 201-915. Application.**

The Zoning Officer shall refer any application for a zoning permit which also requires a site plan review to the Planning Board. An application for a site plan review shall be filed with the Planning Board, and the appropriate fee as determined by the fee schedule adopted by Village Board resolution shall be paid to the Village Clerk. Three copies of the application and site plans shall be provided which shall include the following:

- A. Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;
- B. Date, North point, written and graphic scale;
- C. Boundaries of the site plotted to scale, including distances, bearings, and areas;
- D. Locator map showing the site in relationship to the Village;
- E. Location and ownership of all adjacent lands as shown on the latest tax records;
- F. Location of all zone district boundaries;
- G. Location, name, and existing width of adjacent streets;
- H. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
- I. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
- J. Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of five-foot intervals, demonstrating no adverse effect of stormwater runoff to neighboring properties.

- K. Location, proposed use, and height and dimensions of all buildings including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area (the total interior floor area of a building, multiplied by the number of floors) proposed for retail sales and services, office and other commercial or industrial activities;
- L. Location and design of all parking and loading areas including access, egress drives, fire lanes, and emergency access areas;
- M. Provision for pedestrian access, including public and private sidewalks;
- N. Location of outdoor storage;
- O. Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
- P. Description of the method of securing public water supply and disposing of sewage, and the location and design of such facilities;
- Q. Location and design of all energy distribution facilities, including electrical, gas, and solar energy;
- R. Location, proposed materials, size and design of all proposed signs;
- S. Location and design of outdoor lighting facilities;
- T. General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;
- U. Erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manual recognized by the Planning Board;
- V. An agricultural data statement pursuant to Village Law§ 7-739, when applicable;
- W. A statement of the nature and extent of the interest of any state employee, or officer or employee of the Village in the applicant pursuant to General Municipal Law§ 809, when applicable;
- X. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617;
- Y. Other elements integral to the proposed development as considered necessary by the Planning Board.

### **§ 201-920. Waiver of submission requirements.**

The Planning Board may waive any of the submission requirements listed in§ 201-915 above where it deems that the information is either not applicable or unnecessary to a particular site plan review.

### **§ 201-925. Environmental impact review.**

The Planning Board shall be responsible for the completion of an environmental assessment form (EAF) for each application for site plan review. The Planning Board shall be responsible for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any site plan.

### **§ 201-930. Review.**

Upon a determination by the Planning Board that the application for a site plan review is complete, the board shall review the site plan taking into consideration the objectives for site plan review as outlined in § 201-935and the general standards for all uses as outlined in Chapter 201, Article V .

### **§ 201-935. General review criteria.**

The Planning Board shall require that all site plans comply with the following general review criteria:

- A. That the site is designed in the interests of the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate

- B. That the site is designed to be in harmony with the master/comprehensive plan for the community;
- C. That parking areas are adequate for the intended level of use, and arranged and screened to minimize negative impacts on adjacent properties;
- D. That access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the Street System;
- E. That the internal circulation of the site is arranged so as to minimize impacts on the Street System;
- F. That the site is suitably landscaped, and appropriately screened from adjacent properties and the street so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
- G. That any activities on the site which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;
- H. That signs, site lighting, and the locations of all buildings and structures are in keeping with the character of the neighborhood;
- I. That any changes to existing drainage patterns, or increased drainage due to development activity, has no negative impacts on adjacent property or municipal infrastructure;
- J. That proposed water supply and sewage disposal facilities are adequate;
- K. That development activity complies with all other standards and requirements of this chapter.

#### **§ 201-940. Area variance.**

During the course of the review, should the Planning Board determine that a site plan approval may not be feasible without the granting of an area variance as defined by Village Law§ 7-712, the Planning Board may, at its discretion, refer the application and site plans to the Zoning Board of Appeals for the consideration of such variance.

#### **§ 201-945. Public hearing.**

The Planning Board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application for a site plan review and shall be advertised at least five days before the hearing in a newspaper in general circulation in the Village. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing.

#### **§ 201-950. Referral to County Planning Board.**

At least 10 days before the hearing, the Planning Board shall refer all site plan review matters that fall within those areas specified under General Municipal Law§ 239-m to the County Planning Board. This shall include any use that falls within 500 feet of the following: the boundary of the Village; a state or county park or recreation area; a state or county highway or expressway; a state- or county-owned drainage channel; state or county land where a public building or institution is located; or a farm operation in an agricultural district. If the County Planning Board does not respond within 30 days from the time it received a full statement on the referral matter, then the Planning Board may act without such report.

### **§ 201-955. Waiver of public hearing.**

The Planning Board may waive the public hearing. Such waiver shall not be allowed in any one of the following circumstances:

- A. The use requires a special use permit pursuant to this chapter;
- B. The use is a Type I SEQR action and the use is determined by the Planning Board to have environmental significance;
- C. The use is over 1,000 square feet of floor or ground area;
- D. The use is over 35 feet in height;
- E. The use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, streets, curbs, gutters, or other public improvements;
- F. The use is determined by the Planning Board to be of a publicly controversial nature; or
- G. The applicant has requested a public hearing.

### **§ 201-960. Final action.**

- A. Within 62 days of the public hearing, or within 62 days of the acceptance of a complete application by the Planning Board where such hearing has been waived pursuant to § 201-955 above, the Planning Board shall act on the site plans. The time within which the Planning Board must render its decision may be extended upon mutual consent of the applicant and the Planning Board. The action of the Planning Board shall be in the form of a written statement to the applicant stating whether or not the site plans are approved, approved with modifications, or disapproved. In its approval, the Planning Board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan. The decision of the Planning Board shall immediately be filed in the office of the Village Clerk and a copy provided to the applicant.
- B. If the site plans are approved, and upon payment by the applicant of all fees and reimbursable costs due the Village, the Planning Board shall endorse its approval on a copy of the application and site plans. Should the proposal change prior to project completion, the Planning Board shall be notified in writing immediately with all relative change details. The Planning Board will determine whether the change is substantive enough to warrant another review.
- C. If the site plans are approved with modifications, the Planning Board shall specify in the statement all modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due to Village, and upon approval of the modified application and site plans, the Planning Board shall endorse its approval on a copy of the application and site plans. Should the proposal change prior to project completion, the Planning Board shall be notified in writing immediately with all relative change details. The Planning Board will determine whether the change is substantive enough to warrant another review.
- D. If the site plans are disapproved, the statement shall contain the reasons for such findings. In such case, the Planning Board may recommend further study of the application and resubmission after it has been revised or redesigned.
- E. Any use or structure for which a zoning permit has been issued that has not substantially commenced within one year of the issuance of the respective permit becomes null and void. Such permits may be renewed upon additional fees unless there have been any changes to the proposal. If changes have been made to the proposal see § 201-1320 E.

### **§ 201-965. Report to County Planning Board.**

Within seven days of final action on any matter referred to the County Planning Board pursuant to § 201-950 above, the Planning Board shall file a report of the final action it has taken with the County Planning Board.

## **Article X. Site Review Standards**

### **§ 201-1010. Site Review Standards.**

All uses reviewed by the Planning Board pursuant to this article shall conform to the standards of all sections below.

### **§ 201-1020. Access.**

Access to all sites shall be consistent with the standards set forth in Policy and Standards for Entrances to State Highways, as revised, published by the New York State Department of Transportation.

### **§ 201-1030. Lighting.**

- A. In NC-1, NC-2, AC, and I zones- exterior site lighting shall be planned, erected, and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent residential properties or public rights-of-way.
- B. Light levels at lot lines or street lines adjoining either residentially developed land or residential zones shall not exceed 0.6 footcandles, measured at ground level. High-intensity lighting shall not be permitted.
- C. Architectural lighting shall be shielded and developed as necessary to adequately promote business operation and public safety. Floodlighting and dramatic landscape lighting shall be minimized and used only for specific effects as noted by the developer on the lighting plan.

### **§ 201-1040. Screening of storage and collection areas.**

- A. Open storage areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish, shall be visually screened from streets and surrounding land uses.
- B. Suitable types of screening include opaque and semi-opaque wood or vinyl fences (such as board on board) and dense, mixed evergreen, and/ or deciduous hedges of a height necessary to screen the intended use. The screening shall be sufficient to screen the site in all seasons.
- C. In locations where potential health or safety hazards may arise, such as rubbish storage/collection areas, a solid wooden fence, six feet in height, is required to deter children and animals from entering the premises. Where new fencing would create a continuous surface greater than 10 feet in length, the visual expanse of bare fence shall be alleviated by plant groupings, consisting of mixed evergreen and/ or deciduous shrubs and trees.

### **§ 201-1050. Continuation of streetscape.**

All land uses where practical shall provide sidewalks, street trees, and planted areas along streets in keeping with the pattern established for the street and neighboring properties. The Planning Board shall determine the practicality of streetscape continuations.

### **§ 201-1060. Buffer area requirements.**

- A. Side and rear yard buffer areas shall be required by the Planning Board as a landscape and utility area to any nonresidential use abutting a residential lot in zones R, NC-1, NC-2, AC and I.
- B. Buffer areas shall be of such width and landscaping as to eliminate the impacts of objectionable lights, noise, smoke, odor, and aesthetics.
- C. Buffer area landscaping shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas or ground cover. One shade tree at least eight feet in height and at least two inches in diameter measured at a point six inches above finished grade level shall be planted no nearer than five feet to any lot line, for each 500 square feet of required landscaped area; and one deciduous shrub or evergreen shall be planted for each 200 square feet of required landscaped area.

## **§ 201-1070. General landscaping and screening requirements.**

- A. Landscaping and screening plans shall specify the types of vegetative materials, planting schedule and minimum sizes, and shall be designed to provide suitable cover within three years of time of installation. Material will be selected to provide year-round coverage suitable to the climate.
- B. All vegetation shall be maintained in a healthy state and condition by the owner, with ground cover or grassed areas, and damaged and dead shrubs and trees shall be removed and replaced at the property owner's expense.

## **§ 201-1080. Stormwater Prevention**

- A. All actions requiring site plan review and special use permit proposals must include a grading and drainage plan that directs stormwater runoff to appropriate on-site facilities without causing adverse impacts to neighboring properties. Drainage Plan should be reviewed and approved by the DPW supervisor prior to Board approval. This provision excludes adaptive reuse of an existing building.
- B. Impervious surface coverage- (to include driveways, sidewalks, and parking areas) for all lots shall not exceed 30% of the lot area. Driveways, sidewalks, and other impervious surfaces must incorporate permeable materials where feasible.
  - Increase lot coverage allowances could be made if the project sponsor implements advanced stormwater management measures like underground retention systems or substantial green infrastructure.
- C. A minimum 50-foot vegetated buffer zone shall be maintained along all streams, wetlands, and watercourses. No construction, grading, or disturbance is permitted within this buffer area.
- D. All site plan applications involving the development or redevelopment of sites one acre or more shall include a Stormwater Management Plan detailing how the site will manage runoff and prevent pollution during and after construction.

## **Article XI. Special Use Permits**

### **§ 201-1110. Authority.**

The Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove special permits pursuant to Village Law § 7-725-b in accordance with the standards and procedures set forth in this chapter.

### **§ 201-1120. Applicability.**

All uses designated as requiring a special use permit shall have a special use permit and a site plan approved by the Planning Board prior to the issuance of a zoning permit or a certificate of compliance by the Zoning Officer.

### **§ 201-1130. Application and review procedure.**

The Zoning Officer shall refer any application for a zoning permit which also requires a special use permit to the Planning Board. All applications for special use permits shall be submitted and reviewed following the procedures for site plan reviews as provided in Article IX of this chapter.

### **§ 201-1140. Review Criteria.**

- A. In considering and acting on special use permits, the Planning Board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of proposed developments, and the residents of the immediate surrounding area.
- B. The Planning Board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:

- (1) **Compatibility:** That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the comprehensive plan for the community.
- (2) **Public Facilities:** That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, and street facilities, and any other utilities and public services are adequate for the intended level of use.
- (3) **Other requirements:** That the proposed use complies with all requirements for site plans as specified in Article X of this chapter and any other special requirements as may be set forth for the use in this chapter.

## **Article XII. Nonconformities**

### **§ 201-1210. Intent.**

The intent of this article is to recognize lots, structures and uses of land and structures which legally existed prior to the enactment or subsequent amendment of this chapter which would be prohibited or unreasonably restricted by the requirements herein. All rights of nonconformity shall continue regardless of the transfer of ownership of nonconforming lots, structures or uses.

### **§ 201-1220. Nonconforming lots.**

Any lot held under separate ownership prior to the enactment or amendment of this chapter, and having a width, depth or area less than the minimum requirements set forth in this chapter, may be developed for any use allowed in the zone in which it is located, provided that such lot has sufficient width, depth and area to undertake development which will:

- A. Maintain the required minimum front yard;
- B. Maintain at least 2/3 of the required minimum side and rear yards; and
- C. Not exceed the maximum permitted lot coverage.

### **§ 201-1230. Nonconforming structures.**

No structure which by the enactment or amendment of this chapter is made nonconforming or placed in a nonconforming situation with regard to yard sizes, lot coverage, height or any requirement of this chapter, other than the use to which it is put, shall be changed so as to increase its nonconformity. If a structure is nonconforming as to use, see § 201-1240 below. Any such nonconforming structure may be used for any compatible use listed for the zone in which it is located.

### **§ 201-1240. Nonconforming uses of land or structures.**

Any use of land or structures which by the enactment or amendment of this chapter is made nonconforming may be continued on the premises and to the extent preexisting provided that:

- A. Any change in use of land or a structure which by enactment or amendment of this chapter is made nonconforming is prohibited.
- B. Any alteration or enlargement of use which by enactment or amendment of this chapter is made nonconforming is prohibited, with the exception of one- and two-family dwellings.
- C. The only use constitutionally protected is the specific use that existed at the time it became nonconforming. This is to include the same customer/traffic volume at the time that the use became nonconforming.

### **§ 201-1250. Nonconforming structures damaged or destroyed.**

Any structure which is nonconforming as to use, yard sizes, lot coverage, height or any other requirement of this chapter, which is damaged or destroyed by fire or other hazard, may be repaired, restored or reconstructed provided that such work is undertaken within one year of the date on which the damage or destruction occurred (this period may be extended with Planning Board approval). No such work shall increase the nonconformity of the structure.

### **§ 201-1260. Nonconforming manufactured homes.**

- A. A nonconforming manufactured home which has been removed from a premises may be replaced with another manufactured home within 12 months of the removal of the original manufactured home.
- B. A nonconforming manufactured home park shall not be expanded so as to occupy a greater area of land, or so as to increase the number of manufactured homes on the site.

## **Article XI11. Administration and Enforcement**

### **§ 201-1305. Zoning permits required.**

No land-use activity as listed below shall be carried out until a zoning permit has been issued by the Zoning Officer stating that the proposed building, structure, use of land, or development activity complies with the requirements of this chapter. For permit requirements for specific uses refer to Schedule A, 201 Attachment 1.

- A. Erection, re-erection, or movement of a building or structure;
- B. Change of the exterior structural dimensions of a building or structure;
- C. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
- D. The resumption of any conforming use which has been discontinued for a period of three years or longer;
- E. Establishment or change in dimensions of a parking area for nonresidential or multifamily residential uses;
- F. Placement of a sign as regulated in Article VII of this chapter;
- G. Placement of above- or below-ground pools;
- H. Change in the contours of land, or landfills.

### **§ 201-1310. Zoning permit exceptions.**

A zoning permit shall not be required for:

- A. Accessory structures with less than 140 square feet of ground coverage, unless over 15 feet in height;
- B. Exempt signs listed in Article VII of this chapter;
- C. Fences or walls complying with § 201-585 of this chapter;
- D. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
- E. Minor accessory structures including but not limited to: posts, sidewalks, driveways, flagpoles, playground equipment, etc.;
- F. Family day-care homes, group family day-care homes, and school age child-care programs;

- G. Re-erection of a porch or deck of the same size and dimensions of the original structure;
- H. Nonstructural agriculture and forest management uses.

### **§ 201-1315. Temporary zoning permits.**

[Amended 5-20-2020 by L.L. No. 3-2020]

Temporary zoning permits may be issued upon approval of the Zoning Officer for a period not to exceed 12 months. Such permit may be renewed once for a period no greater than 12 months. Such temporary zoning permit shall be conditioned upon agreement by the applicant to remove any nonconforming uses or structures upon expiration of the permit. The Zoning Officer may place such appropriate conditions on the use so as to protect the character of the surrounding area. Temporary permits may be issued for the following uses:

- A. Temporary uses incidental to a construction project;
- B. Temporary real estate sales offices incidental to a subdivision;
- C. Temporary roadside stands for the sale of agricultural products grown on the premises;
- D. Temporary retail sales events less than or equal to 1,000 square feet in ground area (not including community events);
- E. Other similar temporary incidental uses.

### **§ 201-1320. Application procedure for zoning permits.**

- A. Applications for zoning permits shall be submitted to the Zoning Officer and shall include three copies of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, street lines, mean high water lines of lakes, streams, ponds and wetlands, and any other features of the lot; and such other information as may be necessary to provide for the enforcement of this chapter. This information, and other relevant application data, shall be provided on forms issued by the Zoning Officer.
- B. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, street line, or nearest mean high-water line to the furthestmost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
- C. The Zoning Officer shall take action to approve or disapprove the application within 10 days of the receipt of a completed application by the Zoning Officer and the payment of all fees.
- D. Any use or structure for which a zoning permit has been issued that has not substantially commenced within one year of the issuance of the respective permit is thus considered expired. Such zoning permits may be renewed upon additional fees unless there have been any changes to the proposal. If changes have been made to the proposal see § 201-1320 E.
- E. If changes to a proposal occur before project completion, the Planning Board shall determine whether another review is warranted, or the initial review is adequate. Decisions shall be noted in the official record.

### **§ 201-1325. Permit fees.**

- A. A Fee will be determined by the Lewis County Buildings and Fire Codes Department as the Village Zoning Enforcement Officer and shall be paid for each zoning permit. The Village Clerk will determine the appropriate fee as determined by the Village Board via resolution for site plan review, or special use permit. No permit shall be issued until full payment has been received.
- B. The Planning Board may retain consulting services from engineers, architects, landscape architects, lawyers, planners, or other professional services during the course of site plan reviews and special use

permit reviews conducted pursuant to this chapter. The applicant shall pay any actual costs attributable to a consultant's review of an application. The Planning Board may require the applicant to deposit such funds as may be necessary to pay for these services with the Village in advance.

### **§ 201-1330. Certificate of compliance.**

No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of compliance has been issued by the Zoning Officer stating that the use or structure complies with the provisions of this chapter. All certificates of compliance shall be applied for coincidentally with the application for a zoning permit and shall be issued within 10 days after the use has been approved as complying with the provisions of this chapter.

### **§ 201-1335. Temporary certificate of compliance.**

A temporary certificate of compliance for no more than 30 days for a part of a building or lot may be issued upon approval of the Planning Board. Such temporary certificate may be renewed once.

### **§ 201-1340. Unapproved lots.**

No zoning permit or certificate of compliance shall be issued for any use or structure on any lot which has been filed in the Office of the County Clerk after January 1, 1994, unless such lot is included in a plat which has been approved by the Planning Board and filed with the Office of the County Clerk, or was exempt from said law at the time of filing.

### **§ 201-1345. Zoning Officer.**

This chapter shall be enforced by the Zoning Officer, who shall be appointed by the Village Board. The duties of the Zoning Officer shall be to:

- A. Determine which type of permit review is required;
- B. Approve and disapprove zoning permits and certificates of compliance;
- C. Scale and interpret zone boundaries on the Zoning Map;
- D. Refer appropriate matters to the Board of Appeals, Planning Board, or Village Board;
- E. Revoke zoning permits or certificates of compliance where there is false, misleading, or insufficient information or where the applicant has varied from the terms of the application;
- F. Investigate violations, issue stop-work orders and appearance tickets, and refer violations to the Justice Court or the Village Board;  
[Amended 8-18-2021 by L.L. No. 7-2021]

### **§ 201-1350. Zoning Board of Appeals.**

- A. A Zoning Board of Appeals is hereby created pursuant to Village Law § 7-712. The board of appeals shall have all the power and duties prescribed by Village Law § 7-712 and by this chapter, which are more particularly specified as follows:
  - (1) Interpretations: Upon appeal from a decision by the Zoning Officer, to decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any zone boundary.
  - (2) Variances: Upon appeal from a decision by the Zoning Officer, or upon referral by the Planning Board, to vary the strict application of any of the requirements of this chapter.
- B. All applications for interpretations and variances shall be made and reviewed in compliance with the administrative regulations established by the Zoning Board of Appeals.
- C. The Village Board shall have the option to enter into an inter municipal agreement for a cooperative Zoning Board of Appeals constituted of five to seven members whose members shall be appointed in accordance

## **§ 201-1355. Planning Board.**

The Planning Board shall have the following powers and duties with respect to this chapter:

- A. Approval of site plans;
- B. Approval of special use permits.
- C. The Village Board shall have the option to enter into an inter municipal agreement for a cooperative Planning Board constituted of five to seven members whose members shall be appointed in accordance with the terms of the Inter Municipal Cooperation Agreement.  
[Added 6-20-2018 by LL. No. 3-2018]

## **§ 201-1360. Filing of records.**

- A. A copy of all zoning permits, temporary zoning permits, certificates of compliance, notices of violation, and stop-work orders shall be immediately filed in the Office of the Village Clerk, upon issuance by the Zoning Officer.
- B. A copy of all decisions of the Zoning Board of Appeals shall be filed in the Office of the Village Clerk within five business days of the decision of the board.
- C. A copy of all decisions of the Planning Board shall be immediately filed in the Office of the Village Clerk.
- D. All such records shall be available for the inspection of the public.

## **§ 201-1365. Violations and penalties.**

- A. Whenever a violation of this chapter occurs any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the Zoning Officer who shall properly record and investigate such complaints in a timely manner. If the complaint is found to be valid, the Zoning Officer shall issue a stop-work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time, the Zoning Officer shall take action to compel compliance.
- B. Pursuant to Criminal Procedure Law § 150.20(3), the Zoning Officer is hereby authorized to issue an appearance ticket to any person causing a violation of this chapter, and shall cause such person to appear before the Justice Court.  
[Amended 8-18-2021 by LL. No. 7-2021]

Pursuant to Municipal Home Rule Law § 10 and Village Law § 7-714, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Any violation of this chapter is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- C. The Village Board may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this chapter.

## Article XIV. Miscellaneous Provisions

### **§ 201-1410. Amendments.**

The Village Board may amend the provisions of this chapter pursuant to Village Law § 7-708 and Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the County Planning Board pursuant to General Municipal Law § 239-m.

### **§ 201-1420. Interpretation.**

Interpretation and application of the provisions of this chapter shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this chapter differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

### **§ 201-1430. Separability.**

Should any article, section, subsection, sentence or clause of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

### **§ 201-1440. When effective.**

The provisions of this chapter shall take effect upon filing with the Secretary of State.