

VILLAGE OF GAINESVILLE

*WYOMING COUNTY
STATE OF NEW YORK*

ZONING LAW

Adopted:

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**ARTICLE II
SCOPE**

SECTION 201 TITLE

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

SECTION 202 ENACTING CLAUSE

Pursuant to the authority conferred by Article 7 of the Village Law of the State of New York, the Village Board of the Village of Gainesville hereby adopts and enacts as follows.

SECTION 203 REPEALER

The text of the original 1964 Village of Gainesville Zoning Ordinance and Zoning Map of the Village of Gainesville, and including but not limited to, any preceding Local Laws, and amendments thereto, enacted by the Village of Gainesville and as the same from time to time have been amended, are hereby repealed and amended in their entirety, superseding all previous enactments and amendments, and from their taking effect, all such previous enactments and amendments thereto shall be repealed.

SECTION 204 PURPOSES

The purposes of this Zoning Law and zoning districts as outlined on the zoning map are to provide for orderly growth and development, to lessen congestion in streets, to secure safety from fire, flood and other dangers, to provide adequate light and air, to prevent overcrowding, to avoid undue concentration of population, to conserve, enhance and perpetuate special historic sites, places and buildings, to facilitate the adequate provision of transportation, sewer, sewerage, schools, parks and other public requirements, and to promote the health, safety, moral or general welfare of the public.

The Zoning Law has been made with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

SECTION 205 APPLICATION OF REGULATIONS

No building shall be erected, constructed, moved, altered, rebuilt or enlarged, nor

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shall any land, water or building be used, designed or arranged to be used for any purpose except in conformity with this Zoning Law, with the exception of the performance of necessary repairs which do not involve material alteration of structural features, and/or plumbing, electrical or heating/ventilation systems. Such necessary repairs shall include, for example, the replacement of siding and roofing materials. No building, structure or premises shall be used and no building or other structure shall be erected which is intended, arranged or designed to be used for any trade, industry, business or purpose of any kind, that is noxious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, fumes, gas noise or vibration, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community, or tends to its disturbance, inconvenience, discomfort or annoyance.

In interpreting and applying this Zoning Law, the requirements contained herein are declared to be the minimum requirements for the protection and promotion of the public health, safety, morals and general welfare. This Zoning Law shall not be deemed to affect in any manner whatsoever any easements, covenants or other agreements between parties provided, however, that where this Zoning Law imposes a greater restriction upon the use of buildings or land, or upon the creation, erection, construction, establishment, moving, alterations or enlargement of buildings than are imposed by other ordinances, rules, regulations, licenses, certificates or other authorizations, or by easements, or covenants, or agreements, then the provisions of this Zoning Law shall prevail.

This Zoning Law shall not apply to uses which were legal, prior, existing, non-conforming uses as defined herein.

Nothing herein contained shall require any change in plans or construction of a building for which a building/zoning permit has been issued.

All buildings under construction at the time this Zoning Law is adopted shall conform to the Zoning Law in effect at the time construction was commenced.

SECTION 206 VALIDITY

If any clause, sentence, paragraph, section or part of this Zoning Law shall be adjudged by any court to be invalid, or void, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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SECTION 207 NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

No provision of the Zoning Law shall be construed to repeal, modify or constitute an alternative to the New York State Uniform Fire Prevention and Building Code (hereafter referred to as the Uniform Code). Village residents and other individuals using these zoning regulations should make sure they refer to the Uniform Code in order to determine its applicability to their specific project.

SECTION 208 NATIONAL, STATE AND LOCAL HISTORIC PRESERVATION REGULATIONS

Village residents and other individuals using these zoning regulations should determine if national, state or local historic preservation regulations apply to their specific project.

SECTION 209 CONFLICT WITH OTHER LAWS

Whenever the requirements of this Law are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or laws, the most restrictive of those imposing the higher standards shall govern.

**ARTICLE III
DEFINITIONS**

SECTION 301 WORD USAGE

Except where specifically defined herein, all words used in this Zoning Law shall carry their customary meanings. Words used in the present tense shall include the future tense and the plural includes the singular; the word "lot" includes the word "plot", the word "buildings" includes the word "structure", the word "shall" is always mandatory; the words "occupied" or "used" shall be construed to mean and shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

SECTION 302 DEFINITION OF SELECTED PHRASES, TERMS, AND WORDS

The following terms are specifically defined. As used in this zoning Law the following words shall have these meanings:

1. Accessory Use: Use of buildings customarily incidental and subordinate to the principal use or buildings, and located on the same lot. All accessory uses shall be constructed in such a manner to be aesthetically compatible with architectural character of the neighborhood.
2. Adult Uses:
 - a. Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or relating to "specified sexual activities" or "specified anatomical areas," as defined below, or an establishment with a segment or section devoted to the sale or display of such material.
 - b. Adult motion picture theater: An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by persons therein.
 - c. Specified sexual activities are defined for the purpose of this ordinance, as:
 - (1) Human genitals in a state of sexual stimulation or arousal;

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- (2) Acts of human masturbation, sexual intercourse or sodomy;
or
 - (3) Fondling of other erotic touching of human genitals, pubic
genitals, pubic region, buttocks or female breasts.
- d. Specified anatomical areas are defined as:
- (1) Less than completely and opaquely covered
 - i. human genitals, pubic region;
 - ii. buttocks; and
 - iii. female breast below a point immediately above the
areola; or
 - (2) Human male genitals in a discernibly turgid state, even if
completely and opaquely covered.
3. Agriculture: The raising of fruits, vegetables and the like and structures
incident thereto but not including the raising or keeping of animals.
4. Alley: Narrow supplementary thoroughfare for the public use of vehicles or
pedestrians, affording access to abutting property.
5. Alteration: Structural change, rearrangement, change of location, addition to,
or deletions from a building, other than repair and modification in building
equipment systems (i.e. heating, cooling, electrical, etc.).
6. Amusement: Any mechanical, electric or electronic device used or
designated to be operated for entertainment or as a game by the insertion of
a coin, slug, token, plate, disc, key or any other article into any slot, crevice,
or other opening or by paying money to have it activated. Not included are
rides, bowling alleys, any device maintained within a residence for use of
occupants thereof and their guests, any gambling device, or juke boxes.
7. Animal Hospital: An establishment for the medical and/or surgical care of
sick or injured animals.
8. Bed & Breakfast: An owner-occupied one-family dwelling in which a room

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or rooms are rented on a nightly basis for periods of less than two weeks. Meals may or may not be provided.

9. Boarding House: Owner-occupied dwelling wherein more than two (2) people are sheltered for profit for periods of more than two weeks, in other than a one-family dwelling.
10. Buffer Zone: A continuous strip of trees and/or shrubs not less than fifteen (15) feet in depth and not less than six (6) feet in height densely planted to provide a physical screen preventing visual access from one use to another and to reduce the escape and/or intrusion of litter, fumes, dust, smoke, noise or other noxious or objectionable elements. This requirement may be modified by the Planning Board through the site plan review process.
11. Building: A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property.
12. Building, Accessory: A building, subordinate to the principal building on the lot and used for purposes customarily incidental to that of said main building.
13. Building, Front Line of: The line of that face of the building nearest the street line, or if there are street lines on two or more sides of the building, it is the line of that face of the building frontage on that street line where the principal entrance is located. This face includes covered porches whether enclosed or unenclosed, but does not include steps.
14. Building, Height of: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.
15. Building, Temporary: A "temporary building" or "temporary structure" is one erected, constructed or placed upon the premises, to exist there for a brief or temporary duration of time, not exceeding twelve months. All other buildings or structures shall be deemed and considered as permanent for the purposes of this Zoning Law.
16. Certificate of Compliance: A certificate issued by the zoning officer upon completion of construction, alteration or change in occupancy or use of a building or land. Said certificate shall acknowledge compliance with all the requirements of this Zoning Law only and such adjustment thereto granted by the Board of Appeals and/or the Planning Board.

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17. Club: A group of persons organized in accordance with the Not-For-Profit Corporation Law for social and/or recreational purposes (example - fish and game clubs).
18. Community Center: Any meeting hall, place of assembly, museum, art gallery or library, not operated primarily for profit.
19. Community Residence: A supervised community home operated in compliance with the New York State Mental Hygiene Law which houses not more than fourteen (14) individuals and provides client supervision on a twenty-four (24) hour basis. For the purposes of this Zoning Law and approved community residence as defined herein is considered a one-family dwelling.
20. Convalescent Home, Nursing Home or Extended Care Facility: See Hospital.
21. Coverage: That percentage of the lot area covered by the combined area of all buildings or structures on the lot.
22. Day Care: Day care of children or adults shall mean care provided for three (3) or more children or adults away from their own homes in a day care center, family day care or group family day care as defined in NYS Department of Social Services regulations. Such care shall be for more than three (3) hours and less than twenty-four (24) hours per day per child or adult to any child or adult accepted for care therein. The term day care of children or adults includes services provided with or without compensation or payment.
23. Day Care Center (facility): Shall mean a place, person, association, corporation, institution, or agency which provides day care as defined by the NYS Department of Social Services and in which parents, guardians, or others responsible for care, place children or infirm adults. Day care centers shall not include Family. The name, description, or form of the entity which operates a day care center shall not affect its status as a day care center.
24. Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, utilities, mining, dredging, filling, grading, paving, excavation, or drilling operations, which would lead to increased flood damage, excluding normal maintenance to farm roads.
25. Drive-In Establishment: Building or use where a product is sold to, or a

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service performed for customers while they are in or near their motor vehicle including, but not limited to, fast food, restaurants, drive-up bank tellers, film processing service booths, vending machines, roadside stand, etc.

26. Dwelling: A detached building designed or used exclusively for residential occupancy by one or more families. The term shall not be deemed to include automobile court, motel, boarding or rooming house, mobile home, recreation vehicle, tourist home or tent.
27. Dwelling, Single Family: A detached residential building unit other than a mobile home designed for and occupied exclusively by one (1) or more persons living as a single non-profit housekeeping unit.
28. Dwelling, Two Family: A detached residential building containing two (2) dwelling units, designed for occupancy and used exclusively by two (2) families living independently of each other. A duplex is a two-family dwelling which is designed with a common wall.
29. Dwelling, Multiple Family: A residential building designed for or occupied by three (3) or more families living independently of each other with the number of families in residence not exceeding the number of dwelling units.
30. Dwelling Unit: A building, or portion thereof, providing complete housekeeping facilities for a single family on a year-round basis.
31. Earth Sheltered Housing: A residential structure which has not less than fifty percent (50%) of its exterior envelope covered by earth in order to moderate temperature extremes and to serve as a passive means of lowering the dependence of the residence on artificial climate control derived from fossil fuel energy. The term shall include underground houses, earth contact determining yard requirements on corner lots through lots, all sides of a lot adjacent to streets shall be considered front yards.
32. Educational Institution, Private: Any non-public school or other organization or institution conducting a regularly scheduled curriculum of study similar to that of the public schools and that operates under the Education Law of New York State and is recognized by the appropriate educational authorities.
33. Family: One (1) or more persons who live together in one (1) dwelling unit and maintain a common household. May consists of a single person or of two (2) or more persons, whether or not related by blood, marriage or adoption. May also includes domestic servants and gratuitous guests.

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34. Farm Animals: Animals other than those customarily kept as domestic household pets. Customarily domestic pets for the purpose of this ordinance shall be cats, dogs, birds, and fish.
35. Floor Area of a Building: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding basement or cellar floor areas and not devoted to habitable use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.
36. Floor, Lowest: Lowest level including basement, cellar, crawl space, or garage of lowest enclosed area.
37. Frontage: The extent of a building or a lot along one (1) public street as defined herein.
38. Game Room: A building or place containing five (5) or more amusement games as defined herein (see Amusement).
39. Garage, Private: An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit herein nor space therein for more than one (1) car is leased to a non-resident of the premises.
40. Garage, Public: Any garage, other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, adjusting or equipping of automobiles or other motor vehicles.
41. Gasoline Station: Any building or land or any part thereof used for sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing vehicles, but not including painting or body repairs.
42. Gasoline Station-Market: A gasoline station which provides one (1) or more additional commercial services such as a restaurant, dairy bar, beverage market, or food market or such a commercial use which also provides for gasoline sales. For the purpose of this definition, sales from vending machines are not considered commercial service.
43. Habitable Floor Area: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation or combination thereof. A

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floor used only for storage purposes is not "habitable".

44. Home Occupation: An occupation or profession which:

- a. Is customarily carried on in a dwelling unit, and
- b. Is carried on by a member of the immediate family residing in the dwelling unit, and
- c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and
- d. Which conforms to the following additional conditions and has an approved site plan:
 - (1) The occupation or profession is carried on wholly within the principal building and is limited to twenty-five percent (25%) of the enclosed living area or five hundred (500) square feet whichever ever is less. Storage may take place in an accessory building but not outside.
 - (2) No more than one (1) person residing outside the home shall be employed in the home occupation.
 - (3) There is no exterior display, no free-standing sign, no attached exterior sign that is larger than two (2) square feet, no exterior storage of materials and no exterior indication of the home occupation or variations of the residential character of the principal building.
 - (4) No offensive noise, vibration, smoke, dust, odors, heat, or glare is produced, nor does the home occupation result in:
 - i. Dissemination of noise, vibration, odor, dust, smoke, observable gas or fumes, or other atmospheric pollutant beyond the boundaries of the immediate site of the building in which such use is conducted.
 - ii. Hazard or fire explosion or other physical hazard to any person, building or surrounding environment.
 - iii. Radiation or interference with radio or television reception beyond the boundaries of the immediate site

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of the building in which such use is conducted, or the testing of material or instruments in such manner as to constitute a public nuisance.

e. Adequate parking is provided as set forth in Section 502.

(1) In particular, a home occupation may include, but is not limited to, the following: group family day care, bed & breakfast, art studio, barber shop and beauty parlors (when limited to two (2) work stations), cook, day nursing, draftsman, dress maker, electrical/radio/television repair, family day care home, laundering, musician, photographer, professional office of a physician, dentist, lawyer, engineer, architect or accountant, upholsterer, teaching or tutoring or real estate offices, within a dwelling occupied by the same.

(2) However, a home occupation shall not be interpreted to include the following: motor vehicle repair shop, machine shop, welding and fabrication shop, commercial stables and kennels, restaurants.

45. Hospital: Hospital, sanitarium, clinic, rest home, nursing home, convalescent home, home for aged, and any place for diagnosis and treatment of human ailments, except a doctor's office.

46. Junkyard: A lot, land or structure, or part thereof, where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled or abandoned, including: automobile or other vehicle or machinery, wrecking or dismantling yards; house wrecking yards; used lumber wrecking and structural steel materials and equipment; or where any unregistered motor vehicle is held outside of a completely enclosed building, whether for the purpose of resale or sale of used parts therefrom, for the purpose of reclaiming for use some or all the materials therein, or for the purpose of storage or disposing of the same for any other purpose. The term "junk yard" shall not include pawn shops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing, or for processing of used, discarded or salvage materials as part of manufacturing operation.

Exceptions:

a. New and/or used motor vehicles, which are operable, qualify for a

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current New York State Motor Vehicle inspection sticker under Article 5 of the New York Motor Vehicle and Traffic Law, and are offered for sale to the public, may be stored on premises on which new or used car sales may be conducted in accordance with the provisions of these regulations.

- b. The storage of vehicles subject to seasonal use such as travel trailers and snowmobiles even though such vehicles may be unlicensed during the part of the year they are not in use.
 - c. The storage of agricultural equipment, machinery and vehicles in an Agricultural District which are being used in farm operation.
 - d. The storage of (1) seasonal use vehicle is permitted if it qualifies for a current New York State Inspection and is intended to be either utilized for winter or summer use, but only one such vehicle shall be allowed.
47. Kennel: Any building or land or part thereof used for harboring three (3) or more dogs over six (6) months old.
48. Laundromat: A business premise equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.
49. Lot: Land occupied or which may be occupied by a building and its accessory uses, together with required open space, having not less than minimum area, width and depth required for a lot in the district in which such land is situated; and having frontage on a street, or other means of access as may be determined by the Planning Board to be adequate as a condition for issuance of a zoning permit.
50. Lot Area: Total area within property lines.
51. Lot Corner: A lot located at the junction of and fronting on two (2) or more intersecting streets (also see definition "Lot Line Front").
52. Lot Depth: Mean horizontal distance from street right-of-way line of the lot to its opposite rear line measured at right angles to building line.
53. Lot Width: The horizontal distance between the side lot lines, measured at right angles to the lot depth.

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54. Lot Lines: The property lines bounding a lot as defined herein.
55. Lot Line, Front: In the case of a lot abutting upon only one (1) street, the line separating the lot from the street right-of-way; in the case of a lot abutting more than one (1) street, each street line shall be considered a front lot line.
56. Lot Line, Rear: The lot line which is generally opposite the front lot line, if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.
57. Lot Line, Side: The property line or lines extending from the front lot line to the rear lot line.
58. Manufactured Home: A transportable factory-built home designed to be used as a year-round residential dwelling. Manufactured homes are transported via a fixed, non-removable trailer assembly and are further classified as self-contained units (electrical, plumbing, etc. included within the unit). Manufactured homes have serial numbers which are preceded by the letters HUD (satisfy the requirements set forth by the Department of Housing and Urban Development).
59. Manufactured Home Park: A parcel of land under single ownership on which two (2) or more manufactured homes are occupied as residences or which is planned and improved for the placement of two (2) or more manufactured homes for non-transient use, or for the sale or rental of two (2) or more manufactured home lots.
60. Modular Home: Modular homes are classified as factory-built housing with proper certifications for local and/or state building codes. Modular homes are also transported via a trailer assembly which is removable. Modular homes are not self-contained and many require plumbing and/or electrical hook-up after being placed on proper foundation. Modular homes have serial numbers which are preceded by the letters DHCR.
61. Motel/Hotel/Inn: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room may be provided within the building or in an accessory building.

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62. Motor Vehicle Repair Shop: Any building or structure used for repair and servicing of motor vehicles for profit or as part of a commercial operation.
63. Non-conforming Use: A use of a building or of land that does not conform to the regulations as to use and area in the district in which it is situated, which was lawful under any applicable preceding ordinances or laws at the time the use was established, or if established before 1960 was lawful before such date and in either event has not been extended after becoming a non-conforming use or otherwise been rendered an illegal use pursuant to provisions of any prior law or ordinance.
64. Nursing Home or Convalescent Home: See "Hospital".
65. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.
66. Parking Space: An off-street space available for the parking of one (1) motor vehicle on a transient basis and having a width of ten (10) feet, and an area of not less than two hundred (200) square feet, exclusive of passageways and driveways, and having direct usable access to a street.
67. Planning Board: That Board appointed by the Village Board to carry out the provisions of New York Village Law and Section 403 of this Zoning Law.
68. Recreation, Indoor: Includes, but is not limited to, bowling alley, theater, table tennis, and pool hall, skating rink, gymnasium, swimming pool, hobby workshop, arcade, and similar places of indoor recreation.
69. Recreation, Outdoor: Includes, but is not limited to golf courses, golf driving range, trap, skeet, and archery range, swimming pool, skating rink, riding stable, tennis court, recreation stadium, skiing facility, hunting preserve, and similar places of outdoor recreation.
70. Recreation Vehicle: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.
71. Religious Institution: Church, temple, parish house, convent, seminary and retreat house.

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72. Reserved: The section is reserved for future use and development of the Village at the discretion of the Village Board by the adoption of Local Laws.
73. Retail Store/Service: Enclosed store for sale of retail goods and services including, but not limited to, the following: barber, beauty, dry clean, personal service shop, department store and restaurant/tavern. Retail store/service shall not be interpreted to include the following: drive-up service, free-standing retail stand, gasoline station, gasoline station-market, motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.
74. School: Parochial, private and public school, college, university and accessory uses operated under the Education Law of the State of New York and recognized by the appropriate educational authorities; and shall exclude commercially operated schools of beauty, culture, business, dancing, driving, music and similar establishment.
75. Self-Service Storage Facility: A building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses and residential users. A warehouse operated for a specific commercial or industrial establishment shall not be considered a self storage facility.
76. Sign: Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any persons or business or cause when such is placed in view of the general public.
- a. Awning-Sign: Any visual message incorporated into an awning attached to a building.
 - b. Copy-Change Sign: A sign on which the visual message may be periodically changed.
 - c. Directional Sign: A sign limited to providing information on the location of an activity, business or event.
 - d. Free-Standing Sign: Any sign not attached or part of any building but separated and permanently affixed by any other means, in or upon the

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ground. Included are pole signs, pylon signs and masonry wall-type signs.

- e. Illuminated Sign: Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.
- f. Off-Premise Sign: A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.
- g. Portable Sign: A sign, whether on its own trailer, wheels, or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign.
- h. Projecting Sign: A sign which is attached to the building wall or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall or a sign which is perpendicular to the face of such wall or structure.
- i. Representational Sign: A three-dimensional sign, built to physically represent the object advertised.
- j. Temporary Sign: A sign related to a single activity or event having a duration of no more than thirty (30) days.
- k. Wall Sign: A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.
- l. Sign Directory: A listing of two (2) or more business enterprises, consisting of a matrix and sign components.
- m. Sign Structure: The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides where the angle formed between any two (2) of the sides or the projections thereof exceeds thirty (30) degrees, each side shall be considered a separate sign structure.
- n. Sign Surface Area: The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the

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sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display.

77. Site Plan: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.
78. Special Use: A specifically designed use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.
79. Street: Public way for vehicular traffic which affords principal means of access to abutting properties.
80. Street Line: Right-of-way line of a street as dedicated by a deed of record. If no such deed exists, then by any other record establishing such right-of-way line of a street. The street line is not the centerline of the roadway, rather the edge of the roadway closest to the lot in question.
81. Structure: A combination of materials to form a construction for use, occupancy or ornamentation, including, but not limited to, buildings, mobile homes, towers, wind energy conversion systems (WECS), antennas, satellite dishes, or gas or liquid storage tanks, that are principally above ground.
82. Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either
 - a. before the improvement or repair is started, or
 - b. if the structure has been damaged and is being restored, before the damage occurred.
 - c. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

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- (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
83. Swimming Pool: A structure or receptacle for water having a depth greater than one (1) foot, used for swimming, and shall exclude portable plastic pools designed to hold less than one hundred (100) gallons.
84. Trailer: Any vehicle which may be towed and used for carrying or storing goods, equipment, machinery, construction materials, snowmobiles, boats, all terrain cycles (ATC), motor vehicles or as a site office.
85. Utility, Public: Any person, firm, corporation or governmental subdivision, duly authorized to furnish to the public, under public regulation, electricity, gas, water, sanitary sewers, storm sewers, steam, telephone, telegraph or cable television.
86. Variance: A variance is a relaxation of the terms of the zoning law where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Law would result in unnecessary and undue hardship.
- a. "Use Variance" shall mean the authorization by the zoning board of appeals for the use of land for purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
 - b. "Area Variance" shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulation.
87. Veterinary Facility: Any structure or premises in which animals are kept, boarded, bred or trained for commercial gain.
88. Yard: An unoccupied space, open to the sky, on the same lot with the building and structure.

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89. Yard, Front: An open unoccupied space on the same lot with the building, situated between the front line of the building and the street line and extending the full width of the lot.
90. Yard, Rear: The area of the lot extending across the entire rear of the lot, bounded by the real property lot line and the rear building line and between the two (2) side lot lines.
91. Yard, Side: The area between the side building line and the related side lot line and between the front yard and the rear yard.
92. Zoning Board of Appeals: That board appointed by the Village Board, specifically to hear all appeals as provided by these regulations and other duties specifically set forth in this Zoning Law or as assigned to it by the Village Board.
93. Zoning Permit: A document signed by the zoning enforcement officer, as required by this Zoning Law, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building.

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SECTION 401 ZONING ENFORCEMENT OFFICER

The duty of administering and enforcing the provisions of this Zoning Law is hereby conferred upon the Zoning Enforcement Officer, who shall have such powers as are conferred upon him by this Zoning Law and as reasonably may be implied therefrom. He shall be appointed by the Village Board and shall receive compensation as the Village Board shall determine. The Zoning Enforcement Officer shall have such other and further duties as may be assigned by the Village Board pursuant to this Zoning Law or otherwise.

A. Duties of the Zoning Enforcement Officer

1. Inspection and Review: It shall be the duty of the Zoning Enforcement Officer, or his duly authorized assistants, to cause any plans, buildings or premises to be examined or inspected to determine that they are not in violation of the provisions of this Zoning Law.

The Zoning Enforcement Officer and all his duly authorized assistants shall be entitled to enter any building or premises (which includes the internal premises such as a basement, etc.) for the purpose of inspection, observation, measurement, testing and records examination in performing his duties set forth in this zoning Law, and for the further purpose of ascertaining whether the provisions of this Zoning Law are being met and all requirements are being complied with. Persons or occupants of premises to be entered shall allow the Zoning Enforcement Officer and/or his assistants ready access at all reasonable times to all parts of the premises to carry out the actions specified herein. Where any owner or occupant has security measures in force which would require proper identification and clearance before entry into their premises, the owner or occupant shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Village will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

The Zoning Enforcement Officer or any of his duly authorized assistants seeking to enter private property pursuant to the provisions of this Zoning Law may enter such property on the valid consent of

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the owner or occupant. In the event such valid consent is denied or if said Zoning Enforcement Officer or assistant determines that it is preferable to obtain a search warrant without first seeking such valid consent, said Zoning Enforcement Officer or assistant shall be entitled to obtain a search warrant pursuant to the applicable provisions of law from a court of competent jurisdiction to compel the owner or occupant to permit immediate entry and inspection.

Notwithstanding the provisions contained in the immediately preceding paragraph, in the event an exigent situation exists, said Zoning Enforcement Officer and/or assistants shall be entitled to immediately enter upon any private property for the purposes set forth in this Zoning Law either with or without a search warrant.

2. Violations and Written Orders: Where the Zoning Enforcement Officer, in the course of his duties, determines that any plans, buildings or premises are in violation of the provisions of this Zoning Law, he shall order the responsible party in writing to remedy such conditions. Said written order shall comply with the provisions of this Zoning Law.
3. Revocation of Certificate of Compliance: On the serving of notice and failure to comply with the time limits specified in such notice by the Zoning Enforcement Officer to the owner of any violation of any of the provisions of their Zoning Law, any Certificate of compliance previously issued for such buildings or use shall be held null and void. A new Certificate of Compliance shall be required for any further use of such building or premises.
4. Records: The Zoning Enforcement Officer shall maintain a permanent record of all matters considered and all action taken by him and shall make a duplicate file of all action, file them with the Village Clerk, no later than seven (7) days after any action. Such records shall form a part of the records of his office and shall be available for the use of the Village Board and other officials of the Village. The records to be maintained shall include at least the following:
 - a. Application File: An individual permanent file for each application for a permit provided for by this Zoning Law shall be established at the time the application is made. Said file

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shall contain one (1) copy of the application and all supporting documents and plans; notations regarding pertinent dates and fees, and the like; as appropriate, one (1) copy of the resolution of the Planning Board and/or Zoning Board of Appeals in acting on the application if such action is required; and the date the permit applied for was issued or denied by the Zoning Enforcement Officer as well as a copy of any permit issued by the Zoning Enforcement Officer and any correspondence sent or received by the Zoning Enforcement Officer regarding such application.

- b. Monthly Report: The Zoning Enforcement Officer shall prepare a monthly report for the Village Board. Said report shall cite all actions and date taken by the Zoning Enforcement Officer, including all referrals made by him; all permits and certificates issued and denied; and all complaints of violations received and all violations found by him, and the action taken by him consequent thereto. A copy of this monthly report shall also be transmitted by the Zoning Enforcement Officer to the Tax Assessor, Planning Board and Board of Appeals at the same time it is transmitted to the Village Board.

SECTION 402 ZONING BOARD OF APPEALS

A. Organization

The Board of Appeals shall consist of three (3) to five (5) members including a chairperson and a deputy chairperson all of whom shall be appointed by the Mayor subject to the approval of the Village Board whose term shall be governed by the applicable provisions of New York Village Law. Each term of five (5) years will be served as follows upon initial appointment: The first appointee will serve five (5) years; the second, four (4) years; the third, three (3) years; the fourth, two (2) years; and the fifth, one (1) year.

B. Powers and Duties

The powers and duties of the Board of Appeals shall be as follows:

1. Appeals: The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by an

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administrative official (Zoning Enforcement Officer) charged with enforcement of this Zoning Law, including request for interpretations and consideration of variances.

2. Other Powers and Duties: The Board of Appeals shall have such other powers and duties as are provided by law including this Zoning Law or as are otherwise assigned to it by the Village Board.

C. Procedure

The Board of appeals shall act in strict accordance with the procedure specified by state law and by this Zoning Law. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board, and available from the Zoning Enforcement Officer and Village Clerk. Every appeal or application shall refer to the specific provision of the Zoning Law involved and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for and grounds on which it is claimed that the variance should be granted as the case may be. When hearing an appeal for a use variance, the Board of Appeals shall transmit to the Planning Board a copy of this notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its recommendation on said use variance. The Planning Board shall have thirty (30) days in which to meet and submit a recommendation. If they fail to act within this time period the Board of Appeals may render a decision without such recommendation.

D. Board of Appeal Office

The office of the Village Clerk shall be the office of the Board of Appeals and every rule, regulation, amendment or repeal thereof and every order, requirement, decision, or determination of the Board shall immediately be filed in said office.

E. Notice of Board Hearings

The Board of Appeals shall fix a reasonable time for the hearing of an appeal and give notice thereof to the parties, and not less than ten (10) days prior to the hearing date publish such notice at least once in the official newspaper of the Village and decide the same within sixty-two (62) days. The Board shall, at least ten (10) days prior to the date of the hearing, send notice in writing by first class mail to all property owners within two hundred (200) feet of the property to be affected by said appeal.

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F. Variances

1. Use Variances:

- a. The board of appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances, as defined herein.
- b. No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (4) that the alleged hardship has not been self-created.
- c. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

2. Area Variances:

- a. The zoning board of appeals shall have the power, upon an appeal from a decision or determination of an administrative

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official charged with the enforcement of such local law, to grant area variances defined herein.

b. In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (3) whether the requested area variance is substantial;
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

c. The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning local law

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and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

G. Decisions

With respect to any appeal, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the administrative official (Zoning Enforcement Officer) from whom the appeal is taken. Every Board of Appeals decision shall be by resolution, which shall contain full statement of the Findings of Fact in the case, and shall be recorded in the minutes. The Board of Appeals shall render its decision within sixty-two (62) days after the final public hearing. Such decision shall be filed within five (5) days with the Office of the Village Clerk.

1. Use Variances Decision: the attached Use Variance Findings & Decision worksheet in Schedule V, along with the outline of questions to be considered, should be utilized.
2. Area Variances Decision: the attached Area Variance Findings & Decision worksheet in Schedule V, along with the outline of questions to be considered, should be utilized.

SECTION 403 PLANNING BOARD

A. Organization

The Planning Board shall consist of five (5) members, including a chairperson and a deputy chairperson, all of whom shall be appointed by the Mayor subject to the approval of the Village Board whose term shall be governed by the applicable provisions of New York Village Law. Each term of five (5) years will be served as follows upon initial appointment: The first appointee will serve five (5) years; the second, four (4) years; the third, three (3) years; the fourth, two (2) years; and the fifth, one (1) year. If the Mayor fails to designate a chairperson, the Planning Board may then itself select one.

B. Powers and Duties

Powers and duties of the Planning board shall be as follows.

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1. Special Use Permits: Granting of special use permits based upon the criteria set forth in paragraph F of this Section.
2. Review Use Variances: Review in an advisory capacity use variances referred to the Planning Board as set forth in Section 402(C).
3. Temporary Uses and Structures: Grants permits for temporary uses and structures.
 - a. The Planning Board may direct the Zoning Enforcement Officer to issue a temporary permit for a period of time not to exceed twelve (12) months, for incidental nonconforming uses and structures as follows:
 - (1) Temporary uses incidental to a construction project.
 - (2) Temporary real estate sales office incidental to a subdivision.
 - (3) Other similar temporary incidental uses which:
 - (a) In no way exert a detrimental effect upon the lawful use of land and activities normally permitted in the zone in question, and
 - (b) Contribute materially to the welfare and well-being of the Village.
 - b. Permits shall be conditioned upon an agreement by the applicant to remove the use upon expiration of the permit.
 - c. Permits may be reissued a maximum of one (1) time for an additional period of up to six (6) months.
4. Other Powers and Duties: The Planning Board shall have such other powers and duties as are provided by law including this Zoning Law or as are otherwise assigned to it by the Village board.

C. Procedure for Special Use Permit

1. Applications for special use permits shall be made in writing on the

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appropriate form. Four (4) copies of each application, including site plan, shall be submitted to the Zoning Enforcement Officer, who shall review the application for completeness prior to forwarding it to the Village Clerk, and the Planning Board. One (1) copy shall be retained by the Zoning Enforcement Officer.

2. A public hearing shall be held by the Planning Board before acting on any application for a special use permit. When necessary under Section 239 of the General Municipal Law, the Planning Board shall forward the application to the County Planning Board for its review. The Planning Board shall send, by first class mail, return receipt requested, a copy of the notice of hearing to all owners of property situated within two hundred (200) feet of the property at least ten (10) days before the date of the hearing.
3. Every Planning Board decision shall be by resolution, which shall contain a full statement of the pertinent facts in the case, and shall be recorded in the minutes.

D. Required Plan for Special Use Permit

Four (4) sets of the application and site plan shall be submitted to the Zoning Enforcement Officer to portray clearly the intentions of the applicant. These documents shall become part of the record. Such site plan shall show location of all buildings, parking, access and circulation, open space, landscaping and other information necessary to determine that the proposed special use complies with the intent of this Zoning Law.

E. Special Use Permit

A special use permit may be issued for a use not usually and ordinarily permitted within a district when such use is listed as a use permitted with a special use permit within that specific district. Such special use permit may be issued only when authorized by the Planning Board after considering those factors set forth herein, provided that such use is not inconsistent with the public convenience and welfare. Such use shall be subject to conditions and safeguards which may be imposed by the Planning Board to protect the use of neighboring properties. Such special use permit shall not be granted if it substantially changes the characteristics of the neighborhood in which the subject property is located. The Zoning Enforcement Officer, at least yearly, shall review the use of the property to determine compliance with any conditions which have been prescribed by the Planning Board in issuing such special

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use permit. Violation of said conditions shall require a review of the permit by the Planning Board which shall have the discretion to revoke said special use permit.

F. Standards Applicable for all Special Use Permits

The Planning Board may issue a special use permit only after it has found that all the following standards and conditions have been satisfied.

1. The location and size of such use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous and shall be in harmony with the orderly development of the district.
2. Location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.
3. Operations of any special use shall not be more objectionable to nearby properties than would be operations of any permitted use.
4. The proposed special use shall not cause noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact on adjacent properties.
5. When a commercial or industrial special use abuts a residential property the Planning Board may find it necessary to require screening of sufficient height and density (i.e. buffer zones, fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned. The Board shall use similar uses found elsewhere in this Zoning Law to specify the type of screening required.
6. Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.
7. The proposed use shall meet the off-street parking and loading requirements of similar uses.
8. Appropriate on-lot drainage is required to eliminate any potential on-

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site water related problems. The drainage systems instituted shall not detrimentally impact on adjacent properties.

9. Traffic access to and from the site, as well as on-lot, shall be constructed to reduce traffic hazards. The Planning Board shall review and approve all such proposals.
10. All such uses shall be attractively landscaped. This shall involve grading, seeding, and regular mowing of the front yard area at a minimum.
11. No special use permit shall be issued for a use on a property where there is an existing violation of this Zoning Law.
12. As a condition of all special permits, right of entry for inspection with reasonable notice shall be provided to determine compliance with the conditions of said permit.
13. As a condition of all special permits, a time limitation may be imposed.
14. In addition to the general standards for special permits as set forth above, the Planning Board may, as a condition of approval of any such use, establish any other additional standards, conditions, and requirements, including a limitation on days or hours of operation, as it may deem necessary or appropriate to promote the public health, safety and welfare and to otherwise implement the intent of this Zoning Law.

SECTION 404 CERTIFICATES AND PERMITS

The certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this Zoning Law.

- A. Zoning Permit: The Zoning Enforcement Officer is hereby empowered to issue a zoning permit for any plans regarding the construction or alteration of any building or structures or part of any building, or the change in the use of any land or building or part thereof, where he shall determine that such plans are not in violation of the provisions of this Zoning Law.
- B. Temporary Use Permit: Upon written direction of the Planning Board, the

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Zoning Enforcement Officer is hereby empowered to issue a temporary use permit. A temporary use permit shall only be effective for a period not to exceed twelve (12) months; such permit may be extended by the Zoning Enforcement Officer not more than once for an additional period not to exceed six (6) months.

- C. Special Use Permit: Upon written direction of the Planning Board, the Zoning Enforcement Officer is hereby empowered to issue any special use permit provided for by this Zoning Law.
- D. Certificate of Compliance: The Zoning Enforcement Officer is hereby empowered to issue a certificate of compliance which shall certify that all provisions of this Zoning Law have been complied with in respect to the location and use of the building, structure or premises in question.

SECTION 405

APPLICATION PROCEDURES

- A. Application: Applications for zoning permits shall be accompanied by a layout sketch, drawn to approximate scale, showing the shape and dimensions of the lot to be built upon, the size and location of all buildings or structures proposed as well as those that shall remain, the intended use of each building or structure, and any such other information with regard to the lot and neighboring lots, buildings and/or structures as the Zoning Enforcement Officer may in his discretion deem necessary to determine and provide for the enforcement of this Zoning Law. Applications, together, with a layout sketch shall be submitted in quadruplicate. The Zoning Enforcement Officer shall carefully consider the application and supporting documents for compliance with this Zoning Law and either issue or deny the zoning permit applied for. When the application is for any multi-family or non-residential use within the Village the Zoning Enforcement Officer shall, prior to the issuance of any permit, refer one (1) copy of such plans, drawings and statements to the Planning Board for site plan review (See Article IV).
- B. Issuance of Zoning Permit: The Zoning Enforcement Officer shall issue a zoning permit only after the following conditions, if required, have been met:
 - 1. Site plan review - see Article VIII.
 - 2. Issuance of any variances - see this Article (IV), Section 402, (F), Pg. 5 of 17.

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3. Issuance of a special use permit - see this Article (IV), Section 403, Pg. 9 of 17.
 4. Certificate of Compliance - see this Article (IV), Section 407, (E), Pg. 14 of 17.
 5. S.E.Q.R. - see this Article (IV), Section 412, Pg. 17 of 17.
- C. Installation of Foundation: The Zoning Enforcement Officer shall be notified that the site is prepared for installation of the foundation of a structure, and shall inspect the site to check the location of the structure.
- D. Initiation of Construction: If a zoning permit is not obtained by the applicant within ninety (90) days after final approval, such approval shall be void.
- E. Completion of Construction: A permit shall be void if construction is not substantially completed within a period of one (1) year from the date of said permit. The Zoning Enforcement Officer may issue a six (6) month extension of a permit for good cause shown. Two (2) such extensions of a permit will be allowed.
- F. Location of Permit: The zoning permit shall be located in a place readily visible to the public during construction activities.

SECTION 406 FEES FOR PERMITS, AMENDMENTS, VARIANCES, AND SPECIAL USE PERMITS

Fees may be charged for permits issued, and processing of application for amendments, variances, site plans and special use permits. The fee shall be set by resolution of the Village Board and may be changed from time to time in the same manner.

SECTION 407 CERTIFICATES OF COMPLIANCE

No land shall be used or occupied and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of compliance has been issued by the Zoning Enforcement Officer in accordance with the provisions of this Zoning Law.

SECTION 408 COMPLAINT OF VIOLATION

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Whenever a violation of this Zoning Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, signed, and shall be filed with the Zoning Enforcement Officer who shall properly record such complaint and timely investigate it. Where the Zoning Enforcement Officer finds such violation, he shall take appropriate action and/or submit the results of his investigation in writing to the Village Board if action by them is required.

SECTION 409 PENALTIES FOR VIOLATION

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any land, building or structure or part thereof in a manner not permitted by an approved zoning permit or certificate of compliance.
- B. Any person violating any provision of this Zoning Law shall be served by the Zoning Enforcement Officer with a written Notice of Violation and Correction Order stating the nature of the violation found to exist, the remedy ordered and providing a time limit for the satisfactory correction thereof. The Notice of Violation shall further inform the violator of his right to appeal the Zoning Enforcement Officer's administrative action to the Zoning Board of Appeals.

Service of the Notice of Violation/Correction Order shall be sufficient if directed to the owner, operator or occupant of a residence, commercial or industrial facility, as the case may be, violating this Zoning Law. Service of the final Notice of Violation/Correction Order shall be made personally upon the alleged violator or by certified mail/return receipt requested. If said violator cannot be found with due diligence, service of said Notice of Violation/Correction Order shall be sufficient if service is completed by delivering the same to a person of suitable age or discretion at the actual residence, commercial or industrial facility at which said violation is occurring and by mailing the Notice to the person to be served at his last known residence or business address; or, where service cannot otherwise be made with due diligence, by affixing said Notice of Violation/Correction Order to the door of the residence, commercial or industrial facility at which said violation is occurring and by mailing said Notice to such person at his last known residence or place of business. It shall be unlawful for any person to fail to comply with a written Notice of Violation/Correction Order of Zoning Enforcement Officer within the time fixed for compliance therewith.

- C. It shall be unlawful for any owner, builder, architect, tenant, contractor, sub-

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contractor, construction superintendent or their agents, or for any person taking part or assisting in the construction, repair or use of any land, building or structure to violate any of the applicable provisions of this Zoning Law, or any lawful order, notice, directive, permit or certificates of the Zoning Enforcement Officer made hereunder.

- D. Any violation of this section and/or this Zoning Law shall be punishable by a fine and/or imprisonment as set forth in New York Village Law. Each and every day such violation continues shall be deemed a separate and distinct violation.
- E. The Zoning Enforcement Officer may, with permission of the Village Administrator or Attorney, institute court action to enforce the provisions of this Zoning Law, or may refer the matter to the Village Board for its action.
- F. Any person violating any provision of this Zoning Law shall be liable to the Village for any and all losses, damages and expenses incurred by the Village or for which the Village may be held liable as a result of said violation. The Village or Zoning Enforcement Officer shall have the right to obtain reimbursement for any loss, damage or expense incurred by it as a result of any violation of this Zoning Law including, but not limited to, reasonable attorney's fees and court costs incurred as a result of any legal proceedings brought hereunder.
- G. Nothing contained in this Zoning Law shall prevent the Village, either alone or in conjunction with the foregoing penalties, from maintaining an action or proceedings in the name of the Village or Zoning Enforcement Officer in any court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this Zoning Law.

SECTION 410

PROCEDURE FOR AMENDMENT

- A. The Village Board may, from time to time, on its own motion, on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Zoning Law after official notice has been given and a public hearing has been held by the Village Board as required by law.
- B. Each petition requesting a change of zoning regulations or district boundaries shall be typewritten, signed by the owner and filed in triplicate, accompanied by the required fee.

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- C. Every such proposed amendment shall be referred to the Planning Board for a report prior to any public hearing.
- D. Prior to adoption by the Village Board, a proposed amendment may, in the proper case, have to be referred to the County Planning Board pursuant to law.
- E. In case of a written protest against such change signed by the owners of land totaling twenty percent (20%) or more within a specified area, either of the area of the land included in such proposed change, or of that immediately adjacent extending one hundred (100) feet therefrom or of that directly opposite thereto, extending one hundred (100) feet, from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least three-fourths of the members of the Village Board.

SECTION 411 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, or land is divided into lots, blocks or sites in violation of this act, or of any Zoning Law or other regulation made under authority conferred thereby, the proper local authorities of the village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. All issues in any action or proceeding for any of the purposes herein stated shall have preference over all other civil actions and proceedings.

SECTION 412 STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

- A. The State Environmental Quality Review Act (SEQR) requires that local government examine the environmental impact of all actions they permit, fund, or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations (8 NYCRR Part 617) sets forth the SEQR regulations in detail and should be reviewed for compliance prior to undertaking any of the above mentioned activities.
- B. As set forth in 8 NYCRR Part 617, determination of lead agency status is one of the initial steps in the SEQR process. When the Village is designated lead

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agency for a particular zoning action, the following boards (agencies) may typically be the lead agency for the action identified on the following page:

Zoning text amendment	Village Board
Zoning district amendment	Village Board
Special permit	Planning Board
Zoning permit (if necessary)	Planning Board
Variance	Zoning Board of Appeals

When a project involves two (2) or more separate zoning actions, the board (agency) having the final (last) approval would typically be the lead agency. Nothing in this Section shall be interpreted to override the process for designation of lead agency status as set forth in 8 NYCRR Part 617.

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SECTION 501 GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS

The provisions of this Zoning Law shall be subject to such exceptions, additions, or modifications as herein provided by the following general supplementary regulations. The dimensional requirements and restrictions set forth in Schedule "A" annexed hereto are incorporated herein and made a part of this Zoning Law. No building or structure shall be erected and no land used in violation of those dimensional requirements and restrictions.

A. Buildings, Uses and Lots

1. One principal Building and Use per Lot

There shall not be more than one (1) principal structure and one (1) principal use on any lot in the residential district (R) other than multi-family uses which may have more than one principal building.

2. Yard and Open Space for Every Building

No part of any yard or other open space required about any building or structure for the purpose of complying with the provisions of this Zoning Law shall be included as part of the yard or other open space similarly required for another structure. Also, no yard or other open space on one lot shall be considered as a yard or open space for a building or structure on any other lot.

3. Established Front Yard

Where front yards in any District have been established for more than fifty percent (50%) of the frontage in any block at a depth greater than the minimum required for the District, the depth of the required front yard shall be increased to comply with such established depth. In no case shall the depth of the required front yard be less than that specified for the District in which it is located.

4. Subdivision of a Lot

Where a lot is hereafter formed from part of a lot already occupied by

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a building, such separation shall be effected so as not to violate any of the requirements of this Zoning Law with respect to the existing building, including yards and other required spaces in connection therewith. No zoning permit shall be issued for the erection of a building on the new lot thus created unless there is full compliance with all the provisions of this Zoning Law.

5. Irregular Lots

Where a question exists as to the proper application of any of the requirements of this Zoning Law to a particular lot or parcel due to its size, shape or topography, as it relates to development of such lot (i.e. reduction of developable area due to severe slopes or excessive narrowness) the matter shall be referred to the Zoning Board of Appeals and dealt with in accordance with the applicable provision of Section 402.

6. Required Street Frontage

No zoning permit shall be issued for any structure unless the lot which that structure is to be built upon has the required frontage on a street, as defined herein, which frontage provides the actual access to such structure, and which street shall have been suitably improved to Village Board standards or a bond posted therefor to the satisfaction of the Village Board and Planning Board.

7. Parts of Lot Not Counted Toward Area Requirements

No part of any lot less in width than one-half (1/2) of the minimum lot width requirement for the district in which it is located, shall be counted as part of the minimum lot area.

8. Adjacent Lots

Where two (2) or more adjacent lots are at the time of the effective date of this Zoning Law in the same ownership, they shall not be considered a single lot, unless they are described as one parcel in a deed recorded at the Wyoming County Clerk's Office.

9. Supplementary Yard Regulations

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a. Porches/Decks

A porch/deck shall be considered a part of the building in determining the yard requirements (setbacks) or amount of lot coverage. Open exterior stairways shall not be considered part of a building.

b. Projecting Horizontal Architectural Features

Architectural features, such as window sills, belt courses, chimneys, cornices, eaves or bay windows, shall not project more than three (3) feet into any required yard.

c. Visibility at Intersections

On a corner lot in any district other than a C, no fence, wall, hedge, or other structure or planting more than three (3) feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are twenty (20) feet distant from the point of intersection, measured along said street lines. This paragraph shall not apply to existing trees, provided that no branches are closer than six (6) feet to the ground.

d. Swimming Pools

All swimming pools whose capacity is one hundred (100) gallons or more shall be considered accessory buildings within the provisions of Section 501 of this Zoning Law, and shall set back from lot lines at least the minimum distance required for other buildings and structures. Pools shall be fenced and protected by an appropriate gate as set forth in the New York State Uniform Fire Prevention and Building Code.

e. Buffer Strip

Wherever a buffer strip is required by this Zoning Law it shall meet the following standards:

- (1) Be at least ten (10) feet in width along any

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commercial or industrial lot line abutting a lot in a residential district.

- (2) Be of evergreen planting of such type, height and spacing as, in the judgement of the Planning Board, will screen the activities on the lot from view of a person standing at street level on the adjoining lot. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.
- (3) A wall or fence of location, height, and design approved by the Planning Board may be substituted for the required planting.

10. Open Space - Industrial Districts

Where an industrial district abuts a residential district, there shall be at least one hundred (100) feet of open space within the industrial district along such abutting line, which open space shall include a buffer strip.

11. Excavation

In any construction, open excavations shall be limited to a maximum of thirty (30) days, with appropriate fencing, barricades, or covering.

B. Location of Accessory Building and Structures

1. Accessory Buildings are Permitted as follows:

- a. A one (1) story accessory building having a total floor area of one hundred fifty (150) square feet or less and a building height of not more than nine (9) feet may be located not closer than five (5) feet to the rear and side lot lines in the rear yard areas, and shall not be located in front of the principal building, i.e., the front yard.
- b. The location of accessory buildings having a total floor area greater than one hundred fifty (150) square feet or a building height of greater than nine (9) feet shall be located in compliance with the required yard areas of the respective

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district and shall not be located in front of the principal building, i.e., the front yard.

2. Accessory Structures (other than buildings) are Permitted as Follows:
(for fences see Section 506D)

- a. Accessory structures (other than buildings) equal to or less than fifteen (15) feet in height, may be located not closer than five (5) feet to the rear and side lot lines in the rear yard area, and shall not be located in front of the principal building, i.e., the front yard.
- b. Accessory structures (other than buildings) greater than fifteen (15) feet in height, shall be located in compliance with the required yard areas of the respective district and shall not be located in front of the principal building, i.e., the front yard.
- c. Antennas shall not occupy a front yard or be located any closer than three (3) feet to any side or rear lot lines.

C. Uses Not Permitted

Uses which are not specifically allowed by this Zoning Law are prohibited.

D. Minimum Dimensional Criteria

All one and two family dwelling units located on individual lots shall have a minimum outside width of at least sixteen (16) feet. This provision shall not prohibit the construction of smaller additions or projections from larger units [less than sixteen (16) feet wide] provided a fourteen (14) foot minimum width is clearly established for the overall unit.

E. Minimum Enclosed Living Area

1. One-family dwellings shall have a minimum enclosed living area (not including garage but also not limited to only habitable floor area) of at least one thousand (1000) square feet.
2. Two-family dwellings shall have a minimum enclosed living area of at least nine hundred (900) square feet per unit.

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3. Multiple family dwellings shall have a minimum enclosed living area per unit as follows:

<u># of Bedrooms Per Unit</u>	<u>Minimum Square Footage</u>
Efficiency	500
1 bedroom	800
2 bedroom	900
3 bedroom	1,000
4 bedroom	As determined by Planning Board

F. **Stabling Farm Animals and Storage of Fertilizer, Agricultural Chemicals and Manure**

1. There shall be no stabling of farm animals or storage of manure within the Village.
2. There shall be no storage or spreading of manure within one hundred (100) feet of any residential lot.
3. There shall be no storage of bulk quantities of fertilizer, pesticides, and/or herbicides, or similar odor or dust producing or hazardous substances within the residential or Commercial Districts. Bulk storage of such substances within the Industrial District is permitted only after site plan approval.

- G. No structure exceeding ten thousand (10,000) square feet gross floor space shall be permitted within the Village of Gainesville.

SECTION 502 OFF-STREET PARKING SPACE REQUIREMENTS

For every building hereafter erected, altered or changed in use, there shall be provided at least the minimum number of off-street parking spaces set forth under this Section. All off-street parking for non-residential and multi-family use shall be designed in such a manner as to allow vehicles to exit onto a street without backing out onto it.

Off-street parking in Commercial and Industrial Districts may be provided in any yard space, but shall not be closer than ten (10) feet to any front property line. The term vehicle as used in this paragraph shall include but not be limited to automobiles, motorcycles, trucks, motor homes, campers and trailers, including recreational and boat trailers.

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A. Residential Uses

1. One and one-half (1.5) parking space(s) per dwelling unit. The total number of parking spaces required for a residential use, or combination thereof, shall be the calculated sum rounded up to the next whole number.
2. Home occupation: Three (3) parking spaces, plus one (1) additional parking space for every two hundred (200) square feet of office space or other nonresidential use, in addition to any other required spaces.

B. Motel

1. Three (3) parking spaces, plus one (1) space for every guest room.

C. Places of Public Assembly

1. One (1) parking space for every five (5) seats or one (1) parking space for every one hundred (100) square feet of floor area.

D. Professional Offices

1. Two (2) parking spaces, plus one (1) space for every two hundred (200) square feet of office space.

E. Commercial

1. One (1) parking space for every motor vehicle used directly in the business, plus one (1) parking space for every two hundred (200) square feet of business area.

F. Restaurant, Eating and Drinking Establishment (other than Drive-In)

1. One (1) parking space for every one hundred (100) square feet of floor area.

G. Industrial, Wholesale, Warehouse, Storage, Freight, and Trucking Uses

1. One (1) parking space for every motor vehicle used directly in the business, plus additional parking as required by the Planning Board.

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H. Unspecified Uses

1. As required by the Planning Board, based upon use intensity, turnover, customers, employees and vehicles used.

SECTION 503 OFF-STREET LOADING SPACE REQUIREMENTS

Every building occupied for the purpose of business or industry shall provide adequate space for off-street loading and unloading vehicles.

SECTION 504 MODIFICATION OF PARKING AND LOADING REQUIREMENTS

The Planning Board, under its powers of site plan review and approval, may modify requirements for parking and loading spaces.

SECTION 505 SIGNS

The purpose of this Section is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space, and curb the deterioration of the community's appearance and attractiveness.

This Section is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such sign should convey their messages clearly and simply to enhance their surroundings.

A. Permit Required

It is unlawful for any person to erect or relocate any sign other than those identified as exempt in Subsection B (1) of this Section, within the Village and shall contain the following information:

1. Application Procedure: Applications shall be made in writing to the

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Zoning Enforcement Officer on forms prescribed and provided by the Village and shall contain the following information:

- a. Name, address and telephone number of:
 - (1) Applicant
 - (2) Owner of the property
 - b. Location of the building, structure or land upon which the sign now exists or is to be erected.
 - c. If a new sign is to be erected, elevation and plan drawings to scale shall be included. In addition, a full description of the placement and appearance of the proposed sign shall be included and shall cover the following:
 - (1) Location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines.
 - (2) The method of illumination, if any, and the position of lighting or other extraneous devices, and a copy of the NYS Uniform Code permit (if required) related to the electrical connections.
 - (3) Graphic design including symbols, letters, materials and colors.
 - (4) The visual message, text, copy or content of the sign.
 - d. Written consent, or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner.
2. Permit
- a. Upon the filing of a completed application for a sign permit and the payment of the required fee, the Zoning Enforcement Officer shall examine the plans, specifications, and other data submitted and the premises on which the sign is to be erected

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or now exists. If it shall appear that the sign is in compliance with all requirements of this Section, he shall then issue a permit for the erection of the proposed sign or for an existing sign. The issuance of a permit shall not excuse the applicant from conforming to other Federal, State or local laws, ordinances, and/or regulations.

- b. Every permanent sign shall bear the permit number, permanently and visibly shown. Failure to do so shall constitute cause for revocation of the permit.

B. Specific Sign Regulations

1. Exempt Signs - (Require No Permits)

- a. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six (6) square feet.
- b. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- c. On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, non-illuminated, not exceeding four (4) square feet per face and six (6) feet in height. Business names, logos or advertising messages shall not be allowed as part of such signs.
- d. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.
- e. One (1) on-premise sign, either free-standing or attached, in connection with any residential building in any zoning district, for permitted professional office or home occupation, not exceeding two (2) square feet and set back at least ten (10) feet from the property line. Such sign shall state name and vocation only. Illumination shall not produce a direct glare

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beyond the limits of the property line.

- f. Number and name plates identifying residents, mounted on house, apartment or mailbox, not exceeding one(1) square foot in area.
- g. Lawn signs identifying residents, not exceeding one (1) square foot (per side). Such signs are to be non-illuminated except by a light which is an integral part of a lamp post if used as a support, with no advertising message thereon.
- h. Private-owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet for a period not exceeding four (4) days within a given month.
- i. Temporary non-illuminated "For Sale", "For Rent", real estate signs and signs of similar nature, concerning the premises upon which the sign is located. In a residential and commercial zoning district, one (1) sign not exceeding four (4) square feet per side. In industrial zoning district, one (1) sign not exceeding fifty (50) feet set back at least fifteen (15) feet from all property lines. All such signs shall be removed within three (3) days after the sale, lease or rental of the premises.
- j. Temporary, non-illuminated window signs and posters not exceeding fifty percent (50%) of the window surface.
- k. Holiday decorations, including lighting, are exempt from the provisions of this Zoning Law and may be displayed in any district without a permit.
- l. Temporary directional signs for meetings, conventions, and other assemblies.
- m. One (1) sign, not exceeding six (6) square feet in the residential districts nor sixteen (16) square feet in the business districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress. (During construction) back fifteen (15) feet from all properties.

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- n. Political posters, banners, promotional devices and similar signs providing:
 - (1) Such signs are removed within seven (7) days of the election, and
 - (2) Such signs comply with Sub-Section B.2 of this Section.
 - (3) No political sign shall exceed four (4) square feet.
- o. Signs required by Federal, State, County or Village regulations (i.e. NYS registered motor vehicle shop and NYS inspection stations).

2. Prohibited Signs and Acts

- a. No off-premise signs shall be allowed other than as permitted under the "Exempt Signs" provision of this Section.
- b. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights, sparklers, twinklers, foreign material, sound or smoke. Strings of lights shall not be allowed.
- c. No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design, color or placement. No such sign shall impair visibility for the motorist at a street corner or intersection by placement and location within twenty-five (25) feet of the intersection of the street or highway lines.
- d. No sign or sign supports shall be placed upon the roof of any building.
- e. No sign shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.
- f. No advertising message shall be extended over more than one (1) sign placed along a street or highway.
- g. Temporary and/or portable signs shall be attached to or placed

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upon only tree, lamp post, utility pole, hydrant, bridge or fence located within a public right-of-way upon the issuance of a special use permit.

3. Temporary Signs

All signs of a temporary nature, except as otherwise provided by this Section, shall be permitted for a period not exceeding six (6) weeks prior to the activity or event nor exceeding four (4) days after the activity or event. Such signs shall not exceed sixteen (16) square feet in business or industrial districts nor eight (8) square feet in residential districts, nor be attached to fences, trees, utility poles, rocks or other facets of the natural landscape, not be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.

4. Permanent Signs

a. Residential Districts

(1) Signs advertising a use in a Residential district such as public or quasi-public buildings or buildings used solely for non-profit, church, school, hospital or other like purposes shall be permitted provided such sign is located on the same premises as the use that it advertises. No such sign shall exceed twelve (12) square feet in area and such sign shall be located not less than ten (10) feet from property lines.

(2) For large scale multi-family developments one (1) project identification sign shall be permitted which shall not exceed twelve (12) square feet in area and shall be situated not less than ten (10) feet from the property lines. The sign may include only the name of the property, the street address, and the presence or lack of vacancies.

b. Commercial and Industrial Districts

(1) The total number of permitted signs on a single

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business or industrial lot shall not exceed one (1) sign per wall per use and one (1) free-standing for the building.

- (2) The total cumulative sign area of all signs permitted on such lot shall be calculated at the rate of one and one-half (1.5) square feet of sign area per lineal foot of building frontage, but in no case shall exceed one hundred (100) square feet, whichever is less, except as provided for in subparagraph 6 below. In calculating the total cumulative sign area, only one side, or wall, of a building, shall be used.
- (3) The surface area of a free-standing sign shall be calculated as follows: free-standing sign area up to twenty-five (25) square feet (per side) shall be deducted from the total sign area permitted on a one to one basis; free-standing sign area between twenty-five (25) and forty (40) square feet (per side) shall be deducted from the total sign area permitted on a four (4) to one (1) basis; free-standing sign area over forty (40) square feet shall be prohibited except as set forth in subparagraph 5 below.
- (4) Where groups of two (2) or more contiguous stores are located together in a shopping center (mall or plaza) or where a lesser number of stores total not less than twenty thousand (20,000) square feet of gross leasable area, one (1) common free-standing sign denoting the name of the shopping facility shall be permitted, not exceeding fifty (50) square feet (per side) and with bottom panel not less than eight (8) feet above grade. All other signs shall be attached to buildings, of a wall or soffit type, and coordinated in material, shape, lettering, color and/or decorative elements. Total sign area permitted for the entire shopping center shall be calculated at the rate of one (1) square foot of sign per linear foot of building frontage, and such exterior signs shall be permitted upon, and identify only, the uses which allow direct public access from outside the mall building.

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- (5) Representational signs shall not project in any direction more than four (4) feet beyond the principal structure to which they are attached, or extend over a public right-of-way, and shall not exceed fifteen (15) square feet. Only one (1) such sign per establishment shall be permitted, with the area of such sign structure deducted from the total sign area permitted.
- (6) Gasoline service stations shall additionally be permitted two (2) price/product (type of gas: i.e. regular, no lead, etc.) signs each, not exceeding six (6) square feet per side, if located on the pump island, or set not closer than ten (10) feet from the edge of the pavement, not exceeding eight (8) feet above grade nor situated so as to impair visibility for pedestrians or motorists. The sign area for that building.

5. Portable Signs

A new business, or a business in a new location, awaiting installation of a permanent sign, may utilize a portable sign for a period of not more than sixty (60) days or until installation of a permanent sign, whichever occurs first. Such a portable sign must meet all the construction standards of the NYS Uniform Fire Prevention and Building Code. A separate permit for such a portable sign shall be required.

6. Nonconforming Signs

In the event a sign lawfully erected prior to the effective date of the Zoning Law does not conform to the provisions and standards of the Zoning Law, then such sign should be modified to conform or be removed according to the following regulations:

- a. A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than fifty percent (50%) of the current depreciated value (i.e. value standards in use by the NYS Department of Transportation) of the sign as of the date of alteration or repair.

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7. Removal of Signs

Any sign, existing on or after the effective date of this amendment, which no longer advertises an existing business conducted or products on the premises upon which such sign is located, shall be removed. In addition, where the permit for a sign is revoked for any reason, the sign shall be removed immediately.

- a. If the Zoning Enforcement Officer shall find that any sign regulated in this Section is not used, does not advertise a current product or service available on the property, is abandoned, unsafe or insecure, or is a menace to the public, the Zoning Enforcement Officer shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within thirty (30) days from the date of the notice. If the sign is not removed or repaired within said time period, the Zoning Enforcement Officer shall revoke the permit issued for such sign and may remove or repair the sign and assess the owner for all costs incurred for such service.
- b. The Zoning Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed immediately and without notice.

8. Construction Standards

All signs shall be constructed and installed in conformance with the NYS Uniform Fire Prevention and Building Code.

a. Wall Signs

- (1) Wall signs shall not extend beyond the ends or over the top of the walls to which attached, and shall not extend above the level of the second floor of the building. Such signs shall be limited to three (3) feet in height.
- (2) Wall signs shall not extend more than nine (9) inches from the face of the building to which attached, except that copy-change signs may extend fifteen (15)

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inches.

- (3) Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of eight (8) feet.
- (4) Copy-change wall signs shall be permitted on theaters only.

b. Free-Standing Signs

- (1) No free-standing sign shall be located less than ten (10) feet from the front property line nor less than five (5) feet from the side property line. No free-standing sign may be located less than fifty (50) feet from any other free-standing sign.
- (2) If for any reason the property line is changed at some future date, any free-standing sign made nonconforming thereby must be relocated within ninety (90) days to conform with the minimum setback requirements.
- (3) No free-standing sign shall be more than fifteen (15) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is less, to the highest point of the sign, including supporting structures.
- (4) No free-standing sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.
- (5) Free-standing signs under which a pedestrian walkway or driveway passes must have ten (10) feet vertical clearance.
- (6) Masonry wall-type signs shall not exceed four (4) feet in height and shall not be placed so as to impair visibility for motorists.

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c. Projecting Signs

- (1) Projecting signs shall not have more than two (2) faces, and shall not be more than three (3) feet in height. For the purposes of this sub-section, projecting signs shall be considered those signs which extend more than nine (9) inches from the face of a building, unless such sign is a copy-change which may extend up to fifteen (15) inches before being considered a projecting sign.
- (2) The exterior edge of a projecting sign shall extend not more than five (5) feet from the building face, or extend over a public right-of-way or property line.
- (3) No part of a projecting sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of ten (10) feet.
- (4) Projecting signs shall not extend above the level of the second floor of the building to which attached, or in any case be higher than twelve (12) feet.
- (5) No projecting sign shall be closer than fifteen (15) feet from the corner of a building located at a street intersection.

d. Other Signs

(1) Window Signs

- (a) The area of a permanent window sign(s) shall not exceed twenty-five percent (25%) of the area of the window.
- (b) Copy-change window signs shall not exceed three (3) square feet.

(2) Sign Directories

- (a) Sign directories shall contain identification of

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and direction to several business enterprises, but shall contain no promotion advertising.

(3) Awning Signs

- (a) No sign shall project from an awning.
- (b) Awning graphics may be painted or affixed flat to the surface of the front or sides, and shall indicate only the name and/or address of the enterprise or premises.
- (c) Awning graphics shall be a single line of lettering not exceeding six (6) inches in height.

C. Appeal Procedures

Any person aggrieved by a decision of the Zoning Enforcement Officer relative to the provision of this Section may appeal such decision in writing to the board of Appeals as provided in Section 402 and shall comply with all procedural requirements prescribed by the Board of Appeals.

SECTION 506 OTHER REGULATIONS

A. Land Abutting a Residential Use

- 1. Where in any district a commercial or industrial use is created adjacent to an existing residential use, a buffer strip shall be established by the nonresidential use along the lot line adjacent to the residential use.

B. Gasoline Station, Gasoline Station-Market, Motor Vehicle Repair Shop, Motor Vehicle Sales Agency, Drive-In Business

- 1. Gasoline stations, gasoline station-markets, motor vehicle repair shop, motor vehicle sales agencies, and drive-in business shall comply with the following:
 - a. Lots containing such uses shall not be located within three hundred (300) feet of any lot occupied by a school,

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playground, library or religious institution. Measurement shall be made between the nearest respective lot lines.

- b. Lot size shall be at least forty thousand (40,000) square feet.
- c. Lot frontage shall be at least two hundred (200) feet.
- d. Lot depth shall be at least one hundred fifty (150) feet.
- e. Pumps, other service devices, and fuel and oil storage shall be located at least thirty (30) feet from all lot lines.
- f. Automobile parts and dismantled vehicles are to be stored within the building and no major repair work is to be performed outside the building.
- g. There shall be no more than two (2) access driveways from any street. Maximum width of each access driveway shall be thirty (30) feet. All other areas shall be curbed by owner.

C. Public Utility Facility

Public utility installations shall comply with the following:

- 1. Such facility shall be surrounded by a fence approved by the Planning Board.
- 2. The facility shall be landscaped in a manner approved by the Planning Board.
- 3. To the extent practicable, equipment shall be stored so as not to be visible from surrounding properties.
- 4. To the extent practicable, the facility shall be designed in such manner Architectural consistency with adjoining properties.
- 5. Any other requirements as determined by the Planning Board.

D. Fences

The installation, or replacement, of a fence within the Village does not

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require a permit provided the following criteria are met:

1. All Fencing

- a. All fencing must be installed, or replace, in conformance with the NYS Uniform Code. Fencing shall be located on an individual's own property and not on adjoining property or directly upon a property line.
- b. No fencing shall be installed, or replaced, which poses a potential hazard to either pedestrians or motorists by restricting vision.
- c. The finished side of the fence shall face the adjacent properties. The unfinished side of the fence shall face the property where it is installed.
- d. It shall be the responsibility of the property owner whose land contains a fence to maintain that fence so that it remains structurally sound and does not aesthetically detract from neighboring properties. The property owner is also responsible to see that any vegetation (i.e. grass, weeds) around a fence is regularly mowed. Failure on the part of a property owner to maintain his fence in accordance with these provisions shall constitute a violation of this Zoning Law.

2. Fencing - Front Yard

- a. Fencing located within front yard, to a depth not to exceed the appropriate minimum required front yard as set forth in Zoning Schedule A, shall not exceed three (3) feet in height for closed fencing, or four (4) feet in height for open fencing. For the purposes of this Section, the term open fencing shall refer to fencing which is at least fifty percent (50%) open (i.e. chain link type fencing). Fencing which is less than fifty percent (50%) open shall be considered closed fencing.
- b. For properties with a front sidewalk, the fence shall be setback at least four (4) feet from the interior edge of the sidewalk.

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- c. For properties without a front sidewalk, the fence shall be set back at least eight (8) feet from the road right-of-way.
- d. Plantings, hedges and brushes used in lieu of a man made fence as set forth above (i.e. hedge) shall not exceed three (3) feet in height.

3. Fencing-Side and Rear Yards

- a. Fencing located in side or rear yards shall not exceed six (6) feet in height. Fence shall be at least eighteen (18) inches from side and rear boundary lines. The applicant is responsible for identifying the boundary by providing a survey.

4. Exceptions

- a. Temporary and permanent fences constructed for public safety.

E. Exterior Security Lighting

- 1. Exterior security lighting (i.e. mercury vapor, high pressure sodium, spot or flood lights) shall not be installed or maintained so as to shine directly in or upon adjoining residential dwellings. Such lighting shall not be installed or maintained so as to pose a hazard for vehicular traffic.

F. Adult Uses

1. Definitions

- a. Adult Bookstore: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on premises, by use of motion picture devices or any other coin-operated means and other periodicals which are distinguished or characterized by their emphasis on matter depiction, describing or relating to specific sexual activities or specific anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

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- b. Adult Entertainment Cabaret: A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
- c. Adult Mini-Motion-Picture Theater: An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relative to specified sexual activities or specified anatomical area for observation by patrons therein.
- d. Adult Motion-Picture Theater: An enclosed building with a capacity of fifty (50) or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas for observation by patrons therein.
- e. Person: Any person, firm, partnership, corporation, association, or legal representative, acting individually or jointly.
- f. Specified Anatomical Areas:
 - 1. Less than completely and opaquely covered human genitals, pubic region or female breast below a point immediately above the top of the areola.
 - 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- g. Specified Sexual Activities:
 - 1. Human genitals in a state of sexual stimulation or arousal.
 - 2. Acts of human masturbation, sexual intercourse, or sodomy.

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3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

2. Restrictions

Adult uses, including, but not limited to, adult bookstore, adult motion-picture theater, adult mini-motion-picture theater, and adult entertainment cabaret shall be permitted upon the issuance of a special use permit (limited to Industrial Districts only) subject to the following restrictions:

- a. No such adult uses shall be allowed within five hundred (500) feet of another existing adult use.
- b. No such adult use shall be located within one hundred (100) feet of the boundaries of any Residential districts which are zoned exclusively for residential use (designated R-Residential District).
- c. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

ARTICLE VI - NONCONFORMING USES

ARTICLE VI NONCONFORMING USES

SECTION 601 NONCONFORMING USES, STRUCTURES AND LOTS

A. Lawful Existing Uses or Structures

Except as otherwise provided in this Section, the lawful use of land or structures existing at the effective date of this Zoning Law may be continued, although such use or structure does not conform to the regulations specified in this Zoning Law for the zone in which such land or structure is located, provided, however:

1. That no nonconforming lot shall be further reduced in size.
2. That no nonconforming building be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance
3. That no nonconforming use may be expanded.
4. No existing conforming use shall be changed to nonconforming use.

B. Abandonment

A nonconforming use, or uses, other than signs, shall be adjusted or abandoned when there occurs a cessation of any such use or activity and a failure on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Where multiple uses exist, partial abandonment shall take place for those specific uses which meet the aforementioned criteria. Nonconforming signs shall be considered abandoned whenever the circumstances set forth in Article V, Section 505, Subsection B, paragraph 7 occur, regardless of time limits.

C. Restoration and Repair

No building damaged by fire or other causes to the extent of more than fifty percent (50%) of its assessed valuation shall be repaired or rebuilt except in conformity with the regulations of this Zoning Law. Nothing in this Zoning Law shall prevent the strengthening or restoring to a safe condition of any wall, floor or roof which has been declared unsafe by the Code Enforcement

ARTICLE VI - NONCONFORMING USES

Officer.

D. Reversion

No nonconforming use shall, if once changed into a conforming use, be changed back again to a nonconforming use.

E. Alteration

A nonconforming building may not be structurally altered during its life to an extent exceeding, in aggregate cost, twenty-five percent (25%) of the assessed value of the building unless said building is changed to conform to the requirements of this Zoning Law.

F. District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification the foregoing provisions shall also apply to any nonconforming use existing therein or created thereby.

ARTICLE VII - ZONING DISTRICTS

ARTICLE VII ZONING DISTRICTS

SECTION 701 ZONING DISTRICT CLASSIFICATION

The Village of Gainesville is hereby divided into the following zoning districts and overlay zone:

C-L Crop Land District
R Residential District
C-R Commercial - Residential District
I Industrial District (*Reserved*)
PUD Planned Unit Development District (*Reserved*)
MPD Manufactured Home Park District (*Reserved*)
FPO Flood Plain Overlay Zone

SECTION 702 NEWLY ANNEXED LANDS

In order to promote orderly development and the general welfare of the community, where land is newly annexed but before legislative action can be taken to zone said land designating said land as being in one of the districts referred to in Section 701 of this Article, such newly annexed land shall not be improved or developed in any manner, including the erection of any buildings or other structures or alteration of any existing buildings or other structures thereon or change of any use with respect thereto until such legislative action is taken; provided, however, that if such legislative action is not taken and such designation is not made within one hundred eighty (180) days of the effective date of annexation, the restrictions contained in this Section shall no longer apply.

SECTION 703 ZONING MAP

The zoning districts are shown, defined and bounded on the zoning map accompanying this Zoning Law which map is made a part of this Zoning Law. The zoning map is hereby made a part of this Zoning Law and shall be on file in the Gainesville Free Library or such other place as designated by resolution of the Village Board.

SECTION 704 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

- A. Questions concerning the exact location of district boundary lines as shown on the zoning map shall be resolved by the Zoning Enforcement Officer with the option of appeal of such determination to the Zoning Board of Appeals.

ARTICLE VII - ZONING DISTRICTS

pursuant to the provisions of Section 402 of this Zoning Law.

- B. Where a district boundary line divides an existing lot of record, the regulations for the less restricted part of such lot shall extend to this lot line in the more restrictive district of fifty (50) feet or whichever is less, provided the lot has frontage on a street in the less restricted district.

SECTION 705 EXISTING LOTS OF RECORD

Yard and area requirements for previously undeveloped lots of record existing prior to the effective date of this Zoning Law, which cannot conform to existing area requirements, shall be determined by the Zoning Board of Appeals. In making their determination the Zoning Board of Appeals shall take into consideration the yard and area requirements for the zoning district in which the undeveloped lot is located in and the existing yard and area dimensions found for other lots in the general vicinity.

SECTION 706 CROP LAND DISTRICT - CROP FARMS ONLY (C-L)

The C-L District is an acknowledgment by the community that the Village of Gainesville, which is located in the heart of Wyoming County, has a long, prestigious and valued history based in agriculture. Due to various agricultural practices now in existence and the abundance of a shallow aquifer within the village, it is necessary to preserve harmonious growth with the reduction of animal waste and limited agricultural practices within the village limits. This will protect the inhabitants of this small village which does not have sufficient infrastructures to insulate it from certain agricultural practices. Those lands not specified as Residential, Commercial, Residential, Industrial or reserved for some other use, are designated C-L Districts. It is the intent and desire of this board to continue to work with the agriculture industry, while at the same time preserving the quality of life now enjoyed in the Village of Gainesville.

- A. The following uses are permitted in a C-L Districts:

1. Crop land.
2. Crop farming.
3. Single family dwelling.

- B. The following uses are permitted in a C-L District upon the issuance of a special use permit:

1. Veterinary facility
2. Animal hospital

ARTICLE VII - ZONING DISTRICTS

3. Fruit trees
4. Orchards
5. Greenhouses
6. Campgrounds
7. Golf courses
8. Fishing reserves
9. Lodges and meeting halls
10. Airports and airstrips
11. Radio and television towers

C. The following uses are strictly prohibited in a C-L Districts:

1. Animal husbandry
2. Pasturing of farm animals
3. Storage of animal waste, in other than approved facilities.
4. Spreading of animal waste on said crop land within one hundred (100) feet of any residential boundary.

SECTION 707 RESIDENTIAL SINGLE-FAMILY DISTRICT (R)

The R District is designed to accommodate primarily single-family residential uses. The primary purpose of this district is to preserve the character of existing single family neighborhoods and encourage quality residential development in those newly developed or still undeveloped areas of the Village.

A. The following uses are permitted in R Districts:

1. Single family dwelling
2. Home occupation
3. Accessory building
4. Swimming pool, tennis court (noncommercial)

B. The following uses are permitted in the R District upon the issuance of a special use permit:

1. Educational and cultural institution
2. Church and other similar places of worship
3. Rectory, convent, and/or cemetery
4. Public park
5. Day care center
6. Two family dwelling

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SECTION 708 COMMERCIAL-RESIDENTIAL DISTRICT (C-R)

The C-R District is designed to accommodate primarily commercial uses. The primary purpose of this district is to provide areas for small to medium sized commercial uses. Site plan review is required of all uses in C-R Districts.

A. The following uses are permitted in C-R Districts:

1. Retail store/service
2. Motel/Hotel/Inn
3. Funeral home
4. Business and professional office
5. Restaurant
6. Bakery
7. Accessory building
8. Bank
9. Club
10. Church and other similar places of worship

B. The following uses are permitted in C-R Districts upon the issuance of a special use permit.

1. Gasoline station
2. Gasoline station-market
3. Drive-in establishments
4. Motor vehicle sales and service
5. Night club/taverns
6. Medical clinic
7. Self-service storage facility
8. Boarding house
9. Arcade and Indoor recreation
10. Governmental uses

SECTION 709 INDUSTRIAL DISTRICT (I) RESERVED

The I District is designed to accommodate industrial uses. Site plan review is required of all uses in the I District.

A. The following uses are permitted in I Districts:

1. Enclosed manufacturing industry
2. Enclosed warehouse or wholesale use

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3. Public utility structure
4. Enclosed service and repair
5. Machinery and transportation equipment, sales, service and repair
6. Enclosed industrial processes and service
7. Freight or trucking terminal
8. Contractor's yard
9. Public garage
10. Restaurant
11. Retail store/service
12. Greenhouse
13. Accessory building

B. The following uses are permitted in I Districts upon the issuance of a special use permit:

1. Manufacturing use (not enclosed)
2. Warehouse or wholesale use (not enclosed)
3. Service and repair (not enclosed)
4. Adult uses
5. Self-service storage facility
6. Drive-in establishments
7. Car wash
8. Governmental use
9. Veterinary clinic/Animal hospital
10. Animal shelter

SECTION 710 PLANNED UNIT DEVELOPMENT DISTRICT (PUD) RESERVED

A. Purpose

1. The purpose of the Planned Unit Development District is to permit greater flexibility, more creative and imaginative design and utilization of innovative land development techniques while promoting more economical and efficient use of land, buildings, circulation systems and utilities.
2. To provide for both individual building sites and common property which are planned and developed as a unit.
3. To provide harmonious land uses which offer a high level of amenities.

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4. To permit a variety of residential types and/or non-residential uses.
5. To preserve natural and scenic qualities of the site during the development process.

B. General Requirements

1. Minimum Area: The minimum area required to qualify for a Planned Unit Development shall be ten (10) contiguous acres of land.
2. Ownership: The tract of land for a Planned Unit Development may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner, or jointly by owners, of all property included in a project. In the case of multiple ownership, the approved Planned Unit Development plan is binding on all owners.
3. Location: The Planned Unit Development District shall be applicable to any zoning district or parts of zoning districts where the applicant can demonstrate that the characteristics of his holdings and plan will meet the objectives of this section.
4. Common Open Space: Common open space in a Planned Unit Development may be one (1) or more sites for use in common by all of the occupants within the project area or by the residents of the Village as a whole, depending upon dedication of such sites. Such common open space may be retained in private ownership or received in dedication by the Village. If the open space remains in private ownership, arrangements for the operation, maintenance, improvement and liability of such common property and facilities must be approved by the Village Board. No common open space, so designated by the proposal and approved by the Village Board, may be thereafter developed or disposed of except with the approval of the Village Board.
5. Permitted Uses: Any uses identified as permitted uses or uses allowed by special permit as set forth in this Zoning Law may be permitted in a Planned Unit Development.
6. Mix of Uses: The mix of permissible uses shall be determined by the Village Board.

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C. Application Procedure and Approval Process

1. Conceptual Review: Before submission of a petition for rezoning as a Planned Unit Development, the developer is encouraged to meet with the Village Planning Board to determine the feasibility and suitability of his proposal before entering into any binding commitments or incurring substantial expenses of site plan preparation and the required documentation.
2. Rezoning Procedure:
 - a. Submission of Petition: All petitions for the establishment of Planned Unit Development districts shall be submitted to the Village Clerk (see Paragraph "d" of this Subsection)
 - b. Notification and Referral: Within ten (10) working days, the Village Clerk shall notify the Village Board of the petition and shall refer the petition and all supporting documentation to the Village Planning Board for their review and recommendations.
 - c. Planning Board Review: Within forty-five (45) days of receipt of the application, the Village Planning Board shall review the petition and shall recommend approval, approval with modifications or disapproval. Failure to act within forty-five (45) days or such longer period as may be consented to shall cause such application to be forwarded to the Village Board without a recommendation.
 - d. Submission Requirements: The applicant shall submit a minimum of four (4) sets of such plans, and drawings (additional sets may be required). These four (4) sets shall be submitted to the Village Clerk. The preliminary plans shall be accompanied by such maps, charts and written material necessary for the Boards to make a preliminary judgement on the suitability and impact of the proposed Planned Unit Development on the Village. Preliminary plans should include the following:
 - (1) A preliminary site plan of the property covered by the petition showing the approximate size and location of the various development areas (road rights-of-way)

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single-family housing areas, multi-family housing areas, commercial and open space areas, etc.); the number and type of residential structures and dwelling units within each residential area; the approximate square footage of non-residential use within each non-residential area; the amount of open space; traffic circulation; and the surrounding land uses.

- (2) A written preliminary description of the proposal including the total number of acres in the site; the estimated number and type of housing units; the estimated residential and nonresidential density; the major planning assumptions and objectives; the probable effect on adjoining properties; and the effect on the overall Village development plan and the effect on this Zoning Law.

- e. Review Considerations: In review of the preliminary plans, the Planning Board shall consider the manner with which the proposal fits the general pattern of land use established by the Zoning Law, and the impact on the established land uses in the area, overall density of development, traffic circulation, the provision of open spaces, and the effect on schools and other municipal facilities.

- f. Village Board Review and Approval: Upon receipt of the Planning Board's recommendation, the Village Board may, after a public hearing and review of the proposed zone change by the County Planning Board, amend the Zoning Law so as to establish and define the boundaries of the Planned Unit Development. If the rezoning request is approved for the Planned Unit Development, such action does not authorize improvements to the rezoned land.

3. Final Plan

- a. Ownership: Before final approval of the Planned Unit development, the applicant must show evidence of the full legal ownership in the land.
- b. Submission of Final Plan: Upon approval of the zone change, the applicant has one (1) year in which to submit a final plan

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to the Village Clerk.

- c. Notification and Referral: Within ten (10) working days, the Village Clerk shall notify the Village Board of the petition and shall refer the petition and all supporting documentation to the Village Planning Board for their review and recommendation.
- d. Planning Board Review: Within forty-five (45) days of receipt of the application, the Village Planning Board shall review the petition and shall recommend approval, approval with modifications or disapproval. Failure to act within forty-five (45) days or such longer period as may be consented to shall cause such application to be forwarded to the Village Board without a recommendation.
- e. Submission Requirements: The applicant shall submit a minimum of four (4) complete sets of the final plan and drawings (additional sets may be required). These four (4) sets shall be submitted to the Village Clerk. The applicant shall submit detailed site plans comparable to the requirements for final approval of a subdivision plan. The final plan shall be accompanied by a detailed justification for the proposal including such maps, charts and written material necessary for the Village to make an impartial judgement on the suitability and impact of the proposed Planned Unit Development on the Village. Such material shall include, but not be limited to, the following:
 - (1) A mapped development plan of the property covered by the petition showing the approximate size and location of the various development areas (road rights-of-way, single-family housing areas, multi-family housing areas, commercial and open space areas, etc.), the number of residential structures and dwelling units within each residential area, the approximate square footage of non-residential use within each nonresidential area and the amount of open space.
 - (2) A written description of the proposal including the major planning assumptions and objectives, the

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probable effect on adjoining properties, the effect on the overall Village development plan and the effect on this Zoning Law.

- (3) Such additional written material, graphs or charts as are necessary to present the total number of acres in the site, the number and type of housing units, to gross and net residential densities, the approximate selling and/or rental prices of the units, and square feet of nonresidential floor area including the approximate selling and/or rental price, the development schedule expressed in units per month (or year or any other appropriate time sequence), the phasing plan (if any), the approximate completion date of the entire project, and the estimated total construction cost of the project upon completion.
- (4) Such other written or graphic material as is necessary for the Planning Board to judge the impact of the proposal on the Village. Such material shall include, but not be limited to: the need for new public facilities and the adequacy of existing facilities including a statement of the intent to which the applicant intends to provide needed facilities, a fiscal impact statement including a development, the projected new population, and the method of assuring that all open spaces will be permanently maintained and devoted to open space uses.
- (5) A full Environment Assessment form (EAF) in accordance with State Environmental Quality Review Act (SEQRA) will be submitted with each application.

f. Review Considerations: In review of the final plan, the Planning Board shall consider the manner with which the proposal fits the general pattern of land use established by the Zoning Law, and the protection of the established and permitted uses in the area. It shall consider:

- (1) the location of main and accessory buildings and their relation to one another; and

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- (2) the circulation pattern of the site, and
- (3) the amount, location, and access of parking and off-street loading space facilities; and
- (4) the height and bulk of buildings; and
- (5) the provision of open spaces landscaped areas, signs, and similar features of the site plan; and
- (6) the safeguards provided to minimize possible detrimental effects of the proposed development on adjacent property and the surrounding neighborhood; and
- (7) the manner of conformance with the official development policies of the Village; and
- (8) the effect on schools and other municipal facilities; and
- (9) the manner in which natural and scenic characteristics of the site are preserved.

g. Village Board Review and Approval: Upon receipt of the Planning Board's recommendation, the Village Board may, after a public hearing a review of the final plan by the County Planning Board, approve, approve with modifications or disapprove the final plan. The Village Board shall make final decision in accordance with official village development policies and may impose conditions relating to that plan.

h. Design Standards

- (1) Area Requirements: Overall area, yard, coverage, height, density and supplementary regulation requirements shall be comparable to minimum requirements in appropriate zoning districts for each specific use, except where the Planning Board finds that it is in the public interest to modify these requirements and the Village Board approves such modifications.

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- (2) Traffic and Circulation: All proposed public roads shall meet the design and construction specifications set forth by the Village. Special consideration should be given to pedestrian movement from the standpoint of safety, convenience and amenity. Sidewalks, curbs and gutters should be considered in the design of the overall circulation system.
- (3) Common Open Space: All common open space should be preserved and maintained for the intended purpose through one (1) or more of the following methods:
 - (a) Public dedication.
 - (b) Establishment of a Home Owners Association.
 - (c) Retention of responsibilities, control and maintenance by the developer.
- (4) Performance and Maintenance Bonds
 - (a) Performance and maintenance bonds may be required at the discretion of the Village Board.

SECTION 711 MANUFACTURED HOME PARK DISTRICT (MPD) RESERVED

A. Intent

It is the intent in creating the Manufactured Home Park District to provide opportunity for diversity in housing choice. It is also intended to provide greater opportunity for obtaining moderate cost housing to meet the needs of a variety of household types. Finally it is the intent of this section to enact proper control and development regulations to insure that manufactured home parks provide an attractive and functional residential environment. The Village will entertain proposals for manufactured home park districts provided that rezoning is consistent with the Village's Master Plan and in conformance with these regulations.

B. Permitted Principal Uses

- 1. Single family manufactured homes.

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C. Permitted Accessory Uses

1. Private garages and carports.
2. Customary residential storage structures.
3. Off-street parking and signs in accordance with Article V, Section 502.
4. Community facility buildings and uses serving the residents of the manufactured home park, subject to approval of the Village Board.

D. Uses Permitted Upon Issuance of a Special Permit by the Planning Board

1. Essential services, excluding power plants, maintenance buildings and storage yards.

E. Additional Uses and Requirements

Re-zoning for a manufactured home park shall not be approved until conceptual site plans for the park have been reviewed by the Planning Board and approved by the Village Board. No site preparation or construction shall commence until the property has been rezoned and all permits have been issued by all governmental agencies involved. This provision shall apply to the expansion or alteration of existing manufactured home parks as well as to proposals for new parks. A site plan for the establishment of a new manufactured home park or for the expansion or alteration of an existing manufactured home park shall contain all of the required data elements specified herein plus any additional information which may be required by the Planning Board to complete its review and evaluation of the proposed plans. In the review of proposed site plans the Planning Board's investigations shall certify for action by the Village Board that the plans comply with the following standards and development regulations:

1. Circulation
 - a. Every roadway within a manufactured home park shall have a minimum street/pavement width of twenty-two (22) feet, and a minimum right-of-way width of sixty (60) feet. Internal streets shall conform to the following standards:
 - b. Cul-de-sacs shall be provided in lieu of closed end streets and

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shall have a minimum diameter of seventy (70) feet.

- c. All streets shall be constructed of blacktop or equivalent of same and shall be designed, graded and leveled as to permit the safe passage of emergency and service vehicles at a speed of fifteen (15) miles per hour and meet with the recommendations and specifications of the Highway Superintendent.
- d. Each street shall be named and each manufactured home lot thereon shall be given a permanent number which shall be affixed to the manufactured home and shall be visible from the street.
- e. All internal streets shall be illuminated from dusk to dawn with adequate lighting.
- f. Every roadway within a manufactured home park shall be maintained in good repair and shall be open at all times for travel by occupants of the park and necessary fire, police, ambulance, public utility maintenance and fuel supply vehicles. The park owner shall be responsible for providing and paying the cost of such maintenance and all necessary snow removal. The provisions of this subsection shall apply to existing manufactured home parks and manufactured home parks hereafter established.
- g. Pedestrian walkways shall be provided along at least one (1) side of all interior streets. Said walkways shall have a width of not less than four (4) feet.

2. Off-Street Parking

- a. Each manufactured home lot must have two (2) off-street parking spaces. Alternative parking facilities may be provided so that each manufactured home lot will have one off-street parking space with a common parking area utilized for second vehicle parking, guest parking and for delivery and service vehicles.
- b. No on-street parking shall be permitted.

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- c. No boats, camp haulers, manufactured homes or motor vehicles shall be parked or stored overnight at any place within the manufactured home park except in designated special off-street parking areas.
- d. No unlicensed vehicles or trailers or parts thereof or junk of any nature or description shall be parked or stored within the manufactured home park.

3. Services

- a. A recreation area, with adequate provisions for facilities, maintenance and supervision for use of the occupants shall be provided within the park. Said recreation area and facilities shall be approved by the Village Board and shall encompass an area of not less than five (500) hundred square feet for each manufactured home lot. In no event shall such area be less than ten thousand (10,000) square feet.
- b. At least one (1) service building shall be constructed in each manufactured home park which shall be adequate to provide for storage of all equipment, tools and materials necessary for the maintenance of the park. All such equipment, tools and materials shall be stored within said building when they are not in use.
- c. The plan for a manufactured home park shall provide a system of fire protection, including a fire alarm system and a water reservoir, if necessary, deemed satisfactory by the local volunteer fire company.
- d. An adequate supply of water shall be provided for manufactured homes, service buildings and other accessory buildings. Where public water is available, connection thereto shall be used exclusively. If a public water supply is not available, the development of a private water supply system shall be approved by the Wyoming County Health Department.
- e. An adequate and approved system shall be provided in all parks for conveying and disposing of sewage from manufactured homes, service buildings and other accessory

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facilities. Such system must be designed, constructed and maintained in accordance with standards and regulations prepared by the Wyoming County Health Department. Approval by the Wyoming County Health Department shall be required before any permit or license may be issued.

- f. Each manufactured home dwelling placed in a park shall be equipped with its own toilet, bath and kitchen facilities enabling the occupants to function as an independent housekeeping entity.
- g. No toilet or bath facilities shall serve more than one (1) family residing in a manufactured home park.
- h. An adequate storm drainage system shall be installed.
- i. All public utility, electric, gas, cable, television and telephone lines shall be installed underground.
- j. The park owner shall provide for the regular collection and disposal of garbage, trash and rubbish to prevent the trash containers from overflowing. All receptacles for trash shall have covers to prevent the littering of grounds with trash and refuse. Said park owner shall supply the municipality with a copy of said disposal contract.
- k. All fuel tanks used for heating within manufactured homes shall be installed in accordance with standards established by the New York State Department of Environmental Conservation or NFPA.
- l. No manufactured home shall be located on a manufactured home lot until the roadways, sanitary sewage disposal system, water supply system and storm drainage system serving said manufactured home lot have been installed in accordance with the approved site plan for the manufactured home park.
- m. Manufactured home park owner shall obtain a permit from the Village approving the location of a site for the placement of individual manufactured home units prior to such units being occupied. No permit shall be issued until the owner has obtained a written certification from the Gainesville County

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Health Department that the sewage disposal system has been properly installed and that it meets or exceeds the minimum operating standards of the Sanitary Code.

4. Other Requirements

- a. Only one (1) detached accessory building, not exceeding one hundred fifty-three (153) square feet in building area, may be constructed on each such manufactured home lot. Buildings attached to a manufactured home may be constructed provided the total building area thereof does not exceed one hundred percent (100%) of the building area of the manufactured home. These provisions shall not apply to carports. A permit must be obtained from the Zoning Officer prior to construction of any such enclosure or addition. The application shall provide a detailed plan of the proposed construction. Such accessory structures shall either be completed or entirely removed from the manufactured home park within two (2) months of the date of issuance of such permit.
- b. Each manufactured homeowner shall enclose the bottom portion of the manufactured home with either a skirt or enclosure within thirty (30) days after arrival in park. Skirting shall meet the requirements specified in this Ordinance or as dictated by the New York State Uniform Fire Prevention Code or the New York State Building Code, whichever is stricter in its regulations.
- c. A landscape plan shall be prepared and carried out which will assure the Planning Board that an appropriate planting of trees and shrubs will be included in the park design, including buffering where necessary.
- d. Each manufactured home site shall be provided with a stand which will give a firm base and adequate support for the manufactured home. Such stand shall have a dimension approximating the width and length of the home and any additions or expansions, thereto. Well anchored tie downs shall be provided on at least each corner of the stand. Manufactured home stands, tie downs and foundations shall meet the specific requirements of this Ordinance.

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- e. Should the Zoning Officer determine that the owner of the manufactured home park is in violation of any of the provisions and regulations of this Section, the approval authorizing the establishment of the park shall be null and void. Unless the violation is corrected within thirty (30) days of written notification of the violation by the Zoning Officer the use of the site for a manufactured home park shall be discontinued and all of the manufactured homes on the site removed within ten (10) days following the thirty (30) day period to correct the violation.

5. Sales

- a. No manufactured home lot shall be sold in a manufactured home park.
- b. Manufactured homes shall be offered for sale, displayed for sale or sold only within a manufactured home park. New manufactured home units, for sale, shall either be connected to all utilities or placed within a designated sales area approved as part of the overall site plan. Such designated sales area shall be only for the sale of manufactured homes in the approved park.
- c. On-site commercial sales of manufactured homes may be permitted until such time as the park reaches one hundred percent (100%) lots in the park. Such commercial activity shall be discontinued and all evidence of such activity removed within seven (7) days of reaching one hundred percent (100%) occupancy.

6. Management of Manufactured Home Park

- a. Every manufactured home park shall be under the direct management of the owner or his agent.
- b. Such person shall operate the manufactured home park from an office located within the park.
- c. Such person shall maintain a current record of the names of all persons residing at the park.

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- d. These records shall be available to any authorized person inspecting the park for compliance with these regulations.

F. Dimensional Requirements

1. Density and Setback Requirements

- a. Each manufactured home lot within the park shall comply with the applicable lot size, building size and setback requirements set forth in the schedule herein.
- b. The minimum site area of a manufactured home park shall be not less than thirty (30) acres.
- c. No manufactured home or other structure in a manufactured home park shall be located within one hundred (100) feet of any public street line or within two hundred (200) feet of any other property line of the manufactured park.
- d. Not more than one (1) manufactured home shall be located on any one (1) manufactured home lot. Every manufactured home within a manufactured home park shall be located on a manufactured home lot or in a designated storage area shown on the approved site plan for said park.
- e. Each manufactured home lot shall front on an interior park roadway. An iron stake shall be located and maintained by the park owner at the corner of each manufactured home lot.
- f. No addition to any manufactured home park and/or new manufactured home park shall be constructed within two hundred (200) feet of the line of any Residential District.
- g. There shall be a landscaped buffer area not less than fifty (50) feet in depth around the perimeter of all new or expanded manufactured home parks.

G. Other Requirements

- 1. No manufactured home on an individual lot may be occupied unless the occupant of the manufactured home is either the owner of the

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premises on which the manufactured home is placed or the employee of the owner of the premises.

2. Manufactured homes owned by guests of property owners may be permitted and remain upon private property for a period of up to twenty-one (21) consecutive days in any six (6) month period calculated from the day when such manufactured home is placed on the premises.
3. No person shall be permitted to purposely lease land to place a manufactured home thereon to avoid the purposes and purports of this Ordinance and should any person do so, both the lessor and the lessee shall be guilty of violating this Ordinance and subject to the penalties thereunder.
4. The provisions of this Ordinance shall not be deemed to include camping manufactured homes in storage which are not the principal living quarters of the owner.
5. All manufactured homes shall be placed in a line with other buildings constructed in the area where the manufactured home is situated. The largest dimension of the manufactured home shall be placed so as to be parallel to the street upon which the home fronts.
6. All manufactured homes shall be placed directly upon a permanent foundation consisting of a floor of at least six inches of poured concrete, or eight inch cement block, placed upon a pure concrete footer which is not less than sixteen inches wide and six inches in depth. This foundation shall extend a minimum of forty-two (42) inches below the finished grade. The foundation shall be adequately vented.
7. All manufactured homes shall be secured to the permanent foundation in at least each corner by steel rods which are anchored down through the foundation wall into the footer. When the foundation walls are made of cement blocks, the corner blocks shall be filled with concrete. Each anchoring device shall be able to sustain a minimum load of four thousand, eight hundred (4,800) pounds.
8. Each manufactured home lot shall contain a home stand to provide adequate support for the placement and tiedown of the manufactured home. The stand shall not heave, shift, or settle unevenly under the

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weight of the manufactured home as a result of any frost action, inadequate drainage, vibration or other such forces. The material used in constructing the stand should be durable and capable of supporting the expected load regardless of the weather.

SECTION 712 FLOOD PLAIN OVERLAY -Information Only (FPO)

The Flood Plain Overlay Zone is shown on the zoning map of the Village of Gainesville for information purposes only to identify potential areas of special flood hazard, to insure coordinated review of zoning and flood damage prevention regulations, and to minimize the threat of flood damages. Exact boundaries of the special flood hazard areas can be found on the Federal Emergency Management Agency's (FEMA) most current Flood Insurance Rate Map (FIRM), or equivalent map for the Village of Gainesville (Community Number 360281 0001 B).

There is hereby established a Flood Plain Overlay Zone (FPO), the boundaries of which are delineated on the Zoning Map. This section provides additional special requirements for areas within the defined Flood Plain Overlay Zone. These requirements are in addition to those contained in the underlying zoning district.

**ARTICLE VIII
SITE PLAN**

SECTION 801 SITE PLAN REVIEW

Site plan review shall be required of all uses excluding Agricultural uses, accessory building for this use also exempt. The Planning Board, at a regular meeting, shall review and approve, approve with modification, or disapprove a site plan in connection with any matter requiring submission of a site plan.

SECTION 802 SUBMISSION OF SITE PLAN AND SUPPORTING DATA

- A. In addition to the site plan initially submitted by an applicant, the Planning Board may require other data to be presented in graphic form and accompanied by a written text. Such other supporting data may include, but is not limited to, the following:
1. Traffic circulation, parking and loading spaces, and pedestrian walks.
 2. Topography and landscaping plans including site grading, landscaping design, open areas and buffer zone.
 3. Preliminary architectural drawings for building to be constructed, floor plans, exterior elevations and sections.
 4. Preliminary engineering plans; street improvements, storm drainage, water supply and sanitary sewer facilities.
 5. Engineering feasibility studies of any anticipated problem which might arise due to proposed development, as required by the Planning Board.
 6. Construction sequence and time schedule for completion of each phase for buildings, parking, and landscaped areas.
 7. Description of proposed uses; hours of operation and expected number of employees, volume of business, and volume of traffic generated.
 8. If more than one (1) acre of land is disturbed by construction, in accordance with federal and state law, an Erosion and Sediment

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Control Plan will be required for all projects submitted.

SECTION 803 SITE PLAN REVIEW CRITERIA

- A. When necessary under Section 239 of the General Municipal Law, the Planning Board shall forward the site plan to the Woming County Planning Board for its review prior to taking any final action. The Village Planning Board shall review the site plan and supporting data before approval, approval with modifications, or disapproval of such site plan, taking into consideration the following:
1. Harmonious relationship between proposed uses and existing adjacent uses.
 2. Maximum safety of vehicular circulation between the site and street.
 3. Adequacy of interior circulation, parking and loading facilities with particular attention to pedestrian safety.
 4. Adequacy of landscaping and setbacks to achieve compatibility with, and protection of, adjacent residential uses.
 5. Compatibility Architecture
 6. The Planning Board may require changes or additions in relation to yards, driveways, landscaping, buffer zones, etc., to insure safety, to minimize traffic difficulties and to safeguard adjacent properties. Should changes or additional facilities be required by the Planning Board, final approval of site plan shall be conditional upon satisfactory compliance by applicant in making the changes or additions.
 7. Any applicant wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval.

SECTION 804 PERFORMANCE BOND OR LETTER OF CREDIT AS A CONDITION OF SITE PLAN APPROVAL

- A. Approval

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The Planning Board may require as a condition of site plan approval that the applicant file a performance bond or Letter of Credit in such amount as the Planning board determines to be in the public interest, to insure that proposed development will be built in compliance with accepted plans. The amount of any such bond must also be approved by the Village Board.

SECTION 805 PERFORMANCE STANDARDS

In all districts, uses are not permitted which violate applicable county, state and/or federal codes and regulations pertaining to environmental issues. The Planning Board, under its powers of site plan review and approval, shall decide whether uses meet these standards.

SECTION 806 OTHER DUTIES NOT IMPAIRED

The provisions of this Article shall not be interpreted to limit in any way those powers and duties of the Planning Board as set forth in Article 7 of the New York Village Law.

ARTICLE IX - COMPREHENSIVE PLAN

ARTICLE IX COMPREHENSIVE PLAN

A. HISTORICAL, GEOGRAPHICAL AND ECONOMIC SETTING

The Village of Gainesville is located in Western New York, in the heart of Wyoming County, and it is located approximately fifty miles from both Buffalo and Rochester.

The entire Village of Gainesville encompasses a total of 0.9 square land miles and is home to 85 families, with a total population of roughly 304 people. This number represents a 10.6% decrease since 1990, when it was estimated that 340 people had made their homes in this quiet community.

The area surrounding the Village of Gainesville is home to Wyoming County's largest industry of agriculture. It is acknowledged by the community that the Village of Gainesville has a long, prominent and valued history based in agriculture. Dairy farming is the predominating type of agriculture but there are also some sizable potato and vegetable operations as well. In some areas grain is also grown. Every effort should be made to protect and promote this industry while at the same time preserving harmonious growth. The existence of a shallow aquifer throughout the Village necessitates restricted agricultural practices within the municipality's limits to ensure the protection of the inhabitants of this small Village, which does not have a sufficient infrastructure to insulate it from certain agricultural practices. The other two major employers for the Village of Gainesville are the Town of Gainesville and a branch office of the Bank of Castile.

The largest concentration of rural residences is located along State Route 19. The existing housing stock should be preserved and the Village should be maintained as the core of the community. Residential construction should be strictly controlled in areas which are subject to flooding. The Village should encourage the attraction, retention and expansion of a sufficient number and variety of businesses and industries to provide jobs and a healthy tax base.

B. OVERALL COMMUNITY OBJECTIVES

1. Require all future development, both public and private, to meet high standards of quality and appearance.
2. Encourage the attraction, retention and expansion of a sufficient number and variety of businesses and industries to provide jobs and a healthy tax base.
3. Establish and maintain a consistent housing policy that provides for decent housing of all types open to all persons at prices and rents within their means.

ARTICLE IX - COMPREHENSIVE PLAN

4. Prepare and maintain a comprehensive plan to serve as a guide for public and private developments.
5. Adopt and maintain regulatory provisions which promote orderly growth and balanced land use.
6. Provide public services and facilities that efficiently meet and anticipate the needs of all segments of the public not adequately provided for by private enterprises.
7. Promote intergovernmental cooperation at local, county and regional levels in order to provide public facilities and services which are advantageous and economic to all.
8. Develop and maintain a capital improvements program to insure a high level of public services without creating an undue burden on local taxpayers.

C. RESIDENTIAL

GOAL: Encourage the development of residential neighborhoods which serve all income groups and support the concept of maintaining the Village as the community center.

POLICIES:

1. Preserve the existing housing stock and maintain the Village as the core of the community.
2. Establish regulations away from the industrial base of the Village and with potential to be served by public utilities.
3. Encourage a wide range of housing types affordable to all income groups.
4. Design areas to minimize through vehicular traffic within neighborhoods.
5. Residential construction should be strictly controlled in areas which are: subject to flooding, characterized by steep slopes or soils which are unstable and subject to erosion.
6. Residential areas should be buffered from commercial and industrial areas, railroads tracks and other incompatible uses by landscaping or other appropriate means.
7. Residential areas should be designed to avoid direct access or frontage on major streets. Encourage use of frontage roads, loop streets and cul-de-sacs.

ARTICLE IX - COMPREHENSIVE PLAN

8. Support programs aimed toward the realization of any or all of these goals and policies and the housing needs of the Town and Village of Gainesville and Wyoming County.

GOAL: Maintain a continuing program directed toward preservation of all residential areas and elimination of blight or deterioration whether present or future.

POLICIES:

1. Keep residential areas free from incompatible and inharmonious uses.
2. As a means of maintaining the quality of the residential environment consider the adoption of a housing and property maintenance code.
3. As a means of encouraging improvements to existing housing prepare a statement delineating the types of repairs/improvements that could be made without increasing assessments.
4. Review and where necessary amend zoning regulations to insure proper land development controls.
5. Support high level of public facilities and services.

D. COMMERCIAL-RESIDENTIAL

GOAL: Encourage the development and maintenance of commercial facilities needed to serve the projected population of the Village in an efficient and accessible manner. Also, to promote the siting of multi-family housing complex within said area as it shall minimize the conflict between single residential living and multi-family dwellings.

POLICIES:

1. Support efforts to improve and fully utilize the commercial center of the Village.
2. Concentrate new commercial development within will defined nodes in areas which are suitable for such uses and highly accessible to the population. Require adequate off-street parking for such development.
3. Stabilize and enhance existing commercial areas through the encouragement of building renovation, appropriate landscaping and design improvements in order to minimize any potential traffic design improvements in order to minimize any

ARTICLE IX - COMPREHENSIVE PLAN

potential traffic hazards and to increase the general attractiveness of such areas.

4. The conversion of existing commercial structures in to multiple-family residences in such a fashion as to aesthetically fit overall scheme of Village, to enhance the community stock in housing with the Village.
5. Discourage strip commercial development along major roads and unplanned haphazard commercial uses throughout the residential areas.
6. Require attractive and supportive development bordering commercial areas; provide visual/physical buffers where commercial uses are adjacent to residential areas.

E. INDUSTRIAL

GOAL: Strengthen and protect existing industrial areas in the Village of Gainesville; encourage new industrial development which would not compromise the community's basic character.

POLICIES:

1. Encourage the use of existing vacant land within existing industrial areas before expanding industrial areas before expanding industrial districts.
2. Adopt development standards which would protect the community without unduly restricting the potential to attract and retain industry.
3. Improve the appearance of existing industrial areas as necessary, through building renovation, landscaping and other design methods.
4. Require supportive developments bordering industrial areas; provide visual/physical buffers where industrial uses are adjacent to residential areas.

F. TRANSPORTATION

GOAL: Provide an adequate circulation system for land uses which is in scale with the demand.

POLICIES:

1. Require the participation of private developers in providing for needed street improvements, thereby reducing the ultimate public cost of developing circulation system.

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2. Provide adequate facilities for pedestrian movement, including improved pedestrian access to shopping, recreation, and other activity centers.
3. Pedestrian safety and convenience shall be designed and built into all parking areas.
4. Locate facilities, and encourage their subsequent design, so that they blend with or accentuate the natural terrain.
5. Facilitate and coordinate working relationship with the various rail operators within the Village to schedule trains at the least objectionable times of day and in the least objectionable manner.

G. CONSERVATION AND OPEN SPACE

GOAL: Protect important environmental resources from the adverse effects of development.

POLICIES:

1. Require that all development preserve the integrity of existing natural areas and concentrate development in areas proposed for growth in the land use plan.
2. Coordinate drainage planning efforts with those of neighboring towns that include the same drainage basins as th Town of Gainesville and carefully evaluate the effects on drainage of all proposals for development.
3. Require developers to dedicate easements along creeks and other major drainage ways to allow for their maintenance and to reduce the risk of flood damages.
4. Require, as a condition for the approval of development proposals, the application of effective measures to minimize erosion, sedimentation and drainage problems both during and after construction.
5. Maintain wetland areas in their natural state by prohibiting drainage, filling, and development in these areas, unless it is demonstrated that each of the following two conditions is met:
 - a. The wetland area has a very low biological productivity, and
 - b. The wetland area does not serve an important hydrological function of controlling flooding problems or purifying water.

ARTICLE IX - COMPREHENSIVE PLAN

6. Regulate development within flood hazard areas so that it meets the requirements of the Federal Flood Insurance Program and so that it will be resistant to flood damages, will not restrict the flow of flood waters, and will not increase flood hazards to other properties.

H. COMMUNITY FACILITIES

GOAL: Provide high-quality community facilities and services at an acceptable cost to local taxpayers.

POLICIES:

1. Establish a program for capital improvements which will allow for needed improvements to be undertaken without significant increases or fluctuations in the village tax rate.
2. Provide for adequate maintenance, repair and replacement of existing Village facilities including roads, drainage, equipment, buildings and administrative space.
3. Encourage cooperation and sharing of facilities and service between governmental jurisdictions.
4. Encourage multiple use of municipal facilities.
5. Support the stages extension of public water and sewer service only into areas of substantial new growth or where existing development is dense enough to support such services at reasonable costs.
6. Discourage building in non-sewered areas where soils information and percolation tests show marginal or poor conditions or efficient discharge.
7. Cooperate with Wyoming County to promote a county wide solid waste management system.
8. Consider public safety needs and requirements in all plans for future development.