

**VILLAGE OF GOUVERNEUR  
ZONING REGULATIONS**

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**ARTICLE I. GENERAL PROVISIONS**

**Section 1. TITLE**

The title of this Local Law is “Zoning Regulations of the Village of Gouverneur, New York”.

**Section 2. PURPOSES**

The provisions of this Local Law are minimum requirements adopted for the purpose of promoting the health, safety, and the general welfare of the Community by regulating and restricting the height, Number of stories and size of buildings and other structures, the percentage of lots that may be occupied, The size of yards, courts and other open spaces, the Density of population, and the location and use of buildings, Structures and land for trade, industry, residence or other Purposes. These regulations are made with reasonable Consideration, among other things, as to the character of the Districts and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village.

**Section 3. LEGISLATIVE BASIS**

This Local Law is adopted pursuant to Article 7 Sections 7-700, 7-702, and 7-704 of New York State Village Law and Article 2 Section 10 of New York State Municipal Home Rule Law.

**Section 4. PERMITS AND PROCEDURES**

No use or structure shall be established, commenced, constructed, moved, converted, or altered without a building/use permit and certificates. These may include a Building/ Use permit, Certificate of Occupancy and/or Certificate of Compliance. A certificate of Occupancy may be issued by the Code Enforcement Officer prior to issuance of a final Certificate of Compliance. The Certificate of Occupancy may be revoked one year after issuance, if application has not been made for final Certificate of Compliance. Failure to comply will be deemed a violation (see Section 10, Violations). Certificates of Compliance must be obtained by those permittees who have received a Variance, Site Plan Review or Special Use Permit.

**Section 5. CONSTRUCTION APPROVED PRIOR TO ENACTMENT**

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within six months of the date on such permit. The ground story framework of which, including the second tier of beams, shall have been completed within nine months of the date of the permit and the entire building shall be completed according to plans on file with the Code Enforcement Officer within one year from the effective date of this Local Law.

**Section 6. REMOVALS**

Any building or structure erected or use commenced after the effective date of this Local Law must comply with its provisions. Such new buildings, structures or uses which do not conform to the provisions of the Law could be removed and/or halted after issuance of an order or injunction by order of the Village Board. Any building made unsafe through deterioration, fire or other cause may be removed after issuance of an order or injunction by order of the Village Board after not less than ten (10) days from the notice to the landowner that the Village intends to remove the structure. All cost of removal may be recovered directly from the owner, and if not paid within the time allotted, the said cost shall be presented with the tax bill as another cost.

**Section 7. REGISTRATION OF CURRENT CONSTRUCTION**

Construction substantially commenced but not completed and ready for occupancy prior to enactment of this Local Law must be registered with the Code Enforcement Officer within 30 days of the effective date. Registration will be accomplished by completing an application for a permit, which will be approved automatically and without a fee requirement, except as may be required by law.

**Section 8. NONCONFORMING USES, LOTS AND STRUCTURES**

Uses, lots and structures which existed legally, or were commenced legally prior to the effective date of this Local Law and which would be prohibited or restricted under the terms of these regulations may be continued in accordance with Section 5, subject to the following provisions unless otherwise provided:

- A. **Enlargement.** Nonconforming buildings or uses shall not be allowed to enlarge or increase in their non-conformity. The extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this Local Law shall not be deemed the extension of such nonconforming use. No nonconforming use shall be extended to displace a conforming use.
- B. **Alteration.** A nonconforming building may not be structurally altered during its life to an extent exceeding in aggregate cost 50% of the assessed value equalized to full value of the building unless said building is changed to a conforming use.
- C. **Restoration following disaster.** Any building damaged by fire or other causes must be restored within six (6) months of the disaster and completed within one year, unless an extension has been granted by the Code Enforcement Officer.
- D. **Discontinuance.** Whenever a nonconforming use has been discontinued for a period of 12 continuous months, the use shall not therefore be re-established and any future use shall be in conformity with these regulations.

- E. **Relocation.** Should any nonconforming building be moved for any reason, or for any distance, it shall conform to the requirements of these regulations in its new location, except a hardship created through no fault of the owner, in which case this action shall be reviewed by the Zoning Board.
- F. **Change.** Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use. No nonconforming use shall be changed to another type of nonconforming use.
- G. **District Changes.** Whenever the boundaries of a district shall be changed so as to transfer a use, lot or structure from one district to another district of a different classification, the foregoing provisions shall apply to any use, lot or structure made nonconforming because of the district change.
- H. **Lots of Record.** Any deeded or platted lot on record with the County of St. Lawrence at the effective date of this Local Law shall be considered as complying with this Local Law with respect to area. Any new construction after the effective date of this law must meet the minimum yard dimension requirements for existing lots of record.

**Section 9. Special Provisions For Manufactured Home (Double-Wide or Larger)**

- 1. **Manufactured home must be new as of the date of the building permit application.**
- 2. **Manufactured home must be single family owner occupied.**
- 3. **Manufactured home must be placed parallel to street.**
- 4. **Manufactured home must have building block skirting.**
- 5. **Siding on the Manufactured home must be non-metallic non reflective (vinyl, log, cedar shakes)**
- 6. **The roof of the Manufactured home must be non-metallic, non-reflective ( asphalt composition shingle)**
- 7. **Minimum size of Manufactured home must be 28'-0 x 48'-0.**
- 8. **All wheels, axles and towing devices must be removed from the Manufactured home.**
- 9. **Minimum roof slope of the home must be 3/12 pitch and have eave projection of at least 4".**
- 10. **Manufactured home must bear the HUD Seal.**

**Section 10. SPECIAL PROVISIONS**

**In all Boundaries and/or Zoning Districts within the Village of Gouverneur, there shall be no creation of a new cemetery or expansion of any existing cemetery.**

**In all Boundaries and /or Zoning Districts within the Village of Gouverneur there shall be no creation of an Abattoir Business.**

**In all Boundaries and/or Zoning Districts within the Village of Gouverneur there shall be no Hazardous Waste Disposal and /or Storage or Reclamation Facility of same.**

**Section 11. FEES**

**Permit fees shall be paid according to the fee schedule as may from time to time be established by resolution of the Board of Trustees.**

**Section 12. VIOLATIONS**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Local Law, the Board of Trustees in addition to other remedies, may institute any appropriate action or proceedings to: prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; restrain, correct or abate such violation; prevent the occupancy of said building, structure or land; or prevent any illegal act, conduct, business or use in or about a premises.

Any person or persons, firm, corporation, or entity violating any of the provisions of this Local Law, in addition to the above prescribed remedies, shall be subject to a minimum fine of \$100 with a maximum fine of \$250.00 or imprisonment for not more than seven days, or both such fine and imprisonment for each violation. Each week the violation continues shall constitute a separate offense. In addition to the penalty, a violation of this ordinance shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

**ARTICLE II. ZONING DISTRICTS**

**Section 1. ESTABLISHMENT OF DISTRICTS.**

The following districts are established by this Local Law in order to divide the Village into zones with compatible land uses:

- R-1 Residential-One
- R-2 Residential-Two
- R-3 Residential-Three
- R-B Residential-Business
- R-M Residential-Manufactured Housing
- B-1 Business-One
- B-2 Business-Two
- I Industrial

**Section 2. ZONING MAP**

The locations and boundaries of the districts established in Section 1 of Article II are shown on the map entitled "VILLAGE OF GOUVERNEUR ZONING MAP" dated April 2004 and as it may later be amended, which is made a part of this section. Detailed boundaries shall be shown on a set of real property tax maps which shall be certified and kept for this purpose by the Village Clerk. This set of maps is likewise a part of this Section. Where zoning district boundaries appear to follow a natural feature or the centerline of a public road, or a property boundary as existed on the effective date of this Local Law, the boundaries shall be so construed. Disputes as to zoning district boundaries shall be settled by the Zoning Board of Appeals.

**Section 3. RESIDENTIAL-ONE (R-1) DISTRICT**

The R-1 District is established to recognize areas of the Village in which single family homes of traditional construction or appearance predominate, and to protect the integrity of these areas and the value of property through appropriate regulation of lot dimensions, yards, and accessory uses. In the R-1 districts no building or premises shall be used, and no building shall be erected or altered, except for one or more of the following purposes:

**A. Uses Requiring a Standard Permit**

1. One-family Dwelling
2. Accessory Uses Listed Below
  - (a) Private garage
  - (b) Accessory structure.
  - (c) Swimming pool, tennis court, satellite dish in side or rear yard.

**B. Uses Requiring a Special Permit**

1. Accessory home occupation, provided that there shall be no external evidence of such occupation except a small, unlighted, attached announcement or professional sign not over two (2) feet in height or width and any such use shall be accessory to a permitted residential use.

**C. District Standards. Minimum lot dimensions, yard dimensions, lot coverage, and building height shall be as shown in Section 11, Zoning Schedule, of this Article.**

Section 4.

**RESIDENTIAL-TWO (R-2) DISTRICT**

The R-2 District is established to recognize areas of the Village in which one- and two-family homes of traditional construction or appearance predominate, and to protect the integrity of these areas and the value of property through appropriate regulation of lot dimensions, yards, and accessory uses. In the R-2 districts no building or premises shall be used, and no building shall be erected or altered, except for one or more of the following purposes:

**A. Uses Requiring a Standard Permit**

1. One-family dwelling
2. Two-family dwelling
3. Modular Homes
4. Manufactured (Double Wide) Homes
5. Accessory Uses Listed Below:
  - (a) Private garage
  - (b) Accessory structures.
  - (c) Swimming pool, tennis court, satellite dishes in side or rear yard.

**B. Uses Requiring a Special Permit**

1. Accessory Home Occupation, provided that there shall be no external evidence of such occupation except a small, unlighted, attached announcement or professional sign, not larger than two (2) feet in height and two (2) feet in width. Such use shall be accessory to a permitted residential use.
2. Private School, Religious Institution, Library, Museum, Hospital.
3. Day Care (up to 6 children from outside of the home).
3. Community/Conference Center.
5. Conversion of existing homes larger than 3,000 square feet of living space to three family use provided that there are no signs and that parking meets the standards of this Local Law for multi-family dwellings.

**C. District Standards. Minimum lot dimensions, yard dimensions, lot coverage, and building height shall be as shown in Section 11, Zoning Schedule, of this Article.**



**Section 5.**

**RESIDENTIAL THREE (R-3) DISTRICT**

The R-3 District is established to recognize areas of the Village in which there is a mixture of one- and two-family homes of traditional construction or appearance and multi-family dwellings of limited size. The R-3 District is intended to provide for a variety of types of housing, including certain types of manufactured housing. The district also is intended to include certain special types of residential uses, to recognize certain areas of the Village which are in transition from one- and two family uses and to control that transition. In the R-3 districts no building or premises shall be used, and no building shall be erected or altered, except for one or more of the following purposes:

**A. Uses Requiring a Standard Permit**

1. One Family Dwelling.
2. Two Family Dwelling.
3. Modular Homes
4. Manufactured (Double Wide) Homes
5. Accessory Uses Listed Below:
  - (a) Private Garage
  - (b) Accessory Uses
  - (c) Swimming Pools, Tennis Courts, Satellite Dishes in side or rear yard.

**B. Uses Requiring a Special Permit**

1. Tourist, Rooming and Boarding Houses; Group Dwellings; Private licensed Nursing Homes.
2. Group Dwelling, Community Residences as defined in State of New York Codes, Rules and Regulations.
3. Multiple family dwellings (three or more families) that do not exceed two stories in height and ten dwelling units under any one roof.
4. Conversion of Existing Home to Three (3) Family Dwelling
5. Funeral Home
6. Day Care up to twelve (12) Children from outside of the home.
7. Community/Conference Center

**C. Prohibited Uses**

1. Mobile homes.

**D. District Standards. Minimum lot dimensions, yard dimensions, lot coverage, and building height shall be as shown in Section 11, Zoning Schedule, of this Article.**

**Section 6. RESIDENTIAL-BUSINESS (R-B) DISTRICT**

The purpose of the R-B District would allow limited business activities that would combine with the residential character of the neighborhood. All uses would require Planning Board approval. All business related activities would be required to have perimeter fencing and vegetation for screening as per Planning Board requirements. Fences must comply with (Article III Section 1, Subsection 6) of this Local Law.

**A. NO STANDARD USE PERMITS**

**B. USES REQUIRING SPECIAL PERMITS:**

- a. One & Two Family Dwelling
- b. Three Family Dwellings (Only buildings with 3,000Sq. Ft. or larger of living space).
- c. Personal/Professional Services. (Lawyers Office, Tanning Salon, Business Office, Beauty Shop, Barber Shop, Accounting Services, Photography Studio, Realtor Office, Doctor Office, Dentist Office.
- d. Gift/ Craft Shop
- e. Art Gallery/Studio
- f. Bed-Breakfast
- g. Tourist Home
- h. Lodging Home
- i. Existing Restaurants (Would be allowed to enlarge no larger than 50% of the existing building size.)
- j. Laundromats
- k. Boutique, Coffee Shop, Bagel Shop, Dress, clothing, shoe shop/store,  
(Building Size No Larger than 3, 500 sq. ft.)
- l. Other uses which in the opinion of the Planning Board, are of general character as those listed as permitted uses by Special Permit and which will not be detrimental to the district in which they are located.

**C. PROHIBITED USES.**

All Uses Not Listed Above

**D. DISTRICT STANDARDS.**

Minimum lot dimensions, yard dimensions, lot coverage and building height shall be as shown in Section II, Zoning Schedule, of this Article.

## **RESIDENTIAL-MANUFACTURED HOUSING (R-M) DISTRICT**

The R-M District is intended to recognize and provide for modern mobile homes as a viable alternative to on-site construction. In the R-M districts no premises shall be used except for one or more of the following purposes:

**A. Uses Requiring a Standard Permit**

1. R-2 district Uses as permitted by Standard Permit
2. Mobile Homes
3. Accessory uses as permitted by Standard Permit in R-2 districts

**B. Uses Requiring a Special Permit**

1. Uses requiring a Special Permit in R-1 and R-2 districts.
2. Mobile home courts

**C. District Standards.** Minimum lot dimensions, yard dimensions, lot coverage, and building height shall be as shown in Section 11, Zoning Schedule, of this Article.

**Section 7.**            **CENTRAL BUSINESS (B-1) DISTRICT**

The Central Business (B-1) District is intended to foster a climate of commercial success in the downtown area by allowing maximum height and lot coverage flexibility and by prohibiting or closely controlling certain retail businesses which are not compatible with a typical Village. The following regulations apply to the B-1 District:

**A. Requiring a Standard Permit Uses**

1. A Standard Permit may be issued by the Code Enforcement Officer in lieu of a Special Use Permit, for additions or alterations less than 25% of the current foundation square footage, providing same meets current Zoning Regulations.

**B. Uses Requiring a Special Permit**

1. Stores and shops for conducting any retail business, unless otherwise provided for, regulated, or prohibited.
2. Apartments above the street floor.
3. Personal service shops.
4. Banks, Theaters, Amusements, Offices, Taverns, Restaurants, Bus Depots, Hotels/Motels, Bed&Breakfast and similar community services.
5. Professional and business offices and services.
6. Permanent signs.
7. Adult entertainment and/or literature sales, whether printed or recorded through optical, electrical or electronic means.
8. Outdoor eating and/or outdoor entertainment facilities. (Not applicable to not-for-profit organizations, not to exceed seven days).
9. Light Manufacturing/Industry.
10. Conversion of single family dwelling to multiple-family dwelling.
11. Outdoor Storage
12. Accessory Use or Building
13. Government and Institutional Buildings

**C. Uses Prohibited in the B-1 District**

1. Manufacturing/Industry which produces the emission of electronic interference, odor, dust, refuse matter, garbage, smoke, gas or noise (above 65 dbA) or that is dangerous to the comfort, peace, enjoyment, health or safety of the community or tending to its disturbance or annoyance such as abattoir.
2. Ground floor or single story dwelling units fronting on Main Street.
3. Auto Sales as an accessory business, excepting auto repairs.

**D. District Standards.** Minimum lot dimensions, yard dimensions, lot coverage, and building height shall be as shown in Section 11, Zoning Schedule, of this Article.

**Section 8. HIGHWAY COMMERCIAL (B-2) DISTRICT**

The Highway Commercial District is intended to recognize and control the change from residential to auto-related commercial activities which is taking place along the major approaches to downtown. This change, if allowed to continue unregulated, could affect business in the downtown area and create undesirable traffic flow conditions. B-2 district regulations are meant to provide appropriate areas for controlled highway-commercial business expansion and to provide relief from nuisance conditions by requiring large lots, setbacks and off-street parking.

In the B-2 districts no building or premises shall be used and no building shall be erected or altered, except for one of the following uses:

**A. Uses Requiring a Standard Permit**

1. R-1 District Residential Uses.
2. R-2 District Residential Uses

**B. Uses Requiring a Special Permit**

1. Stores and shops for conducting any retail business, except as otherwise regulated in this Section.
2. Multi-store/service complexes under one management or one landlord.
3. Professional office building.
4. Drive-in business, such as restaurants, gasoline stations, car washes, motor vehicle sales and service etc.
5. Light Manufacturing, Light Industry which produces no fugitive gas, dust, odor, noise above 65 dba or electronic interference.
6. Hotel, Motel, Bed/Breakfast, Tavern or Bar.
7. Permanent sign.
8. Adult entertainment and/or literature sales or rentals. Must comply with Local Law #3 of 1986.
9. Religious institution, community center, conference center.
10. Multiple-family dwelling.
11. Government and Institutional Buildings
12. Outdoor Storage

**C. District Standards. Minimum lot dimensions, yard dimensions, lot Coverage and building height shall be as shown in Section 11, Zoning Schedule, of this Article.**

**Section 9. Industrial (I) District.** The Industrial District is intended to provide for the economic development of the Gouverneur area through setting aside developable lands served by Village water and sewerage systems which are close to major transportation routes and which are not close to existing, high density residential areas.

The following regulations apply to Industrial districts:

**A. Uses Requiring a Standard Permit**

1. A Standard Permit may be issued by the Code Enforcement Officer in lieu of a Special Use Permit for additions or alterations less than 25% of the current foundation square footage, providing same meets current Zoning Regulations.

**B. Uses Requiring a Special Permit**

1. Light industry/ Light Manufacturing
2. Heavy Industry/ Heavy Manufacturing
3. Wholesale trade, storage and freight handling.
4. Government and Institutional Buildings

**C. Uses Prohibited.**

1. New residential uses.
2. New retail uses, including services, restaurants, and bars.
3. All uses of land, buildings, and structures or industrial processes that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, or similar substances or conditions, provided, however, that any uses may be permitted if approved by the Planning Board and subject to the securing of a permit therefore and to such conditions, restrictions, and safeguards as may be deemed necessary by said Board for the purpose of protecting the health, safety, morals or the general welfare of the community.
4. Abattoir
5. Hazardous Waste Storage or Disposal

**D. District Standards.** Minimum lot dimensions, yard dimensions, lot Coverage and building height shall be as shown in Section 11, Zoning Schedule, of this Article.

Section 10.

**PLANNED DEVELOPMENT DISTRICTS**

Planned Development Districts are intended to provide a means of developing significant land areas which are considered appropriate for residential, recreational, commercial or industrial use or a combination of these uses in a creative compatible and economic manner by a developer. Provision is made for insuring the public health, safety, welfare, comfort and convenience of the public in general and of the occupants of the immediate neighborhood through review by the Village Board and Planning Board. Planned Development Districts are created by the Village Board by amending the zoning map through a process set forth under Section F, below.

**A. Planned Residential District (PRD)**

**1. Limited to the following specific purposes:**

- Apartments
- Cluster developments/zero lot line developments
- Playgrounds, parks and recreational facilities
- One-family dwelling
- Two-family dwelling
- Townhouse/condominium
- Combination of any of the above

**2. Accessory structures permitted. Accessory uses shall be those allowed in the least restrictive similar district. For example, a Planned Residential District which includes a mix of one- and two-family homes would be governed by R-2 district accessory uses.**

**B. Planned Commercial District (PCD)**

**1. Limited to the Following Specified Purposes**

- Entertainment/amusements
- Professional offices
- Restaurants
- Retail stores

**2. Accessory Uses. Accessory uses shall be specified by the Planning Board during the approval process.**

**C. Planned Unit Development (PUD)**

**1. Limited to the Following Specified Purposes**

- Any combination of PRD and PCD

**2. Accessory Uses. Accessory uses shall be specified by the Planning Board during the approved process.**

**D. Planned Industrial Development (PID)**

**1. Limited to the Following Specified Purposes**

Light industry  
Heavy industry  
Industrial plant recreational facilities

**E. Minimum Standards for Planned Development Districts**

**1. Residential Standards**

- a. District area minimum: Two (2) acres.
- b. Area minimum per dwelling unit: As per previous district requirements.
- c. Required clearance: No building shall be closer than fifty (50) feet to any other building, and no building shall be closer than sixty (60) feet to any boundary line of the district. Clearance with any street shall be as per previous district requirement.
- d. Lot coverage maximum: As per previous district requirements.

**2. Commercial Standards**

- a. District area minimum: Three and one-half (3 ½) acres.
- b. Required clearance: No building shall be closer than fifty (50) feet to any lot boundary line and no building shall be closer than sixty (60) feet to any district boundary line.
- c. Lot coverage maximum: Forty (40%) percent.

**3. Industrial Standards**

- a. District area minimum: Five (5) acres.
- b. Required clearance: No building shall be closer than one hundred (100) feet to any lot boundary line and no building shall be closer than one hundred (100) feet to any district boundary line.
- c. Lot coverage maximum: Thirty-five (35%) percent.

**F. Process for Applying for a Planned Development District**

- 1. A Preliminary Application for establishment of a Planned Development District shall be made to the Code Enforcement Officer to be forwarded within three (3) business days to the Village Board or returned to the applicant within three (3) business days if not complete. The Village Board shall refer the Preliminary Application within seven (7) days after its next Regular Meeting to the Village Planning Board for review.



2. **The applicant shall furnish at least eight (8) preliminary plans, and drawings measuring at least 24"x 36" with a like number of accompany specs. The preliminary plan shall include the following.**
  - a. **Survey to scale stamped by a Licensed New York State Surveyor showing existing features of the property, including property boundaries, contours, buildings, structures, Trees, streets, utility easements, rights-of-way, land use, and sufficient similar information for adjoining properties to show the context of the proposal.**
  - b. **Site plan to a scale equal to the survey showing proposed building locations, land use areas, traffic circulation, parking, pedestrian walks, landscaping and grading, together with adjacent property characteristics as above.**
  - c. **Preliminary drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections.**
  - d. **Preliminary engineering plans including street improvements, drainage systems, public utility extensions, and feasibility studies of any anticipated problems which might arise due to the proposed development as required by the Planning Board.**
  - e. **Construction sequence and time schedule for completion of Of each phase for building, parking and landscaped areas. Completion schedule shall be in accordance with Planning Board approval.**
  - f. **Accompanying Development Data – As is appropriate to the project, including:**
    - 1) **Written application and a fee of \$200.00 per acre or fraction thereof.**
    - 2) **Total acreage of tract.**
    - 3) **Proposed timetable or stages for sale or development.**
    - 4) **Type of project, i.e.: sale of lots, buildings, condominiums, etc.**
    - 5) **Proposed number of lots, typical lot size or building arrangement.**
    - 6) **Lineal feet of streets, acres in park or open space areas.**
    - 7) **Signs, including type, location and size.**
    - 8) **Owners of record of adjoining properties.**
    - 9) **Name and address of owner(s), developer and professional advisors.**
  - g. **Environmental Impact Assessment – on standard forms published by the New York State Department of Environmental Conservation.**

3. **The Planning Board may hold public hearings, and recommend approval, approval with modifications or disapproval of such application and shall submit its written recommendation to the Village Board within forty-five (45) days. In reaching its decision on the proposed development, the Planning Board shall find, among other things:**
  - a. **If there is a need for the proposed use in the proposed location.**
  - b. **If the existing character of the adjacent neighborhood would be changed.**
  - c. **If there are safeguards provided that would limit any detrimental effects to the adjacent property.**
  - d. **If the Planned Development conforms to any Master Plan in existence in the Village of Gouverneur.**
4. **The Village Board shall hold a public hearing on the proposal, with ten days public notice, and shall complete the process outlined in Section 239-m of the General Municipal Law, as it may be amended from time to time, referral to the County Planning Board, if required, prior to final action. See Article VI, Section 2, Referral to County Planning Board.**
5. **The Village Board may then amend the Zoning Law so as to define the boundaries of the Planned Development District.**
6. **Final development plans shall be submitted to the Village Planning Board for its review and approval prior to application for a building permit. Such final plans shall include all information necessary to certify compliance by any proposed structures with the New York State Uniform Fire Prevention and Building Code as well as the laws of the Village of Gouverneur. These plans shall be reviewed under the process set forth in Article IV.**
7. **Unless construction as specified in an approved Planned Development District has commenced with eighteen (18) months of that District's establishment by the Village Board, such District designation shall become void and that District's designation shall revert to the prior zoning designation(s).**
8. **The developer shall post a performance bond or other financial guarantee acceptable to the Village Board in an amount equal to the estimated cost for each phase prior to commencement of construction of each phase of the project.**

**G. Yard and area standards**

**Yard and area standards shall be those of the district replaced by the Planned Development District unless otherwise provided in this section, or in the final, approved development plan.**

**1. RESIDENTIAL STANDARDS**

- a. District Area Min.**                      **3-1/2 acres**
  
- b. Area Min. Per Dwelling Unit:**

<b>Front Yard</b>	<b>50 feet</b>
<b>Rear Yard</b>	<b>50 feet</b>
<b>Side Yard</b>	<b>50 feet</b>
  
- c. Yards Required:**                      **No building shall be closer than 50 feet to any other building and no building shall be closer than 60 ft. to any boundary line district. Distance set back from the street lot line shall be as per original district requirements.**
  
- d. Lot Coverage Max.**                      **As per previous district requirements.**

**2. COMMERCIAL STANDARDS**

- a. District Area Min.:**                      **3 acres**
- b. Yards Required**

<b>Front</b>	<b>50 feet</b>
<b>Rear</b>	<b>50 feet</b>
<b>Side</b>	<b>50 feet</b>
  
- c. Lot Coverage Max.:**                      **40 percent**

**3. INDUSTRIAL STANDARDS**

- a. District Area Min.**                      **5 acres**
  
- b. Yards Required**                              **100' (all yards)**
  
- c. Lot Coverage Max.**                      **40 percent**

**ARTICLE III SUPPLEMENTARY REGULATIONS**

**Section 1. ACCESSORY BUILDINGS AND USES**

- A. Procedure – On any lot accessory buildings or uses in connection with the principal structure or use may be constructed and located subject to the following process:**
- 1. All accessory buildings or uses shall require a Permit to be issued prior to their initiation and a Certificate of Compliance upon their completion unless otherwise exempted elsewhere in these Regulations.**
- B. Applicable Standards – Accessory buildings and uses shall be governed by the following:**
- 1. No more than two (2) accessory buildings, in addition to any detached, private vehicle garage, swimming pool shall be permitted on any residential lot in conjunction with any standard use.**
  - 2. An accessory building shall comply in all respects with the requirements of this local law applicable to the principal building except as specifically provided.**
  - 3. The maximum height of any accessory building shall not exceed 20'-0 without a Special Use Permit approved by the Planning Board.**
  - 4. A private, outdoor swimming pool shall be permitted as an accessory use to a dwelling unit only in accordance with Local Law No. 3 of 1976 and the following:**
    - a. Such pool may be erected or constructed in any front yard, but shall conform with the minimum side and rear yard requirements for the district in which it is located.**
    - b. Such pool shall be adequately screened or otherwise situated so as not to be physically or visually obtrusive from the public right-of-way or to present a nuisance to any adjoining use and all lighting or other appurtenances shall be so arranged as not to interfere with neighboring uses.**
  - 5. A swimming pool to be constructed or installed as an accessory use to a motel, tourist or like accommodation or as part of any commercial or club facility shall be permitted after application and consideration according to the applicable process for the type of use and respective zoning district in which it is located. Such swimming pool shall be so located as not to cause hazard to public safety or nuisance to adjoining uses and shall be designed, located and maintained in accord with acceptable engineering standards, and the Department of Health and the Village Local Law No. 3 of 1976, “Regulating Swimming Pools”.**

6. Fences shall not be built or be constructed of a material or in a manner that would be hazardous, or otherwise interfere with the use of adjoining properties or the public right-of-way.
  - a. All fences shall be a minimum of 2'-0" from any lot line. (Except Construction Fencing)
  - b. All fences should be constructed so the good side or finished side is toward the neighbor.
  - c. Fences on corner lots shall be no closer than 10'-0" from the inner edge of the sidewalk. If no sidewalk it shall be 20'-0" from edge of road.
  - d. Fence shall be no higher than 6'-0" to the highest point of the fence.
  - e. All fences must be constructed of the following material.
    - a. Wood Picket
    - b. Split Rail
    - c. Chain Link
    - d. Pre-manufactured Panels (Stockade) (Plastic, Vinyl, Wood).
    - e. Stone, Masonry, Landscape blocks.
    - f. Other commonly used fence materials.

**PROHIBITED FENCES IN ALL DISTRICTS:**

- a. Barbed Wire
  - b. Poultry Wire
  - c. Turkey Wire
  - d. Electrically Charged
  - e. Canvas
  - f. Cloth
  - g. Fences constructed from pallets
  - h. Snow Fencing (Exception During construction or emergency situations).
  - i. Short Pointed Fences (less than 36" in height)
7. A satellite dish antenna shall be permitted as an accessory use to a principal use only in accordance with the following:
  - a. Such dish antenna shall not be erected in any front yard and shall conform to the minimum side and rear yard requirements for the district in which it is located.
  - b. Such satellite dish shall, if ground mounted, not to exceed 15 feet in height.
  - c. Roof mounted dish antennas shall not exceed 5' in diameter, nor shall the center of the dish exceed 5 feet above the center of the roof.
8. **HEDGES:** No hedge shall be higher than 6'-0". No hedge shall be closer than 10'-0" from the inner edge of the sidewalk. If no sidewalk, the measurement will be 20'-0" from the edge of the road/street. Hedges shall be planted two (2) feet in from a lot line. All hedges must be trimmed so as not to unnecessarily project over the property line.

Section 2.

**OFF-STREET PARKING AND LOADING REQUIREMENTS**

- A. **Purpose** – It is the objective of this Section to provide standards for the Accommodation of the off-street parking and loading needs of motor vehicles in the Village in recognition of the need for an orderly, efficient and safe traffic system and preservation of attractive residential neighborhoods.
- B. **Procedure** – Any principal building or use requiring a permit under this local law shall comply with the parking standards specified below.
- C. **Applicable Standards** – Unless specifically waived by the Planning Board or Board of Trustees as is appropriate under the Special Permit review or Planned Unit Development review processes, the following minimum standards shall apply for the types of uses set forth below:
  - 1. **One-family and two-family (2) parking spaces for every dwelling unit.**
  - 2. **Multiple family: three (3) parking spaces for every two dwelling units.**
  - 3. **Professional Residence-Office as a Home Occupation: In addition to the requirements for the residence, two hundred (200) square feet of parking space for every one hundred fifty(150) square feet of floor space used for the professional activity.**
  - 4. **Hotel, Motel, Tourist Home, Rooming House: in addition to the requirements for the residence, one (1) parking space for the equivalent of every full time employee plus one (1) space for every guest room.**
  - 5. **Group Dwelling: Two (2) spaces for property owner and one space for every 2 Boarding Residents.**
  - 6. **Community Residence: One (1) parking space for every full time employee on the largest shift plus one (1) space for every four (4) residents.**
  - 7. **Conference Center/Community Center: One (1) parking space for each employee and one (1) parking space for every 100 square ft. of floor area.**
  - 8. **Hospital or Nursing Home: One (1) parking space for the equivalent of every full time employee on the largest shift plus (1) space for every two beds.**
  - 9. **Place of Public Assembly: One (1) parking space for every four seats or two hundred (200) square feet of parking space for every one hundred (100) square feet of public assembly area.**
  - 10. **Commercial and Retail Business, Professional, Medical, and Other Business Office, Restaurant, and Bar : Two hundred (200) square feet of parking space for every one hundred (100) square feet of floor area for the use of the business or office.**

11. **Industrial, Wholesale, Warehouse, Storage, Freight and Trucking Use: One (1) parking space for every motor vehicle used directly in the business, plus one (1) space for the equivalent of every full time employee, plus one (1) space for every 1000 square feet of building area.**
12. **Unspecified use: as required by the Zoning Board of Appeals, Planning Board or Board of Trustees, as is appropriate, in the course of any Special Permit review, Appeal, or Planned Unit Development Review.**

**D. Additional Parking and Loading Requirements:**

1. **A required driveway shall be at least twenty (20) feet clear in width except for residential uses, in which case, a driveway shall be at least twelve (12) feet clear in width and shall not exceed thirty (30) feet in width. Residential driveways shall be no closer than 2'-0 from side lot lines.**
2. **Every building hereafter erected or occupied for the purpose of business or industry shall provide adequate space for loading and unloading of vehicles off the street, as determined by the Planning Board in the course of any Special Permit Review.**
3. **Front Yard Parking – No off-street parking space shall be located in any front yard in Zoning District R-1, R-2, or R-3 or R-M, and no overnight or recurring open-air parking or storage of any motor vehicle shall be permitted in the front yard of such Districts, unless such parking space or vehicle is located on a designated driveway conforming to the provisions of these Regulations. At no time may a vehicle be parked so as to block a sidewalk for longer than thirty (30) minutes for loading and/or delivery purposes.**
4. **Calculation of parking area and floor area. The parking area shall be the total square footage devoted to vehicular parking at the rate of 200 square feet (20' x 10') minimum measurements per parking space. This is exclusive of access lanes and area for maneuvering. The floor area shall be the sum of the gross area of all floors, including basement, used directly for the purposes enumerated, measured on outside walls when possible. Areas for utilities, such as boiler rooms, shall not be included.**

**Section 3.**

**TELECOMMUNICATION TOWER(S):**

Any structure greater than thirty-five (35) feet in height, which is capable of receiving and/or transmitting signals (for the purpose of communication).

**1. SITE PLAN**

Any application shall be required to submit a site plan in accordance with Article IV Section 3. The site plan shall show all existing and proposed structures and improvements, including roads, buildings, tower(s), guy wire and anchors, parking and landscaping, and shall include grading plans for new facilities and roads.

**2. SUPPORTING DOCUMENTATION**

The Planning Board and/or the Zoning Board of Appeals shall require that the site plan include a complete visual Environmental Assessment Form (EAF) and documentation on the proposed intent and capacity of clearing required. The Planning Board and the Zoning Board of Appeals may require submittal of a more detailed visual analysis based on the results of the visual EAF in addressing this subsection and Subsection ten (10) below. The Board shall also require a copy of the certificate of need from the Public Service Commission.

**3. SHARED USE OF EXISTING TOWERS**

At all times, shared use of existing tower shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.

a. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to allow shared use.

b. The Board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.



**4. SHARED USAGE OF SITE WITH NEW TOWER**

Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Subsections (3) (a) and (b) above. Any new telecommunication tower approved for an existing tower site shall be subject to the standards of Subsection (6) through (13) below.

**5. NEW TOWER AT A NEW LOCATION**

The Board shall consider a new telecommunications tower on a site not previously developed with an existing tower. The applicant shall adequately demonstrate that shared usage of an existing tower site is impractical and shall submit a report demonstrating good-faith efforts to secure shared use from existing tower, as well, as documentation of the physical and/or financial reasons why shared usage is not practical. (Written requests and responses for shared use inquiries shall be provided.) Information regarding the required need for the new telecommunications tower shall be required to the form of empirical data illustrating said need.

**6. FUTURE SHARED USAGE OF NEW TOWERS**

The applicant must examine the feasibility of including a telecommunication tower in his proposed plan that will accommodate future demand for reception and transmitting facilities. The scope of this analysis shall be determined by the board. This requirement may be waived, provided that the applicant demonstrates that provisions of future shared usage of the facility are not feasible and an unnecessary burden, based upon:

- a. The number of Federal Communications Commission (FCC) licenses foreseeable available for the area.
- b. The kind of tower site and structure proposed.
- c. The number of existing and potential licenses without tower spaces.
- d. Available spaces on existing and approved towers.
- e. Potential adverse visual impact by tower designed for shared usage.

**7. LOT SIZE AND SETBACKS FOR NEW TOWERS**

All proposed telecommunication tower and accessory structures shall be located on a single parcel and set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all ice-fall or debris from tower failure and preserve the privacy of the adjoining residential properties.

- a. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements; if the land is to be leased, the entire lot required shall be leased from a single parcel.
- b. All tower bases shall be located at a minimum setback from any property line at a minimum distance equal to one and one-half (1-1/2) times the height of the tower.
- c. Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.

**8. VISUAL IMPACT ASSESSMENT**

The Board shall require the applicant to undertake a visual impact assessment of any proposed modification of an existing tower. The visual impact assessment shall include:

- a. A “Zone of Visibility Map”, provide in order to determine location where the tower may be seen.
- b. Pictorial representatives of “before and after” views from key viewpoints both inside and outside of the town, including but not limited to state highways and other major roads, state and local parks, and areas of aesthetic interest.
- c. Alternative tower designs and color schemes.
- d. Description of visual impact of the tower base, accessory buildings and overhead utility lines from abutting properties and streets.

**9. NEW TOWER DESIGN**

Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of a proposed new tower shall comply with the following:

- a. Towers and antennas shall be designed to withstand the effects of the wind according to the standards designed by the American National Standards institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association.

- b. Unless specifically required by other regulations, all towers shall have a finish compatible with the surrounding area that shall minimize the degree of visual impact.
- c. The maximum height of any new tower, or any tower in existence intended to be used as a telecommunications tower, shall not exceed that which shall permit operation without artificial lighting of any kind or nature in accordance with municipal, state and/or federal law and/or regulation.
- d. The board may request a review of the application by a qualified engineer for the evaluation of need for a design of any new tower.
- e. Accessory facilities shall maximize the use of building materials, colors and textures designed to blend with the ambient surroundings.
- f. No portion of any lower or related structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners, streamers, etc.

**10. SCREENING**

Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views of vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.

**11. ACCESS**

Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the toe of fill, the top cuts of no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

**12. PARKING**

A minimum of three (3)-parking spaces shall be provided. No parking spaces shall be located in any required yard.

**13. FENCING**

Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately secured. A fence approved by the board shall enclose the site unless the applicant demonstrates to the board that such measures are unnecessary to ensure the security of the facility.

14. REMOVAL

Obsolete or unused towers and related structures shall be removed from any site within four (4) months of discontinuance of use.

15. MAINTENANCE AND/OR PERFORMANCE BOND

The Board, as its sole discretion, may require the applicant and/or the owner to establish, prior to approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance and/or demolition of said tower during its lifetime. The bonding amount required shall be determined at the sole discretion of the Board. The applicant and/or owner shall cooperate with the Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application. Cost estimates shall be reviewed by Village Engineer of Record.

Section 4. KEEPING OF ANIMALS

A. In all Zoning Districts the keeping of animals is subject to the following:

1. The Gouverneur Agricultural and Mechanical Society (Gouverneur-St. Lawrence County Fair) property shall be exempt from any provision restricting animals within the Village for as long as the Society owns land, and annually uses the same for a County Fair, within the Village. This exemption does not apply to accumulations of animal manure and waste bedding, which must be removed from the Village on a weekly basis.
2. Veterinarians and their animal clinics (hospitals) which meet the following criteria are exempt from this section:
  - a. The veterinary practitioner occupies a residence on the same parcel in residence districts.
  - b. The animal clinic (hospital) is located on a lot with a minimum size of one-half acre and minimum dimensions of 100 feet along any lot line.
3. Commercial kennels shall be prohibited.
4. Keeping and/or Confinement of animals in any front or side yard is prohibited within Fifty (50) feet of any street line.
5. The keeping or harboring of farm animals or wild animals (excepting wild animals, birds or fish normally sold commercially, such as rabbits, hamsters, ferrets, songbirds, registered homing pigeons, and tropical fish) shall be prohibited except on lots 10 acres in size or larger.

**Section 5. PROHIBITED USES**

- A. In all districts, the following uses are prohibited:**
- 1. Slaughterhouses**
  - 2. Smelters**
  - 3. Blast furnaces**
  - 4. Manufacture or processing of fertilizer, bone, rubber, asphalt, ammonia, chlorine**
  - 5. Manufacture or refining of petroleum, gas, explosives;**
  - 6. Bulk storage of explosives**
  - 7. Dumping of refuse and waste material, including junkyards, except a municipality operated sanitary landfill.**
  - 8. Billboards**
  - 9. Incineration of all toxic and medical waste.**

**Section 6. TEMPORARY USES AND STRUCTURES**

- A. A permit may be issued on a temporary basis by the Code Enforcement Official for a period not exceeding six (6) months, for incidental uses not otherwise permitted 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.**

Such Permit shall be conditioned upon agreement by the applicant to remove the structure or use upon expiration of a period not to exceed six (6) months from the permit.

- B. Garage Sales may be held without a permit as per the following regulations. Garage sales are sales of tangible personal property held on the premises of the owner, conducted for no more than three days, twice in a calendar year not including the Village Wide Sales and must operate within all applicable State Laws. Charitable Not-For Profit Organizations are exempt. See definition of garage sales in Article VII.**
- C. Temporary occupancy of not more than one camping trailer, motor home, or the like on the same lot with a residential use, is permitted for a period not to exceed fourteen (14) consecutive days or thirty one (31) days in any two month period.**
- D. Storage of Recreational Vehicles. Outside storage of recreational vehicles, including motor homes, campers, boats, boat trailers, snowmobiles, and the like, is permitted in any rear or side yard and/or driveway. Front yard storage requires a Special Use Permit approved by the Planning Board.**

**Section 7.**

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**

- A.** The State Environmental Quality Review Act requires the local governments 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 are hereby adopted by reference.
- B.** All “Type I” actions (8 NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form. Typical “Type I” actions are:

  - a.** Zoning changes affecting 25 or more acres in any district.
  - b.** Authorizing industrial uses in residential district.
  - c.** Constructing 250 or more residential units.
  - d.** Physically altering 10 acres.
  - e.** Certain actions near or involving properties on the National Historic register.
- C.** For zoning actions reviewed by the Village, the following bodies shall be lead agency, unless otherwise delegated by the Board of Trustees.

<b>Zoning Text Amendments</b>	<b>Board of Trustees</b>
<b>Zoning Map Amendments</b>	<b>Board of Trustees</b>
<b>(Including establishment of Planned Development Districts)</b>	
<b>Special Permits</b>	<b>Planning Board</b>
<b>Variances</b>	<b>Zoning Board of Appeals</b>
- D.** If in the opinion of the local lead agency, after review of the Environmental Assessment Form, there appears the potential for a significant environmental impact, the lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement. Review notice and action on the EIS shall be conducted according to Part 617.

**SECTION 8.**

**SIGNS**

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**Subsection A-1.**

**Construction and Erection Approved Prior to Enactment**

- 1. Nothing herein contained shall require any change in plans, construction or designed use of a sign for which a building permit has been heretofore issued and the erection or construction of which shall have been diligently prosecuted within six months of the date on such permit.**
- 2. General Requirements for Commercial Signs**
  - a. All signs shall be constructed of durable material, maintained in good condition and not allowed to become dilapidated or in a state of disrepair. Discarded sign materials shall be removed from the site.**
  - b. Any sign for a business, service or activity no longer in existence at a location, shall be removed within four (4) months from the date of the discontinuation of the business, service or activity. Freestanding signs must be completely removed including the pole and all wiring. Code Enforcement Officer shall send owner a notice that such sign must be removed by date indicated or the Village will remove at the owner's expense and be billed as set forth in Article 1-Section 8 of this Local Law.**
  - c. Any wall, surface or other area from which any sign is removed shall be restored so that no remnant of the sign is visible.**
  - d. The back or reverse side of a single-face sign visible from any public right-of-way shall be finished in an appropriate manner which shall include a backing consistent in terms of materials and finish with the facing, and the covering of all structural members of the sign as may be appropriate.**
  - e. All construction fixtures, wiring and installation shall conform to the New York State Uniform Fire Prevention and Building Code where applicable.**
  - f. All wiring to freestanding signs shall be underground and all transformers or other installation shall be located and screened to the satisfaction of the Planning Board in accordance with its review of the proposal.**



**3. Location**

- a. Every sign shall be so designed and located as not to physically or visually impair vehicular or pedestrian traffic by design, illumination, color or placement. In particular, no sign shall:
  - 1. Impair public safety;
  - 2. Restrict clear vision for vehicles entering and leaving the highway or between a sidewalk and street;
  - 3. Create confusion relative to any traffic sign or signal; or
  - 4. Prevent free access to any door, window or fire escape.
- b. Any sign illumination shall not be directed toward any public street or adjacent uses in a manner that would interfere with safe travel on the street or the useful enjoyment of abutting properties.
- c. Installation of projecting, suspended, and or canopy signs must be subject to the approval of the Code Enforcement Officer. All wall-mounted signs must have a grade to bottom of sign separation of 8'-0 minimum.

**4. Type**

- a. No lights or string of lights will be used for the purpose of advertising, displaying or otherwise attracting attention to the premises when not part of a sign or approved street or outdoor lighting, holiday periods excepted from November 15 thru January 15.
- b. No moving, flashing, rotating or otherwise non-stationary or intermittently lighted sign shall be permitted; except time and temperature signs or electronic digital signs conforming to paragraph 3 (Location) of this Section, and barber poles that denote the location of a barber shop.

**Subsection A-2**

**Administration**

- 1. Permits- All signs except those specifically exempted from this Section shall require a sign permit. Unless the sign can be permitted by standard permit, it shall be subject to review and approval by the Planning Board according to the process of Special Permit review prior to their erection or alteration. Special permits as referenced later in this Local Law shall refer to the Special Permits associated with Village Planning Board review of sign permit applications subject to its review.
- 2. Design Guidelines- In addition to the specific requirements regarding number, size, location, etc. outlined above in this section, all proposed signs must comply with at least four of the following eight design guidelines as part of the process of review.

- a. Sign scale is appropriate in relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures.
  - b. Sign size, shape, and placement serves to define or enhance such architectural elements of the building as columns, sill lines, cornices, and roof edges, and not to interrupt, obscure, or hide them.
  - c. Sign design is not wholly discontinuous with other signage on the same or adjacent structures, providing continuity in mounting location and height, proportions materials, or other important qualities.
  - d. Sign materials, colors, lettering style, and forms are compatible with building design and use.
  - e. Sign content does not overcrowd background (normally not exceeding 40% of background area).
  - f. Sign legibility is not impaired by excessive complexity, multiple lettering styles or colors, or other distracting elements.
  - g. Signs do not display brand names, symbols, or slog and of nationally-disturbed products except in cases where the majority of the floor or lot area on the premises is devoted to manufacture, sale , or other processing of that specific product.
  - h. Signs do not contain selling slogans, product descriptions, help wanted notices, or other advertising, which is not an integral part of the name or other identification of the location or the enterprise.
3. Signs on Main Street from the Oswegatchie River to North Gordon Street must comply with the Downtown Revitalization Sign Guidelines when grant monies are used.

**Subsection A-3                    Removals**

Any sign constructed and or erected prior to the enactment of this Local Law must be removed, unless a permit had been previously issued by the Code Enforcement Officer. The owner, occupant, and or agent will be given due notice of the time frame they will have to conform to this Local Law. Any sign that is not removed by order of the Village Board after ten (10) days from the notice to the landowner, the Village will remove any nonconforming sign and any cost incurred will be billed to the owner. Any cost that is not paid within the time frame given, will be presented with the tax bill as another cost.

**Subsection A-4                    Registration of Current Signage**

Any and all signs will be registered with the Code Enforcement Officer. The Code Enforcement Officer will send by Certified Return Receipt Mail a form that must be filled out in order to insure conformance with the Local Law. All parties will have thirty (30) days from receipt of letter to comply.

**Subsection A-5                    Fees**

Permit fees shall be paid according to the fee schedule as many from time to time be established by resolution of the Board of Trustees.

**Subsection A-6                    Violations**

In case any sign is constructed, erected or altered in violation of this Local Law, the Board of Trustees in addition to other remedies, will institute any appropriate action or proceedings to: prevent such unlawful erection, construction, alteration or use: restrain, correct or abate such violation; or prevent any illegal act, conduct, business or use in or about a premises.

Any person or persons, firms, corporations, or entity violating any of the provisions of this Local Law, in addition to the above prescribed remedies, shall be subject to a minimum fine of \$50.00 and not to exceed \$100.00 or imprisonment for not more than seven days, or both such fine and imprisonment for each violation. Each week the violation continues shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

**Subsection B                    District Regulation**

**Subsection B-1                Residential-One (R1) District, Residential Two (R2), Residential-Three (R3), Residential-Manufactured Housing (R-M) District.**

- a. One (1) attached sign indicating only the name of the owner or occupant, and the street number, not to exceed two feet square in area. Requires no sign permit.
- b. On any premises, temporary, unlighted real estate signs not larger than six square feet in area, advertising the sale, rental or lease of the premises or subdivision on which it is erected requires no permit.
- c. For Accessory Home Occupations, one sign, unlighted, not to exceed two (2) feet square in size by Special Permit as approved by the village Planning Board.
- d. Only Schools, Religious Institutions, Libraries, Museums, and hospitals will be allowed the following signs by permit issued by Code Enforcement Officer.
  - a. One (1) Wall mounted sign not to exceed forty (40) square feet in size
  - b. One (1) Freestanding sign for announcements not to exceed 24 square feet in size. All freestanding signs shall be on premises and located on the premises so that it will not obstruct traffic or use by pedestrians.
  - c. Directional signs as needed, not to exceed two (2) feet square per sign and will not obstruct the view of motor vehicles.

**Subsection B-2 Central Business District (B-1)**

The following signs shall be permitted by standard permit, unless it is for a newly constructed business. All newly constructed businesses and their signage will be subject to the Special Permit process.

**One (1) Freestanding Sign not to exceed 40Sq. Ft. It must comply with the height and setback requirements.**

**One (1) Wall mounted sign on Main Street front, for each separate business, the total area shall not exceed two (2) square feet for each one (1) lineal foot of a single building frontage.**

**One (1) Window sign not to exceed 25% of the glass area of the window of which it is placed.**

**One (1) Sign indicating the business is open/closed and mounted in the opposite window of the above window sign, not to exceed two square feet. Sign can be neon, but not of a flashing type.**

**One (1) Rear wall mounted sign maintaining the same configuration on businesses can be no longer than 75% of the allowed sign on the front of the same building.**

**Gas Canopy Signage for gas stations and/or convenient/gas store combination shall cover an area no larger 25% of the canopy face and shall not extend above or below the canopy face. A vinyl or painted graphic (band) will not be included in the allowed 25% coverage.**

**Subsection B-3 Highway Commercial Districts (B-2)**

**B-4 Residential-Business District (R/B)**

**All uses permitted in this district as listed in the Zoning Schedule will be allowed to have the same signage as in a Central Business District except for those listed separately below.**

**Multi store complexes, Warehouses, and Light Manufacturing buildings will be allowed to have the following signs by standard permit.**

**Multi Store Complexes:**

**One (1) Freestanding sign not to exceed 60 square feet in area. The area between the ground directly below and the bottom of the sign shall be no less than 8'0 and must be a minimum of 20'-0 from street line and property line.**

One (1) Wall mounted sign on each end of the building not to exceed 64 square foot in size. Sign shall be a minimum of 8'-0 from finished grade to bottom of sign.

One (1) Wall mounted sign on front of building, not to exceed one (1) square foot per one (1) lineal foot of building frontage.

Directional signs as needed, not to exceed two (2) feet square per sign and will not obstruct the view of motor vehicles.

**Subsection B-4                    Industrial District (I)**

All signage that is allowed for light manufacturing and Warehouses.

**Subsection B-5                    Planned Development District**

As approved by the Village Board.

**SUBSECTION C.    SIGNS PROHIBITED**

1. Signs, lights, and similar devices which imitate official traffic, warning, or governmental signs, lights, and other similar devices. These signs are prohibited because their size. Location, movement, content, color, or manner of illumination may be confused or constructed as traffic control signals or other devices sanctioned by a governmental agency.
2. Signs located in any manner or place, which constitute a hazard to traffic, block visibility, or obscure any traffic sign, signal, or device.
3. Signs or lights reflecting or emitting a glaring light which could impair driver vision.
4. Signs which are placed on any curb, sidewalk, pole, post, tree, rock, fence, hydrant, bridge, another sign, or other surface located on, over, or across any public street, right-of-way, property, or thoroughfare.
5. Signs that obstruct openings intended as a means of entrance or exit, or signs that obstruct light or air from any room or building.
6. Roof signs which are located in any way above highest point of the roof or located above any part of the fascia.
7. Parapet signs.

8. Moving signs or devices designed to attract attention, all or any part of which move by fluttering, rotating, spinning, or moving in some other manner, and are set in motion by movement of the atmosphere or by mechanical, electrical, or any other means. Such devices include, but are not limited to, banners, pennants, ribbons, streamers, spinners, propellers, or discs, weather or not any such device has a written message; provided that the following are allowed:
  - a. Banners for special events. Such banners must be removed within seven (7) days from the date of the event.
9. Consecutively strung lights, with the following exceptions:
  - a. During the holiday season from Nov. 15 through Jan. 15 for the display of holiday decorations including necessary lighting.

**SUBSECTION D.**

**Sandwich Board Signs/Portable Signs**

Each business shall be allowed one moveable sandwich board/portable sign per the following conditions.

- (1) Each sign shall not exceed two feet wide by three feet in height and shall be professionally constructed and painted and shall be kept in good condition.
- (2) All signs must be placed in front and against the building of the business.
- (3) The sign shall be maintained properly and positioned so as not to create a danger or inconvenience to pedestrians or drivers. Sign must be secured in a manner that will not allow the sign to move.
- (4) The sign may be displayed only during the hours the business is open and shall be removed during periods when snow removal is required, accepting responsibility for all damages that occur to the sign.
- (5) Applications for sandwich board/portable signs permits shall be submitted to the Code Enforcement Officer, with the Planning Board to review and approve the application based on the above conditions.
- (6) Sign owners accept total responsibility for any and all injuries that may occur as a result of the use of temporary signs.
- (7) Sandwich signs in the R-B District shall be placed two feet from the inner edge of the sidewalk.

**Section 9.      Required Referrals**

- A.           Whenever any special permit, site plan, Variance or Map or Text Amendment would affect real property within a distance of five hundred (500) feet of the boundary of the Town of Gouverneur, or from the boundary of any existing or proposed County or State park, Thruway, Expressway, Road or Highway, or from the existing or proposed right of way of any stream or drainage channel owned by the County for which the County has established channel lines, or from the existing or proposed boundary of any County or State owned land on which a public building or institution is situated, the proposed special permit, site plan, variance or amendment shall be referred to the St. Lawrence County Planning Board. The Board shall have thirty (30) days in which to report its recommendations to the Village body from which it was referred. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval by the County Planning Board. If the County Planning Board disapproves the proposal, or recommends modification thereof, the Gouverneur Board having jurisdiction may act contrary to the County Planning Board's action only by a majority plus one vote of all the members and after a resolution fully setting forth the reason for such contrary action. See sections dealing with the actions listed above for further details.**
- B.           Notification of action taken on any matter previously referred to the County Planning Board will be given to the County Planning Board within seven (7) days of the date of such action.**

**ARTICLE IV    VILLAGE PLANNING BOARD**

**Section 1.      CREATION, MEMBERSHIP, TERMS, AND POWERS.    The Village Planning Board is established in accordance with Sec. 7-718 of New York State Village Law. Membership shall consist of five persons, one of whom shall be appointed chairman, and another deputy chairman, who shall act in the absence or inability of the chairman. The chairman shall be designated by the Board of Trustees or, on failure to do so, the Planning Board shall elect a chairman from its own members. Membership shall be open to any village resident. Terms shall be five years and no term shall exceed five years. Any member of the Board may be removed by the Mayor and Board of Trustees for cause and after public hearing. The Planning Board may adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this local law or any other statute after public hearing and subject to the approval of the Board of Trustees. The Planning Board shall have full**

power and authority to make such investigations, maps, and reports and recommendations in connection therewith relating to the planning and development of the Village as to it seems desirable providing the total expenditures of such Board shall not exceed the appropriation for its expenses.

Section 2. PLANNING BOARD AUTHORIZATION TO REVIEW SPECIAL PERMITS. The Village Planning Board shall review and approve, approve with modifications, or disapprove requests for special permits using standards and procedures included in this local law. The Planning Board may establish rules of procedure not set forth in this law. The Planning Board shall, as appropriate, comply with provisions of the State Environmental Quality Review Act. In exercising its responsibilities under Part 617 the Planning Board may require the applicant to prepare and environmental assessment.

Section 3. PROCEDURE FOR REVIEW AND APPROVAL OF SPECIAL PERMITS

Prior to referring a request for a special permit to the Village Planning Board the Code Enforcement Officer shall require the preparation of a site plan. The site plan shall be reviewed and approved by the Planning Board in accordance with the standards and procedure set forth in this section.

A. Site Plan Review for Special Permits.

1. Sketch Plan. A sketch plan conference shall be held between the Planning Board and the applicant to review the basic site design concept and generally determine the information to be required on the preliminary site plan. At the sketch plan conference, the applicant should provide the data discussed below in addition to a statement or rough sketch describing what is proposed.

- a. An area map showing the parcel under consideration, and all properties, subdivisions, streets and easements within two hundred (200) feet of its boundaries.
- b. A map of site topography at no more than five (5) foot contour intervals. If general site grades exceed five (5) percent or portions of the site have susceptibility to erosion, flooding or pounding, a soils overlay and a topographic map showing contour intervals of not more than two (2) feet of elevation may also be required.

2. Preliminary Site Plan Approval. An application for preliminary site plan approval shall be made in writing to the Code Enforcement Officer. It shall be accompanied by information drawn from the following list, as determined necessary by the Planning Board at the sketch plan conference.

a. Preliminary Site Plan Checklist.

- (1) Name and address of the owner;
- (2) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- (3) North arrow, scale and date;



- (4) Boundaries of the property plotted to scale;
- (5) Existing water courses;
- (6) Grading and drainage plan, showing existing and proposed contours;
- (7) Location, proposed use and height of all buildings;
- (8) Location, design and construction materials of all parking and truck loading areas, showing access and egress;
- (9) Provision of pedestrian access;
- (10) Location of outdoor storage, if any;
- (11) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- (12) Description of the method of sewage disposal and location, design and construction materials of such facilities;
- (13) Description of the method of securing public water and location, design and construction materials of such facilities;
- (14) Description of the method of securing public water and location, design and construction materials of such facilities;
- (15) Location of fire and other emergency zones, including the location of fire hydrants;
- (16) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- (17) Location, size and design and construction materials of all proposed signs;
- (18) Location and proposed development of all buffer areas, including existing vegetative cover;
- (19) Location and design of outdoor lighting facilities;
- (20) Designation of the amount of building area proposed for retail sales or similar commercial activity;
- (21) General landscaping plan and planting schedule; and
- (22) Other elements integral to the proposed development is considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution.

**3. Planning Board Review of Special Permit Applications. The Planning Board's review shall include, as appropriate, but is not limited to, the following:**

**a. General Considerations**

- (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- (2) Adequacy and arrangement of pedestrian traffic access and circulation, walkway

structures, control of intersections with vehicular traffic and overall pedestrian convenience.

- (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
  - (4) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
  - (5) Adequacy of storm water and drainage facilities.
  - (6) Adequacy of water supply and sewage disposal facilities.
  - (7) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
  - (8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for plays areas and informal recreation.
  - (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
  - (10) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
  - (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
  - (12) Protection of solar access on adjacent properties.
- b. **Specific Considerations.** The Planning Board shall review the Special Permit application for conformity to Section 4, Special Requirements, if applicable to the proposed use.
- c. **Consultant Review.** The Planning Board may consult with the Code Enforcement Officer, fire officials, public works officials, and private consultants, in addition to representatives of federal, state, and county agencies including, but not limited to, the Soil Conservation Service, the State Department of Transportation, the State Department of Environmental Conservation, and the County Planning Office.
- d. **Public Hearing.** The Planning Board may decide to conduct a public hearing at the preliminary site plan stage. Such public hearing shall be conducted within sixty (60) days of the receipt of the application for preliminary site plan approval and shall be advertised in the official newspaper ten (10) days before the public hearing.

4. **Referral to County Planning Board, If Applicable.** Prior to taking action on a final site development plan, the Planning Board shall refer the plan to the County Planning Board for review and report in accordance with Section 239 of the General Municipal Law, if applicable. See Article III, Section 8.
5. **Planning Board Action on Preliminary Site Plan.** Within sixty (60) days of the receipt of an application for preliminary site plan approval, the Planning Board shall act on it. If no decision is made within said sixty (60) day period, the preliminary site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, disapproved or approved with modifications.
6. **Procedure for Final Approval.** After receiving approval, with or without modifications, from the Planning Board on a preliminary site plan, the applicant shall submit a final, detailed site plan to the Planning Board for approval of the special permit. If more than six (6) months has elapsed since the time of the Planning Board's action on the preliminary site plan, and if the Planning Board finds that conditions may have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

The final site plan shall conform substantially to the approved preliminary site plan. It shall incorporate any modifications that may have been required by the Planning Board in its preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

The following additional information shall accompany an application for final site plan approval:

1. Record of application for and approval status of all necessary permits from state and county officials;
  2. Detailed sizing and final material specification of all required improvements; and
  3. An estimated project construction schedule.
7. **Planning Board Action on the Special Permit.** Within sixty (60) days of receipt of the application for final approval, the Planning Board shall make its decision. If no decision is made within the sixty (60) day period, the special permit shall be considered approved provided that the County Planning Board as approved the request, if subject to referral.

- a. Upon approval of the special permit and payment by the applicant of all fees and reimbursable costs due to the Village, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward such copy to the Code Enforcement Officer.
  - b. Upon disapproval of the special permit, the Planning Board shall so inform the Code Enforcement Officer and the Code Enforcement Officer shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.
- 8. **Reimbursable Costs.** Costs incurred by the Planning Board for consultation fees or other extraordinary expense in connection with the review of a proposed site plan shall be charged to the applicant, not to exceed five hundred dollars (\$500) per acre or fraction thereof.
  - 9. **Performance Guarantee.** No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Code Enforcement Officer, Director of Public Works and other competent persons.
  - 10. **Inspection of Improvements.** The Code Enforcement Officer shall be responsible for the overall inspection of site improvements, including coordination with the Director of Public Works and other officials and agencies.
  - 11. **Integration of Procedures.** Whenever the particular circumstances of a proposed development require compliance with other regulations in effect in the Village, the Planning Board shall attempt to integrate site plan review as required by this section with the procedural and submission requirements for such other compliance.

**Section 4.**

**SPECIAL REQUIREMENTS FOR CERTAIN USES REQUIRING SPECIAL PERMITS.** Not all uses requiring special permits are subject to special requirements. Those which have additional requirements beyond normal dimensional standards, parking, and signs are listed below.

- A. **Adult Entertainment and/or Literature Sales.** Such uses are subject to the provisions of this Village of Gouverneur Local Law No. 3 1986.
- B. **Community Residence.** Such uses may not accommodate more than twelve (12) client residents and must be licensed as a community residence by the State of New York. The only community residences which are allowed are those which accommodate and provide care and/or programs for alcoholism, developmental disabilities, mental retardation, or substance

including “family care” arrangements for accommodating outpatients from State facilities. Community residences may not provide treatment for acute cases, including detoxification. “Care and/or programs” include meals and accommodations, counseling, instruction for independent living, recreation, and transportation to jobs not on the premises.

C. **Drive In Business.** Such businesses shall have no more than one entrance and one exit driveway per street. Total sign square footage for the lot shall not exceed the standards in Article III, Section 3, Sign Requirements, without regard to the number of streets providing access. Vehicle queuing shall not be allowed on public streets.

D. **Home Occupation.** The residential lot must continue to appear as just that: the residence is the principal use and there must be as little evidence of the home occupation visible from outside the lot as possible. Signage must be no larger than allowed in the district standards. Windows, porches and yards shall not be used for display of signs. Only residents may be employed in the home occupation. No merchandise which is manufactured or assembled off the premises may be sold, leased, or rented. Examples of allowed home occupations are given in the definitions, ARTICLE VII.

E. **Mobile Home Court**

1. **Mobile home courts shall be a minimum of one-half acre in gross area per mobile home and shall provide for individual mobile home lots, access driveways and parking.**

2. **Each mobile home lot shall be at least six thousand (6,000) square feet in area and shall front on an access driveway or street.**

3. **For each mobile home lot, an additional two thousand (2,000) square feet of land shall be provided as permanent recreation open space. Such open space may be either attached to the mobile home lot or provided as a separate recreation area, to be developed and maintained by the mobile home court operator.**

4. **All access driveways within a mobile home park must be at least thirty (30) feet in width and have at least a gravel surface at least twenty (20) feet in width and twelve (12) inches in depth of compacted gravel. Hard surfaced driveways shall be well-drained to avoid standing water as much as practicable.**

5. **Each mobile home lot shall have an attachment for adequate water supply and shall connect to the village water supply system in an approved manner.**

6. Each mobile home lot shall have an attachment for satisfactory sewage disposal and shall connect to the Village sanitary sewerage system in an approved manner.
  7. No mobile home lot or service building shall be closer to a public street right-of-way line than fifty (50) feet, nor closer to a property line than thirty (30) feet.
  8. A strip of land at least thirty (30) feet in width shall be maintained as a landscaped area abutting all mobile home park property lines.
- F. **Outdoor Eating and/or Entertainment Business.** This section does not apply to occasional outdoor festivals, fairs, and the like, but only to for profit businesses subject to license by State authorities.
- G. **Rooming and Boarding House and Group Dwelling.** Sleeping rooms shall provide a minimum of eighty (80) square feet per person. A minimum of one full bathroom shall be provided for every three roomers or boarders. There shall be no in-room cooking facilities. Signage shall meet standards for home occupations. There shall be a resident manager or his designee on the premises at all times. Each rooming house, boarding house or group dwelling in existence on the effective date of this local law shall be brought into compliance with the State Sanitary Code (10 NYCRR, Part 21 and this local law whichever is more strict, within five years of the effective date. The Code Enforcement Officer shall conduct an inspection of each facility at least once annually. During the five year grace period the inspection shall be advisory only with respect to this local law. Violations shall otherwise be corrected within sixty (60) days from notification.

**ARTICLE V ZONING BOARD OF APPEALS**

**Section 1. CREATION, MEMBERSHIP, TERMS.** A Zoning Board of Appeals is hereby established in accordance with Sec. 7-712 of New York State Village Law. Membership shall consist of five persons, one of whom shall be appointed chairman, and another, deputy chairman, who shall act in the absence or inability of the chairman. Terms shall be five years and no term shall exceed five years. No person who is a member of the Village Board of Trustees shall be eligible for membership on such Board of Appeals. Any member of the board may be removed by the Mayor and Board of Trustees for cause and after public hearing. All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as such Board may determine. Such chairman may administer oaths and compel the attendance of witnesses. All meetings of such Board shall be open to the public. Such Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and with the Village Clerk and shall be a public record.

**Section 2. POWERS AND DUTIES.** Such Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Code Enforcement Officer. It shall also hear and decide all matters referred to it upon which it is required to pass under this local law.

**Section 3. PROCEDURES AND DECISIONS.**

- (a) The concurring vote of a majority of the full membership of the Board shall be necessary to reverse any order, requirement, decision or determination of the Code Enforcement Officer, or to decide in favor of the applicant any matter upon which it is required to pass under this local law or to effect any variation in this local law. Such appeal may be taken by any person aggrieved, or by any officer, department, board or bureau of the Village.
- (b) Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.
- (c) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed

otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

- (d) The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and not less than ten days prior to the hearing date publish such notice at least once in the newspaper designated by the Village Board of Trustees for such purposes, and decide the same within sixty-two days after the final hearing. Upon the hearing, any party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the local law, the Board of Appeals shall have the power passing upon appeals, to vary or modify the application of any of the provisions of such local law relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of the local law shall be observed, public safety and welfare secured, and substantial justice done.

(1) Standards for deciding on use variances.

(a) A use variance may be granted by the Zoning Board of Appeals only after finding that there is “unnecessary hardship”.

(b) In determining whether “unnecessary hardship” exists, the Board’s findings must establish each of the following criteria:

(1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

(2) 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) The requested variance if granted will not alter the essential character of the neighborhood.

(4) The alleged hardship has not been self-created.

(2) Area (Dimensional) Variances.

(a) Area variances may be granted where setback, frontage, lot size, density, or yard requirements of this Code cannot reasonably be met. The Zoning Board of Appeals must find that “practical difficulty” is present.



- (b) **In determining “practical difficulty”, the Zoning Board of Appeals must establish each of the following criteria:**
  - (1) **An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance.**
  - (2) **The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance.**
  - (3) **The requested variance is substantial.**
  - (4) **The produced variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**
  - (5) **The alleged difficulty was self created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance.**
  
- (c) **The following shall not be considered in determining “practical difficulty”.**
  - (1) **The owner is merely inconvenienced.**
  - (2) **The owner is prevented from building a second or subsequent structure.**
  
- (d) **Appeal of Decisions by the Zoning Board of Appeals. Any officer, department, or board of the village, with the approval of the Board of Trustees, or any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals may apply to the Supreme Court for relief by a proceeding under article seventy-eight of the Civil Practice Law and Rules. It must be instituted within thirty days after the filing of a decision in the Office of the Village Clerk.**

**Section 4. REFERRAL TO THE COUNTY PLANNING BOARD IF APPLICABLE. The Board of Appeals shall before taking final action, refer the appeal to the County Planning Board for review and report within thirty (30) days in accordance with New York State General Municipal Law, Section 239-m, if applicable. See Article III, Section 8, Referral to County Planning Board**

**ARTICLE VI. AMENDMENTS (VILLAGE BOARD)**

These regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed by the Board of Trustees by local law. NYS Village Law Section 7-708 contains special provisions in the case of protest by owners of twenty percent (20%) of the owners of the affected land.

Section 1.

**PROCEDURE**

- A. The Board of Trustees may on its own motion, on petition, or on recommendation of the Planning Board or Board of Appeals, and after public notice and hearing and any required referral amend the requirements and district boundaries established by this local law.
- B. All proposed amendments shall be referred to the Village Planning Board for a report and recommendation thereon. The Planning Board shall have thirty (30) days to submit its report on or before the date of any scheduled public hearing.
- C. Before any amendment to this local law, including the Zoning Map, there shall be public notice and hearing thereon as provided by law, with notice published ten (10) days prior to the hearing.
- D. After the public hearing, and referral to and report by the Planning Board, and County Planning Board if applicable, a majority vote of the members of the Board of Trustees shall be required to amend the Regulations except in the instance of a Protest Petition. In the event of a denial or conditional approval by the County Planning Board, the Board of Trustees shall take contrary action only by a majority plus one vote of its full membership.
- E. If a Protest Petition against a proposed amendment is presented to the Board of Trustees, duly signed and acknowledged by legitimate parties of interest as provided for under Article 7-708 of the Village Law, such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of the members of the Board of Trustees.

Section 2.

**REFERRAL TO THE COUNTY PLANNING BOARD.** Prior to taking action on an amendment to the text of this law or the zoning map, the Village Board shall refer the proposed amendment to the County Planning Board for review and report. See Article III, Section 8.

**ARTICLE VII DEFINITIONS**

Section 1.

**DEFINITIONS.** Words and phrases used in this Local Law shall be defined as follows in this section. Words and phrases which are not defined below shall be defined as in the New York State Uniform Fire Prevention and Building Code. Interpretation of terms and definitions shall be made by the Board of Appeals.

**ACCESSORY STRUCTURE.** Accessory structures include barns and other agricultural buildings, private automobile garages, storage sheds, portable garages/storage buildings etc.

**ACCESSORY USE.** A use which is incidental to the principal use of the primary structure and/or lot. Accessory uses include occupations conducted within a residence.

**AWNING** “Awning” means a moveable shelter supported entirely from the exterior wall of a building and a type which can be retracted, folded, or collapsed against the face of the supporting building.

**AGRICULTURE.** Raising livestock and/or commercial crops.

**BANNER.** Any temporary (30 days or less), fabric or synthetic flexible material hung in a non-obstructing manner from a building, pole or post by rope to promote an event; i.e. Fair, Grand opening, Bazaars, Festivals, Celebrations.

**BED AND BREAKFAST.** An owner – occupied dwelling unit that contains no more than four guest rooms where lodging, with or without meals, is provided for compensation and complies with Article III, Section II of the Zoning Regulations.

**BOARDING HOME.** An establishment with lodging for up to five persons excluding owners family, where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

**BUILDING.** A wholly or partially walled structure, with a roof, for the shelter of persons, animals or property.

**BUILDING FRONTAGE** “Building Frontage” means that portion of the building in which the legal address is assigned. (Ex 000 Main St.)

**CANOPY** “Canopy” means a permanently roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area, which may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground. (For purposes of this Local Law, any overhang extended more than two (2) feet from the face of a building shall be considered a canopy.)

**CANOPY SIGN** A sign which is suspended from, attached to, supported from, applied to, or forms part of a canopy. Also known as a canopy-suspended sign.

**CERTIFICATE OF COMPLIANCE.** Certification by the Enforcement Officer that work proposed by an applicant for a permit has been completed satisfactorily, and/or that the use proposed by the applicant may begin.

**COMMERCIAL EXCAVATION OR MINE:** Extraction of natural materials, operated primarily for gain, not including the occasional sale of small quantities of materials from excavations operated ordinarily for the use of the landowner.

**COMMUNITY CENTER** A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**CONFERENCE CENTER** An establishment used for the holding of conventions, seminars, workshops, or similar activities: It may or may not

include dining and lodging facilities for the use of participants, as well as compatible accessory facilities.

**CORNER LOT** For the purpose of Zoning matters, the address of the property as per the Tax Roll will be considered as the front of a lot.

**DAYCARE:** Child daycare means care for a child on a regular basis provided away from the child's residence by someone other than the parents, step-parents, guardian, or relative. Not more than five children on a regular basis for financial compensation for three hours or more, but less than 24 hours- three or more consecutive days, or 10 days in any given month.

**DIRECTIONAL SIGN** A sign containing only the name and address of a facility and information pertaining to the direction of the facility, or certain areas of a facility. (Ex. Receiving, shipping, entrance, etc.)

**DOUBLE-FACE SIGN** A sign in which is designed to be viewed from two directions and which two faces are not more than three (3) feet apart at any point and there are either parallel or at not more than thirty (30) degree angle to one another shall be considered to be one sign for the purpose of determining the allowable number of signs. Only one face, the larger of the two of the are different in size, shall be measured to determined the allowable sign area

**DRIVEWAY:** The improved or unimproved portion of the property, customarily used for egress and/or ingress of motor vehicles.

**DWELLING (UNIT).** One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family.

**FAMILY.** One or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage, foster child/orphan not to exceed two, shall be deemed to constitute a family.

**FOSTER HOME:** A residence owned, leased, or otherwise under the control of a single person or family who has been certified or approved by an authorized agency or is used by a local probation department. The State Department of Mental Hygiene or the State Division for Youth to care for children, and such person or family receives payment from the agency for the care of such children. Such home may care for not more than four unrelated children.

**FREESTANDING SIGN** "Free-standing Sign" means a sign which is supported by one or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a sign which is erected on the ground, provided that no part of the sign is attached to any part of any building, structure, or other sign. "Free-standing sign" includes a pole sign, pedestal sign, or ground sign. A freestanding sign shall not be more than twenty-four (24) feet in height as measured at the edge of the road surface on which it fronts, or twenty (20) feet from any street line and twenty (20) feet from any other lot line. Every freestanding sign shall have an open space of at least eight (8) feet from the ground to the base of the

sign. A freestanding sign which is more than forty (40) square feet in area, shall not be closer than one hundred (100) feet to any other freestanding sign more than forty (40) square feet in size. All freestanding signs shall be located on premises. No freestanding sign shall be larger than sixty (60) square feet in size. Billboards are prohibited.

FULL TIME EMPLOYEE EQUIVALENT. A full-time employee equivalent, for purposes of calculating the required number of parking spaces, shall be computed by dividing the total hours worked per week by all employees by forty (40) hours. Thus, one forty hour per week employee plus two twenty hour employees equals two full-time employees.

GARAGE SALE. Also known variously as lawn sale, yard sale, porch sale etc., garage sales are sales of tangible personal property held on the premises of the owner, conducted for no more than three days - twice per calendar year not including the village wide sale and must operate within all applicable State Laws. The Village wide yard sales will be additional. Charitable Not –For Profit Organizations are exempt.

GOVERNMENT AND INSTITUTIONAL BUILDING(S) A building or structure occupied or newly constructed for use, but not limited to the following uses.

- 1) Police Department
- 2) Fire Department
- 3) Rescue Squad
- 4) Village or Town Offices

GROUP DWELLING. A facility or dwelling unit housing persons not necessarily related by blood or marriage and operating as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship. Group dwellings may include halfway houses, recovery homes, homes for battered children and women, orphanages, and specialized treatment facilities providing less than primary health care.

HABITABLE SPACE: Space occupied by one or more persons for living, sleeping, eating and/or cooking. Restaurants for employees and occupants, kitchens serving them, and kitchenettes shall not be deemed to be habitable space.

HAZARDOUS SITUATION. Conditions existing on premises which constitute a threat to the health and/or safety, as determined by the Enforcement Officer or by the Health Officer.

HEDGE. A row of closely planted shrubs or low growing trees, forming a fence or visual or physical boundary.

HEIGHT “Height” means the vertical distance measured from the elevation of the nearest sidewalk (or in the absence of a sidewalk within twenty-five feet, then from the lowest point of the finished grade on the lot upon which the sign is located and within twenty-five feet of the sign) to the uppermost point on the sign or sign structure.

HOME OCCUPATION. A usual and customary occupation carried out on an accessory basis by occupants of a dwelling unit. Home occupations

include, but are not limited to, tailor, barber, tax preparer, engineer, architect, saw/scissor sharpening, gun smiting, engraving, seamstress, canvas making, leather working, etc., which do not principally involve the sale of stock-in-trade.

**HOTEL.** A multiple dwelling used primarily for the purpose of furnishing lodging, with or without meals, for more than 15 transient guests, for compensation.

**ILLUMINATED SIGN** A sign that is illuminated by electric or other devices, mainly for clear visibility at night.

- (a) **Direct (or internal) illumination:** A light source which is enclosed within the sign and viewed through a translucent panel. Luminous tubing (neon lights) is one kind of direct illumination,
- (b) **Indirect (or external) illumination:** A light source which is placed outside of or away from the sign in a manner to illuminate the sign.
- (c) **Luminous tubing:** A light source formed by glass tubes filled with gas, known as neon lights.

**INFORMATIONAL OR COURTESY SIGN** “Informational or Courtesy Signs” means a sign which provides informational of a non-advertising or courtesy nature, including, but not limited to, “No Smoking,” “Restroom,” “No Solicitors,” “Self Service,” “Vacancy,” “No Vacancy,” “Credit Cards Accepted” and gasoline pricing.

**JUNK/ JUNKYARDS:** As defined and regulated by Local Law No. 7 of 1991. Amended Local Law No. 4 of 2006.

**KIOSK** “Kiosk” means a small structure, typically located within a pedestrian walkway or similar circulation area, as intended for use as a display space for posters, notices, exhibits, etc.

**LIGHT MANUFACTURING:** The manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing

**LIGHT SOURCE** “Light Source” means and includes, but is not limited to, neon, fluorescent, halogen, metal halide, high and low sodium, incandescent, tube light, fiber-optic, laser, open flame or other artificial illumination and any reflecting surface which, by reason of its construction and/or placement, becomes, in effect, the light source.

**LOT.** “Lot” means a portion or parcel of land, weather or not part of a platted subdivision, occupied or intended to be occupied by a building of use and appurtenant thereto.

**MAINTENANCE** “Maintenance” means the repairing or repainting of a portion of a sign structure, the periodic changing of bulletin board panels or the renewing of copy which has been made unacceptable or

unusable by ordinary wear and tear, weather or accident. The replacing or repairing of a sign or sign structure which has been damaged to an extent exceeding fifty percent of the replacement sign cost shall be considered as maintenance only when such sign conforms to all applicable provisions of this chapter.

**MARQUEE** “Marquee” means a permanently roofed structure attached to and supported by a building and projecting from the building.

**MARQUEE SIGN** “Marquee Sign” means a sign depicted upon, attached to or supported by a marquee.

**MANUFACTURING/ELECTRICAL.** Mechanical or chemical transformation of materials into new products through assembly of components, the manufacturing of products, or the blending of materials such as oils, plastics, resins or liquors.

**MANUFACTURED HOUSING:** As defined below.

**MOBILE HOME.** A home constructed in a factory prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard.

**MANUFACTURED HOME.** A home bearing a seal signifying conformance to the design and construction requirements of the Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards.

**MODULAR HOME.** Factory manufactured dwelling units conforming to applicable provisions of the Residential Code of New York, bearing insignia of approval issued by the Secretary of State of New York State..

**MOBILE HOME COURT.** A parcel of land intended for the placement and habitation of five or more mobile home dwellings, which will include services and facilities for residents.

**MOTEL.** A multiple dwelling, intended primarily for motorists, not over two stories in height, in which the exit from each dwelling unit or sleeping room is directly to the exterior. (Includes but is not limited to the terms motor court, motor hotel, and tourist court.)

**MULTIPLE-FAMILY DWELLING** – Three or more self-contained connected dwelling units, as in townhouse, garden apartments, condominiums, row house, and similar complexes.

**NONCONFORMING USE, LOT OR STRUCTURE.** Use, lot, or structure which was lawful prior to the adoption, revision or amendment of this Local Law but which fails, by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**NUISANCE.** An interference with the enjoyment and use of property, including smoke, odors, dust, waste materials, radiation, noise, vibration, heat and glare.

**OFF-PREMISES SIGN** “Off-premises sign” means any sign displaying a commercial message which advertises or directs attention to a business,

commodity, service or activity conducted, sold or offered elsewhere than on the same lot upon which or within the same building where such sign is located.

**ON-PREMISES SIGN** “On-premises sign” means a sign displaying a commercial message which advertises only goods, services, facilities, events or attractions on the premises where the sign is located.

**OWNER:** Owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.

**PARKING LOT:** The improved or unimproved portion of the property used for parking of motor vehicles.

**PERSONAL SERVICE:** Establishment primarily engaged in providing individual services generally related to personal needs.

**POLITICAL OR OPINION SIGN** “Political or Opinion sign” means a sign which offers noncommercial speech which may or may not have premises.

**PORTABLE SIGNS** “Portable sign” means a sign designed to be easily relocated to a different site to advertise, mark or otherwise draw attention to various types of businesses. Such designation includes trailer-mounted signs with interchangeable letters.

**PROJECTING SIGNS** “Projecting Signs”, a projecting sign shall have a clear distance from sidewalk or ground level of at least eight (8) feet and may project no more than four (4) feet from the building façade.

**PRINCIPAL USE/STRUCTURE.** The primary or predominant use of any lot; the structure within which the principal use is conducted.

**REAL ESTATE SIGN** “Real estate sign” means a sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is erected or displayed.

**ROOF** “Roof” means the cover of any building, including the eaves and similar projections.

**ROOF LINE** “Roof Line” means the highest point on any building where an exterior wall encloses usable floor space, including floor area for housing mechanical equipment.

**ROOF SIGN** “Roof sign” means a sign painted on the roof of a building, supported by poles, uprights, or braces extending from the roof of a building or attached to a building and projecting above the roofline of the building.

**SEWERAGE.** See Local Law No. 5 of 1984

**SHARED LIVING/RESIDENCE:** Two or more unrelated people living together in the same dwelling unit, sharing living space and expenses complying with provisions of the New York State Housing Code.



**SIGN** “Sign” any form of publicity or advertising which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trade marks, or other pictorial matter designed to convey such information and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, stone, masonry, buildings or other structures or supports.

**SIGNS AREA** “Sign area” means the total surface area, including any frame around the message, but shall include only one-half or one display face of a two-sided freestanding, projecting or suspended sign, provided that both sides are identical and both display faces are back-to-back and parallel.

**SIGN CATEGORIES** “Sign categories” include sign class and sign type. Sign class refers to structural and locational characteristics of a sign, (e.g. free-standing, wall, and roof signs), whereas sign type refers to the characteristics of the message conveyed by the sign, (e.g. real estate, traffic, directional, and business signs).

**SIGN FACE** “Sign face” means the surface of a sign upon, against or through which the message is displayed or illustrated, plus and frame around the message.

**SIGN STRUCTURE** “Sign structure” means any supports, uprights or internal framework and bracing of a sign.

**SIGNS, NUMBER OF** For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements, clearly organized, related and composed to from a unit. Where matter is displayed in a random manner without organized relationship of elements, each such display shall be considered to be a single sign.

**SITE PLAN.** Development plan for one or more lots on which is shown, the existing and proposed conditions, including but not limited to natural and made conditions, structures, lighting, drainage, walkways, signs, screening, and ingress and egress.

**STREET LINE:** Street line also known as center of street

**STRUCTURE.** “Structure” means anything constructed or erected with a fixed location on the ground above grade, but not including poles, lines, cables or other transmission or distribution facilities of public utilities. An assembly of material forming a construction framed of component structural parts for occupancy or use, including buildings.

**SUSPENDED SIGN** “Suspended sign” means a sign attached to, and hanging below the ceiling of an eve, arcade, marquee, or canopy.

**TEMPORARY SIGN** “Temporary sign” means a sign, banner or similar device or display which does not exceed eight square feet in area and which is intended for a temporary period of no more than 30 days in a calendar year, for the purpose of announcing an annual special event, grand opening or advertising or directing persons to a development. Such sign may be constructed of cloth, canvas, cardboard, wallboard, plywood or other light temporary material, with or without a structural frame.

**TIME-TEMPERATURE-DATE SIGN** “Time-temperature-date sign” means a sign whose primary function is that of conveying the time and temperature.

**TOURIST HOME:** An owner occupied, private dwelling in which overnight accommodations are provided or offered for no more than four rooms for compensation.

**TRAFFIC DIRECTIONAL SIGN (PRIVATE)** “Traffic directional sign (private)” means a sign erected on private property for the purpose of guiding vehicular and pedestrian traffic.

**USE.** The purpose or activity, for which lands or buildings are designed, arranged or intended, or for which lands or buildings are occupied or maintained.

**VARIANCE.** Written authority from the Zoning Board of Appeals to deviate from the use or area regulations. Use variances may be granted by the Zoning Board of Appeals for uses not permitted in the zone. Area variances are departures from the dimensional standards in this Local Law and are also granted by the Zoning Board of Appeals.

**WALL SIGN** “Wall sign” means a sign displayed upon or against the wall of an enclosed building where the exposed face of the sign is in a plane parallel to the plane of such wall and extends not more than fifteen inches horizontally from the face of such wall.

**WINDOW SIGN** “Window sign” means a sign which is painted on, applied to, attached to or located within a window, which sign can be seen through the window and read from the public right-of-way. Merchandise which is included in a window display shall not include as part of a window sign.

**YARD.** Open space located on any lot and measured by the perpendicular distance between a lot line and the nearest point from any building. Front yard measurements are to be made from the street or road center line.

**ZONING CODE**“Zoning Code” means the Zoning Code of the Village.

**ARTICLE VIII ENACTMENT**

- Section 1.**        **REPEAL OF PREVIOUS LAWS.** Local Law #4 of 1986 (Site Plan Review) and all other ordinances or laws or parts thereof inconsistent with the provisions of this Local Law are hereby repealed.
- Section 2.**        **SEPARABILITY.** Should any section or provisions of this Law be decided by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Law as a whole or any part thereof other than the Sections or part so decided to be unconstitutional or invalid.
- Section 3.**        **EFFECTIVE DATE.** This Local Law shall take effect upon its being duly filed in the office of the Secretary of State.