

**ARTICLE I**  
**TITLE, ENACTING CLAUSE, PURPOSE, & APPLICATION**

**SECTION 101 TITLE**

A Local Law regulating the location, construction and use of buildings, structures, and the use of land in the Village of Mayville, County of Chautauqua, State of New York, and for said purposes dividing the Village into districts. This Local Law shall be known and cited as the Zoning Law of the Village of Mayville.

**SECTION 102 ENACTING CLAUSE**

Pursuant to the authority conferred by the Laws of the State of New York and for each of the purposes specified therein, the Village Board of the Village of Mayville, County of Chautauqua and the State of New York, has ordained and does hereby enact the following Local Law regulating and restricting the location, size and use of buildings and other structures, and the use of land in the municipality.

**SECTION 103 PURPOSE AND OBJECTIVES**

A. Comprehensive Plan - The zoning regulations and districts set forth and outlined upon the zoning map are made in accordance with a comprehensive plan for the municipality. The enactment of the Zoning Law brings benefits to the community which may not be highly or immediately visible. However, the resulting conditions will enhance and preserve the quality of living, health, and safety for the municipality. To prepare a plan, public involvement is a basic ingredient. The community must be analyzed and surveyed to define assets and strengths as well as liability and problem areas. The next step is the formulation of goals and objectives. A plan can then be developed and implementation techniques spelled out. A community's identity must be fostered.

- B. General - General benefits derived from comprehensive plans include the following:
1. promotes health, convenience, economics, and general welfare of the community;
  2. balances the rights of the public at large, private landowners, and other various interest groups;
  3. encourages the positive shaping of the future and the long-range benefits associated with zoning laws;
  4. allows for the maintenance of an equitable assessment role;
  5. imposes some reasonable restraints and balances economic growth with environmental protection;
  6. zoning is controlled locally, may be amended to meet changing needs, and has built-in flexibility for unique situations;
  7. promotes uniform rules throughout the community;
  8. compatible with state, regional, and county plans as well as those of adjacent communities;
  9. promotes community values;
  10. maintains the character of the community;
  11. recognize and implement environmental restraints placed on natural features;
  12. strengthen the economic base so as to support the resident population well above subsistence levels;
  13. improve efficiency in the administration of public services;
  14. other

C. Safety - From a safety viewpoint, zoning laws can assist in the following:

1. promotes fire safety. e.g. building heights, separation of structures, etc.;
  2. promotes traffic safety. e.g. protect the traffic carrying capabilities of highways through setbacks, etc.;
  3. insures that floodplains are reasonably controlled with respect to types of uses, densities, etc., and
  4. protects residents from other conditions which could cause injury or death.
  5. other
- D. Land Uses and Intensity - Zoning laws promote favorable land uses in proper locations at reasonable densities.
1. insure there is a desirable blend of uses allowed that are compatible;
  2. promote reasonable districting to separate conflicting types of uses;
  3. maintain a rural atmosphere in vast majority areas;
  4. maintain the character of residential neighborhoods by limiting the type and intensity of uses;
  5. provide a reasonable mix of land use intensities with consideration given to carrying capacity;
  6. insure that agricultural uses in select areas are encouraged and protected from other incompatible uses;
  7. development in centralized locations should be promoted to strengthen continuity and discourage sprawl.
  8. other
- E. Quality - Perpetuate the highest possible quality of life by:
1. promoting the retention of an aesthetically pleasing community by minimizing nuisances and visually unattractive development. Design criteria should be encouraged;
  2. insuring adequate light, air, and open space;
  3. encourage the visual and performing arts as an essential element;
  4. promote educational and cultural facilities;
  5. historic sites and facilities should be protected at a reasonable degree;
  6. encourage buffers between unlike uses in order to create visual distinctions and provide transition to neighboring land uses;
  7. landscaping should be encouraged as appropriate;
  8. signage regulations should promote design excellence;
  9. recreational facilities and park lands must be promoted to meet both resident and visitor needs. Both active and passive facilities must be provided;
  10. private recreational facilities should be encouraged in proper locations with reasonable conditions imposed;
  11. municipalities should encourage recreational areas such that they also preserve open space, historic sites, and unique natural features.
  12. Child care facilities should be encouraged.
  13. Other

- F. Economics - Comprehensive plans also contribute a great deal to economic stability by:
1. encouraging agricultural, commercial, and industrial uses;
  2. encouraging the largest tax base possible through well planned development;
  3. tourism should be encouraged in ways that promote the community;
  4. stimulate small scale economic development which maintains the community;
  5. industrial growth should be encouraged in areas where utilities exist or could most readily be made available;
  6. encourage home business operations that are compatible with existing residential neighborhoods;
  7. business diversity should be sought in order to reduce the chance of extreme economic fluctuations;
  8. support neighborhood shopping areas that are functionally and aesthetically acceptable to surrounding residential areas;
  9. promote conditional industrial zones that are properly controlled and located;
  10. "clean" types of industrial development are most desired and should be promoted;
  11. the inclusion of residential uses in commercial and industrial areas must be addressed;
  12. the use of "performance standards" in controlling commercial and industrial uses should be encouraged.
  13. Other
- G. Stability - Comprehensive plans also contribute a great deal to neighborhood stability by:
1. keeping rural municipalities from being a dumping ground;
  2. protecting property values and individual investments by encouraging proper development for each type of district;
  3. maintaining the character of a neighborhood by providing a stable and orderly living environment;
  4. keeping nuisances to a minimum, especially in residentially oriented neighborhoods;
  5. allowing for the creation of a fair tax base by keeping informed of both new construction and demolition.
  6. Other
- H. Health - Comprehensive plans protect public health through establishment of standards which address these issues:
1. reinforces health standards, particularly with respect to sewage and water-related problems;
  2. keeps unhealthy situations from arising which could cause disease or injury.
  3. encourages the creation of health and emergency facilities at appropriate locations.
  4. Other
- I. Environment - Comprehensive plans protect and enhance the environment in various ways:
1. insures that appropriate amounts of light, air, and open space are available for all residents;
  2. promotes proper use of unique or sensitive environmental areas and natural resources;
  3. encourages the use of vegetative buffers to moderate development affects;
  4. promote energy conservation by insuring that alternate fuel systems are encouraged and innovative construction techniques are allowed;
  5. tree maintenance, plantings and other forest management practices should be promoted during the review process that preferably includes Site Plan Review;
  6. vegetation should be encouraged to moderate the influence of wind, sun, precipitation, and noise;
  7. promote best management practices within each watershed such that erosion is minimized during and after construction. Site restoration is essential;

8. insure that noise pollution is considered in the review of industrial and other appropriate projects;
9. development should take groundwater protection into consideration;
10. wetlands should be considered when reviewing development projects;
11. light pollution should be a consideration in reviewing large development;
12. steep slope development should receive special attention during the review of a project.
13. other

J. Housing - Comprehensive plans encourage quality housing and more specifically should:

1. insure that a wide range of housing opportunities are addressed;
2. address special housing;
3. encourage "in-fill" development to promote better utilization of existing neighborhoods;
4. deal with the problem of dilapidated housing and encourage the rehabilitation of housing;
5. promote reasonably located seasonal housing;
6. encourage "clustering" of housing units based on benefits to the developer, owner, and environment.
7. other

K. Transportation - Comprehensive plans encourage the creation and maintenance of adequate transportation systems.

1. support road design that protects visual resources of community;
2. promote transportation that strengthens existing community centers and fosters an orderly pattern of growth;
3. encourage the full utilization of existing highways and bridges and discourage the need for new highways and bridges;
4. promote highway safety utilizing setbacks and other visibility tools;
5. promote adequate commercial loading and unloading so as to avoid unsafe conditions;
6. require adequate off-street and street parking to meet needs of various uses;
7. insure that snow removal can be accomplished adequately;
8. promote alternate transportation means such as bike routes and walking paths;
9. insure that uses involving large numbers of vehicles (e.g., drive-ins, concerts, etc.) provide for parking and safety.
10. other

L. Utilities and Infrastructure - Comprehensive plans encourage reasonable land use such that existing infrastructure is fully utilized and the need for new infrastructure is minimized.

1. large lot development is promoted in areas where soils are not conducive to septic operation;
2. more intense development is encouraged through various means (e.g., smaller lots) in areas where municipal or community utility systems exist;
3. optimize the use of existing infrastructure.
4. other

M. Regional Needs - Comprehensive plans should look beyond municipal boundaries.

1. consolidation of services should always be an option that is considered. Sharing equipment, services, facilities, etc., must be reviewed periodically in order to promote efficiency and avoid duplication;
2. zoning laws should be consistent or compatible with state, region, county and other municipal plans;
3. landfills, hospitals, and other uses not required in each municipality should be addressed regionally;
4. other

- N. Implementation - Comprehensive plans can be implemented in a multitude of ways and should be relatively consistent with the plan:
1. a comprehensive capital budgeting program should be encouraged as a primary means of implementing goals and objectives;
  2. progress in implementing a comprehensive plan should be monitored;
  3. zoning and subdivision laws should be considered for adoption as the major implementation tools for a comprehensive plan;
  4. other related rules and regulations (e.g., flood plains, sewer and water, etc.) should be coordinated with implementation tools;
  5. the training of all individuals associated with implemented land use laws should be encouraged.
  6. insure that laws are understandable and usable by officials, developers, and the general public;
  7. protect preexisting uses from laws that were written for new development only;
  8. promote flexible laws that provide latitude for developers to be in compliance;
  9. other

## **SECTION 104 APPLICATION OF REGULATIONS**

- A. Compliance Responsibility - It shall be the responsibility of all property owners, developers, lessors, or others involved with the temporary or permanent use of land or structures to comply with the regulations of this zoning law. No building or buildings shall be erected or altered which will substantially limit the usefulness or depreciate the value of the surrounding property.
- B. Regulation Responsibility - The regulations of this law shall apply and shall require a zoning permit (except as specifically exempted) for the following situations:
1. to occupy a structure or land;
  2. to erect, alter, enlarge, move, or demolish a structure; and
  3. to change one use to another use to include the increasing of families utilizing land or structures.
- C. Other Related Regulations - The following regulations shall, as applicable, be complied with prior to occupancy or where specifically stated prior to issuance of a zoning permit:
1. Subdivision Laws - State and existing local subdivision laws must be complied with in addition to this Zoning Law.
  2. National Flood Insurance Program - It shall be the responsibility of the applicant for a zoning/building permit to insure that the National Flood Insurance regulations in addition to zoning regulations shall be complied with for those parcels located within the flood plain as shown on official Flood Insurance Administration maps.
  3. State Environmental Quality Review Act - Any development requiring a "discretionary" permit as well as amendments to this Law shall be subject to an Environmental Assessment in accordance with state law.
  4. Health Department Rules - In areas not served by municipal sewer or water systems, the regulations of the State and County and Local facilities will apply. The applicant for a building or zoning permit must obtain a copy of the required health department permits for attachment to his application, before the issuance of local approval.
  5. Fire & Building Code - No structure shall be erected, altered, or used unless it complies, where applicable, with the New York State Uniform Fire & Building Code. The Code Enforcement Officer shall be sent copies of all zoning permits.

## **ARTICLE II DEFINITIONS**

### **SECTION 201 LANGUAGE AND INTERPRETATIONS**

For the purpose of this Local Law, certain terms or words herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes a corporation as well as an individual. The word "lot" includes "plot" or "parcel". The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

### **SECTION 202 DEFINITIONS**

Certain words and terms used in this Local Law are defined as follows:

**ACCESSORY APARTMENT** - A secondary apartment developed in an existing single family dwelling which meets the following conditions: No more than one unit shall be created per dwelling unit in districts where multiple units are allowed, the apartment shall be between 600 and 800 square feet in floor space with the resultant primary dwelling meeting all area requirements such as minimum floor space, sufficient off-street parking shall be provided, no visible signs of an apartment shall be present and finally, accessory dwellings may be utilized.

**ACCESSORY BUILDING OR USE** - An accessory building or use is one which is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and is located on the same lot or adjacent vacant lot as the principal building or principal use served. A maximum number of two accessory buildings shall be allowed on a lot and its adjacent vacant lot. An accessory building shall not be located in a front yard.

**ACCESSORY DWELLING UNIT** - Dwellings intended for temporary occupancy and including but not limited to a travel trailer/motor home, truck camper or tent occupied by persons other than those generally residing in the primary dwelling unit and located on the same parcel or series of contiguous parcels under single ownership as the primary unit.

**ADMINISTRATIVE EXPENSES** - All actual expenses and liabilities incurred by the Village or any of its officers or agencies in processing and reviewing applications hereunder and insuring compliance with this law and all other applicable law or regulations, including but not limited to engineering fees and disbursements, legal fees and disbursements, publication expenses, administrative expenses and any other actual expenditure incurred or accrued by the Village.

**ADULT BUSINESSES** – See Section 643 B, 1-12; 643 C, 1-10. The definitions provided in Section 643 B&C shall apply and condition other sections of the entire Village of Mayville Zoning Law as may be applicable.

**ADULT ENTERTAINMENT** - An establishment consisting of, including, or having the characteristics of any or all of the following:

- A. **ADULT BOOKSTORE** - An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or

characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

- B. ADULT CABARET - (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
- C. ADULT MINI MOTION PICTURE THEATER - An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
- D. ADULT MOTION PICTURE THEATER - An enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

ADULT ENTERTAINMENT USE - An establishment used totally or partially to sell or rent items and/or activities for observation or viewing which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. Examples include adult bookstores, adult motion picture theatre, and adult cabaret.

AGRICULTURAL BUILDING - Any structure used primarily and directly for agricultural activities and including but not limited to barns, silos, storage sheds, corn cribs, milk houses, and similar structures.

AGRICULTURAL LAND USE - The production, keeping or maintenance of plants and/or Farm Animals for profit.

AGRICULTURE, LIMITED - The production of crops, plants, vines, and trees, provided no substantial odor or dust is produced within 100 feet of any building on adjacent property.

AIRPORT - Any land or water space frequently used for the landing and takeoff of any aircraft including helicopters. All airports must comply with federal and state regulations and be approved by the Commissioner of Transportation for New York State.

ALTERATION - As applied to a building or structure, a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or moving from one location or position to another, the term "alter" in its various modes and tenses and in its particular form, refers to the making of an alteration.

AMUSEMENT ARCADE - An indoor amusement and recreation establishment wherein the principal use is the provision of electronic or mechanical game devices available to the public on a commercial (pay in order to play) basis, or a restaurant, package food restaurant, bowling alley, billiard parlor, transportation terminal, hotel or motel which contains eight or more such electronic or mechanical game devices.

AMUSEMENT GAME MACHINES - Any machine or device which, whether mechanical, electric or electronic, shall be ready for play by the insertion of a coin, token or similar object or by the payment of a fee and which may be operated by the public for use as a game, entertainment, amusement or to develop a skill or to compete with other players of similar machines or devices. The term "amusement game machines" shall include, among other things, devices such as pinball machines and devices which utilize a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities. The term "amusement

game machines” does not include vending machines in which gaming or amusement features are not incorporated, nor does the term include any coin-operated mechanical musical device.

**ANIMAL FARM** - A commercial operation involving the raising for profit of wild animals such as minks, etc.

**APARTMENT** - A room or suite of two (2) or more rooms designed or used solely as a residence in a building not used as a hotel, rooming or boarding house, or for other transient occupancy.

**APPLICANT** - A property owner or his dully authorized representative or lessee, who intends to undertake any development or other activity subject to these Regulations.

**APARTMENT HOUSE** - A building arrangement intended or designed to be occupied by 4 or more families living independently of each other. Condominiums and town houses shall be considered to be apartments.

**AREA, BUILDING** - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of terraces uncovered porches, parapets and steps

**ARTISAN SHOP** - A building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

**BAR** – A business enterprise primarily engaged in the retail sale of alcoholic beverages for consumption on the premises.

**BASEMENT** – That portion of a building wholly or partly underground and extending no more than five (5) feet above finished grade.

**BOARDING HOUSE** - Any single-family dwelling unit lived in by a family where, for compensation, guestroom lodging is provided with or without meals for up to 2 individuals. The term Boarding House shall include Rooming House, Lodging House, and other similar terms.

**BOAT YARD** – A facility for servicing all types of water craft, as well as providing supplies, storage and fueling facilities, and with facilities for the retail sale, rental or charter of boats, motors and marine equipment. The term “boat yard” shall not be deemed to include outdoor multi-storage racks for the storage of boats.

**BREW PUB** - An establishment which contains a full-service standard restaurant and alcoholic beverages. This establishment also contains a microbrewery as an accessory use provided that sales of the microbrewery products are less than 50 percent of total sales. This microbrewery shall be for the brewing of handcrafted, natural beer intended for retail consumption on the premises and on any premises that has a license as a standard full-service restaurant owned and operated in its entirety by the same corporate ownership and management as the brew pub.

**BREWERY, MICRO** - A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.



**BUFFER** - A strip of land, fence or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, etc., and shall be determined by the Permitting Board.

**BUILDING** - Any structure having a roof supported by columns or by 4 independent, nonparty walls, and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

**BUILDING AREA** - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps. All dimensions shall be measured between the exterior faces of walls.

**BUILDING LINE** - A line formed by the intersection of a horizontal plane of average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

**BUILDING PERMIT** - See Zoning Permit.

**BUILDING SETBACK LINE** - An established line within a property defining the minimum required distance between the building line of any structure to be erected and the edge of the road of an adjacent highway.

**BULK REGULATIONS** – Standards that control the height, density, intensity and location of structures.

**BUSINESS / INDUSTRY, LIMITED** - A commercial venture that is the primary or major occupant of a structure and possesses the following characteristics: utilizes a maximum of 2,000 square feet of floor space, employs less than 5 employees, does not generate over 100 vehicles of business per 24-hour period, does not have a substantial effect on the character of the neighborhood, and generates no nuisances (smoke, odor, noise, etc.).

**BY RIGHT** - Refers to uses requiring a permit but with no public hearing required.

**CAMP** - Any area of land and/or water on which is located a cabin, tent, travel trailer, motor home, or other type of shelter suitable and intended for use in a temporary seasonal manner. For the purposes of this law, no minimum floor space shall be required for a camp structure.

**CARE HOMES** – A structure occupied as a temporary or permanent residence by three or more persons and which is either designed principally for housing for the aged where specific age limits are prescribed by public or private regulatory or administrative agencies, irrespective of the need for custodial care and/or supervision on the premises, or designed for occupancy by persons, who by reason of chronic illness, handicap, age, senility, convalescence or infirmity are dependent upon varying amounts of custodial care and/or supervision. This term shall include, by way of illustration and not limitation, nursing homes, rest homes, homes for prenatal care, and convalescent homes, and shall similarly exclude hospitals, clinics, mental health facilities, and similar institutions devoted primarily to the diagnosis and/or treatment of disease or injury, except where such facilities are accessory to a Care Home.

**CEMETERY, PET** - A parcel of land, buildings, and/or structures used for the interring of animal remains.

**CERTIFICATE OF ZONING COMPLIANCE** – A certificate issued by the Zoning Officer stating that a building or other structure, or the use thereof, or the use of a parcel of land, is in compliance with these Regulations or with the terms of an Order of Variance duly issued by the Board of Appeals.

**CHURCH, STOREFRONT** - (refers to a store or similar structure not typically used for religious activities that is now used as a meeting place for a congregation. Structures adapted for congregations include barns, stores, warehouses, old public buildings, and single-family houses.

**CLUB** - An organization catering exclusively to members and guests including premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising, or commercial activities except as required generally for the convenience of the membership and purposes of such club.

**CLUSTER DEVELOPMENT** - A development of five acres or more where a developer may elect, after board approval, to cluster or group his development in return for the permanent creation of common areas. Overall, the density of development remains approximately the same as required by the district area requirements.

**COFFEE KIOSK** - A retail food business in a free-standing building that sells coffee, or other beverages, and remade bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

**COMMERCIAL USE** - Activity involving the sale of goods or services carried out for a profit.

**CONDOMINIUM** – A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**COMMENT:** By definition, a condominium has common areas and facilities and there is an association of owners organized for the purpose of maintaining, administering and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements usually include the land underneath and surrounding the building, certain improvement on the land, and such items as plumbing, wiring, and major utility systems, and interior areas between walls, the public interior spaces, exterior walls, streets and recreational facilities.

**CONDOMINIUM ASSOCIATION** – The community association which administers and maintains the common property and common elements of a condominium. **COMMENT:** Condominium associations differ from other forms of community associations in that the condominium association does not have title to the common property and facilities. These are owned by the condominium owner on a proportional, undivided basis.

**CONVENTIONAL DWELLING UNIT** - See Dwelling Unit.

**COPY SHOP** - A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.

**DAY CARE FACILITY** - A structure, together with its lot, operated on a regular basis for the purpose of providing care for children. Similar uses going under names such as Day Nurseries shall for the purpose of this law be considered to be Day Care Facilities.

Note: The following types of Day Care Facilities with an asterisk (\*) shall be subject to regulation under this Law but only to the extent as to not be in conflict with Social Security Law and other State Laws and regulations dealing with Day Care Facilities.

\*A. Small Day Care Home - A family home which is a personal residence and occupied as a family residence which provides child day care on a regular basis for 1 or 2 children for compensation. NYS Child and Family Services does not regulate such a use and there are no applicable state licenses or registration requirements.

B. Family Day Care Home - A family home which is a personal residence and occupied as a family residence which provides child day care on a regular basis for more than three hours per day per child for three to six children for compensation or otherwise, except as provided in Part 417. The name, description or form of the entity which operates a family day care home does not affect its status as a family day care home. See Part 417 of Social Security Law.

C. Group Family Day Care Home - A family home which is a personal residence and occupied as family residence which provides child day care on a regular basis for more than three hours per day per child for seven to twelve children for compensation or otherwise, except as provided in Part 416. Such home must be operated by a provider and have at least one assistant present during the hours that care is provided. The name, description or form of the entity which operates a group family day care home does not affect its status as a group family day care home. See Part 416 of Social Security Law.

\*D. Small Day Care Center - A program or facility which is not a personal residence and in which child day care is provided to three through six children for more than three hours per day per child for compensation or otherwise, except those programs operating as a group family day care home, a family day care home, or a school-age child care program. The name, description or form of the entity which operates a small day care center does not affect its status as a small day care center. See Part 418 of Social Security Law.

\*E. Child Day Care Center - A program or facility in which child day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation or otherwise, except those programs operating as a group facility day care home, a family day care home, or a school-age child care program. The name, description or form of the entity which operates a child day care center does not affect its status as a child day care center. See Part 418 of Social Security Law.

\*F. School-Age Child Care Facility - A program or facility that provides care on a regular basis to seven or more school-age children under 13 years of age or who are incapable of caring for themselves where such children attend school or kindergarten at a public or private school whether such care is provided for compensation or otherwise. School-age child care program provides care during the school year to an enrolled group of children before and/or after the period children enrolled in such program are ordinarily in school or during lunch periods and may also include such care during school lunch periods and may also include such care during school holidays and those periods of the year in which school is not in session, including summer vacation. Such programs must operate consistent with the local school calendar. The

name, description or form of the entity which operates a school-age child care program does not affect its status as a school-age child care program. See Part 414 of Social Security Law.

\*G. Day Care Facility for Adults - Facilities providing day care on a regular basis for adults for compensation.

DECK - An unroofed open structure projecting from an outside wall of a structure without any form of enclosure.

DEVELOPMENT - Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation, or drilling operations.

DOMESTIC ANIMAL - For the purposes of this law, a domestic animal shall include dogs and cats only.

DRAINAGE – The removal of surface or subsurface water or other liquids by surface run-off or sub-surface flow.

DRIVE-IN - Businesses designed to, wholly or partially; provide services or products to customers while in automobiles parked on the premises. Examples include, but are not limited to, film shops, drive-in theaters, and fast-food restaurants.

DRY HYDRANT - A pipeline capable of transporting water on a year-round basis from a pond, lake, or other water source to a hydrant. The water is not under pressure and thus to be utilized for fire fighting purposes must be properly engineered such that a pumper truck can successfully draw sufficient water volume from the hydrant.

DUPLEX - A dwelling structure arranged, intended, or designed to be occupied by 2 families living independently of each other.

DWELLING UNIT - One or more rooms providing living facilities, including equipment and provisions for cooking for a single household including one or more persons living as a family. Dwelling units shall be categorized by four (4) types of construction:

- A. Conventional - A permanent single or multiple-family dwelling unit which is built on-site using conventional "stick" construction techniques among others. Included in this category are precut homes which refer to a conventional dwelling unit built on-site utilizing wood framing members that are precut in a factory to the correct lengths but delivered to the building site unassembled. For the purpose of this law, a precut dwelling unit shall be considered to be the same as a conventional dwelling unit and shall not be considered to be a manufactured home.
- B. Modular - A permanent single or multiple-family dwelling unit built in accordance with plans which have obtained an architectural stamp and seal under the NYS Building Code which is brought to the building site as 2 or more units on a transport trailer. Modular dwelling units have no support frames as found on mobile homes but instead are placed on a separate foundation. Modular dwelling units contain the same utility systems as conventional dwelling units. Modular dwelling units are not designed to be moved after they have been lifted onto a foundation. They are generally a minimum of 24 feet wide.
- C. Prefabricated - A permanent single or multiple-family dwelling unit that is brought to the building site in large sections or panels usually 8 feet high and up to 40 feet long. Often the

doors and windows are factory insulated in the panels with the wall panels designed to be erected immediately after delivery. Prefabricated dwelling units are sometimes referred to as panelized units.

- D. Mobile Home - A transportable, fully assembled single-family dwelling unit suitable for year-round occupancy built in accordance with HUD code for manufactured housing and having a HUD seal. Mobile dwelling units contain the same utility systems (water, waste, & electricity) as found in conventional dwelling units. Mobile dwelling units are supported by a chassis that is an integral part of the unit. Mobile dwelling units are not designed to be lived in except when they are set up on a lot with proper utilities. This includes doublewide mobile dwelling units, but does not include travel trailers that are self-contained. For the purpose of this law, mobile homes are listed separately as allowed uses as are conventional (stick built/precut) modular and prefabricated (panelized) dwelling units.

**EATING AND DRINKING ESTABLISHMENTS** - Places where food and/or beverages are prepared and/or sold for consumption on the premises or for take-out, including restaurants, tea rooms, cafeterias, bars, taverns, and lunchrooms.

**ENFORCEMENT OFFICER** - Shall mean the enforcement officer of the municipality.

**ESSENTIAL SERVICES** - The erection, construction, alteration, or maintenance by public utilities, or municipal, or other governmental agencies of gas, electrical, steam, water, sewage, and communication systems, and facilities. Railroad tracks and facilities, and bus shelters shall also be considered as providing an essential service.

**EXTENSION** – An increase in the amount of existing floor area used for an existing use within an existing building.

**FAMILY** - One or more persons, related by birth, marriage, or other domestic bond, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

**FARM ANIMALS** – Animals raised or maintained for their products or labor, including but not necessarily limited to dairy cows, beef cattle, poultry, sheep, horses, goats, mules, fish and mink.

**FARM** - Any parcel of land, containing at least 10 acres, which is used to raise/grow agricultural products, livestock, poultry, and/or dairy products with the intent of financial gain. It includes necessary farm structures and the storage of equipment used.

**FENCE** - Any artificially constructed barrier or vegetation barrier such as a hedge, with the purpose or intent of preventing passage or view, thus providing privacy.

**FENCE, BARRIER** - Any fence that is located near the perimeter of the property of which it is intended to provide privacy.

**FENCE, FARM** - Any fence whether located on a farm or not which has as its primary purpose the control of non-domestic animals.

**FENCE, NONBARRIER** - Any fence located a distance from the property line that provides privacy to a portion of land such as a patio or swimming pool.

**FILLING STATION** – A building or lot, or part thereof, used for supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A

“filling station” may include accessory facilities for rendering limited service for motor vehicles, such as lubrication and minor repairs, and incidental, but not automated, car washing.

**FINISHED GRADE** - The natural surface of the ground within ten (10) feet of the building, or surface of the ground within ten (10) feet of the building after completion of any change in contour.

**FIRE RESISTANT** - Any materials which possess the properties, construction or assembly qualities which under fire conditions prevents or retards the passage of excessive heat, gases or flames; and thus, is not easily ignited.

**FLAMMABLE** - Capable of igniting within 5 seconds when exposed to flame and continuing to burn.

**FLOATING DISTRICT** - Any zoning district for which district regulations are included in this Law and yet for which no land has initially been designated on the zoning map to be included in said district. Such a district may become a reality through the amendment of the zoning map of the municipality in accordance with the amendment procedures of this Law. The initiation of the creation of such a district may come from residents, the Planning Board, a developer or the Municipal Board, itself, while the decision whether to activate such a district shall be made based upon the need for such a district.

**FLOOR SPACE** - The sum of the gross horizontal areas of the floor or floors of a building that are enclosed and usable for human occupancy or the conduct of business. Said areas shall be measured between the outside face of exterior walls, or from the centerline of walls separating two uses. Said areas shall not include areas below the average level of the adjoining ground, garage space, or accessory building space.

**FRONTAGE** – The extent of a building or of land along a street.

**FUNERAL HOME** – A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**FUNNELING** - The use of a lakefront or navigable waterway lot by one or more non-lakefront or upland households who possess a contractual access to use the waterfront lot. Generally, the access allows the householders to access the lake for boating or general recreational enjoyment. Contractual arrangements generally utilized include legal contract or deed stipulation.

**GARAGES, PRIVATE** - A secondary building used in conjunction with a primary building which primarily provides for the storage of motor vehicles and in which no occupation, business, or services for profit are carried on.

**GARAGES, PUBLIC** - Any garage other than a private garage, operated for gain, available on a rental basis for the storage of motor vehicles, including the supply of gasoline and oil.

**GAS COMPRESSOR** - Any mechanical equipment utilized to cause the movement of natural gas through a transmission line system.

**GAS STATION** - The retail sale of fuel and related oil products as well as minor service repairs and routine maintenance to include oil and tire changes.

**GENERAL RETAIL BUSINESS** - See Retail Business.

GENERAL SERVICE BUSINESS - See Service Business.

GENERAL WHOLESALE BUSINESS - See Wholesale Business.

GRAVEL PIT / QUARRY / SAND PIT - A land parcel or portion thereof used for the purpose of extracting stone, sand, gravel or top soil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for building permit has been made.

GRAVEL PIT, SMALL - Any gravel pit involving the extraction of less than 1,000 tons annually or approximately 2.6 average trucks weekly.

HEALTH FACILITIES – Hospital, medical center, sanitarium rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of human ailments.

HEAVY VEHICLES - Automobile wreckers, commercial trailers, semi-trailers, or any non recreational vehicle or truck with 4 or more wheels mounted on the rear axles. However, pickup trucks with dual rear wheels shall not be considered to be a heavy vehicle

HEIGHT - The vertical distance from the highest point on a structure (excepting chimneys and other items listed in Article V, Section on "Height") to the average ground level of the grade where the wall or other structural elements intersect the ground.

HOME FOR AGED - A structure principally used to house senior citizens in which a separate household is established for each family. Nursing homes are not considered to be a home for aged.

HOME OCCUPATION - A use conducted within a dwelling and carried on by the inhabitants thereof, which is clearly secondary to the use of the dwelling for dwelling purposes and does not substantially change the character of the residence or neighborhood. Home occupations shall meet all conditions specified in the section on Home Occupations. In some instances, accessory buildings may be utilized for Home Occupations.

HOME IMPROVEMENT CENTER - A facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.

HORTICULTURE, PRIVATE - The growing of fruits, vegetables, flowers, or ornamental plants for ones own pleasure and use. Also referred to as a private garden.

HOTEL – A facility offering transient lodging accommodations to the general public and may provide additional services such as restaurants, meeting rooms, and recreation facilities.

HOUSEHOLD PET – An animal commonly kept in a “dwelling unit” by the inhabitants thereof for amusement or companionship, such as a dog, cat, bird, fish, gerbil, hamster or non-poisonous snake. Any other animal, such as a goat, pony, horse or sheep, or more than four dogs or cats over six months of age, more than ten gerbils or hamsters over two months of age, or more than three non-poisonous snakes, is not a “household pet”.

**HOUSEHOLD SALE** - Household sale for the purpose of this Law shall include lawn sales, patio sales, garage sales, basement sales, flea markets, bazaar, or other similar types of sales. A household sale shall be distinguished from a business in that it involves the infrequent sale of used merchandise which, for private sales, was NOT obtained from outside the household. Nonprofit or fraternal organizations on the other hand may obtain their sale items from donations received from members or other sources.

**HOUSING, ELDERLY** - Apartments containing eating, sleeping, and living space and designed with elderly fully independent residents in mind. Generally, these apartments contain smaller than normal floor space, require less parking and less active recreational area. Additionally, common eating areas are sometimes provided.

**HUNTING CAMP** - See Camp.

**INDUSTRY, GENERAL** - The manufacture, preparation, processing, milling, or repair of any article, substance or commodity, and which involves no dangerous or toxic product or emissions. Additionally, noise, odors, or other nuisances incidental to productions and processing shall be limited to a level which does not affect the use or enjoyment of property outside of the Industrial District.

**INFILL SITE** - Any vacant lot or parcel within developed areas of the city, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been developed and are provided. Annexed areas located on the periphery of the city limits shall not be considered as in-fill sites.

**JUNK VEHICLE** - A motor vehicle (excluding farm vehicle) which is not intended for or in condition for legal use on public highways or which is in the process of being dismantled. See supplemental section on junk vehicles for full definition.

**JUNK YARD** - See Definitions of Scrap Yards and Vehicle Dismantling Yards.

**KENNEL** - Any premises on which 5 or more dogs or cats over 6 months old are housed, groomed, boarded, trained, or sold for monetary gain.

**LARGE BOX RETAIL** - A singular retail or wholesale user, who occupies no less than 75,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market. Regional retail/wholesale clubs that emphasize bulk sales, discount stores, and department stores.

**LARGE GROUP** - Any gathering of 500 or more people, occurring on a non-regular basis and involving either the charging of a fee, request for a donation or sale of products or services.

**LOADING SPACE** - Space logically and conveniently located exclusively for bulk pickups and deliveries at commercial structures.

**LOT** - A parcel of land occupied, or designed to be occupied by one building and the accessory buildings or uses customarily incidental to it, including such open space as are required by this Zoning Law.

**LOT, COVERAGE** - That percentage of the lot which is devoted to building area. District regulations refer to the maximum percentage of the lot area devoted to building area.



**LOT, SIZE** - An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres.

**LOT LINE** - Any line dividing one lot from another.

**LOT WIDTH** - The horizontal distance between the side lot lines measured at right angles to its depth at the building line.

**MANUFACTURED HOME** - A general category of housing construction denoting single-family detached or attached multiple-family dwelling units which are partially or totally constructed away from the site where they are to be placed for occupancy. Included in this category are mobile homes, modular housing, and panelized (prefabricated) housing.

**MASSAGE ESTABLISHMENT** - Any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Shall also include any bathing establishment.

**MIXED USE** - A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**MOBILE DWELLING UNIT** - See Dwelling Unit (same as Mobile Home).

**MOBILE HOME** - See Dwelling Unit.

**MOBILE HOME PARK** - A parcel of land upon which two or more mobile homes are set up for living purposes.

**MODULAR DWELLING UNIT** - See Dwelling Unit.

**MOTEL** - A building or group of buildings, whether detached or in connected units, used as individual sleeping or living quarters with direct outside access, designed primarily for travelers, and provided with related offices and accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, motor lodges, auto courts, and other similar terms, but shall not be construed to include parking areas for Recreational Vehicles or Mobile Homes, or to include Dwellings except for that of the resident owner or manager.

**MOTOR HOMES** - A self-propelled, relatively small temporary living quarter generally used as mobile vacation homes. Motor homes generally have self-contained, independent utility systems.

**MOTOR VEHICLE SERVICE STATION** - Any area of land, including structures therein, that is used for the sale of gasoline or any other motor vehicle fuel and oil, and other lubricating substances; including any sale of motor vehicle accessories; and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but not including the painting thereof by any means, body and fender work, or the dismantling or replacing of engines.

**MULTIPLE DWELLING** - Three or more dwelling units per building.

**MULTIPLE USE BUSINESS** - A building or buildings in one contiguous location under single ownership which has more than 1 distinct business (e.g., restaurant and a gift shop) as defined in the allowed uses.

**MUNICIPALITY** - Shall mean the Village or Town for which this Law applies.

**NONCONFORMING STRUCTURE** – A structure lawfully existing on the effective date of this Law or any amendment thereto affecting such structure, which does not conform to the applicable regulations prescribed in this Law, as amended, irrespective of the use to which such structure is put.

**NONCONFORMING USE** – Any use of a building, structure, lot or land, or part thereof, lawfully existing on the effective date of this Law or any amendment thereto affecting such use, which does not conform to the applicable regulations prescribed in this Law as amended.

**NUISANCE** - A violation of this Law caused by an offensive, annoying, unpleasant, or obnoxious use or characteristics of said use which produces effects of such a nature or degree that they are detrimental to the health safety, general welfare, property values, etc., thus resulting in harm or injury to adjacent or nearby properties. Common examples include excessive odors, noise, smoke, vibration, light, runoff, traffic, development density, electronic interference, etc.

**NURSING HOME** - Also referred to as a convalescent home, it includes buildings where, for a fee, nonambulatory residents are provided full-time convalescent or chronic care by skilled nurses in addition to room and board. No care for the acutely ill is provided; and thus, clearly, hospitals and mental health centers are not to be considered as a nursing home.

**NURSERY (for Children)** - See Day Care Center.

**OFFICE** - A place which is used to conduct a business or profession and is occupied by a physician, surgeon, dentist, lawyer, or person providing similar services or in whose office the functions of consulting, record keeping, and clerical work are performed.

**OPEN SPACE** - Common, public or private greens, parks, or recreation areas, including playgrounds, woodland conservation areas, walkways, trails, stream crossings and drainage control areas, golf courses, swimming pools, tennis courts, ice skating rinks, and other similar recreational uses, but which may not include any such uses or activities which produce noise, glare, odor, air pollution, fire hazards, or other safety hazards, smoke fumes, or any use or activity which is operated for a profit, or other things detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.

**OUTLET MALL** - Usually located in a rural or occasionally tourist locations, outlet centers consist mostly of manufacturers' outlet stores selling their own brands at a discount. These centers are typically not anchored. A strip configuration is most common, although some are enclosed malls, and others can be arranged in a "village cluster."

**PANELIZED** - See Dwelling Unit, Prefabricated.

**PARKING SPACE** - A required off-street parking space. (See Supplemental Section.)

**PLANNING BOARD** - Refers to the Municipal Planning Board unless otherwise indicated.

POND - A man-made body of water, utilizing natural materials, which is used for recreational purposes as well as for fire protection.

PORCH - A roofed open structure projecting from an outside wall of a structure without any form of enclosure. Screens used as insect barriers are permissible and shall not cause the porch to be considered to be an enclosure.

PRECUT - See Dwelling Unit, Conventional.

PREFABRICATED DWELLING UNIT - See Dwelling Unit.

PRINCIPAL USE - The main use of land or buildings as distinguished from a subordinate or accessory use.

PREEXISTING USE - Any use, either conforming or nonconforming with this Law, that is legally existing at the enactment date of this Law.

PREFABRICATED DWELLING UNIT - See Dwelling Unit.

PRIVATE CAMP - A parcel of land on which a travel trailer, tent, cabin, or other structure is present for use on a seasonal basis for leisure or recreation purposes. (See Supplemental Section.)

PROFESSIONAL - Any person with an advanced college degree or who possesses a license to practice. This includes but is not limited to doctors, lawyers, CPA's, engineers, etc.

PUBLIC - Owned, operated, or controlled by a governmental agency (Federal, State, or Local) including a corporation created by law for the performance of certain specialized governmental functions, a public school district, or service district.

PUBLIC, QUASI - An organization which serves a governmental function but is not a governmental unit per se. A volunteer fire department is an example. Additionally, any use owned or operated by a nonprofit or religious organization providing educational, cultural, recreational, religious or similar types of programs.

RECREATION, COMMERCIAL - Recreational facilities operated as a business and open to the general public for a fee. Recreational facilities shall include, but not be limited to, golf courses, ice skating rinks, and swimming pools.

RECREATIONAL VEHICLE - A vehicle primarily designed as temporary living quarters for recreational, travel, or camping use, which either has its own mode of power, or is drawn by another vehicle.

RESIDENCE, SINGLE-FAMILY DETACHED - A detached building designed to contain one dwelling unit.

RESIDENCE, TWO-FAMILY - Either of the following: (A) a building having two side yards and accommodating two dwelling units; or (B) a detached building containing two dwelling units separated by a party wall, each having one side yard.

RESIDENCE, MULTI-FAMILY - A building used or designed for three or more dwelling units including apartment houses, town houses, and condominiums.

**RESIDENTIAL CONVERSIONS** - The creation of one or more additional dwelling units within an existing residential structure in accordance with conditions set forth in this Law.

**REST HOME** - Commonly referred to as homes for the aged. These facilities provide private sleeping rooms for ambulatory (able to walk) residents. Generally, rest homes have common eating areas and provide minimal medical aid to residents. Only incidental convalescent care is provided which does not involve trained nurses, physical therapy or other activities provided in a hospital or nursing home.

**RESTAURANT** – Any structure designed, intended as, or used in whole/or part for the retail sale of prepared food and/or beverages for on-premises consumption, including what are commonly termed diners, lunchrooms, lunch counters, night clubs, saloons, taverns, delicatessens, and snack bars, whether or not entertainment is provided (including dancing). Temporary facilities used for distribution of food and/or beverages, such as are customarily associated with field days, carnivals, circuses, charitable, religious or institutional bazaars, or similar events, shall not be considered restaurants.

**RETAIL BUSINESS, GENERAL** - For the purposes of this Law, whenever a general retail business is listed as an allowed use, it shall signify that any retail business which has a minimal negative impact and can meet the conditions specified in this Law shall be allowed in addition to the specific retail uses as being allowed.

**RETAIL SALES AND SERVICES** – The sale of goods, articles or consumer services individually or in small quantities directly to the consumer.

**RIDING ACADEMY** - Any establishment where horses are kept for riding for compensation. Riding academies shall be situated on a minimum of 10 acres of land and only in districts where allowed. Additionally, horses can be boarded and groomed and instructions in riding, jumping and showing can be offered.

**RIGHT-OF-WAY** – A thoroughfare, however designated, permanently established for passage of persons or vehicles.

**ROADSIDE STAND** - A structure (either enclosed or open), a booth or a transportable vehicle, the purpose of which is the sale of produce and other farm products to the general public. Roadside stands are located along a roadway in such a manner as to provide safe and convenient off-street parking even though front yard setbacks are not required to be met.

**SATELLITE DISH** – A structure attached to the ground or another structure, built or intended for receiving television or radio programming transmitted or relayed from an earth satellite.

**SEQR:** The State Environmental Quality Review Act of the State of New York. Its basic purpose “is to consider environmental factors in the planning, review and decision making processes of state, regional and local governmental agencies at the earliest possible time.”

**SAWMILL** - Commercial facility containing sawing and planing equipment utilized for the preparation of dimensional lumber used for construction. No on-premise sales to the general public take place.

**SCHOOL, PRIVATE** – A kindergarten, primary or secondary school furnishing a comprehensive curriculum of academic instruction similar to that of a public school.

**SCHOOL, PUBLIC** – An educational institutional operated by public school district under the laws of the State of New York.

**SCRAP YARD** - Any place of storage or deposit of more than 100 square feet, usually of a commercial nature, where metals, glass, rags, etc., are held, whether for the purpose of disposal, reclamation, recycling or resale of such, including establishments having facilities for processing iron, steel, and nonferrous scrap for melting purposes.

**SECTION** - Unless otherwise noted, section and section numbers shall refer to this Law.

**SEMI-PUBLIC** - Places of worship, institutions for the aged and children, nurseries, nonprofit colleges, hospitals, libraries, cemeteries, and institutions of the philanthropic nature; also, open space.

**SERVICE BUSINESS, GENERAL** - For the purpose of this Law, the provision of commercial support activities and/or business services as opposed to the sale of goods to other businesses or to individuals which is in whole or part a commercial activity. Whenever general service business is listed as an allowed use, it shall signify that any service business which has a minimal negative impact and can meet the conditions specified in this Law shall be allowed, in addition to the specific service uses listed as being allowed. Examples of general service businesses include financial or accounting services, any type of consulting activity, counseling, or similar activity which provide support for any such personal or commercial individual or group.

**SERVICE STATION/MINIMART** - A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

**SETBACK** - Distance measured from the street edge to a structure, sign, etc. For private roads, the front yard setback shall also be the distance from the edge of the traveled portion of the road to the closest point on the structure.

**SHOOTING RANGE** - The parcel(s) of land used for discharging of firearms with the intent to hit any object (moving or stationary) other than live game, by any person who pays a fee (e.g.; membership fees, shooting fee, etc.) to use said facilities. Commercial shooting ranges include but are not limited to nonprofit clubs (skeet club, etc.); and profit motivated business. For the purpose of this Law a shooting range shall be considered to be a trap/skeet or other type of range utilizing shot guns as well as an indoor (fully enclosed) range utilizing rifles or pistols not classified as shotguns.

**SHOPPING CENTER** - A group of commercial establishments occupying adjoining structures all of which may be deemed as 1 building and normally owned/managed as 1 unit. Off-street parking as well as loading/unloading facilities is provided as an integral part of the unit.

**SIGN** - Any structure or part thereof, attached thereto, or painted, or represented thereon, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used for the purpose of bringing the subject thereof to the attention of the public. The word sign does not include the flag, pennant or insignia of any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like organization, or the property thereof.

**SIGN, AREA** - The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed, 4-sided (straight sides) geometric shape which most closely outlines the said sign. Only 1 side of the sign shall be used in measuring the area.

**SIGN, ADVERTISING** - A sign which offers services or goods produced or available somewhere other than on which the sign is located. The words "advertising sign" include the word "billboard." Neither directional warning nor other signs posted by public officials in the course of their public duty shall be construed as advertising signs.

**SIGN, BILLBOARD** - Any sign with a total area larger than that permitted by sign regulations of this Law for the district in which the billboard either exists or is proposed to be located in.

**SIGN, BUSINESS** - A sign for permitted use conducted on the premises on which shall identify the written name and/or the type of business and/or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on the premises.

**SIGN, DIRECTIONAL** - A sign which identifies an attraction or activity and provides directional information useful to the traveler in locating the attraction, such as mileage, route numbers, etc.

**SIGN, IDENTIFICATION** - A sign for a permitted use conducted on the premises for articles sold, or distributed by that use, or displaying the name of the premises.

**SIGN, INSTRUCTIONAL** - A sign conveying instructions with respect to the use of the premises, or a portion of the premises on which it is maintained, or a use or practice being conducted on the premises.

**SIGN, NAMEPLATE** - Any sign attached directly to the wall of a building occupied by the person to whom such a sign indicated the name, occupation and/or address of the occupant. A nameplate shall be not over 2 square feet in size.

**SIGN, PUBLIC** - Those signs erected to direct flow, speed and direction of traffic, effect general public safety or name streets and buildings.

**SIGN, TEMPORARY** - A sign which offers premises for sale, rent, or development; or announces special events or calls attention to new construction or alteration; or offers a sale of seasonal garden produce, garage, household, porch items or signs of similar nature; or political signs. Temporary status of signs will expire after 6 months.

**SLUDGE** - Solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial or land application.

**SOLAR STRUCTURE** - Any structure containing either a passive or active heat storage device that is dependent on direct contact with the sun in order to operate. Said heat storage devices are commonly used to heat totally or partially water, rooms, etc.

**SPECIAL USE PERMIT** - A special use permit deals with special permission, granted only by the Permitting Board after public hearing to occupy land for specific purposes when such use is not permitted By Right, but is listed as permitted by Special Use Permit.

**STORAGE STRUCTURE** - Any constructed combination of materials located or attached to the ground utilized for noninhabited storage purposes. Used trucks and similar motor vehicles shall not be utilized as storage structures. For the purposes of this Law, storage structures shall be less than 150 square feet with larger structures considered to be customary accessory uses.

**STOREFRONT AREA** - That area of the front of a building associated with the first floor only. For businesses located above a first floor, the storefront area shall be calculated based on the ground floor entrance only.

**STORY** - That portion of a building excluding attics and cellars included between the surface of any floor and the floor next above it; or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STORY, HALF** - A story under a gable, hip, or gambrel roof, the wall plates of which, on at least 2 opposite exterior walls, are not more than 2 feet above the floor of such story.

**STREET EDGE** - A curb or in the absence of a curb, the furthest outside point of a street or roadway which is designed and constructed to carry vehicles on a regular basis. A paved or unpaved shoulder of a road shall not be considered in determining the street edge.

**STRUCTURE** - A building constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Mobile homes are not considered to be structures for the purpose of this Law. (A Mobile Home is considered to be a structure under the Flood Insurance Program.)

**SWIMMING POOL** - Any man-made receptacle for water (excepting farm ponds) located above or below ground designed for capacity of over 4 feet in depth at any point and intended to be used for swimming.

**TEMPORARY DWELLING UNIT (MOBILE)** - Dwellings intended for temporary occupancy and including but not limited to: travel trailers, motor homes, truck campers, and tents. Persons residing in temporary dwelling units generally do not include those residing in the primary dwelling unit located on the parcel.

**TEMPORARY USE** - An activity conducted within a structure or on a tract of land for a specific limited period of time which may not otherwise be permitted by the provision of this Law. For example, a building used in conjunction with new construction that would be removed upon completion of the work.

**THEATER, MULTIPLEX** - A multiplex, also known as a cineplex, is a complex structure with multiple movie theaters in which each theater is capable of showing movies independent of the others in the complex. Structurally, theaters in a multiplex are grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby area, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities. These structures first started appearing in shopping centers and malls, sometimes integrated with the layout of the mall. They typically have eight to twelve movie screens and about 2,500 seats spread among them with capacities ranging from 200 to 800 seats per theater.

**TOWER** - A structure generally fixed on the ground of a noncommercial or commercial nature, the purpose of which is to better enable the transmission or receiving of signals by achieving more height. For the purposes of this Law, a tower shall generally be capable of being climbed without utilizing special equipment and shall be categorized as:

(A) commercial; (B) noncommercial more than 50 feet high as measured from the ground; and (C) noncommercial 50 feet or less in height. Standard TV-type antennas are not to be considered to be a tower.

**TOWN HOUSE** - A dwelling unit designed to be occupied as a residence for one family and 1 of a group of 3 or more attached dwellings, placed side by side, separated by party walls, each containing 1 or 2 stories, and each having separate front and rear, side and rear, or front and side entrances from the outside.

**TRASH** - Glass, scrap metals, salvaged metals, rags, refuse, garbage, wastepaper, salvaged machines, appliances, or similar materials, etc. Generally, trash can be described as any items that are worn, deteriorated or obsolete so as to make them unusable in their existing condition.

**TRAVEL TRAILER/CAMPER** - A relatively small temporary living quarter designed to be hauled behind a vehicle. Travel trailers are not designed as permanent living quarters and generally are used on a seasonal basis. Primarily, they are supported at all times by their own wheels. Travel trailers generally have self-contained independent utility systems. See definition of Accessory Dwelling Unit.

**TRAVEL TRAILER CAMP / COMMERCIAL CAMPGROUND** - A parcel of land used or intended to be used, let, or rented on a seasonal basis for occupancy by campers or for occupancy by or of travel trailers, motor homes, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

**TRIPLEX** - A dwelling arranged, intended and designed to be occupied by 3 families living independently of each other.

**TV DISH ANTENNA (Private)** - A circular device less than 2 feet in diameter used to receive TV signals for private noncommercial use. An accessory to a private dwelling.

**USE** - Any purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**VARIANCE** - Permissive waivers from the terms of the Law, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Law will result in unnecessary hardship or practical difficulty or that the spirit of the Law shall be observed and substantial justice done and granted by the Zoning Board of Appeals.

**VEHICLE DISMANTLING YARD** - Any place or storage of deposit where 2 or more unregistered, old, or secondhand vehicles, no longer intended for or in condition for legal use on public highways are held, whether for resale of parts or materials, or used parts and waste materials, which, when taken together equal in bulk 2 or more vehicles, shall constitute a vehicle dismantling yard. This excludes farm vehicles.

**VEHICLE REPAIR SHOP** - A commercial business operated for profit which repairs or services motor vehicles.

**VIDEO RENTAL STORE** - Establishment primarily engaged in the retail rental or lease of videotapes, films, CD-ROM's, laser discs, electronic games, cassettes, or other electronic media. Sales of film, videotapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses.



WILDLIFE HABITAT - Land set aside for animal habitat.

WHOLESALE - A business establishment engaged in selling to retailers or jobbers rather than consumers in wholesale lots.

WHOLESALE BUSINESS, GENERAL - For the purpose of this Law whenever a general wholesale business is listed as an allowed use, it shall signify that any wholesale business which has a minimal negative impact and can meet the conditions specified in this Law shall be allowed in addition to the specific wholesale uses listed as being allowed.

WHOLESALE, LIMITED - A wholesale business with a maximum of 3 employees, no more than 4,000 square feet of floor space and no outside storage.

YARD, FRONT - The area extending across the entire width of the lot between the building line, and the front edge of the road into which space there shall be no extension of building partitions or accessory structures. For parcels adjacent to a lake, the front yard shall consist of the land area between the primary structure and the public or private roadway serving the property.

YARD, REAR - The area extending across the entire width of the lot between the rear wall of the principal building and rear line of the lot, and unoccupied except for parking, loading and unloading space, accessory structures, garages and carports.

YARD, SIDE - The open area of a lot situated between the side property lines of the building and the adjacent side property lines of the lot.

ZONING BOARD OF APPEALS - Shall mean the Zoning Board of Appeals of the municipality.

ZONING PERMIT - Written permission issued by the appropriate Municipal Board / Officer authorizing the use of lots or structures. Zoning Permits are issued for uses which are permitted by the Zoning Law where all conditions required by the Law can be met for the district where the lot/structure is located. The relocation, enlargement, alteration, or other change of use shall require the issuing of a Zoning Permit. The two types of permits include By Right Permit and Special Use Permit.

**ARTICLE III  
ESTABLISHMENT OF DISTRICTS**

**SECTION 301 CREATION AND ENUMERATION OF DISTRICTS**

For the purpose and provisions of this Local Law, the municipality is hereby divided into the following types of districts.

Single Family Residential (R 1)  
Limited Multiple Residential (R 2)  
Lakeside Residential (R 3)  
Rural Residential (R 4)  
Central Business (B 1)  
Lakeside Business (B 2)  
Highway Business (B 3)  
School Business (B 4)  
Limited Industrial (I 1)  
Industrial (I 2)  
Industrial/Adult Businesses (I A)  
Park (P)

**SECTION 302 ZONING MAP**

The boundaries of the aforesaid zoning districts are hereby established shown on the map entitled, "Zoning District Map of the Village of Mayville, New York, dated April 2007" which map accompanies and is made a part of this Local Law and shall have the same force and effect as if the zoning map, together with all notations, references, and other information shown thereon, were fully set forth and described herein.

R1 – Single Family Residence – (Far Northeast Sector -Sea Lion Drive)

R1 – Single Family Residence – (Northwest Sector-Northwest of S.R. 430)

R1 – Single Family Residence – (Northeast Sector – Southeast of S.R. 430, West of Lakeview Ave. & Northeast of S.R. 394

R1 – Single Family Residence – (Southwest Sector – Southeast of S.R. 430, Southwest of S.R. 394, Northwest of Water Street and Mud Creek, Northeast of the Chautauqua Town Line

R2 – Multiple Residential – (Northwest Sector)

R2 – Multiple Residential – (Southeast Sector)

R3 – Lakeside Residential – (Lakeview Ave. and Sea Lion Dr.)

R3 – Lakeside Residential – (Point Pleasant)

R3 – Lakeside Residential – (Southeast Sector)

R4 – Rural Residential

B1 – Central Business

B2 – Lakeside Business – (Northeast Sector)

B2 – Lakeside Business – (Water Street)

B2 – Lakeside Business – (Southeast Sector)

B3 – Highway Business – (Northeast Sector)

B3 – Highway Business – (Southwest Sector)

B3 – Highway Business – (Southeast Sector)

B4 – School Business

I1 – Industrial (limited)

I2 – Industrial

P – Parks (Central)

P – Parks (Gravit)

P – Parks (East Sector)

***R1-SINGLE FAMILY RESIDENCE (Far Northeast Sector-Sea Lion Drive)***

Beginning at a point in the centerline of Sea Lion Drive where it intersects with the division line between parcel S102-B3-L1.3 on the southwest and parcel S102-B3-L2 on the northeast, as designated on the Village of Mayville tax maps; thence northeasterly along the said division line a distance of approximately 709.5± feet to a point on the division line between Section 101 on the northwest and Section 102 on the southeast of the Holland Land Company's survey and as designated on the Village of Mayville tax maps; thence northeasterly along the said division line a distance of approximately 1492± feet to a point on the boundary line between the Village of Mayville on the southeast and the Town of Chautauqua on the northwest; thence continuing northeasterly along the said boundary line a distance of approximately 702± feet to a point where the said boundary line turns in a southeasterly direction; thence continuing southeasterly along the said boundary line between the Village of Mayville on the southwest and the Town of Chautauqua on the northeast a distance of approximately 709.5± feet to a point in the centerline of Sea Lion Drive; thence southwesterly along the said centerline of Sea Lion Drive a distance of approximately 2203.2± feet to the point of beginning.

***R 1 – SINGLE FAMILY RESIDENCE (Northwest Sector-Northwest of SR 430)***

Beginning at a point in the centerline of North Erie Street (SR 394); said point being approximately 650.5± feet northwesterly from the centerline intersection of Maple Drive and North Erie Street; thence northerly across north Erie Street a distance of approximately 55± feet to a point on the northerly highway boundary of North Erie Street where it intersects with the division line between sub-lot 50 on the northwest and sub-lot 49 on the southeast of the Holland Land Company survey; said division line being also the division line between parcels S103-B4-

L3 on the northwest and S103-B4-L19 on the southeast as designated on the Village of Mayville tax maps; thence northeasterly along the said division line a distance of approximately 280.5± feet to a point on the division line between parcels S103-B4-L19 on the southwest and S103-B4-L8 on the northeast; thence southeasterly along the division line between parcels S103-B4-L19, S103-B4-L18, S103-B4-L17 and S103-B4-L15 on the southwest and parcel S103-B4-L8 on the northeast, a distance of approximately 412.5± feet to a point on the division line between parcel S103-B4-L12 on the southeast and parcel S103-B4-L8 on the northwest; thence northeasterly along the division line between parcels S103-B4-L12, S103-B4-L11, S103-B3-L10, S103-B4-L9, S103-B4-L7.2, S103-B4-L7.7.2, S103-B4-L7.7.1, S103-B4-L7.5, S103-B4-L7.4, S103-B4-L7.1, S103-B4-L7.3, S103-B4-L7.6, on the southeast and parcel S103-B4-L8 on the northwest, thence continuing northeasterly along the same line through parcels S103-B4-L4 and S103-B4-L6, a distance of approximately 2359.5± feet to a point on the division line between the Village of Mayville on the southwest and the Town of Chautauqua on the northeast; thence southeasterly along the said division line between the Village of Mayville and the Town of Chautauqua a distance of approximately 940.5± feet to a point on the division line between sub-lot 48 on the northwest and sub-lot 47 on the southeast of the Holland Land Company's survey; thence southwesterly along the said division line a distance of approximately 116± feet to a point on the division line between parcel S104-B1-L4.5 on the southwest and parcel S104-B1-L4.2 on the northeast; thence southeasterly along the said division line a distance of approximately 693± feet to a point on the northwesterly highway boundary of East Chautauqua Street (SR 430); thence continuing southeasterly a distance of approximately 50± feet to a point in the centerline of East Chautauqua Street (SR 430); thence southwesterly along the said centerline of East Chautauqua Street (SR 430), a distance of approximately 1689.2± feet to a point; thence northwesterly across East Chautauqua Street (SR 430) and continuing northwesterly through parcels S104-B4-L26, S104-B4-L17.2.6.1 and S104-B4-L17.2.1 along a line 200 feet northeasterly of and parallel to the northeasterly highway boundary of Vista Drive, a distance of approximately 739.5± feet to a point on the division line between sub-lot 48 on the northwest and sub-lot 47 on the southeast of the Holland Land Company's survey; thence southwesterly along the said division line, being also the division line between parcels S104-B1-L2.14, S104-B1-L2.13 and S104-B1-L2.4.2.2 on the northwest and parcels S104-B1-L17.2.1 and S104-B1-L17.3 on the southeast, a distance of approximately 595.2± feet to a point on the division line between parcels S104-B1-L2.4.2.2 on the northeast and parcel S104-B1-L40 on the southwest; thence northeasterly along the said division line a distance of approximately 66± feet to a point on the division line between parcel S104-B1-L2.4.2.2 on the southeast and S104-B1-L42 on the northwest; thence northeasterly along the said division line and along the division line between parcel S104-B1-L2.4.2.2 on the southeast and S104-B1-L2.12.2.2 on the northwest, a distance of approximately 38.4± feet to a point; thence northwesterly along the division line between parcels S104-B1-L2.4.2.2, S104-B1-L2.4.2.1, S104-B1-L2.4.1 and S104-B1-L2.3 on the northeast and parcels S104-B1-L2.12.2.2, S104-B1-L2.12.2.1, S104-B1-L2.12.1, S104-B1-L2.4 and S104-B1-L1.2.2 on the southwest a distance of approximately 612.8± feet to a point in the centerline of Maple Drive East; thence southwesterly along the said centerline of Maple Drive East a distance of approximately 379.5± feet to its point of intersection with the centerline of North Erie Street (SR 394); thence continuing southwesterly along the centerline of Maple Drive West, a distance of approximately 230.5± feet to a point; thence southeasterly across Maple Drive West and along the division line between parcel S107-B4-L2 on the southwest and parcel S107-B4-L4 on the northwest, a distance of approximately 154.5± feet to a point; thence northeasterly along the division line between parcel S107-B4-L4 on the northwest and parcel S107-B4-L28.1 on the southeast a distance of approximately 16± feet to a point; thence southeasterly along the division line between parcels S107-B4-L5 through S107-B4-L8 on the northeast and parcels S107-B4-L28.1, S107-B4-L28.2, S107-B4-L27, S107-B4-L26 and S107-B4-L25 on the southwest, a distance of approximately 390± feet to a point; thence southwesterly along the division line between parcel S107-B4-L25 on the northwest and parcel S107-B4-L9 on the southeast a

distance of approximately 33± feet to a point; thence southeasterly along the division line between parcel S107-B4-L9 on the northeast and parcels S107-B4-L25 and S107-B4-L23 on the southwest, a distance of approximately 132± feet to a point; thence northeasterly along the division line between parcel S107-B4-L9 on the northwest and parcel S107-B4-L22 on the southeast, a distance of approximately 33± feet to a point; thence southeasterly along the division line between parcels S107-B4-L22 and S107-B4-L21 on the southwest and parcels S107-B4-L10 and S107-B4-L11 on the northeast, a distance of approximately 132± feet to a point; thence southwesterly along the division line between parcel S107-B4-L22 on the northwest and parcel S107-B4-L12.2 on the southeast, a distance of approximately 33± feet to a point; thence southeasterly along the division line between parcels S107-B4-L21 and S107-B4-L20 on the southwest and parcels S107-B4-L12.2, S107-B4-L12.1 and S107-B4-L13 on the northeast, a distance of approximately 170.9± feet to a point; thence northeasterly along the division line between parcel S107-B4-L13 on the northwest and parcel S107-B4-L19.1 on the southeast, a distance of approximately 16.5± feet to a point; thence southeasterly along the division line between parcel S107-B4-L19.1 on the southwest and parcel S107-B4-L15 on the northeast a distance of approximately 82± feet to a point; thence southwesterly along the division line between parcel S107-B4-L19.1 on the northwest and parcel S107-B4-L16 on the southeast a distance of approximately 26± feet to a point; thence southeasterly along the division line between parcel S107-B4-L19.1 on the southwest and parcel S107-B4-L16 on the northeast, a distance of approximately 72.5± feet to a point; thence southwesterly along the division line between parcel S107-B4-L19.2 on the northwest and parcel S107-B4-L19.1 on the southeast, a distance of approximately 10± feet to a point; thence southeasterly along the division line between parcel S107-B4-L19.1 on the southwest and parcel S107-B4-L19.2 on the northeast, a distance of approximately 115.5± feet to a point on the northwesterly highway boundary of West Chautauqua Street (SR 430); thence continuing southeasterly through the highway right of way, a distance of approximately 51± feet to a point in the centerline of West Chautauqua Street (SR430); thence southwesterly along the said centerline of West Chautauqua Street (SR 430) a distance of approximately 1559.8± feet to a point; thence northwesterly along the division line between parcels S107-B2-L13.4 and S107-B2-L13.1 on the southwest and parcel S107-B2-L12 on the northeast and continuing northwesterly through parcels S107-B2-L1.4 and S107-B2-L1.7.1, a distance of approximately 1425± feet to a point in the centerline of Maple Drive West; thence northeasterly along the said centerline of Maple Drive West, a distance of approximately 219.5± feet to a point; thence northwesterly along the division line between parcels S103-B3-L7.2, S103-B3-L7.4 and S103-B3-L7.5 on the southwest and parcels S103-B3-L8.9 and S103-B3-L8.12 on the northeast, a distance of approximately 603.5± feet to a point; thence northeasterly along the division line between parcel S103-B3-L7.5 on the northwest and parcels S103-B3-L8.13 through S103-B3-L8.16 and S103-B3-L8.4 on the southeast, a distance of approximately 912± feet to a point; thence continuing northeasterly along the division line between parcels S103-B3-L7.5, S103-B3-L7.1 and S107-B3-L2 on the northwest and parcels S107-B3-L1 and S107-B3-L3 on the southeast, a distance of approximately 594± feet to a point on the southwesterly highway boundary of North Erie Street (SR 394); thence northerly across said North Erie Street, a distance of approximately 55± feet to a point in the centerline of North Erie Street; said point being also the point of beginning.

***EXCEPTION:***

Excepting from the above description the area designated as B4–School Business which is bounded and described as follows:

***B 4-SCHOOL BUSINESS***

Beginning at a point on the southwesterly boundary of Academy Street where it intersects with the northwesterly boundary of West Chautauqua Street (SR 430); thence southwesterly along the

said northwesterly boundary a distance of approximately 1053± feet to point; thence northeasterly through parcels S107-B2-L12 and S107-B2-L1.4 along a line 300± feet northeasterly of and parallel to the division line between parcel S107-B2-L12 on the northeast and parcel S107-B2-L13.1 on the southwest, a distance of approximately 1059± feet to a point; thence northeasterly along a line 100± feet southeasterly of and parallel to the division line between parcel S107-B2-L1.4 on the southeast and parcels S107-B2-L1.7.1, S107-B2-L1.7.2, S107-B2-L1.3, S107-B2-L2, S107-B2-L3, S107-B2-L1.6, S107-B2-L1.2 and S107-B2-L1.5.2 on the northwest, a distance of approximately 689± feet to a point; thence southeasterly along a line 100 feet southwesterly of and parallel to the division line between parcels S107-B2-L1.4 and S107-B2-L12 on the southwest and parcels S107-B2-L1.9, S107-B2-L5, S107-B2-L6 and S107-B2-L7 on the northeast, a distance of approximately 225± feet to a point; thence northeasterly along a line measured at right angles from the last course, a distance of approximately 90± feet to a point; thence southeasterly along a line 10 feet southwesterly of and parallel to the division line between parcels S107-B2-L1.4 and S107-B2-L12 on the southwest and parcels S107-B2-L8 and S107-B2-L10 on the northeast, a distance of approximately 201± feet to a point; thence northeasterly and along the division line between parcel S107-B2-L10 on the northwest and parcel S107-B2-L11 on the southeast, a distance of approximately 274± feet to a point on the southwesterly boundary of Academy Street; thence southeasterly along the said southwesterly boundary of Academy Street a distance of approximately 627± feet to its intersection with the northwesterly boundary of West Chautauqua Street (SR 430); said point being also the point of beginning.

***R 1 – SINGLE FAMILY RESIDENCE (Northeast Sector-Southeast of SR 430, West of Lakeview Ave. & Northeast of SR 394)***

Commencing at a point in the centerline of East Chautauqua Street (SR 430), where it intersects with the centerline of South Erie Street (SR 394), thence northeasterly along the said centerline of East Chautauqua Street (SR 430) a distance of approximately 933± feet to the point of beginning; thence continuing northeasterly along the said centerline of East Chautauqua Street (SR 430), a distance of approximately 1689.2± feet to a point; thence southeasterly across East Chautauqua Street (SR 430) a distance of approximately 50± feet to a point on the southeasterly highway boundary of East Chautauqua Street (SR 430) thence continuing southeasterly along the division line between parcel S105-B3-L16.5 on the southwest and parcel S105-B3-L17 on the northeast, as designated on the Village of Mayville Tax Maps, a distance of approximately 178± feet to a point; thence northeasterly along the division line between parcel S105-B3-L17 on the northwest and parcel S105-B3-L18.2 on the southeast, a distance of approximately 179.2± feet to a point in the centerline of Lakeview Avenue; thence southeasterly and southerly along the said centerline of Lakeview Avenue a distance of approximately 1806.7± feet to a point in the centerline of East Whallon Street; thence northeasterly along the said centerline of East Whallon Street a distance of approximately 10± feet to a point in the centerline of Lakeview Avenue; thence southerly along the said centerline of Lakeview Avenue a distance of approximately 1704± feet to a point in the centerline of Elm Street; thence easterly along the said centerline of Elm Street a distance of approximately 24.75± feet to a point on the easterly highway boundary of Lakeview Avenue (formerly Railroad street); thence southerly along the division line between parcels S106-B7-L6, S106-B7-L5, S106-B7-L4.2 and S106-B7-L4.1 on the west and parcel S106-B8-L1.2 on the east, a distance of approximately 968.1± feet to a point; thence northwesterly along the division line between parcels S106-B7-L4.1 and S106-B7-L3.2 on the northeast and parcels S106-B7-L2, S106-B7-L1 and S106-B7-L3.2 on the southwest, a distance of approximately 266.2± feet to a point in the centerline of Lakeview Avenue; thence southwesterly along the said centerline of Lakeview Avenue a distance of approximately 185± feet to a point in the centerline of South Erie Street (SR 394); thence northwesterly along the said centerline of South Erie Street a distance of approximately 963± feet to a point in the centerline

of Marvin Street; thence northeasterly along the said centerline of Marvin Street a distance of 297± feet to a point in the centerline of a paper street; thence northwesterly along the said centerline of the paper street a distance of 676.5± feet to a point in the centerline of East Whallon Street; thence northeasterly along the said centerline of East Whallon Street a distance of approximately 82.5± feet to a point; thence northwesterly across East Whallon Street and along the division line between parcel S105-B4-L11.2 and parcels S105-B4-L10 through S105-B4-L4 on the northeast and parcels S105-B4-L12.2, S105-B4-L14 through S105-B4-L17, S105-B4-L18.1, S105-B4-L18.2 and S105-B4-L3 on the southwest, a distance of approximately 690± feet to a point in the centerline of Evans Street; thence continuing northwesterly across Evans Street and along the division line between parcels S105-B2-L17.3 and S105-B2-L15 through S105-B2-L12 on the northeast and parcels S105-B2-L18, S105-B2-L21, S105-B2-L22, S105-B2-L23.2, S105-B2-L23.1 and S105-B2-L24, on the southwest, a distance of approximately 500.1± feet to a point; thence northeasterly along the division line between parcel S105-B2-L12 on the southeast and parcels S105-B2-L24 and S105-B2-L11 on the northwest, a distance of approximately 231± feet to a point in the centerline of Elm Street; thence northwesterly along the said centerline of Elm Street a distance of 571.8± feet to a point; thence northeasterly across Elm Street and continuing northeasterly along the division line between parcels S105-B3-L41.1 and S105-B3-L41.2 on the southeast and parcels S105-B3-L1, S105-B3-L2.2 and S105-B3-L2.1 on the northwest a distance of approximately 317.3± feet to a point; thence northwesterly along the division line between parcel S105-B3-L4.1 on the northeast and parcel S105-B3-L2.1 on the southwest, a distance of approximately 178.9± feet to a point in the centerline of East Chautauqua Street (SR 430), said point being also the point of beginning.

***R 1-SINGLE FAMILY RESIDENCE (Southwest Sector-Southeast of SR 430, Southwest of SR 394, Northwest of Water Street and Mud Creek and Northeast of the Chautauqua Town Line)***

Commencing at a point in the centerline of West Chautauqua Street (SR 430) where it intersects with the centerline of South Erie Street (SR 394); thence southwesterly along the said centerline of West Chautauqua Street (SR 430), a distance of approximately 240± feet to the point of beginning; thence southwesterly across West Chautauqua Street (SR 430) a distance of approximately 51± feet to a point on the southeasterly highway boundary of West Chautauqua Street (SR 430) where it intersects with the division line between parcel S108-B3-L3.2 on the southwest and parcel S108-B3-L3.1 on the northeast as designated on the Village of Mayville Tax Maps; thence southeasterly along the said division line a distance of approximately 100± feet to a point on the northwesterly line of parcel S10-B3-L22; thence southeasterly through said parcel S108-B3-L22, along a line parallel with the centerline of Valley Street, a distance of approximately 66± feet to a point; thence northeasterly along the division line between parcel S108-B3-L22 on the northwest and parcel S108-B3-L21 on the southeast a distance of approximately 27.5± feet to a point; thence southeasterly along the division between parcel S108-B3-L10.2 on the northeast and parcel S108-B3-L21 on the southwest a distance of approximately 66± feet to a point; thence southwesterly along the division line between parcel S108-B3-L10.2 on the southeast and parcel S108-B3-L21 on the northwest a distance of approximately 30.1± feet to a point; thence southeasterly along the division line between parcel S108-B3-L10.2 on the northeast and parcel S108-B3-L20 on the southwest a distance of approximately 66± feet to a point; thence northeasterly along the division live between parcel S108-B3-L10.2 on the northwest and S108-B3-L19 on the southeast a distance of approximately 23.5± feet to a point; thence southeasterly along the division line between parcel S108-B3-L15 on the northeast and parcels S108-B3-L19 and S108-B3-L18 on the southwest a distance of approximately 66± feet to a point; thence southwesterly along the division line between parcel S108-B3-L18 on the northwest and parcel S108-B3-L17 on the southeast a distance of approximately 17± feet to a point; thence southeasterly along the division line between parcel

S108-B3-L15 on the northeast and parcel S108-B3-L17 on the southwest a distance of approximately 48.3± feet to a point; thence southwesterly along the division line between parcel S108-B3-L17 on the northwest and parcel S108-B3-L15 on the southeast a distance of approximately 6.9± feet to a point; thence southeasterly along the division line between parcel S108-B3-L17 on the southwest and parcels S108-B3-L15 and S108-B3-L16 on the northeast a distance of approximately 68.4± feet to a point in the centerline of Ash Street; thence southwesterly along the said centerline of Ash Street a distance of approximately 140.6± feet to a point in the centerline of Valley Street; thence southeasterly along the said centerline of Valley Street a distance of approximately 446.5± to a point; thence northeasterly across Valley Street and along the division line between parcel S108-B4-L17 on the southeast and parcel S108-B4-L11 on the northwest a distance of approximately 58± feet to a point; thence southeasterly and at right angles from the last course a distance of approximately 25± feet to a point on the division line between parcel S108-B4-L11 on the northwest and parcels S108-B4-L17 and S108-B4-L18 on the southeast a distance of approximately 82± feet to a point; thence southeasterly along the division line between parcel S108-B4-L18 and S108-B4-L16.1 on the southwest and parcels S108-B4-L12.2 and S108-B4-L13.1 on the northeast a distance of approximately 112.9± feet to a point; thence northeasterly along the division line between parcel S108-B4-L13.1 on the northwest and parcel S108-B4-L15.2 on the southeast a distance of approximately 44.4± feet to a point; thence southeasterly along the division line between parcel S108-B4-L15.2 on the southwest and parcels S108-B4-L14.1 and S108-B4-L15.1 on the northeast, a distance of approximately 134.4± feet to a point in the centerline of Evans Street; thence southwesterly along the said centerline of Evans Street a distance of approximately 148.3± feet to a point; thence southeasterly across Evans Street and along the division line between parcel S108-B9-L1 on the southwest and parcels S108-B9-L2 through S108-B9-L5 on the northeast, a distance of approximately 284.5± feet to a point; thence northeasterly along the division line between parcel S108-B9-L5 on the northwest and parcel S108-B9-L6 on the southeast, a distance of approximately 17± feet to a point; thence southeasterly and at right angles from the last course, through parcel S108-B9-L6 a distance of approximately 65± feet to a point; thence northeasterly along the division line between parcel S108-B9-L6 on the northwest and parcel S108-B9-L7 on the southeast, a distance of approximately 2.8± feet to a point; thence southeasterly along the division line between parcel S108-B9-L12 on the southwest and parcel S108-B9-L7 on the northeast a distance of approximately 101± feet to a point; thence southwesterly along the division line of parcel S108-B9-L12 on the northwest and parcel S108-B9-L8 on the southeast a distance of approximately 19.8± feet to a point; thence southeasterly along the division line between parcel S108-B9-L11 on the southwest and parcels S108-B9-L8 through S108-B9-L10 on the northeast, a distance of approximately 247.4± feet to a point in the centerline of West Whallon Street; thence continuing southeasterly across West Whallon Street and along the division line between parcel S109-B3-L2.2 on the southwest and parcels S109-B3-L3 and S109-B3-L5 through S109-B3-L7 on the northeast, a distance of approximately 349.5± feet to a point; thence northeasterly along the division line between parcel S109-B3-L10 on the southeast and parcel S109-B3-L7 on the northwest, a distance of approximately 28± feet to a point; thence southeasterly along the division line between parcel S109-B3-L10 on the southwest and parcels S109-B3-L8 and S109-B3-L9 on the northeast, a distance of approximately 333± feet to a point in the centerline of Marvin Street; thence northeasterly along the said centerline of Marvin Street a distance of approximately 351.5± feet to a point in the centerline of South Erie Street; thence southeasterly along the said centerline of South Erie Street a distance of approximately 921± feet to a point; thence southwesterly across South Erie Street and along the division line between parcels S110-B1-L1 and S110-B1-L24 on the northwest and parcel S110-B1-L2 on the southeast a distance of approximately 247.5± feet to a point; thence northwesterly along the division line between parcel S110-B1-L24 on the northeast and parcel S110-B1-L23 on the southwest a distance of approximately 10± feet to a point; thence southwesterly along the division line between parcels S110-B1-L23 and S110-B1-L22 on the northwest and parcel S110-B1-L4.3 on



the southeast, a distance of approximately 132± feet to a point; thence southeasterly along the division line between parcel S110-B1-L5.1 on the southwest and parcel S110-B1-L4.3 on the northeast a distance of approximately 293± feet to a point; thence southwesterly along the division line between parcels S110-B1-L5.1, S110-B1-L20.1 and S110-B1-L12 on the northwest and parcels S110-B1-L7.2, S110-B1-L7.1 and S110-B1-L8 on the southeast a distance of approximately 442.6± feet to a point; thence southeasterly along the division line between parcel S110-B1-L11 on the southwest and parcel S110-B1-L8 on the northeast, a distance of approximately 112.4± feet to a point; thence southwesterly along the division line between parcel S110-B1-L11 on the northwest and parcel S110-B1-L10 on the southeast, a distance of approximately 66± feet to a point on the northeasterly boundary of Pratt Street; thence southwesterly across said Pratt Street a distance of approximately 50± feet to a point on the southwesterly boundary of Pratt Street where it intersects with the division line between parcel S110-B6-L6 on the northwest and parcel S110-B6-L7 on the southeast; thence southwesterly along said division line a distance of approximately 165± feet to a point; thence continuing southwesterly through parcel S110-B6-L22, a distance of approximately 128± feet to a point on the division line between parcel S110-B6-L20 on the northwest and parcel S110-B6-L19 on the southeast; thence southwesterly along the said division line a distance of approximately 200± feet to a point in the centerline of Valley Street where it intersects with the centerline of Barton Street; thence southwesterly along the said centerline of Barton Street a distance of approximately 990± feet to a point in the centerline of Clark Street; said point being also on the division line between sub-lot 7 and sub-lot 8 of the Holland Land company's survey; thence southeasterly along the said division line between sub-lots 7 and 8, a distance of approximately 985± feet to a point on the westerly boundary of parcel S111-B3-L1.1 (Rails to Trails); thence northerly along the said westerly boundary a distance of 45± feet to a point; thence easterly along the northerly boundary of said parcel S111-B3-L1.1 (Rails to Trails), a distance of approximately 34± feet to a point on the said westerly boundary of parcel S111-B3-L1.1 (Rails to Trails); thence northeasterly along the said westerly boundary of parcel S111-B3-L1.1 (Rail to Trails), said boundary being also the division line between parcel S111-B3-L1.1 on the southeast and parcels S111-B3-L1.2.3 and S111-B3-L1.2.1 (Village of Mayville) on the northwest, a distance of approximately 740± feet to a point on the southwesterly boundary of West Lake Road (SR 394); thence northwesterly along the said southwesterly boundary of West Lake Road a distance of approximately 45± feet to a point on the westerly boundary of the aforementioned Rails to Trails parcel; thence northeasterly along the said westerly boundary of the said Rails to Trails parcel, a distance of approximately 40± feet to a point in the centerline of West Lake Road (SR 394); thence southeasterly along the said centerline of West Lake Road (SR 394) a distance of approximately 600± feet to a point; thence southwesterly across West Lake Road (SR 394) and along the division line between parcel S111-B4-L1 on the southeast and parcel S111-B3-L1.2.1 (Village of Mayville) on the northwest, a distance of approximately 250± feet to a point; thence southeasterly along the division line between parcel S111-B4-L1 on the northeast and parcel S111-B4-L20 on the southwest a distance of approximately 125± feet to a point on the northwesterly boundary of Parkside Street; thence southeasterly across Parkside Street a distance of approximately 27± feet to a point on the southeasterly boundary of Parkside Street where it intersects with the division line between parcel S111-B4-L2.2 on the northeast and S111-B4-L2.3 on the southwest; thence southeasterly along the said division line a distance of approximately 117.7± feet to a point; thence southwesterly along the division line between parcel S111-B4-L2.1 on the southeast and parcel S111-B4-L2.3 on the northwest, a distance of approximately 26.9± feet to a point; thence southeasterly along the division line between parcel S111-B4-L2.1 on the northeast and parcel S111-B4-L2.3 on the southwest a distance of approximately 209.8± feet to a point on the northwesterly boundary of Parkside Street; thence northeasterly along the said northwesterly boundary of Parkside Street, a distance of approximately 70± feet to a point; thence southeasterly across Parkside Street and along the division line between parcel S111-B4-L5.2.1 on the northeast and parcel S111-B4-L5.2.6 on the

southwest, a distance of approximately 60± feet to a point; thence southeasterly along the division line between parcel S111-B4-L5.2.1 on the northeast and parcel S111-B4-L5.2.6 on the southwest a distance of approximately 100± to a point in the centerline of Mud Creek; thence southwesterly along the said centerline of Mud Creek a distance of approximately 550± feet to a point on the boundary line between the Village of Mayville on the northeast and the Town of Chautauqua on the southwest; thence northwesterly along said Village of Mayville boundary a distance of approximately 425± feet to a point; thence southwesterly along the boundary line between the Village of Mayville on the northwest and the Town of Chautauqua on the southeast, a distance of approximately 955± feet to a point; thence northwesterly along the boundary line between the Village of Mayville on the northeast and the Town of Chautauqua on the southwest, a distance of approximately 1749± feet to a point in the centerline of Morris Street; thence southwesterly along the said centerline of Morris Street, a distance of approximately 600± feet to a point on the boundary line between the Village of Mayville on the northeast and the Town of Chautauqua on the southwest; thence northwesterly along said boundary line a distance of approximately 1056± feet to a point on the boundary line between the Village of Mayville on the southeast and the Town of Chautauqua on the northwest; thence northeasterly along said boundary line a distance of approximately 1320± feet to a point on the boundary line between the Village of Mayville on the northeast and the Town of Chautauqua on the southwest; thence northwesterly along said boundary line a distance of approximately 1056± feet to a point on the northwesterly highway boundary of Evans Street; thence northeasterly along the said northwesterly highway boundary of Evans Street a distance of approximately 1201.7± feet to a point; thence westerly through parcel S108-B2-L29 (Village of Mayville) along a line 300± feet northerly from and parallel to the northerly highway boundary of Patterson Street, a distance of approximately 700± feet to a point on the division line between parcel S108-B2-L3 on the northwest and parcel S108-B2-L29 on the southeast; thence northwesterly along the division line between parcel S108-B2-L3 on the northeast and parcel B108-B2-L2 on the southwest, a distance of approximately 742.5± feet to a point in the centerline of West Chautauqua Street (SR 430); thence northeasterly along the said centerline of West Chautauqua Street (SR 430) a distance of approximately 1739.9± feet to the point of beginning.

***EXCEPTION:***

Excepting from the above description, the area designated as P-Parks known as Gravit Field which is bounded and described as follows:

Beginning at a point on the northwesterly boundary of Morris Street at its intersection with the division line between the Village of Mayville Park property (S109-B4-L2) on the northeast and parcel S109-B4-L13 on the southwest, as designated on the Village of Mayville tax maps; thence northwesterly along the said division line a distance of approximately 148.5± feet to a point; thence southwesterly along the division line between parcel S109-B4-L2 on the northwest and parcels S109-B4-L13 and S109-B4-L14 on the southeast a distance of approximately 231± feet to a point; thence northwesterly along the division line between the Village of Mayville Park property (S109-B4-L2) on the northeast and parcels S109-B4-L15 and S109-B4-L1 on the southwest a distance of approximately 511.5± feet to a point on the southeasterly boundary of Marvin Street; thence northeasterly along the said southeasterly boundary a distance of approximately 1220± feet to a point on the southwesterly boundary of Valley Street; thence southeasterly along the said southwesterly boundary a distance of 523± feet to a point; thence southwesterly along the division line between the Village of Mayville Park property (S109-B4-L2) on the northwest and parcels S109-B4-L3, thru S109-B4-L8 and S109-B4-L10 thru S109-B4-L12 on the southeast a distance of approximately 798± feet to a point; thence southeasterly along the division line between the Village of Mayville Park property (S109-B4-L2) on the southwest and parcel S109-B4-L12 on the northeast a distance of approximately 148.5± feet to a

point on the northwesterly boundary of Morris Street; thence southwesterly along the said northwesterly boundary a distance of approximately 33± feet to the point of beginning.

***R 2 – MULTIPLE RESIDENTIAL (Northwest Sector)***

Beginning at a point in the centerline of North Erie Street (SR 394) at its intersection with the centerline of Maple Drive East; thence northeasterly along the said centerline of Maple Drive East a distance of approximately 379.5± feet to point; thence southeasterly across Maple Drive East and along the division line between parcels S104-B1-L1.2.2 and S104-B1-L2.4 on the southwest and parcels S104-B1-L2.3 and S104-B1-L2.4.1 on the northeast, as designated on the Village of Mayville Tax Map, a distance of approximately 347.5± feet to a point; thence southwesterly along the division line between parcel S104-B1-L2.4 on the northwest and parcel S104-B1-L2.12.1 on the southeast a distance of approximately 18.4± feet to a point; thence southeasterly along the division line between S104-B1-L42 on the southwest and parcels S104-B1-L2.12.1, S104-B1-L2.12.2.1 and S104-B1-L2.12.2.2 on the northeast a distance of approximately 265.3± feet to a point; thence southwesterly along the division line between parcel S104-B1-L42 on the northwest and parcel S104-B1-L2.4.2.2 on the southeast a distance of approximately 18.4± feet to a point; thence southeasterly along the division line between parcel S104-B1-L40 on the southwest and parcel S104-B1-L2.4.2.2 on the northeast a distance of approximately 66± feet to a point, thence southwesterly along the division line between parcel S104-B10-L40 on the northwest and parcel S104-B1-L39 on the southeast and continuing southwesterly across North Erie Street (SR 394) and along the division line between parcel S107-B4-L9 on the northwest and parcels S107-B4-L10 and S107-B4-L22 on the southeast a distance of approximately 588.7± feet to a point; thence northwesterly along the division line between parcel S107-B4-L9 on the northeast and parcels S107-B4-L23 and S107-B4-L25 on the southwest a distance of approximately 132± feet to a point; thence northeasterly along the division line between parcel S107-B4-L25 on the northwest and parcel S107-B4-L9 on the southeast a distance of approximately 33± feet to a point; thence northwesterly along the division line between parcels S107-B4-L8, S017-B4-L7, S017-B4-L6 and S107-B4-L5 on the northeast and parcels S107-B4-L25, S107-B4-L26, S017-B4-L27, S017-B4-L28.2 and S107-B4-L28.1 on the southwest a distance of approximately 390± feet to a point; thence southwesterly along the division line between parcel S107-B4-L4 on the northwest and parcel S107-B4-L28.1 on the southeast a distance of approximately 16± feet to a point; thence northwesterly along the division line between parcel S107-B4-L4 on the northeast and parcel S107-B4-L2 on the southwest a distance of approximately 154.5± feet to a point in the centerline of Maple Drive West; thence northeasterly along the said centerline of Maple Drive West a distance of approximately 230.5± feet to its intersection with the centerline of North Erie Street (SR 394); said point being also the point of beginning.

***R 2 – MULTIPLE RESIDENTIAL (Southeast Sector)***

Beginning at a point in the centerline of South Erie Street (SR 394) where it intersects with the centerline of Evans Street; thence northeasterly along the said centerline of Evans Street a distance of approximately 379.5± feet to a point; thence southeasterly along the division line between parcels designated on the Village of Mayville tax maps as S105-B4-L3, S105-B4-L18.2, S105-B4-L18.1, S105-B4-L17, S105-B4-L16, S105-B4-L15, S105-B4-L14 and S105-B4-L12.2 on the southwest and parcels S105-B4-L4 through S105-B4-L10 and S105-B4-L11.2 on the northeast, a distance of approximately 690± feet to a point in the centerline of East Whallon Street; thence southwesterly along the said centerline of East Whallon Street a distance of approximately 82.5± feet to a point; thence southeasterly along the centerline of a paper street which runs parallel with the centerline of South Erie Street, a distance of approximately 676.5± feet to a point in the centerline of Marvin Street; thence southwesterly along the said centerline

of Marvin Street a distance of approximately 648.5± feet to a point; thence northwesterly along the division line between parcels designated as S109-B3-L9 and S109-B3-L8 on the northeast and S109-B3-L10 on the southwest, a distance of approximately 333± feet to a point; thence southwesterly along the division line between parcel S109-B3-L7 on the northwest and parcel S109-B3-L10 on the southeast a distance of approximately 28± feet to a point; thence northeasterly along the division line between parcels designated as S109-B3-L7, S109-B3-L6, S109-B3-L5, S109-B3-L3, S108-B9-L10, S108-B9-L9 and S108-B9-L8 on the northeast and parcels S109-B3-L2.2 and S108-B9-L11 on the southwest, a distance of approximately 596.9± feet to a point; thence northeasterly along the division line between parcel S108-B9-L8 on the southeast and parcel S108-B9-L12 on the northwest, a distance of approximately 19.8± feet to a point; thence northwesterly along the division line between parcel S108-B9-L7 on the northeast and parcel S108-B9-L12 on the southwest, a distance of approximately 101± feet to a point; thence southwesterly along the division line between parcel S108-B9-L6 on the northwest and parcel S108-B9-L12 on the southwest, a distance of approximately 2.8± feet to a point; thence northwesterly along the division line between parcel S108-B9-L6 on the northeast and parcel S108-B9-L12 on the southwest, a distance of approximately 65± feet to a point; thence southwesterly along the division line between parcel S108-B9-L5 on the northwest and parcel S108-B9-L12 on the southeast, a distance of approximately 17± feet to a point; thence northwesterly along the division line between parcels S108-B9-L5, S108-B9-L4, S108-B9-L3 and S108-B9-L2 on the northeast and parcel S108-B9-L1 on the southwest a distance of approximately 284.5± feet to a point in the centerline of Evans Street; thence northeasterly along the said centerline of Evans Street a distance of approximately 379.5± feet to a point in the centerline of South Erie Street, being also the point of beginning.

***R 3-LAKESIDE RESIDENTIAL (Lakeview Ave. And Sea Lion Drive)***

Beginning at a point in the centerline of Sea Lion Drive at its intersection with the easterly boundary of Bird and Tree Road, said easterly boundary being also the easterly boundary of the Village of Mayville Park property (S106-B8-L1.2) as designated on the Village of Mayville tax maps; thence northeasterly along the said centerline of Sea Lion Drive a distance of approximately 2682.9± feet to its intersection with the division line between parcel S102-B4-L36 on the southwest and parcel S102-B4-L37.2 on the northeast as designated on the Village of Mayville tax maps; thence southeasterly along the said division line and continuing southeasterly along the division line between parcel S102-B4-L36 on the southwest and parcel S102-B4-L37.1 on the northeast a distance of 721.5± feet to a point on the northwesterly shoreline of Chautauqua Lake; thence southwesterly and southerly along the said shoreline of Chautauqua Lake to its intersection with the division line between the Village of Mayville Park property (S106-B8-L1.2) on the south and parcel S106-B9-L1 on the north; thence westerly along the said division line a distance of approximately 36.8± feet to a point on the easterly boundary of Bird and Tree Road; said easterly boundary being also the easterly boundary of the Village of Mayville Park property (S106-B8-L1.2); thence northerly along the said easterly boundary a distance of approximately 1712± feet to the point of beginning.

***R 3-LAKESIDE RESIDENTIAL (Point Pleasant)***

Commencing at a point on the northeasterly boundary of West Lake Road (SR394) where it intersects with the northwesterly boundary of Point Pleasant Road; thence northeasterly along the said northwesterly boundary a distance of approximately 117± feet to the point of beginning; thence continuing northeasterly along the said northwesterly boundary and along the division

line between parcels S110-B4-L7 and S110-B4-L1 (Village of Mayville Park) on the northwest and parcel S110-B4-L2 on the southeast, as designated on the Village of Mayville tax maps, a distance of approximately 422± feet to a point on the westerly shoreline of Chautauqua Lake; thence southerly along the said westerly shoreline of Chautauqua Lake to a point in the centerline of Mud Creek where it outlets into Chautauqua Lake; thence southwesterly along the centerline of Mud Creek a distance of approximately 200± feet to a point; thence continuing south along the centerline of Mud Creek a distance of approximately 55± feet to a point; thence southwesterly along the division line between parcel S110-B5-L9 (Chautauqua Marina) on the south and parcel S110-B5-L14 (Point Pleasant Corp.) on the north, a distance of approximately 125± feet to a point; thence northwesterly along the division line between parcel S110-B5-L9 (Chautauqua Marina) on the southwest and parcel S110-B5-L14 (Point Pleasant Corp.) on the northeast, a distance of approximately 172± feet to a point on the division line between parcel S110-B5-L14 on the northeast and parcel S110-B5-L12 on the southwest; thence northwesterly along the division line between parcel S110-B5-L14 on the northeast and parcels S110-B5-L12 and S110-B5-L13 on the southwest and continuing northwesterly across Point Pleasant Road a distance of approximately 183± feet to the point of beginning.

### ***R 3-LAKESIDE RESIDENTIAL (Southeast Sector)***

Beginning at a point in the centerline of West Lake Road (SR394) where it intersects with the boundary line between the Village of Mayville on the northwest and the Town of Chautauqua on the southeast; thence northwesterly along the said centerline of West Lake Road a distance of approximately 1888± feet to a point; thence northeasterly across West Lake Road and continuing along the division line between parcels designated on the Village of Mayville tax map as S112-B1-L4 on the southeast and S112-B1-L3 on the northwest a distance of approximately 154± feet to a point on the westerly shoreline of Chautauqua Lake; thence southeasterly along the said westerly shoreline of Chautauqua Lake to its intersection with the boundary line between the Village of Mayville on the northwest and the Town of Chautauqua on the southeast; thence southwesterly along the said boundary line, being also the southeasterly line of parcel S112-B2-L23, a distance of approximately 150± feet to the point of beginning.

### ***R 4-RURAL RESIDENTIAL***

Beginning at a point in the centerline of North Erie Street (SR 394) where it intersects with the northwesterly boundary line between the Village of Mayville on the southeast and the Town of Chautauqua on the northwest, said point being approximately 2722.5± feet distant northwesterly from the centerline intersection of Maple Drive and North Erie Street (SR 394); thence northeasterly along the said boundary line between the Village of Mayville on the southeast and the Town of Chautauqua on the northwest, a distance of approximately 2689.5± feet to a point; thence southeasterly along the boundary line between the Village of Mayville on the southwest and the Town of Chautauqua on the northeast, a distance of approximately 2458.5± feet to a point; thence southwesterly along a line 264± feet northwesterly of and parallel to the centerline of Maple Drive East, through parcels S103-B4-L6 and S103-B4-L4 to a point; thence continuing southwesterly along the same line, being also the division line between parcel S103-B4-L8 on the northwest and parcels S103-B4-L7.6, S103-B4-L7.3, S103-B4-L7.1, S103-B4-L7.4, S103-B4-L7.5, S103-B4-L7.7.1, S103-B4-L7.7.2, S103-B4-L7.2, S103-B4-L9, S103-B4-L10, S103-B4-L11 and S103-B4-L12 on the southeast an overall distance of approximately 2359.5± feet to a point; thence northwesterly along the division line between parcel S103-B4-L8 on the northeast and parcels S103-B4-L15, S103-B4-L17, S103-B4-L18 and S103-B4-L19 on the southwest, a distance of approximately 412.5± feet to a point on the division line between sub-lot 50 on the northwest and sub-lot 49 on the southeast of the Holland Land Company's survey; thence southwesterly along the said division line, being also the division line between parcel S103-B4-

L3 on the northwest and parcel S103-B4-L19 on the southeast, a distance of approximately 280.5± feet to a point on the northeasterly highway boundary of North Erie Street (SR394); thence southerly across said North Erie Street, a distance of approximately 110± feet to a point on the southwesterly highway boundary of North Erie Street (SR 394); thence southwesterly along the division line between parcels S107-B3-L2, S107-B3-L7.1 and S107-B4-L7.5 on the northwest and parcels S107-B3-L3 and S107-B3-L1 on the southeast, a distance of approximately 594± feet to a point; thence continuing southwesterly along the division line between parcel S103-B3-L7.5 on the northwest and parcels S103-B3-L8.4, S103-B3-L8.16, S103-B3-L8.15, S103-B3-L8.14 and S103-B3-L8.13 on the southeast, a distance of approximately 912± feet to a point; thence southeasterly along the division line between parcels S103-B3-L8.12 and S103-B3-L8.9 on the northeast and parcels S103-B3-L7.5, S103-B3-L7.4 and S103-B3-L7.2 on the southwest, a distance of approximately 603.5± feet to a point in the centerline of Maple Drive West; thence southwesterly along the said centerline of Maple Drive West, a distance of approximately 219.5± feet to a point; thence southeasterly through parcels S107-B2-L1.7.1 and S107-B2-L1.4 and continuing southeasterly along the division line between parcels S107-B2-L13.1 and S107-B2-L13.4 on the southwest and parcel S107-B2-L12 on the northeast, a distance of approximately 1425± feet to a point in the centerline of West Chautauqua Street (SR 430); thence southwesterly along the said centerline of West Chautauqua Street (SR 430), a distance of approximately 628.5± feet to a point where the centerline of West Chautauqua Street intersects with the centerline of Patterson Street; thence southeasterly along the said centerline of Patterson Street, a distance of approximately 742.5± feet to a point on the division line between sub-lot 30 on the northwest and sub-lot 29 on the southeast of the Holland Land Company's survey; thence southwesterly along the said division line, being also the division line between parcel S108-B1-L1 on the northwest and parcel S108-B1-L2 on the southeast, a distance of approximately 261.5± feet to a point on the boundary line between the Village of Mayville on the northeast and the Town of Chautauqua on the southwest; thence northwesterly along the said boundary line a distance of approximately 3448.5± feet to a point on the division line between sub-lot 35 on the southeast and sub-lot 36 on the northwest of the Holland Land Company's survey; thence northeasterly along the said division line, being also the boundary line between the Village of Mayville on the southeast and the Town of Chautauqua on the northwest, a distance of approximately 361± feet to a point; thence northwesterly along the division line between parcels S103-B3-L4 (retired) on the southwest and S103-B3-L1 on the northeast, said division line being also the boundary line between the Village of Mayville on the northeast and the Town of Chautauqua on the southwest, a distance of approximately 713.0± feet to a point; thence northeasterly along the boundary line between the Village of Mayville on the southeast and the Town of Chautauqua on the northwest, a distance of approximately 2120.5± feet to a point in the centerline of North Erie Street (SR 394), said point being also the point of beginning.

### ***B 1-CENTRAL BUSINESS***

Beginning at a point in the centerline of North Erie Street (SR 394) where it intersects with the division line between sub-lot 47 on the southeast and sub-lot 48 on the northwest of the Holland Land Company's survey; thence northeasterly along the said division line between sub-lots 47 and 48 and along the division line between parcels S104-B1-L39, S104-B1-L17.3 and S104-B1-L17.2.1 on the southeast and parcels S104-B1-L40, S104-B1-L2.4.2.2, S104-B1-L2.13 and S104-B1-L2.14 on the northwest, as designated on the Village of Mayville tax maps, a distance of approximately 934.2± feet to a point; thence southeasterly through parcels S104-B1-L17.2.1, S104-B1-L17.2.6.1 and S104-B1-L26 and continuing southeasterly across East Chautauqua Street and along the division line between parcels S105-B3-L2.1 on the southwest and S105-B3-L4.1 on the northeast, a distance of approximately 918.4± feet to a point; thence southwesterly along the division line between parcels S105-B3-L2.1, S105-B3-L2.2 and S105-B3-L1 on the

northwest and parcels S105-B3-L41.2 and S105-B3-L41.1 on the southeast a distance of approximately 312.6± feet to a point in the centerline of Elm Street; thence southeasterly along the said centerline of Elm Street a distance of approximately 571.8± feet to a point; thence southwesterly and along the division line between parcels S105-B2-L11 on the northwest and S105-B2-L12 on the southeast, a distance of approximately 231± feet to a point; thence southeasterly along the division line between parcels S105-B2-L24, S105-B2-L23.1, S105-B2-L23.2, S105-B2-L22, S105-B2-L21 and S105-B2-L18 on the southwest and parcels S105-B2-L12, S105-B2-L13, S105-B2-L14, S105-B2-L15 and S105-B2-L17.3 on the northeast a distance of approximately 500.1± feet to a point in the centerline of Evans Street; thence southwesterly along the said centerline of Evans Street a distance of approximately 610.8± feet to a point; thence northwesterly and along the division line between parcels S108-B4-L15.1 and S108-B4-L14.1 on the northeast and parcel S108-B4-L15.2 on the southwest, a distance of approximately 117.9± feet to a point; thence southwesterly along the division line between parcels S108-B4-L13.1 on the northwest and S108-B4-L15.2 on the southeast a distance of approximately 44.4± feet to a point; thence northwesterly along the division line between parcels S108-B4-L13.1 and S108-B4-L12.2 on the northeast and parcels S108-B4-L16.1 and S108-B4-L18 on the southwest, a distance of approximately 112.9± feet to a point; thence southwesterly along the division line between parcels S108-B4-L11 on the northwest and parcels S108-B4-L18 and S108-B4-L17 on the southeast, a distance of approximately 82± feet to a point; thence northwesterly along the division line between parcels S108-B4-L11 on the northeast and S108-B4-L17 on the southwest a distance of approximately 25± feet to a point; thence southwesterly along the division line between parcels S108-B4-L11 on the northwest and S108-B4-L17 on the southeast, a distance of approximately 58± feet to a point in the centerline of Valley Street; thence northwesterly along the said centerline of Valley Street a distance of approximately 446.5± feet to its intersection with the centerline of Ash Street; thence northeasterly along the said centerline of Ash Street a distance of approximately 140.6± feet to a point; thence northwesterly and along the division line between parcels S108-B3-L16 and S108-B3-L15 on the northeast and S108-B3-L17 on the southwest, a distance of approximately 68.4± feet to a point; thence northeasterly along the division line between parcels S108-B3-L15 on the southeast and S108-B3-L17 on the northwest, a distance of approximately 6.9± feet to a point; thence northwesterly along the division line between parcel S108-B3-L15 on the northeast and parcel S108-B3-L17 on the southwest a distance of approximately 48.3± feet to a point; thence northeasterly along the division line between parcel S108-B3-L15 on the southeast and parcel S108-B3-L18 on the northwest a distance of approximately 17± feet to a point; thence northwesterly along the division line between parcel S108-B3-L15 on the northeast and parcels S108-B3-L18 and S108-B3-L19 on the southwest, a distance of approximately 66± feet to a point; thence southwesterly along the division line between parcel S108-B3-L19 on the southeast and parcel S108-B3-L10.2 on the northwest, a distance of approximately 23.5± feet to a point; thence northwesterly along the division line between parcel S108-B3-L10.2 on the northeast and parcel S108-B3-L20 on the southwest, a distance of approximately 66± feet to a point; thence northeasterly along the division line between parcel S108-B3-L10.2 on the southeast and parcel S108-B3-L21 on the northwest, a distance of approximately 30.1± feet to a point; thence northwesterly along the division line between parcel S108-B3-L10.2 on the northeast and parcel S108-B3-L21 on the southwest, a distance of approximately 66± feet to a point; thence southwesterly along the division line between parcel S108-B3-L22 on the northwest and parcel S108-B3-L21 on the southeast, a distance of approximately 27.5± feet to a point; thence northwesterly through parcel S108-B3-L22 a distance of approximately 66± feet to a point; thence northwesterly along the said division line between parcel S108-B3-L3.1 on the northeast and parcel S108-B3-L3.2 on the southwest, a distance of approximately 100± feet to a point on the southeasterly boundary of West Chautauqua Street (SR 430); thence northwesterly across West Chautauqua Street (SR 430) a distance of approximately 102± feet to a point on the northwesterly boundary of the said West Chautauqua Street (SR 430) where it intersects with the division line between parcel S107-B4-

L19.2 on the northeast and parcel S107-B4-L19.1 on the southwest; thence northwesterly along the said division line a distance of approximately 115.5± feet to a point; thence northeasterly along the division line between parcel S107-B4-L19.2 on the southeast and parcel S107-B4-L19.1 on the northwest, a distance of approximately 10± feet to a point; thence northwesterly along the division line between parcel S107-B4-L16 on the northeast and parcel S107-B4-L19.1 on the southwest, a distance of approximately 72.5± feet to a point; thence northeasterly along the division line between parcel S107-B4-L16 on the southeast and parcel S107-B4-L19.1 on the northwest, a distance of approximately 26± feet to a point; thence northwesterly along the division line between parcel S107-B4-L15 on the northeast and parcel S107-B4-L19.1 on the southwest, a distance of approximately 82± feet to a point; thence southwesterly along the division line between parcel S107-B4-L14 on the northwest and S107-B4-L19.1 on the southeast, a distance of approximately 16.5± feet to a point; thence northwesterly along the division line between parcel S107-B4-L14 on the northeast and parcel S107-B4-L19.1 on the southwest, a distance of approximately 102± feet to a point; thence southwesterly along the division line between parcel S107-B4-L13 on the northwest and parcel S107-B4-L19.1 on the southeast a distance of approximately 49.5± feet to a point; thence northwesterly along the division line between parcels S107-B4-L13, S107-B4-L12.1 and S107-B4-L12.2 on the northeast and parcels S107-B4-L20 and S107-B4-L21 on the southwest a distance of approximately 170.9± feet to a point; thence northeasterly along the division line between parcel S107-B4-L12.2 on the southeast and parcel S107-B4-L21 on the northwest, a distance of approximately 33± feet to a point; thence northwesterly along the division line between parcels S107-B4-L11 and S107-B4-L10 on the northeast and parcels S107-B4-L21 and S107-B4-L22 on the southwest, a distance of approximately 132± feet to a point; thence northeasterly along the division line between parcel S107-B4-L10 on the southeast and parcel S107-B4-L9 on the northwest, a distance of approximately 214.5± feet to a point in the centerline of North Erie Street (SR 394), said point being also the point of beginning.

***EXCEPTION:***

Excepting from the above description the area designated as P-Parks (Central) and bounded on the southwest by South Erie Street (SR 394) on the northwest by East Chautauqua Street (SR 430); on the northeast by a paper street (alley) and on the southeast by the division line between parcels S105-B1-L17 on the northwest and S105-B1-L16 on the southwest and includes all of parcels S105-B1-L1, S105-B1-L18 and S105-B1-L17.

***B 2-LAKESIDE BUSINESS (Northeast Sector)***

Beginning at a point in the centerline of Sea Lion Drive, where it intersects with the boundary line between the Village of Mayville on the southwest and the Town of Chautauqua on the northeast; thence southeasterly along the said boundary line a distance of approximately 861.5± feet to a point on the northwesterly shoreline of Chautauqua Lake; thence southwesterly along the said northwesterly shoreline of Chautauqua Lake to a point on the division line between parcel S102-B4-L36 on the southwest and parcel S102-B4-L37.1 on the northeast as designated on the Village of Mayville tax maps; thence northwesterly along the said division line and along the division line between parcel S102-B4-L36 on the southwest and parcel S102-B4-L37.2 on the northeast, a distance of approximately 721.5± feet to a point in the centerline of Sea Lion Drive; thence northeasterly along the said centerline of Sea Lion Drive, a distance of approximately 340± feet to the point of beginning.

***B 2-LAKESIDE BUSINESS (Water Street)***

Beginning at a point in the centerline of Valley at its intersection with the centerline of Barton Street; thence northeasterly across Valley Street and along the division line between parcel S110-



B6-L19 on the southeast and parcel S110-B6-L20 on the northwest, as designated on the Village of Mayville Tax Maps, a distance of approximately 200± feet to a point; thence continuing northeasterly through parcel S110-B6-L22, a distance of approximately 128± feet to a point; thence northeasterly along the division line between parcel S110-B6-L7 on the southeast and parcel S110-B6-L6 on the northwest, a distance of approximately 165± feet to a point on the southwesterly boundary of Pratt Street; thence northeasterly across said Pratt Street a distance of approximately 50± feet to a point on the northeasterly boundary of Pratt Street; thence northeasterly along the division line between parcel S110-B1-L10 on the southeast and parcel S110-B1-L11 on the northwest, a distance of approximately 66± feet to a point; thence northwesterly along the division line between parcel S110-B1-L11 on the southwest and parcel S110-B1-L8 on the northeast a distance of approximately 112.4± feet to a point; thence northeasterly along the division line between parcels S110-B1-L12, S110-B1-L20.1 and S110-B1-L5.1 on the northwest and parcels S110-B1-L8, S110-B1-L7.1 and S110-B1-L7.2 on the southeast, a distance of approximately 442.6± feet to a point; thence northwesterly along the division line between parcel S110-B1-L5.1 on the southwest and parcel S110-B1-L4.3 on the northeast, a distance of approximately 293± feet to a point; thence northeasterly along the division line between parcel S110-B1-L4.3 on the southeast and parcels S110-B1-L22 and S110-B1-L23 on the northwest a distance of approximately 132± feet to a point; thence southeasterly along the division line between parcel S110-B1-L4.3 on the southwest and parcel S110-B1-L24 on the northeast, a distance of approximately 10± feet to a point; thence northeasterly along the division line between parcels S110-B1-L24 and S110-B1-L1 on the northwest and parcel S110-B1-L2 on the southeast a distance of approximately 247.5± feet to a point in the centerline of South Erie Street; thence southeasterly along the said centerline of South Erie Street a distance of approximately 45± feet to its intersection with the centerline of Lakeview Avenue; thence northeasterly along the said centerline of Lakeview Avenue a distance of approximately 185± feet to a point; thence southeasterly across said Lakeview Avenue and along the division line between parcels S106-B7-L3.2, S106-B4-L4.1 and S106-B8-L1.2 on the northeast and parcels S106-B7-L3.2, S106-B7-L1 and S106-B7-L2 on the southwest, a distance of approximately 291.2± feet to a point on the westerly boundary of the Village of Mayville Park property (S106-B8-L1.2); thence southerly along the said westerly boundary of the Village of Mayville Park property, said boundary being also the division line between parcel S106-B8-L1.2 on the east and parcel S106-B7-L2 on the west, a distance of approximately 251± feet to a point on the northeasterly boundary of South Erie Street (SR 394); thence southeasterly along the said northeasterly boundary of South Erie Street, a distance of approximately 4± feet to a point on the westerly boundary of the Village of Mayville Park property; thence southerly along the said westerly boundary of the Village of Mayville Park property (S106-B8-L1.2), a distance of approximately 52± feet to a point in the centerline of South Erie Street (SR 394); thence northwesterly along the said centerline of South Erie Street, a distance of approximately 28± feet to its point of intersection with the centerline of Water Street; thence southwesterly along the said centerline of Water Street, a distance of approximately 833± feet to a point; thence southeasterly across Water Street and along the division line between parcel S110-B2-L1 on the southwest and the Village of Mayville Park property (S110-B3-L1.2) on the northeast, a distance of approximately 93.3± feet to a point; thence southwesterly along the westerly boundary of the Village of Mayville Park property, said westerly boundary being also the division line between parcel S110-B3-L1.1 on the southeast and parcel S110-B2-L1 on the northwest, a distance of approximately 254.3± feet to a point; thence northwesterly along the said westerly boundary being also the division line between parcel S110-B3-L1.2 on the northeast and parcel S110-B2-L1 on the southwest, a distance of approximately 11.1± feet to a point; thence continuing southwesterly along the said westerly boundary of the Village of Mayville Park property, said westerly boundary being also the division line between parcel S110-B3-L1.2 on the southeast and parcels S110-B2-L1, S110-B2-L2 and S110-B2-L3 on the northwest, a distance of approximately 640± feet to a point, said point being at the intersection of the extended centerline

of West Lake Road (SR 394) on the southeast and the extended centerline of Valley Street on the northwest; thence northwesterly along the said centerline of Valley Street a distance of approximately 725± feet to its point of intersection with the centerline of Barton Street; said point being also the point of beginning.

***B 2-LAKESIDE BUSINESS (Southeast Sector)***

Beginning at a point in the centerline of West Lake Road (SR 394) where it intersects with the centerline of Memorial Drive; thence southwesterly along the said centerline of Memorial Drive; thence southwesterly along the said centerline of Memorial Drive a distance of approximately 634± feet to a point on the boundary line between the Village of Mayville on the northeast and the Town of Chautauqua on the southwest as designated on the Village of Mayville tax map; thence northwesterly along the said boundary line a distance of approximately 1685± feet to a point in the centerline of Mud Creek; thence northeasterly along the said centerline of Mud Creek a distance of approximately 550± feet to a point; thence northwesterly through Mud Creek and along the division line between parcel S111-B4-L5.2.1 on the northeast and parcel S111-B4-L5.2.6 on the southwest, as designated on the Village of Mayville tax map, a distance of approximately 100± feet to a point; thence continuing northwesterly along the said division line between parcel S111-B4-L5.2.1 on the northeast and parcel S111-B4-L5.2.6 on the southwest and across Parkside Street a distance of approximately 60± feet to a point on the northerly highway boundary of said Parkside Street; thence southwesterly along the said northerly highway boundary of Parkside Street a distance of approximately 70± feet to a point on the division line between parcel S111-B4-L2.1 on the northeast and parcel S111-B4-L2.3 on the southwest; thence northwesterly along the said division line a distance of approximately 209.8± feet to a point; thence northeasterly along the division line between parcel S111-B4-L2.1 on the southeast and parcel S111-B4-L2.3 on the northwest a distance of approximately 26.9± feet to a point; thence northwesterly along the division line between parcel S111-B4-L2.2 on the northeast and parcel S111-B4-L2.3 on the southwest a distance of approximately 117.7± feet to a point on the southeasterly highway boundary of Parkside Street; thence northwesterly across said Parkside Street a distance of approximately 27± feet to a point on the northwesterly highway boundary of Parkside Street, said point being also on the division line between parcel S111-B4-L1 on the northeast and parcel S111-B4-L20 on the southwest; thence northwesterly along the said division line a distance of approximately 125± feet to a point on the division line between parcel S111-B4-L1 on the southeast and parcel S111-B3-L1.2.1 (Village of Mayville) on the northwest; thence northeasterly along the said division line a distance of approximately 250± feet to a point in the centerline of West Lake Road (SR 394); thence southeasterly along the said centerline of West Lake Road (SR 394) a distance of approximately 440± feet to a point; thence northeasterly crossing West Lake Road and continuing northeasterly along the division line between parcel S110-B4-L1 (Village Park) on the northwest and parcel S110-B4-L8 on the southeast a distance of approximately 204± feet to a point; thence southeasterly along the division line between parcel S110-B4-L1 (Village Park) on the northeast and parcels S110-B4-L8 and S110-B4-L7 on the southwest a distance of approximately 185± feet to a point on the northwesterly boundary of Point Pleasant Road; thence southwesterly along the said northwesterly boundary of Point Pleasant Road a distance of approximately 54± feet to a point; thence southeasterly crossing Point Pleasant Road and continuing southeasterly along the division line between parcel S110-B5-L14 (Point Pleasant Corp.) on the northeast and parcels S110-B5-L13 and S110-B5-L12 on the southwest a distance of approximately 183± feet to a point; thence southwesterly along the division line between parcel S110-B5-L14 (Point Pleasant Corp.) on the northeast and parcel S110-B5-L9 (Chautauqua Marina) on the southwest a distance of approximately 172± feet to a point; thence northeasterly along the division line between parcel

S110-B5-L14 on the northwest and parcel S110-B5-L9 on the southwest a distance of approximately 125± feet to a point in the centerline of Mud Creek; thence northeasterly along the said centerline of Mud Creek a distance of approximately 55± feet to a point; thence continuing northeasterly along the said centerline of Mud Creek a distance of approximately 200± feet to the point where Mud Creek outlets into Chautauqua Lake; thence southerly and southeasterly along the westerly shoreline of Chautauqua Lake to its intersection with the division line between parcel S112-B1-L4 on the southeast and parcel S112-B1-L3 on the northwest; thence southwesterly along the said division line a distance of approximately 154± feet to a point in the centerline of West Lake Road (SR 394); thence southeasterly along the said centerline of West Lake Road (SR 394) a distance of approximately 600± feet to its intersection with the centerline of Memorial Drive; said point being also the point of beginning.

***B 3-HIGHWAY BUSINESS (Northeast Sector)***

Beginning at a point in the centerline of East Chautauqua Street (SR 430) where it intersects with the centerline of Lakeview Avenue; thence southeasterly along the said centerline of Lakeview Avenue a distance of approximately 226± feet to a point; thence southwesterly across Lakeview Avenue and along the division line between S105-B3-L18.2 on the southeast and S105-B3-L17 on the northwest as designated on the Village of Mayville tax maps a distance of approximately 179.2± feet to a point; thence northwesterly along the division line between parcel S105-B3-L16.5 on the southwest and parcel S105-B3-L17 on the northeast, a distance of approximately 178± feet to a point on the southeasterly boundary of East Chautauqua Street (SR 430); thence continuing northwesterly across said East Chautauqua Street a distance of approximately 99± feet to a point on the northwesterly boundary of East Chautauqua Street, said point being also on the division line between parcel S104-B1-L7 on the northeast and parcel S104-B1-L4.5 on the southwest; thence continuing northwesterly along the said division line and along the division line between parcel S104-B1-L4.5 on the southwest and parcel S104-B1-L4.2 on the northeast a distance of approximately 693± feet to a point on the division line between parcel S104-B1-L4.2 on the southeast and parcel S104-B1-L4.1 on the northwest; thence northeasterly along the said division line and along the division line between parcel S101-B1-L1.3 on the southeast and parcel S104-B1-L5.2 on the northwest, a distance of approximately 116± feet to a point on the boundary line between the Village of Mayville on the southeast and the Town of Chautauqua on the northwest; thence continuing northeasterly along the said boundary line, a distance of approximately 1904± feet to a point where the said boundary line turns in a southeasterly direction; thence southeasterly along the said boundary line between the Village of Mayville on the southwest and the Town of Chautauqua on the northeast, a distance of approximately 748± feet to a point in the centerline of East Chautauqua Street (SR 430); thence southwesterly along the said centerline of East Chautauqua Street (SR 430), a distance of approximately 1801.5± feet to a point where the centerline of East Chautauqua Street (SR 430) intersects with the centerline of Lakeview Avenue, said point being also the point of beginning.

***EXCEPTION:*** Excepting from the above description a portion of the area known as P-Parks (East Sector) and bounded and described as follows:

Beginning at a point in the centerline of East Chautauqua Street (SR 430) approximately 507.5± feet distant southwesterly from the boundary line between the Village of Mayville on the southwest and the Town of Chautauqua on the northeast; said point being also on the westerly boundary of the Village of Mayville Park property (S101-B3-L1.1) as designated on the Village of Mayville Tax maps; thence northerly along the said westerly boundary of the Village of Mayville Park property a distance of approximately 717.6± feet to a point on the boundary between the Village of Mayville on the southwest and the Town of Chautauqua on the northeast; thence southeasterly along the said Village boundary line a distance of approximately 143± feet

to a point on the easterly boundary of the Village of Mayville Park property (S101-B3-L1.1); thence southerly along the said Village of Mayville Park property a distance of approximately 515.4± feet to a point in the centerline of East Chautauqua Street (SR 430); thence southwesterly along the said centerline of East Chautauqua Street a distance of approximately 143± feet to the point of beginning.

### ***B 3-HIGHWAY BUSINESS (Southwest Sector)***

Beginning at a point in the centerline of West Chautauqua Street (SR 430) at its intersection with the centerline of Patterson Street; thence northeasterly along the said centerline of West Chautauqua Street (SR 430) a distance of approximately 448.4± feet to a point; thence southeasterly across said West Chautauqua Street and continuing along the division line between parcel S108-B2-L2 on the southwest and parcel S108-B2-L3 on the northeast as designated on the Village of Mayville Tax maps, a distance of approximately 742.5± feet to a point on the division line between parcels S108-B2-L3 on the northwest and S108-B2-L29 on the southeast; thence easterly through parcel S108-B2-L29, along a line running parallel with the centerline of Patterson Street, a distance of approximately 700± feet to a point on the northwesterly boundary of Evans Street; thence southwesterly along the said northwesterly boundary of Evans Street a distance of approximately 1201.7± feet to a point on the boundary line between the Village of Mayville on the northeast and the Town of Chautauqua on the southwest; thence northwesterly along the said boundary line a distance of approximately 495± feet to a point on the division line between parcel S108-B1-L2 on the southeast and parcel S108-B1-L1 on the northwest; thence northeasterly along the said division line a distance of approximately 261.5± feet to a point in the centerline of Patterson Street; thence northwesterly along the said centerline of Patterson Street a distance of approximately 742.5± feet to the point of beginning.

### ***B 4-SCHOOL BUSINESS***

Beginning at a point on the southwesterly boundary of Academy Street where it intersects with the northwesterly boundary of West Chautauqua Street (SR 430); thence southwesterly along the said northwesterly boundary a distance of approximately 1053± feet to point; thence northeasterly through parcels S107-B2-L12 and S107-B2-L1.4 along a line 300± feet northeasterly of and parallel to the division line between parcel S107-B2-L12 on the northeast and parcel S107-B2-L13.1 on the southwest, a distance of approximately 1059± feet to a point; thence northeasterly along a line 100± feet southeasterly of and parallel to the division line between parcel S107-B2-L1.4 on the southeast and parcels S107-B2-L1.7.1, S107-B2-L1.7.2, S107-B2-L1.3, S107-B2-L2, S107-B2-L3, S107-B2-L1.6, S107-B2-L1.2 and S107-B2-L1.5.2 on the northwest, a distance of approximately 689± feet to a point; thence southeasterly along a line 100 feet southwesterly of and parallel to the division line between parcels S107-B2-L1.4 and S107-B2-L12 on the southwest and parcels S107-B2-L1.9, S107-B2-L5, S107-B2-L6 and S107-B2-L7 on the northeast, a distance of approximately 225± feet to a point; thence northeasterly along a line measured at right angles from the last course, a distance of approximately 90± feet to a point; thence southeasterly along a line 10 feet southwesterly of and parallel to the division line between parcels S107-B2-L1.4 and S107-B2-L12 on the southwest and parcels S107-B2-L8 and S107-B2-L10 on the northeast, a distance of approximately 201± feet to a point; thence northeasterly and along the division line between parcel S107-B2-L10 on the northwest and parcel S107-B2-L11 on the southeast, a distance of approximately 274± feet to a point on the southwesterly boundary of Academy Street; thence southeasterly along the said southwesterly boundary of Academy Street a distance of approximately 627± feet to its intersection with the northwesterly boundary of West Chautauqua Street (SR 430); said point being also the point of beginning.

## ***I 1-INDUSTRIAL (LIMITED)***

Beginning at a point in the centerline of Valley Street at its intersection with the centerline of Barton Street; thence southeasterly along the said centerline of Valley Street a distance of approximately 1240± feet to its point of intersection with the northwesterly boundary of the Village of Mayville Park property (S110-B4-L1.2); thence southwesterly across Valley Street a distance of approximately 40± feet to a point on the southwesterly boundary of West Lake Road; thence southeasterly along the said southwesterly boundary a distance of approximately 45± feet to a point on the northwesterly boundary of the Rails to Trails parcel designated as S111-B3-L1.1 on the Village of Mayville tax maps; thence southwesterly along the said northwesterly boundary, being also the division line between parcel S111-B3-L1.1 on the southeast and parcels S111-B3-L1.2.1 (Village of Mayville) and S111-B3-L1.2.3 (N.C.L.S.D.) on the northwest a distance of approximately 740± feet to a point; thence northwesterly along the said boundary between parcel S111-B3-L1.1 on the southwest and parcel S111-B3-L1.2.3 on the northeast a distance of approximately 34± feet to a point; thence southwesterly along the said boundary between parcel S111-B3-L1.1 on the southeast and parcel S111-B3-L1.2.3 on the northwest a distance of approximately 45± feet to a point on the division line between sub-lot 7 on the northeast and sub-lot 8 on the southwest of the Holland Land Company's survey as shown on the Village of Mayville tax maps; thence northeasterly along the said division line, being also the centerline extension of Clark Street, a distance of approximately 985± feet to a point; said point being at the intersection of the centerlines of Clark Street and Barton Street; thence northeasterly along the centerline of Barton Street a distance of approximately 990± feet to the point of beginning.

## ***I 2-INDUSTRIAL***

Beginning at a point in the centerline of East Chautauqua Street (SR 430) where it intersects with the centerline of Lakeview Avenue; thence northeasterly along the said centerline of East Chautauqua Street a distance of approximately 1801.5± feet to a point on the boundary line between the Village of Mayville on the southwest and the Town of Chautauqua on the northeast; thence southeasterly along the said boundary line a distance of approximately 1237.5± feet to a point on the division line between Section 101 on the northwest and Section 102 on the southeast of the Holland Land Company's survey and as designated on the Village of Mayville Tax maps; thence southwesterly along the said division line between Section 101 and Section 102 a distance of approximately 1600± feet to a point on the easterly boundary of the Village of Mayville Park property (S101-B3-L1.2); thence southerly along the said easterly boundary of the Village of Mayville Park property (S101-B3-L1.2) a distance of approximately 26± feet to a point on the centerline extension of Evans Street; said centerline extension being also the division line between Section 101 and Section 102 of the Holland Land Company's survey as designated on the Village of Mayville Tax maps; thence southwesterly along the said division line between Section 101 and Section 102 and along the said centerline extension of Evans Street a distance of approximately 439.6± feet to a point in the centerline of Lakeview Avenue where it intersects with the centerline of Evans Street; thence northwesterly along the said centerline of Lakeview Avenue a distance of approximately 1222.5± feet to a point in the centerline of East Chautauqua Street (SR 430); said point being also the point of beginning.

### ***EXCEPTION:***

Excepting from the above description a portion of the area known as P-Parks (East Sector) and bounded and described as follows:

Beginning at a point in the centerline of East Chautauqua Street (SR 430) approximately 507.5± feet distant southwesterly from the boundary line between the Village of Mayville on the

southwest and the Town of Chautauqua on the northeast; said point being also on the westerly boundary of the Village of Mayville Park property (S101-B3-L1.1) as designated on the Village of Mayville Tax maps; thence northeasterly along the said centerline of East Chautauqua Street (SR 430) a distance of approximately 143± feet to a point on the easterly boundary of the Village of Mayville Park property; thence southerly along the said easterly boundary of the Village of Mayville Park property a distance of approximately 1770± feet to a point on the division line between Section 101 and Section 102 of the Holland Land Company's survey and as designated on the Village of Mayville Tax maps, said division line being also the extension of the centerline of Evans Street; thence southwesterly along the said division line between Section 101 and Section 102 and the centerline extension of Evans Street a distance of approximately 143± feet to a point on the said westerly boundary of the Village of Mayville Park property (S101-B3-L1.1); thence northerly along the said westerly boundary a distance of approximately 1774± feet to a point in the centerline of East Chautauqua Street, said point being also the point of beginning.

***P-PARKS (Central)***

Beginning at a point on the northeasterly boundary of South Erie Street (SR 394) where it intersects with the southeasterly boundary of East Chautauqua Street (SR 430); thence northeasterly along the said southeasterly boundary of East Chautauqua Street a distance of approximately 99.5± feet to a point on the division line between the Chautauqua County Park property on the southwest designated as parcel S105-B1-L1 on the Village of Mayville tax maps and the southwesterly boundary of a paper street (alley) on the northeast; thence southeasterly along the said division line between parcels S105-B1-L1, S105-B1-L18 and S105-B1-B17 on the southwest and the said southwesterly boundary of a paper street (alley) on the northeast, a distance of approximately 246.8± feet to a point; thence southwesterly along the division line between parcel S105-B1-L17 on the northwest and parcel S105-B4-L16 on the southeast a distance of approximately 99.5± feet to a point on the northeasterly boundary of South Erie Street (SR 394); thence northwesterly along the said northeasterly boundary a distance of approximately 246.8± feet to the point of beginning.

***P-PARKS (Gravit)***

Beginning at a point on the northwesterly boundary of Morris Street at its intersection with the division line between the Village of Mayville Park property (S109-B4-L2) on the northeast and parcel S109-B4-L13 on the southwest, as designated on the Village of Mayville tax maps; thence northwesterly along the said division line a distance of approximately 148.5± feet to a point; thence southwesterly along the division line between parcel S109-B4-L2 on the northwest and parcels S109-B4-L13 and S109-B4-L14 on the southeast a distance of approximately 231± feet to a point; thence northwesterly along the division line between the Village of Mayville Park property (S109-B4-L2) on the northeast and parcels S109-B4-L15 and S109-B4-L3.2 on the southwest a distance of approximately 511.5± feet to a point on the southeasterly boundary of Marvin Street; thence northeasterly along the said southeasterly boundary a distance of approximately 1220± feet to a point on the southwesterly boundary of Valley Street; thence southeasterly along the said southwesterly boundary a distance of 523± feet to a point; thence southwesterly along the division line between the Village of Mayville Park property (S109-B4-L2) on the northwest and parcels S109-B4-L3, thru S109-B4-L8 and S109-B4-L10 thru S109-B4-L12 on the southeast a distance of approximately 798± feet to a point; thence southeasterly along the division line between the Village of Mayville Park property (S109-B4-L2) on the

southwest and parcel S109-B4-L12 on the northeast a distance of approximately 148.5± feet to a point on the northwesterly boundary of Morris Street; thence southwesterly along the said northwesterly boundary a distance of approximately 33± feet to the point of beginning.

***P-PARKS (East Sector)***

Beginning at a point in the centerline of Lakeview Avenue where it intersects with the centerline of Evans Street; thence northeasterly along the extension of the centerline of Evans Street, said extended centerline being also the division line between Section 101 on the northwest and Section 102 on the southeast of the Holland Land Company's survey and as designated on the Village of Mayville tax maps, a distance of approximately 296.6± feet to a point on the westerly boundary of the Village of Mayville Park property (S101-B3-L1.3); thence northerly along said westerly boundary a distance of approximately 2491.6± feet to a point on the boundary line between the Village of Mayville on the southwest and the Town of Chautauqua on the northeast; thence southeasterly along the said boundary line a distance of approximately 143± feet to a point on the easterly boundary of the Village of Mayville Park property (S101-B3-L1.1); thence southerly along the said easterly boundary a distance of approximately 2259.4± feet to a point on the said division line between Section 101 and Section 102 as designated on the Village of Mayville tax maps; thence northeasterly along the said division line a distance of approximately 108± feet to a point; thence southeasterly along the division line between parcel S102-B3-L1.3 on the southwest and parcel S102-B3-L2 on the northeast, a distance of approximately 709.5 feet to a point in the centerline of Sea Lion Drive; thence southwesterly along the said centerline of Sea Lion Drive a distance of approximately 819.7± feet to a point on the easterly boundary of Bird and Tree Road; said easterly boundary being also the easterly boundary of the Village of Mayville Park property (S106-B8-L1); thence southerly along the said easterly boundary a distance of approximately 1712± feet to a point on the division line between the Village of Mayville Park property (S106-B8-L1.2) on the south and parcel S106-B9-L1 on the north; thence easterly along the said division line a distance of approximately 36.8± feet to a point on the westerly shoreline of Chautauqua Lake; thence southerly and southeasterly along the said westerly shoreline of Chautauqua Lake to a point on the division line between the Village of Mayville Park property (S110-B4-L1) on the northwest and parcel S110-B5-L2 on the southeast; thence southwesterly along the said division line and continuing along the northwesterly boundary line of Point Pleasant Road a distance of approximately 368± feet to a point; thence northwesterly along the division line between the Village of Mayville Park property (S110-B4-L1) on the northeast and parcels S110-B4-L7 and S110-B4-L8 on the southwest, a distance of approximately 185± feet to a point; thence southwesterly along the division line between the Village of Mayville Park property (S110-B4-L1) on the northwest and parcel S110-B4-L8 on the southeast a distance of approximately 204± feet to a point in the centerline of West Lake Road (SR 394); thence northwesterly along the said centerline of West Lake Road (SR394), a distance of approximately 866± feet to a point where it intersects with the northwesterly boundary of the Village of Mayville Park property (S110-B4-L1.2); thence northeasterly along the said boundary line and continuing northeasterly along the division line between parcel S110-B2-L1.2 on the southeast and parcels S110-B2-L3, S110-B2-L2 and S110-B2-L1 on the northwest a distance of approximately 640± feet to a point; thence southeasterly along the said westerly boundary and along the division line between the Village of Mayville Park property (S110-B3-L1.2) on the south and parcel S110-B2-L1 on the north a distance of approximately 11.1± to a point; thence northeasterly along the westerly boundary of the Village of Mayville Park property, said boundary being also the division line between parcel S110-B3-L1.1 on the east and parcel S110-B2-L1 on the west, a distance of approximately 254.3± feet to a point; thence northwesterly along the said boundary of the Village of Mayville Park property (S110-B3-L1.2) on the northeast and parcel S110-B2-L1 on the southwest a distance of approximately 93.3± feet to a point in the centerline of Water Street; thence northeasterly along the said centerline of Water

Street a distance of approximately 833± feet to its intersection with the centerline of Erie Street; thence southeasterly along the said centerline of Erie Street a distance of approximately 28± feet to a point on the westerly boundary of the Village of Mayville Park property (S106-B8-L1.2); thence northerly along the said westerly boundary a distance of approximately 52± feet to a point on the northerly boundary of Erie Street; thence northwesterly along the said northerly boundary of Erie Street a distance of approximately 4± feet to a point on the westerly boundary of the Village of Mayville Park property (S106-B8-L1.2); thence northerly along the said westerly boundary and along the division line between the Village of Mayville Park property (S106-B8-L1.2) on the east and parcel S106-B7-L2 on the west a distance of approximately 251± feet to a point; thence westerly along the division line between the Village of Mayville Park property (S106-B7-L2) on the north and parcel S106-B7-L2 on the south a distance of approximately 25± feet to a point; thence northerly along the said westerly boundary of the Village of Mayville Park property (S106-B7-L2) on the east and parcels S106-B7-L4.1, S106-B7-L4.2, S106-B7-L5 and S106-B7-L6 on the west a distance of approximately 968.1± feet to a point on the centerline extension of Elm Street; thence westerly along the centerline extension of Elm Street a distance of approximately 24.75± feet to its intersection with the centerline of Elm Street and Lakeview Avenue, (formerly Railroad Street); thence northerly along the said centerline of Lakeview Avenue a distance of approximately 1704± feet to its intersection with the centerline of East Whallon Street; thence southwestly along the said centerline of East Whallon Street a distance of approximately 10± feet to its intersection with the centerline of Lakeview Avenue; thence northeasterly along the said centerline of Lakeview Avenue a distance of approximately 818± feet to its intersection with the centerline of Evans Street, being also the point of beginning.

### ***B 3-HIGHWAY BUSINESS (Southeast Sector)***

Beginning at a point in the centerline of West Lake Road (SR394) where it intersects with the centerline of Memorial Drive; thence southeasterly along the said centerline of West Lake Road a distance of approximately 1288± feet to a point on the boundary line between the Village of Mayville on the northwest and the Town of Chautauqua on the southeast; thence southwestly along said boundary line a distance of approximately 634± feet to a point; thence northwesterly and continuing along the boundary line between the Village of Mayville on the northeast and the Town of Chautauqua on the southwest a distance of approximately 1288± feet to a point in the centerline of Memorial Drive; thence northeasterly along the said centerline of Memorial Drive a distance of approximately 634± feet to the point of beginning.

## **SECTION 303 INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street edge lines, or highway right-of-way lines, shall be construed to be said boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the center lines, or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance as given, such dimension shall be determined by the use of the scale shown on said zoning map.



- D. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of jurisdiction of the municipality unless otherwise indicated.
- E. Any flood boundary shown on the zoning map indicates general location only. The precise location of flood plain boundaries shall be established by the Enforcement Officer after consulting with the Chautauqua County Planning Department.
- F. Any party aggrieved by an interpretation may appeal to the Zoning Board of Appeals, whose decision will be final. However, all decisions of the Zoning Board of Appeals are subject to court reviews in accordance with applicable laws of the State of New York. The burden of proof shall be on the appellant.

**ARTICLE IV  
DISTRICT REGULATIONS**

**SECTION 401 SINGLE FAMILY RESIDENTIAL DISTRICT (R 1)**

- A. Purpose - R-1 Districts are established to primarily protect existing neighborhoods, from encroachment of other non-compatible uses. This district also is the largest district and as such is most likely to be the location for new subdivisions and senior housing. Very few nonresidential uses are allowed in this district. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single-family dwelling - detached (conventional, prefabricated, modular)
  - Mobile Home dwelling - detached (double wide)
  - Garage-accessory
  - Customary accessory use
  - Storage - accessory structure (over 120 sq.ft.)
  - \* Signs (in accordance with Section 609)
  - Open porch/deck
  - \* Fences / walls (in accordance with Section 610)
  - Demolition (in accordance with Section 517)
- C. Uses by Special Use Permit (Hearing Required)
- Duplex dwelling (2 units) - Attached
  - Accessory / efficiency apartment / residential conversion
  - Senior housing (3+ units) - Attached
  - Cluster residential development (in accordance with Section 602)
  - \* Home occupation (in accordance with Section 604)
  - Utilities (public) (e.g., water)
  - Utilities (quasi-public) (e.g., telephone)
  - Municipal office / government offices
  - School / college-public / private
  - Day care center - Adults / children (in accordance with Section 618)
  - Library / museum / gallery, public
  - Church / rectory
  - Public park - passive
  - Tennis court-private
  - Swimming pool-private (in accordance with Section 628)
  - \* Solar energy system (in accordance with Section 611)
  - \* Travel Trailer (accessory use) (in accordance with Section 615)
  - \* Signs (in accordance with Section 609)
  - Farm animals (noncommercial) (in accordance with Section 633)
  - \* Fences / walls (in accordance with Section 610)
  - Multiple / mixed uses

D. Uses Requiring No Permit (Requires Compliance with Law)

Horticulture-private

Household sale / garage sale (in accordance with Section 605)

\* Home occupation (in accordance with Section 604)

\* Solar / energy system (in accordance with Section 611)

Topsoil removal

Outdoor storage-recreational vehicle (in accordance with Section 619)

Parking-private (in accordance with Section 607)

Storage - accessory structure (120 sq. ft. or less) (in accordance with Section 620)

\* Travel Trailer (accessory use) (in accordance with Section 615)

\* Signs (in accordance with Section 609)

Junk vehicles (private property) (in accordance with Section 630)

\* Fences / walls (in accordance with Section 610)

E. Area Standards -

SINGLE FAMILY UNITS

	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft.)	20,000	----
Minimum Lot Width (feet)	120	----
Maximum Lot Coverage (% of Lot Area)	25%	----
Minimum Front Yard (feet from street edge)	50	50
Minimum Side Yard (feet)	20	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	20
Minimum Floor Space (Sq. Ft. of Living Space)	1000	

MULTIPLE FAMILY UNITS (Standard)

Minimum Lot Size (Sq. Ft. per Unit)	20,000 + 5,000	----
Minimum Lot Width (feet per unit)	140 + 7	----
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (feet)	25 + 1	15 + 1
Minimum Rear Yard (feet)	50 + 1	25 + 1
Maximum Structure Height (feet)	40	25
Minimum Floor Space (Sq. Ft. of Living Space)	700	

OTHER USES (e.g. Daycare Centers)

Minimum Lot Size (Sq. Ft.)	25,000	----
Minimum Lot Width (feet)	140	----
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (Feet)	25	15
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	15

## SECTION 402 LIMITED MULTIPLE RESIDENTIAL DISTRICT (R 2)

- A. Purpose - R-2 Districts are established to primarily protect existing neighborhoods from encroachment of other non-compatible uses, Besides single family units, small multiple family units are encouraged along with home occupation businesses. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single-family dwelling - detached (conventional, prefabricated, modular)
  - Mobile Home dwelling - detached (double wide)
  - Garage-accessory
  - Customary accessory use
  - Storage - accessory structure (over 120 sq.ft.) (in accordance with Section 620)
  - \* Signs (in accordance with Section 609)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 610)
  - Demolition (in accordance with Section 517)
- C. Special Use Permit (Permit and Hearing Required)
- Duplex dwellings (2 units) - attached
  - Accessory / Efficiency apartment / Residential conversion
  - Multiple dwellings (3-5 units) -attached (in accordance with Section 603)
  - Bed & breakfast / boarding homes
  - Nursing Home / Rest Home / Health Center
  - \* Home occupation (in accordance with Section 604)
  - Utilities (public) (e.g., water)
  - Utilities (quasi-public) e.g., telephone
  - Municipal office / government offices
  - School-college - public / private
  - Day Care center - Adults / Children (in accordance with Section 618)
  - Library / museum / gallery, public
  - Church / rectory
  - Fraternal facility club
  - Cemetery / crematory
  - Public park - passive
  - Tennis court-private
  - Swimming pool-private (in accordance with Section 628)
  - \* Solar energy system (in accordance with Section 611)
  - \* Travel Trailer (accessory use) (in accordance with Section 615)
  - \* Signs (in accordance with Section 609)
  - \* Fences / walls (in accordance with Section 610)
  - Multiple / mixed uses
- D. Uses Requiring No Permit (Requires compliance with law)
- Horticulture-private
  - Household sale / garage sale (in accordance with Section 605)
  - \* Home occupation (in accordance with Section 604)
  - \* Solar energy system (in accordance with Section 611)
  - Topsoil removal (in accordance with Section 617)
  - Outdoor storage-recreational vehicle (in accordance with Section 619)

- Parking-private (in accordance with Section 607)
- Storage - accessory structure (120 sq. ft. or less) (in accordance with Section 620)
- \* Travel Trailer (accessory use) (in accordance with Section 615)
- \* Signs (in accordance with Section 609)
- Junk vehicles - private property (in accordance with Section 630)
- \* Fences / walls (in accordance with Section 610)

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft.)	18,000	----
Minimum Lot Width (feet)	110	----
Maximum Lot Coverage (% of Lot Area)	30%	----
Minimum Front Yard (feet from street edge)	50	50
Minimum Side Yard (feet)	15	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	20
Minimum Floor Space (Sq. Ft. of Living Space)	1000	
 <u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	18,000 + 5,000	----
Minimum Lot Width (feet per unit)	130 + 7	----
Maximum Lot Coverage (% of Lot Area)	30%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (feet)	20 + 1	15 + 1
Minimum Rear Yard (feet)	50 + 1	25 + 1
Maximum Structure Height (feet)	40	25
Minimum Floor Space (Sq. Ft. of Living Space)	700	
 <u>OTHER USES (e.g. Daycare Centers)</u>		
Minimum Lot Size (Sq. Ft.)	23,000	----
Minimum Lot Width (feet)	130	----
Maximum Lot Coverage (% of Lot Area)	25%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (Feet)	20	15
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	15

**SECTION 403 LAKESIDE RESIDENTIAL DISTRICT (R 3)**

- A. Purpose - Single Family residential uses are permitted in this Lake district in addition to very limited home occupations. At present this property consists of various single ownership parcels with a great degree of lake exposure. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or not permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single family dwelling - detached (conventional, prefabricated, modular)
  - Mobile Home dwelling - detached (double wide)
  - Garage - accessory
  - Customary accessory use

- Storage - accessory structure (over 120 sq. ft.) (in accordance with Section 620)
  - \* Signs (in accordance with Section 609)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 610)
  - Demolition (in accordance with Section 517)
- C. Uses by Special Use Permit (Hearing Required)
- Accessory / Efficiency apartment / Residential conversion
  - Utilities (public) (e.g., water)
  - Utilities (quasi-public) (e.g., telephone)
  - Municipal office / government offices
  - School / college (public / private)
  - Daycare center – adults / children (in accordance with Section 618)
  - Library / museum / gallery, public
  - Church / rectory
  - Tennis court (private)
  - Swimming pool (private) (in accordance with Section 628)
  - \* Solar energy system (in accordance with Section 611)
  - Private boathouse
  - \* Travel Trailer (accessory use) (in accordance with Section 615)
  - \* Signs (in accordance with Section 609)
  - \* Fences / walls (in accordance with Section 610)
  - Multiple / mixed uses
- D. Uses Requiring No Permit (Requires Compliance with Law)
- Horticulture-private
  - Household sale / garage sale (in accordance with Section 605)
  - Home occupation (in accordance with Section 604)
  - Wildlife habitat
  - \* Solar energy system (in accordance with Section 611)
  - Topsoil removal (in accordance with Section 617)
  - Outdoor storage-recreational vehicle (in accordance with Section 619)
  - Parking-private (in accordance with Section 607)
  - Storage - accessory structure (120 sq. ft. or less) (in accordance with Section 620)
  - \* Travel Trailer (accessory use) (in accordance with Section 615)
  - \* Signs (in accordance with Section 609)
  - \* Fences / walls (in accordance with Section 610)
- E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft.)	18,000	----
Minimum Lot Width (feet)	120	----
Maximum Lot Coverage (% of Lot Area)	25%	----
Minimum Front Yard (feet from street edge)	50	50
Minimum Side Yard (feet)	20	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	20
Minimum Floor Space (Sq. Ft. of Living Space)	1000	
 <u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	18,000 + 5,000	----

Minimum Lot Width (feet per unit)	140 + 7	----
Maximum Lot Coverage (% of Lot Area)	25%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (feet)	25 + 1	15 + 1
Minimum Rear Yard (feet)	50 + 1	25 + 1
Maximum Structure Height (feet)	40	25
Minimum Floor Space (Sq. Ft. of Living Space)	700	

OTHER USES (e.g. Daycare Centers)

Minimum Lot Size (Sq. Ft.)	23,000	----
Minimum Lot Width (feet)	140	----
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (Feet)	25	15
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	15

**SECTION 404 RURAL RESIDENTIAL DISTRICT (R 4)**

A. Purpose - R-4 Districts are established to primarily provide for large lot residential development of various types. Quite a few businesses are also encouraged to include some that require large lots. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred should be consulted in each case to fully understand which permit applies.

B. Uses by Right (Permit Required)

- Single family dwelling - detached (conventional, prefabricated, modular)
- Mobile Home dwelling - detached (double wide)
- Agricultural buildings
- Limited agricultural
- Garage - accessory
- Customary accessory use
- Storage - accessory structure (over 120 sq. ft.) (in accordance with Section 620)
- \* Signs (in accordance with Section 609)
- Open porch / deck
- \* Fences / walls (in accordance with Section 610)
- Demolition (in accordance with Section 517)

C. Uses by Special Use Permit (Hearing Required)

- Duplex dwelling (2 units) - attached
- Accessory / Efficiency apartment/Residential conversion
- Multiple Dwellings (3-5 units) - attached (in accordance with Section 603)
- Multiple Dwellings (6+ units) - attached (in accordance with Section 603)
- Senior Housing (3+ units) - attached
- Cluster residential development (in accordance with Section 602)
- General agricultural business
- Health / personal care
- Gift shop
- Book / music store
- Artisan shop
- Limited antique shop
- Professional office / Office building
- Photography / music studio

- Dance studio
  - Funeral home
  - Realty office
  - Barber / beauty / tanning salon
  - Locksmith shop
  - Building contractor business
  - Custom workshop
  - Appliance repair shop
  - Kennel business
  - Animal shelter
  - Animal hospital / Veterinary
  - Boat storage business
  - \* Home occupation (in accordance with Section 604)
  - Utilities (public) (e.g., water)
  - Utilities (quasi-public) (e.g., telephone)
  - Municipal office / government offices
  - School / college - public / private
  - Heliport (in accordance with Section 616)
  - Daycare center - Adults / children (in accordance with Section 618)
  - Library / museum / gallery, public
  - Church / rectory
  - Fraternal facility / club
  - Public park - passive
  - Golf course - public / private
  - Tennis court - private
  - Swimming pool - private (in accordance with Section 628)
  - Riding academy / stable
  - Cabins / cottages - commercial
  - Recreation camp - private
  - Wildlife habitat
  - Forestry / lumbering / reforestation
  - Game farm / fish hatchery / preserve
  - Windmills - private
  - \* Solar energy system (in accordance with Section 611)
  - Pond
  - Logging
  - \* Travel Trailer (accessory use) (in accordance with Section 615)
  - \* Signs (in accordance with Section 609)
  - Farm animals (noncommercial) (in accordance with Section 633)
  - \* Fences / walls (in accordance with Section 610)
  - TV / Radio / Cellular tower (commercial) (in accordance with Section 629)
  - Multiple / mixed uses
- D. Uses Requiring No Permit (Requires Compliance with Law)
- Horticulture - private
  - \* Household sale / garage sale (in accordance with Section 605)
  - \* Home occupation (in accordance with Section 604)
  - \* Solar energy system (in accordance with Section 611)
  - Topsoil / excavation (noncommercial) (in accordance with Section 617)
  - Outdoor storage - recreational vehicle (in accordance with Section 619)
  - Parking - private (in accordance with Section 607)
  - Storage - accessory structure (120 sq. ft. or less) (in accordance with Section 620)



- Travel Trailer (accessory use) (in accordance with Section 615)
- \* Signs (in accordance with Section 609)
- Junk vehicle (private property) (in accordance with Section 630)
- \* Fences / walls (in accordance with Section 610)

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft.)	25,000	----
Minimum Lot Width (feet)	150	----
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (feet from street edge)	60	60
Minimum Side Yard (feet)	30	15
Minimum Rear Yard (feet)	60	30
Maximum Structure Height (feet)	40	20
Minimum Floor Space (Sq. Ft. of Living Space)	1000	
 <u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	25,000 + 5,000	----
Minimum Lot Width (feet per unit)	160 + 7	----
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from Street Edge)	60	60
Minimum Side Yard (feet)	35 + 1	25 + 1
Minimum Rear Yard (feet)	60 + 1	30 + 1
Maximum Structure Height (feet)	40	25
Minimum Floor Space (Sq. Ft. of Living Space)	700	
 <u>OTHER USES (e.g. Daycare Centers)</u>		
Minimum Lot Size (Sq. Ft.)	30,000	----
Minimum Lot Width (feet)	160	----
Maximum Lot Coverage (% of Lot Area)	15%	----
Minimum Front Yard (Feet from Street Edge)	60	60
Minimum Side Yard (Feet)	35	20
Minimum Rear Yard (feet)	60	30
Maximum Structure Height (feet)	40	15

## **SECTION 405 CENTRAL BUSINESS DISTRICT (B 1)**

- A. Purpose - The purpose of B-1 District is to promote retail and service uses generally in existing buildings which are pedestrian oriented for the use of residents and visitors. Additionally some light manufacturing businesses are to be promoted if they can recondition for compatibility. At that same time, a major goal is to protect and enhance the community by encouraging aesthetically appealing business with safe ingress and egress and limiting strip development. Note: Uses marked with as asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single-family dwelling-detached (conventional, prefabricated, modular)
  - Mobile Home dwelling - detached (double wide)
  - Duplex dwelling (2 units) – attached
  - Accessory / Efficiency apartments / Residential conversion
  - Multiple Dwellings (3-5 units) - attached (in accordance with Section 603)
  - Apartment above commercial storefront
  - Agricultural buildings
  - Limited agriculture
  - Temporary business
  - Nursery / greenhouse-commercial
  - Antique shop
  - Bakery shop
  - Catalog store
  - Drug store
  - Florist
  - Corner grocery store / convenience store / minimart
  - Health / personal care (in accordance with Section 639)
  - Gift shop
  - Newsstand
  - Liquor store
  - Motor vehicle parts store
  - Department / variety store
  - Furniture / home furnishings
  - Appliance store
  - Hardware / glass / paint store
  - Plumbing / heating store
  - Clothing / accessories store
  - Sporting goods store
  - Book / music store
  - Auction business
  - Artisan shop
  - Coffee kiosk
  - Limited antique shop
  - Professional office / office building
  - Insurance office
  - Bank / credit union
  - Photography / music studio
  - Dance studio
  - Financial institution
  - Funeral home
  - Realty office

- Rental office
- Laundromat / dry cleaning shop
- Barber / beauty shop / tanning salon
- Restaurant / Fast food restaurant
- Bar (Live entertainment / No live entertainment)
- Locksmith shop
- Custom workshop
- Appliance repair shop
- Car wash
- Scientific services
- Educational services
- Copy shop
- Massage establishment
- Video rental store
- Medical building
- Garage-accessory
- Customary accessory use
- Storage - accessory structure (over 120 sq. ft.) (in accordance with Section 620)
- \* Signs (in accordance with Section 609)
- Open porch / deck
- \* Fences / walls (in accordance with Section 610)
- Demolition (in accordance with Section 517)

C. Uses by Special Use Permit (Hearing Required)

- Senior housing (3+ units) - attached
- Bed & breakfast / Boarding home
- Nursing home / Rest home / Health center
- General agriculture business
- Winery
- Nursery / Greenhouse / Landscaping business - commercial
- Farmers market
- General retail store
- Shopping center / mall / outlet mall
- Food supermarket
- Monument sales
- Building materials store / home improvement center
- Vehicle service station / gas station (in accordance with Section 627)
- Auto sales / used car lot
- Pet store / Grooming parlor (in accordance with Section 622)
- Large box retail
- Specialty shop
- General service shop
- Hotel / motel
- Autobody repair shop / towing service
- Vehicle repair shop / towing service
- Building contractor business
- Brew pub / micro brewery
- Health club
- \* Home occupation (in accordance with Section 604)
- Food & beverage manufacturing
- Apparel manufacturing
- Wood products

Printing and related  
 Computer and electronic products  
 Electric equipment, appliances, components  
 Furniture and related products  
 Research lab.  
 Utilities (public) (e.g., water)  
 Utilities (quasi-public) (e.g., telephone)  
 Municipal office / government offices  
 School / college -public / private  
 Day care center - Adults / children (in accordance with Section 628)  
 Library / museum / gallery, public  
 Church / rectory  
 Fraternal facility/Club  
 Post office  
 Ambulance service  
 Radio / TV broadcasting station  
 Firehall / firestation  
 Public park - passive  
 Tennis court - private  
 Commercial recreation  
 Swimming pool - private  
 Tackle shop / Bait Shop  
 Theatre (Single & multiplex)  
 Rifle range / gun club - indoor (in accordance with Section 625)  
 Electronic game room  
 Arts / Civic / Community center  
 Billiards / pool hall  
 \* Solar energy system (in accordance with Section 611)  
 Parking - commercial lot (in accordance with Section 607)  
 \* Travel Trailer (accessory use) (in accordance with Section 615)  
 \* Signs (in accordance with Section 609)  
 Loading / unloading facility (in accordance with Section 608)  
 \* Fences / walls (in accordance with Section 610)  
 Temporary mobile home  
 Multiple / mixed uses

D. Uses Requiring No Permit (Requires Compliance with Law)

Horticulture-private  
 Household sale / garage sale (in accordance with Section 605)  
 \* Home occupation (in accordance with Section 604)  
 \* Solar energy system (in accordance with Section 611)  
 Topsoil / excavation (noncommercial) (in accordance with Section 617)  
 Outdoor storage-recreational vehicle (in accordance with Section 619)  
 Parking - private (in accordance with Section 607)  
 Storage - accessory structure (120 sq. ft. or less) (in accordance with Section 620)  
 \* Travel Trailer (accessory use) (in accordance with Section 615)  
 \* Signs (in accordance with Section 609)  
 Junk vehicle (private property) (in accordance with Section 630)  
 \* Fences / walls (in accordance with Section 610)  
 Heavy vehicle parking

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft.)	10,000	----
Minimum Lot Width (feet)	60	----
Maximum Lot Coverage (% of Lot Area)	75%	----
Minimum Front Yard (feet from street edge)	10	10
Minimum Side Yard (feet)	10	10
Minimum Rear Yard (feet)	10	10
Maximum Structure Height (feet)	40	20
Minimum Floor Space (Sq. Ft. of Living Space)	1000	
 <u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	10,000 + 5,000	----
Minimum Lot Width (feet per unit)	80 + 7	----
Maximum Lot Coverage (% of Lot Area)	75%	----
Minimum Front Yard (Feet from Street Edge)	10	10
Minimum Side Yard (feet)	15 + 1	15 + 1
Minimum Rear Yard (feet)	10 + 1	10 + 1
Maximum Structure Height (feet)	40	25
Minimum Floor Space (Sq. Ft. of Living Space)	700	
 <u>OTHER USES (e.g. Daycare Centers)</u>		
Maximum Lot Coverage (% of Lot Area)	75%	----
Minimum Front Yard (Feet from Street Edge)	10	10
Minimum Side Yard (Feet)	10	10
Minimum Rear Yard (feet)	10	10
Maximum Structure Height (feet)	40	20

## SECTION 406 LAKESIDE BUSINESS DISTRICT (B 2)

- A. Purpose - The purpose of the B-2 District is to primarily promote retail and service uses of a tourism/recreation quarter for the use of residents and visitors. At the same time, a major goal is to protect and enhance the community by encouraging aesthetically appealing business with safe ingress and egress and limiting strip development. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use, or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses By Right (Permit Required)
- Single-family dwelling-detached (conventional, prefabricated, modular)
  - Mobile Home dwelling - detached (double wide)
  - Duplex dwelling (2 units) - attached
  - Accessory / Efficiency apartment / Residential conversion
  - Multiple dwellings (3-5 units) - attached (in accordance with Section 603)
  - Apartment above commercial storefront
  - Temporary business
  - Gift shop
  - Newsstand
  - Appliance store
  - Clothing / accessories store
  - Sporting goods store
  - Book / music store
  - Auction business
  - Artisan shop
  - Coffee kiosk
  - Restaurant / Fast food restaurant
  - Video rental store
  - Garage-accessory
  - Customary accessory use
  - Storage - accessory structure (over 120 sq. ft.) (in accordance with Section 620)
  - \* Signs (in accordance with Section 609)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 610)
  - Demolition (in accordance with Section 517)
- C. Uses by Special Use Permit (Hearing Required)
- Multiple dwellings (6+ units) – attached (in accordance with Section 603)
  - Senior housing (3+ units) – attached
  - Bed and Breakfast / Boarding house
  - Nursing home / Rest home / Health center
  - Winery
  - Nursery / Greenhouse / Landscaping business - commercial
  - \* Roadside stand - general (in accordance with Section 606)
  - Farmers market
  - General retail stores
  - Antique shop
  - Bakery shop
  - Catalog store
  - Drugstore
  - Shopping center / mall / outlet mall
  - Florist shop

Food supermarket  
 Corner grocery store / convenience store / minimart  
 Health / personal care (in accordance with Section 639)  
 Monument sales  
 Liquor store  
 Vehicle service station / gas station (in accordance with Section 627)  
 Auto sales / used car lot  
 Motor vehicle parts store  
 Department / variety store  
 Feed & seed shop  
 Furniture / home furnishings  
 Hardware / glass / paint store  
 Pet store / Grooming parlor (in accordance with Section 622)  
 Plumbing / heating store  
 Specialty shop  
 Limited antique shop  
 General service shop  
 Professional office / office building  
 Insurance office  
 Bank / credit union  
 Photography / music studio  
 Dance studio  
 Financial institution  
 Funeral home  
 Realty office  
 Rental store  
 Laundry / dry cleaning shop  
 Barber / beauty shop / tanning salon  
 Bar (Live entertainment / No live entertainment)  
 Hotel / motel  
 Locksmith shop  
 Vehicle repair shop (in accordance with Section 626)  
 Building contractor business  
 Appliance repair shop  
 Car wash  
 Boat storage business  
 Scientific services  
 Educational services  
 Brew pub / microbrewery  
 Copy shop  
 Massage establishment  
 Health club  
 Medical building  
 \* Home occupation (in accordance with Section 604)  
 Utilities (public) (e.g., water)  
 Utilities (quasi-public) (e.g., telephone)  
 Municipal office / government offices  
 School / college - public / private  
 Daycare center - Adult / children  
 Library / museum / gallery, public  
 Church / rectory  
 Public park - passive

- Tennis court - private
- Tennis court - public
- Commercial recreation
- Amusement park
- Boathouse / dock/pier - public
- Swimming pool - private (in accordance with Section 628)
- Swimming pool - public
- Tackle shop / Bait shop
- Riding academy / stable
- Cabins / cottages - commercial
- Theatre (Single & multiplex)
- Carnival / circus - temporary
- Rifle range / gun club (indoor) (in accordance with Section 625)
- Electronic game room
- Tent meeting
- Arts / Civic / Community center
- Billiards / pool hall
- Marinas
- \* Solar energy system (in accordance with Section 611)
- Parking - commercial lot (in accordance with Section 607)
- Private boathouse
- \* Travel Trailer (accessory use) (in accordance with Section 615)
- \* Signs (in accordance with Section 609)
- Farm animals (non-commercial) (in accordance with Section 633)
- Loading / unloading facility (in accordance with Section 608)
- \* Fences / walls (in accordance with Section 610)
- Temporary mobile home
- Multiple / mixed uses

D. Uses Requiring No Permit (Requires Compliance with Law)

- Horticulture-private
- Household sale (garage sale) (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- \* Solar energy system (in accordance with Section 611)
- Topsoil / excavation (non-commercial) (in accordance with Section 617)
- Outdoor storage-recreational vehicle (in accordance with Section 619)
- Parking-private (in accordance with Section 607)
- Storage - accessory structure (120 sq. ft. of less) (in accordance with Section 620)
- \* Travel Trailer (accessory use) (in accordance with Section 615)
- \* Signs (in accordance with Section 609)
- Junk vehicle (private property) (in accordance with Section 630)
- \* Fences / walls (in accordance with Section 610)
- Heavy vehicle parking (in accordance with Section 613)

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft.)	15,000	----
Minimum Lot Width (feet)	100	----
Maximum Lot Coverage (% of Lot Area)	50%	----
Minimum Front Yard (feet from street edge)	40	40
Minimum Side Yard (feet)	15	10



Minimum Rear Yard (feet)	40	20
Maximum Structure Height (feet)	40	20
Minimum Floor Space (Sq. Ft. of Living Space)	1000	

MULTIPLE FAMILY UNITS (Standard)

Minimum Lot Size (Sq. Ft. per Unit)	10,000 + 2,000	----
Minimum Lot Width (feet per unit)	80 + 7	----
Maximum Lot Coverage (% of Lot Area)	50%	----
Minimum Front Yard (Feet from Street Edge)	10	10
Minimum Side Yard (feet)	20 + 1	15 + 1
Minimum Rear Yard (feet)	40 + 1	20 + 1
Maximum Structure Height (feet)	40	25
Minimum Floor Space (Sq. Ft. of Living Space)	700	

OTHER USES (e.g. Daycare Centers)

Maximum Lot Coverage (% of Lot Area)	50%	----
Minimum Front Yard (Feet from Street Edge)	40	40
Minimum Side Yard (Feet)	15	10
Minimum Rear Yard (feet)	40	20
Maximum Structure Height (feet)	40	20

## SECTION 407 HIGHWAY BUSINESS DISTRICT (B 3)

- A. Purpose - The purpose of the B-3 District is to promote retail and service uses, many of which may be large in size for the use of residents and visitors. At the same time, a major goal is to protect and enhance the community by encouraging aesthetically appealing businesses with safe ingress and egress and prohibiting chaotic strip development. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single family dwelling - detached (conventional, prefabricated, modular)
  - Mobile Home dwelling - detached (double wide)
  - Duplex dwelling (2 units) - attached
  - Accessory / Efficiency apartment / Residential conversion
  - Multiple dwellings (3-5 units) - attached (in accordance with Section 603)
  - Apartment above commercial storefront
  - Agricultural building
  - Limited agriculture
  - Temporary business
  - Feed and seed shop
  - Appliance store
  - Clothing / accessories store
  - Sporting goods store
  - Book / music store
  - Auction business
  - Artisan shop
  - Coffee kiosk
  - Rental store
  - Barber / beauty shop / tanning salon
  - Restaurant / Fast food restaurant
  - Massage establishment
  - Video rental store
  - Health club
  - Garage-accessory
  - Customary accessory use
  - Storage - accessory structure (over 120 sq. ft.) (in accordance with Section 620)
  - \* Signs (in accordance with Section 609)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 610)
  - Demolition (in accordance with Section 517)
- C. Uses by Special Use Permit (Hearing required)
- Multiple dwellings (6+ units) - attached (in accordance with Section 603)
  - Senior housing (3+ units) - attached
  - Bed & Breakfast / Boarding home
  - Nursing home / Rest home / Health center
  - General agricultural business
  - Winery
  - Nursery / Greenhouse / Landscaping business - commercial
  - Roadside stand (in accordance with Section 606)
  - Blacksmith shop
  - Farmers market

General retail store  
Antique shop  
Bakery shop  
Catalog store  
Drugstore  
Shopping center / mall / outlet mall  
Florist shop  
Food supermarket  
Corner grocery store/convenience store / minimart  
Health / personal care (in accordance with Section 639)  
Gift shop  
Monument sales  
Newsstand  
Liquor store  
Building materials store / Home improvement center  
Vehicle service station / gas station (in accordance with Section 627)  
Auto sales / Used car lot  
Motor vehicle parts store  
Farm machinery / implements store  
Department / variety store  
Furniture / home furnishings  
Hardware / glass / paint store  
Pet store / Grooming parlor (in accordance with Section 622)  
Plumbing / heating shop  
Large box retail  
Specialty shop  
Limited antique shop  
General service shop  
Professional office / office building  
Insurance office  
Bank / credit union  
Photography / music studio  
Dance studio  
Financial institution  
Funeral home  
Laundromat / dry cleaning shop  
Bar (Live entertainment / No live entertainment)  
Hotel / motel  
Locksmith shop  
Autobody repair shop / towing service (in accordance with Section 626)  
Vehicle repair shop / towing service  
Building contractor business  
Custom workshop  
Appliance repair shop  
Animal hospital / Veterinary  
Car wash  
Boat storage business  
Scientific services  
Educational services  
Brew pub / micro brewery  
Copy shop  
Medical building

- Durable goods - wholesale
- Nondurable goods - wholesale
- \* Home occupation (in accordance with Section 604)
  - Food & beverage manufacturing
  - Apparel manufacturing
  - Wood products
  - Printing & related
  - Computer & electronic products
  - Electric equipment, appliances, components
  - Furniture & related products
  - Research lab.
  - Utilities (public) (e.g., water)
  - Utilities (quasi-public) (e.g., telephone)
  - Municipal office / government offices
  - School / college - public / private
  - Heliport (in accordance with Section 616)
  - Daycare center - Adults / children
  - Library / museum / gallery, public
  - Church / rectory
  - Cemetery
  - Post office
  - Hospital / Clinic / Health care facility
  - Ambulance service
  - Radio / TV broadcasting station
  - Firehall / Fire station
  - Pet cemetery
  - Public park - passive
  - Tennis court - private
  - Tennis court - public
  - Commercial recreation
  - Amusement park
  - Swimming pool - private (in accordance with Section 628)
  - Swimming pool - public
  - Tackle shop / Bait shop
  - Riding academy / stable
  - Cabins / cottages - commercial
  - Theatre (single & multiplex)
  - Carnival / circus-temporary
  - Rifle range / gun club indoor (in accordance with Section 625)
  - Electronic game room
  - Tent meeting
  - Arts / Civil / Community center
  - Billiards / Pool hall
  - Marinas
- \* Solar energy system (in accordance with Section 611)
  - Parking - commercial lot (in accordance with Section 607)
  - Travel Trailer (accessory use) (in accordance with Section 615)
- \* Signs (in accordance with Section 609)
  - Farm Animals (noncommercial) (in accordance with Section 633)

- Loading / unloading facility (in accordance with Section 608)
- \* Fences / walls (in accordance with Section 610)
- Temporary mobile home
- Multiple / mixed uses

D. Uses Requiring No Permit (Requires Compliance with Law)

- Horticulture-private
- Household sale / garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- \* Solar energy system (in accordance with Section 611)
- Topsoil/excavation (non-commercial) (in accordance with Section 617)
- Outdoor storage-recreational vehicle (in accordance with Section 619)
- Parking-private (in accordance with Section 607)
- Storage - accessory structure (120 sq. ft. or less) (in accordance with Section 620)
- \* Travel Trailer (accessory use) (in accordance with Section 615)
- \* Signs (in accordance with Section 609)
- Junk vehicle (private property) (in accordance with Section 630)
- \* Fences / walls (in accordance with Section 610)
- Heavy vehicle parking (in accordance with Section 613)

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft.)	20,000	----
Minimum Lot Width (feet)	120	----
Maximum Lot Coverage (% of Lot Area)	45%	----
Minimum Front Yard (feet from street edge)	50	50
Minimum Side Yard (feet)	20	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	20
Minimum Floor Space (Sq. Ft. of Living Space)	1000	
 <u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	20,000 + 5,000	----
Minimum Lot Width (feet per unit)	140 + 7	----
Maximum Lot Coverage (% of Lot Area)	40%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (feet)	25 + 1	15 + 1
Minimum Rear Yard (feet)	50 + 1	25 + 1
Maximum Structure Height (feet)	40	25
Minimum Floor Space (Sq. Ft. of Living Space)	700	
 <u>OTHER USES (e.g. Daycare Centers)</u>		
Maximum Lot Coverage (% of Lot Area)	40%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (Feet)	20	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	20

## **SECTION 408 SCHOOL BUSINESS DISTRICT (B 4)**

- A. Purpose - The B-4 District was established to provide for a mix of Businesses that will be compatible with nearby residential uses. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single family dwelling - detached (conventional, prefabricated, modular)
  - Mobile Home dwelling - detached (double wide)
  - Temporary business
  - Storage - accessory structure (over 120 sq. ft.) (in accordance with Section 620)
  - \* Signs (in accordance with Section 609)
  - \* Fences / walls (in accordance with Section 610)
  - Demolition (in accordance with Section 517)
- C. Uses by Special Use Permit (Hearing Required)
- Multiple dwellings (3 - 5 units) - attached (in accordance with Section 603)
  - Multiple dwellings (6+ units) - attached (in accordance with Section 603)
  - Senior Housing (3+ units) - attached
  - Nursing Home / Rest Home/Health Center
  - Antique shop
  - Limited antique shop
  - Bakery shop
  - Florist shop
  - Health / personal care (in accordance with Section 639)
  - Gift shop
  - Newsstand
  - Department / variety store
  - Furniture / home furnishings
  - Clothing / accessories store
  - Sporting goods store
  - Book / music store
  - Auction business
  - Artisan shop
  - Coffee kiosk
  - Specialty shop
  - Professional office / office building
  - Insurance office
  - Bank / Credit union
  - Photography / music studio
  - Realty office
  - Rental office
  - Rental store
  - Laundromat / dry cleaning shop
  - Barber / beauty shop / tanning salon
  - Locksmith shop
  - Custom workshop
  - Appliance repair shop
  - Boat storage business
  - Scientific services
  - Educational services
  - Copy shop

- Massage establishment
- Health club
- Medical building
- \* Home occupation (in accordance with Section 604)
- Research lab
- Utilities (public) (e.g. water)
- Utilities (quasi-public) (e.g. telephone)
- Municipal office / government offices
- School / college - public / private
- Heliport (in accordance with Section 616)
- Daycare center - Adults / children (in accordance with Section 618)
- Library / museum / gallery, public
- Church / rectory
- Hospital / Clinic / Health care facility
- Radio / TV broadcasting station
- Firehall / firestation
- Public park - passive
- Theatre (single & multiplex)
- Arts / Civic / Community center
- \* Solar energy system (in accordance with Section 611)
- Garage - accessory
- Customary accessory use
- Parking - commercial lot (in accordance with Section 607)
- \* Signs (in accordance with Section 609)
- Loading / unloading facility (in accordance with Section 608)
- \* Fences / walls (in accordance with Section 610)

D. Use Requiring No Permit (Require Compliance with Law)

- Household sale / garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- \* Solar energy system (in accordance with Section 611)
- Storage - accessory structure (120 sq. ft. or less) (in accordance with Section 620)
- \* Signs (in accordance with Section 609)
- \* Fences / walls (in accordance with Section 610)

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft.)	20,000	----
Minimum Lot Width (feet)	120	----
Maximum Lot Coverage (% of Lot Area)	40%	----
Minimum Front Yard (feet from street edge)	50	50
Minimum Side Yard (feet)	20	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	20
Minimum Floor Space (Sq. Ft. of Living Space)	1000	
 <u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	20,000 + 5,000	----
Minimum Lot Width (feet per unit)	140 + 7	----
Maximum Lot Coverage (% of Lot Area)	40%	----
Minimum Front Yard (Feet from Street Edge)	50	50

Minimum Side Yard (feet)	25 + 1	15 + 1
Minimum Rear Yard (feet)	50 + 1	25 + 1
Maximum Structure Height (feet)	40	25
Minimum Floor Space (Sq. Ft. of Living Space)	700	

OTHER USES (e.g. Daycare Centers)

Maximum Lot Coverage (% of Lot Area)	40%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (Feet)	20	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	20



## SECTION 409 LIMITED INDUSTRIAL DISTRICT (I 1)

- A. Purpose I-1 Districts have the purpose of promoting a variety of industrial retail and service uses which are vehicle oriented in addition to light industrial uses not associated with nuisances. A major goal is to protect and enhance the community by encouraging aesthetically appealing businesses with safe ingress and egress and prohibiting chaotic strip development. The close proximity of this industrial area to Chautauqua Lake, the lakeside business district and the park district make it unique.
- B. Uses by Right (Permit Required)
- Single Family dwelling - detached (conventional, prefabricated, modular)
  - Mobile Home dwelling - detached (double wide)
  - Duplex dwelling (2 units) - attached
  - Accessory / Efficiency apartment / Residential conversion
  - Multiple dwellings (3-5 units) - attached (in accordance with Section 603)
  - Apartment above commercial storefront
  - Temporary business
  - Auction business
  - Video rental store
  - Garage - accessory
  - Customary accessory use
  - Storage - accessory structure (over 120 sq. ft.) (in accordance with Section 620)
  - \* Signs (in accordance with Section 609)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 610)
  - Demolition (in accordance with Section 517)
- C. Uses by Special Use Permit (Hearing Required)
- Multiple dwellings (6+ units) - attached (in accordance with Section 603)
  - Senior Housing (3+ units) - attached
  - Bed and Breakfast / Boarding Home
  - Nursing Home / Rest Home / Health Center
  - Cluster Residential Development (in accordance with Section 602)
  - Winery
  - Nursery / Greenhouse / Landscaping business - commercial
  - Roadside stand - general (in accordance with Section 606)
  - Blacksmith shop
  - Farmers market
  - General retail store
  - Antique shop
  - Bakery shop
  - Catalog store
  - Drugstore
  - Shopping center / mall / outlet mall
  - Florist shop
  - Food supermarket
  - Corner grocery store / convenience store / minimart (in accordance with Section 627)
  - Health / personal care (in accordance with Section 639)
  - Gift shop
  - Monument sales
  - Newsstand
  - Liquor store
  - Building materials store / Home improvement center

Vehicle service station / gas station (in accordance with Section 627)  
Auto sales / Used car lot (in accordance with Section 624)  
Motor vehicle parts store  
Farm machinery / implements store  
Department / Variety store  
Feed and seed shop  
Furniture / Home furnishings  
Appliance store  
Hardware / Glass / Paint store  
Pet store / Grooming parlor (in accordance with Section 622)  
Plumbing / Heating store  
Clothing / Accessories store  
Sporting goods store  
Book / Music store  
Artisan shop  
Coffee kiosk  
Large box retail  
Specialty shop  
Limited antique shop  
General service shop  
Professional office / Office building  
Insurance office  
Bank / Credit union  
Photography / Music studio  
Dance studio  
Financial institution  
Funeral home  
Realty office  
Rental store  
Laundromat / dry cleaning shop  
Barber / Beauty shop / Tanning salon  
Restaurant / Fast food restaurant  
Bar (Live entertainment / No live entertainment)  
Hotel / Motel  
Locksmith shop  
Autobody repair shop / Towing service (in accordance with Section 626)  
Vehicle repair shop / Towing service (in accordance with Section 626)  
Building contractor business  
Custom workshop  
Appliance repair shop  
Animal hospital / Veterinary  
Car wash  
Boat storage business  
Scientific services  
Educational services  
Brew pub / Micro brewery  
Copy shop  
Massage establishment  
Health club  
Medical building  
Durable goods – wholesale  
Nondurable goods – wholesale

Transportation warehousing  
 Distribution center  
 \* Home occupation (in accordance with Section 604)  
 Food and beverage manufacturing  
 Apparel manufacturing  
 Wood products  
 Printing and related  
 Fabricated metal  
 Machinery manufacturing  
 Computer and electronic products  
 Electric equipment, appliances, components  
 Transportation equipment manufacturing  
 Furniture and related products  
 Miscellaneous manufacturing  
 Research laboratory  
 Utilities (public) (e.g. - water)  
 Utilities (quasi - public) (e.g. - telephone)  
 Municipal office / government offices  
 School / college - public / private  
 Heliport (in accordance with Section 616)  
 Daycare center - Adults / children (in accordance with Section 618)  
 Library / Museum / Gallery, public  
 Church / rectory  
 Fraternal facility / club  
 Post office  
 Hospital / Clinic / Healthcare facility  
 Ambulance service  
 Radio / TV broadcasting station  
 Firehall / Firestation  
 Public park - passive  
 Tennis court - private  
 Commercial recreation  
 Swimming pool - private (in accordance with Section 628)  
 Theatre (single and multiplex)  
 Rifle range / Gun club (indoor) (in accordance with Section 625)  
 Electronic game room  
 Billiards / Pool hall  
 \* Solar energy system (in accordance with Section 611)  
 Recycling plant / facility  
 Parking - commercial lot (in accordance with Section 607)  
 \* Travel Trailer (accessory use) (in accordance with Section 615)  
 \* Signs (in accordance with Section 609)  
 Loading / unloading facility (in accordance with Section 608)  
 \* Fences / walls (in accordance with Section 610)  
 Temporary mobile home  
 Multiple / Mixed uses

D. Uses Requiring No Permit (Requires Compliance with Law)

Horticulture - private

Household sale / garage sale (in accordance with Section 605)

\* Home occupation (in accordance with Section 604)

\* Solar energy system (in accordance with Section 611)

Topsoil / excavation (noncommercial) (in accordance with Section 617)

Outdoor storage - recreational vehicle (in accordance with Section 619)

Parking - private (in accordance with Section 607)

Storage - accessory structure (120 sq. ft. or less) (in accordance with Section 620)

\* Travel Trailer (accessory use) (in accordance with Section 615)

\* Signs (in accordance with Section 609)

Junk vehicles - private property (in accordance with Section 630)

\* Fences / walls (in accordance with Section 610)

Heavy vehicle parking (in accordance with Section 613)

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft.)	20,000	----
Minimum Lot Width (feet)	120	----
Maximum Lot Coverage (% of Lot Area)	40%	----
Minimum Front Yard (feet from street edge)	50	50
Minimum Side Yard (feet)	25	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	30
Minimum Floor Space (Sq. Ft. of Living Space)	1000	
<u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	20,000 + 5,000	----
Minimum Lot Width (feet per unit)	140 + 7	----
Maximum Lot Coverage (% of Lot Area)	40%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (feet)	30 + 1	20 + 1
Minimum Rear Yard (feet)	50 + 1	25 + 1
Maximum Structure Height (feet)	40	25
Minimum Floor Space (Sq. Ft. of Living Space)	700	
<u>OTHER USES (e.g. Daycare Centers)</u>		
Maximum Lot Coverage (% of Lot Area)	40%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (Feet)	25	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	30

## **SECTION 410 INDUSTRIAL DISTRICT (I 2)**

- A. Purpose - I-2 Districts have a primary goal of promoting industrial uses, residential, and along with retail and service uses are also allowed in order to provide alternative uses during the interim development stages. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single family dwelling - detached (conventional, prefabricated, modular)
  - Mobile Home dwelling - detached (double wide)
  - Duplex dwelling (2 units) - attached
  - Accessory / Efficiency apartment / Residential conversion
  - Multiple dwellings (3 - 5 units) - attached (in accordance with Section 603)
  - Apartment above commercial storefront
  - Agricultural building
  - Limited agriculture
  - Temporary business
  - Antique shop
  - Health / Personal care
  - Newsstand
  - Motor vehicle parts store
  - Plumbing / Heating store
  - Auction business
  - Rental store
  - Video rental store
  - Garage - accessory
  - Customary accessory use
  - Storage - accessory structure (over 120 sq. ft.) (in accordance with Section 620)
  - \* Signs (in accordance with Section 609)
  - Open porch / Deck
  - \* Fences / Walls (in accordance with Section 610)
  - Demolition (in accordance with Section 517)
- C. Uses by Special Use Permit (Hearing Required)
- Multiple dwellings (6+ units) - attached (in accordance with Section 603)
  - Senior Housing (3+ units) - attached
  - Bed and Breakfast / Boarding home
  - Nursing home / Rest home / Health center
  - Cluster residential development (in accordance with Section 602)
  - General agricultural business
  - Winery
  - Nursery / Greenhouse / Landscaping business – commercial
  - Roadside stand – general (in accordance with Section 606)
  - Blacksmith shop
  - Farmers market
  - General retail store
  - Bakery shop
  - Catalog store
  - Drugstore
  - Shopping center / mall / outlet mall
  - Florist shop
  - Food supermarket

Corner grocery store / Convenience store / Minimart (in accordance with Section 627)  
Gift shop  
Monument sales  
Liquor store  
Building materials store / Home improvement center  
Vehicle service station / gas station (in accordance with Section 627)  
Auto sales / used car lot (in accordance with Section 624)  
Farm machinery / implements store  
Department / Variety store  
Feed and seed shop  
Furniture / home furnishings  
Appliance store  
Hardware / Glass / Paint store  
Pet store / Grooming parlor (in accordance with Section 622)  
Clothing / Accessories store  
Sporting goods store  
Book / Music store  
Artisan shop  
Coffee kiosk  
Large box retail  
Specialty shop  
Limited antique shop  
General service shop  
Professional office / Office building  
Insurance office  
Bank / Credit union  
Photography / Music studio  
Dance studio  
Financial institution  
Funeral home  
Realty office  
Laundromat / dry cleaning shop  
Barber / Beauty shop / Tanning salon  
Restaurant / Fast food restaurant  
Bar (Live entertainment / No live entertainment)  
Hotel / Motel  
Locksmith shop  
Autobody repair shop / Towing service (in accordance with Section 626)  
Vehicle repair shop / Towing service (in accordance with Section 626)  
Building contractor business  
Custom workshop  
Appliance repair shop  
Kennel business  
Animal shelter  
Animal hospital / Veterinary  
Car wash  
Boat storage business  
Scientific services  
Educational services  
Brew pub / Micro brewery  
Copy shop  
Massage establishment

Health club  
 Medical building  
 Durable goods - wholesale  
 Nondurable goods - wholesale  
 Transportation warehousing  
 Distribution center  
 \* Home occupation (in accordance with Section 604)  
 Food and beverage manufacturing  
 Apparel manufacturing  
 Leather and allied products  
 Wood products  
 Paper manufacturing  
 Printing and related  
 Plastic and rubber products  
 Fabricated metal  
 Machinery manufacturing  
 Computer and electronic products  
 Electric equipment / appliances / components  
 Transportation equipment manufacturing  
 Furniture and related products  
 Miscellaneous manufacturing  
 Research laboratory  
 Utilities (public) (e.g. - water)  
 Utilities (quasi - public) (e.g. - telephone)  
 Municipal office / government offices  
 School / college - public / private  
 Heliport (in accordance with Section 616)  
 Daycare center - Adults / children (in accordance with Section 618)  
 Library / Museum / Gallery, public  
 Church / rectory  
 Fraternal facility / club  
 Post office  
 Hospital / Clinic / Healthcare facility  
 Ambulance service  
 Radio / TV broadcasting station  
 Firehall / firestation  
 Public park - passive  
 Tennis court - private  
 Commercial recreation  
 Swimming pool - private (in accordance with Section 628)  
 Rifle range / Gun club (indoor) (in accordance with Section 625)  
 Electronic game room  
 Billiards / Pool hall  
 \* Solar energy system (in accordance with Section 611)  
 Recycling plant / facility  
 Parking - commercial lot (in accordance with Section 607)  
 \* Travel Trailer (accessory use) (in accordance with Section 615)  
 \* Signs (in accordance with Section 609)  
 Loading / Unloading facility (in accordance with Section 608)  
 \* Fences / walls (in accordance with Section 610)  
 Temporary mobile home  
 Multiple / Mixed uses

D. Uses Requiring No Permit (Requires Compliance with Law)

- Horticulture - private
- Household sale / Garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- \* Solar energy system (in accordance with Section 611)
- Topsoil / excavation (noncommercial) (in accordance with Section 617)
- Outdoor storage - recreational vehicle (in accordance with Section 619)
- Parking - private (in accordance with Section 607)
- Storage - accessory structure (120 sq. ft. or less) (in accordance with Section 620)
- \* Travel Trailer (accessory use) (in accordance with Section 615)
- \* Signs (in accordance with Section 609)
- Junk vehicles - private property (in accordance with Section 630)
- \* Fences / walls (in accordance with Section 610)
- Heavy vehicle parking (in accordance with Section 613)

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft.)	20,000	----
Minimum Lot Width (feet)	120	----
Maximum Lot Coverage (% of Lot Area)	50%	----
Minimum Front Yard (feet from street edge)	50	50
Minimum Side Yard (feet)	25	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	30
Minimum Floor Space (Sq. Ft. of Living Space)	1000	
 <u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	20,000 + 5,000	----
Minimum Lot Width (feet per unit)	140 + 7	----
Maximum Lot Coverage (% of Lot Area)	50%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (feet)	30 + 1	20 + 1
Minimum Rear Yard (feet)	50 + 1	25 + 1
Maximum Structure Height (feet)	40	25
Minimum Floor Space (Sq. Ft. of Living Space)	700	
 <u>OTHER USES (e.g. Daycare Centers)</u>		
Maximum Lot Coverage (% of Lot Area)	50%	----
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (Feet)	25	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	30



**SECTION 411 INDUSTRIAL/ADULT BUSINESS- (IA)**

- A. Purpose – The I/A District, an overlay/floating zone contiguous with the Industrial Districts (I1 & I2), provides for the possibility of the development of Adult Businesses pursuant to the regulations of Section 643 herein.
- B. Uses by Right – Permit Required (NONE)
- C. Uses by Special Use Permit – (Hearing Required) Adult Businesses per Section 643
- D. Uses Requiring No Permit – (NONE)
- E. Area Standards – As set forth in Sections 409 (I1) and 410 (I2) as modified and superceded by Section 643.
- F. Criteria for Review – The Village of Mayville Planning Board has previously conducted an extensive survey and analysis of Adult Businesses and their potential for creating negative secondary impacts to neighboring properties, neighborhoods or the general community.

**SECTION 412 PARK DISTRICT (P)**

- A. Purpose - P Districts are created with the sole function of protecting public park lands and unique features for recreational uses of a passive or active nature. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)  
Large group gathering (in accordance with Section 614)
- C. Uses by Special Use Permit (Hearing Required)  
Public park - passive  
Public park - active  
Playground  
Tennis court - public  
Commercial recreation  
Boathouse / dock / pier - public  
Swimming pool - public  
Carnival / Circus - temporary  
Tent meeting  
Marinas
- D. Uses Requiring No Permit (Requires Compliance with Law)  
*There are no uses listed under this category for this section*
- E. Area Standards - *None*

**ARTICLE V  
GENERAL PROVISIONS**

**SECTION 501 ACCESS TO PUBLIC STREET**

Except as otherwise provided for in this Local Law, every building shall be constructed or erected upon a lot, or parcel of land which abuts upon a public street unless a permanent public easement of access to a public street was of record prior to the adoption of this Law. However, this shall not preclude the creation of a private road on a 50-foot right-of-way that connects to a public road and serves 5 or more subdivided lots. Upon request from a developer, landowner(s), etc., the Municipal Board shall consider the takeover of a private roadway, but only after assurances are received by all involved parties that the roadway will be constructed to standards specified by the municipality. The municipality is in no way obligated to take over any road even if it meets specified road construction standards. Where less than 5 lots are involved, a legal right-of-way of any width shall be required to connect all lots to a public road when said lots do not abut a public road.

**SECTION 502 CONTIGUOUS PARCELS**

- A. New Construction - When two (2) or more parcels of land are contiguous and held in one ownership, and that each parcel lacks the adequate area and dimensions to qualify for a permitted use under the requirements of the zoning district in which they are located, they shall be used as one lot for new construction.
- B. Demolition - If a structure is demolished or destroyed, it shall be permitted to rebuild a structure without utilizing contiguous parcels.
- C. Preexisting Use - Preexisting dwellings can be transferred to other owners without adjacent parcels owned by the seller being transferred.

**SECTION 503 CORNER LOTS**

Both street sides of a corner lot shall be treated as front yards in the application of bulk and area requirements.

**SECTION 504 HEIGHT**

- A. The height limitation of this Law shall not apply to church spires, belfries, cupolas, silos, penthouses (equipment building on flat roof), and domes, not used for human occupancy; nor to chimneys, ventilators, skylights, windmills, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area 20% of the ground floor area of the building.

**SECTION 505 EXISTING SUBSTANDARD SIZED LOTS**

The minimum lot size and yard requirements allowed for each district shall not prevent the construction of an allowable use (without an area variance) on a lot that is less than the minimum lot size and/or minimum lot width that existed and was officially recorded at the time of the enactment of this Zoning Law if the following conditions are met:

- A. At the time of enactment of this Law, the substandard lot was not contiguous with another lot in the same ownership (see section on contiguous parcels found in Article V).
- B. The substandard lot is not less than 75% of the lot size and lot width standards required in the zoning law and,
- C. The County Health Department approves the lot for sewer and water where there are no municipal utilities.
- D. If A or B cannot be met, then the applicant can request an Area Variance from the Zoning Board of Appeals (see Variance Section).

For substandard sized lots that meet A, B, and C above, the setbacks (side and rear yard) may also be reduced up to 25% with the exact reduction allowed being proportional to the relationship of the actual lot size (sq. ft.) to the minimum lot requirement. (e.g., for an actual lot size of 18,000 sq. ft. that is 2,000 sq. ft. less than the minimum lot size of 20,000 sq. ft., the setbacks may be reduced up to 10% of the minimum setbacks required).

### **SECTION 506 VISIBILITY AT INTERSECTIONS**

For the purpose of maintaining sight lines and promoting traffic safety on a corner lot in any district, no fence, wall, hedge, other structure or planting more than 3 feet in height shall be erected or placed within the triangular areas formed by the intersecting street edge lines and the imaginary straight line between the points that are located 50 feet from the intersecting street edge lines along the street edge lines.

### **SECTION 507 INTERPRETATION OF PERMITTED USES**

When a use is not specifically listed as a "Use by Right" or a "Use by Special Use Permit" within any zoning district, it shall be assumed to be a prohibited use unless it is determined in a written decision by the Board of Appeals that said use is similar to permitted uses, meets the intent specified in the zoning districts, and is not inherently a nuisance, menace, or danger to the health, safety or welfare of the residents of the municipality.

The Planning Board may be asked to give a recommendation on this matter.

### **SECTION 508 PRESERVING YARDS, COURTS AND OPEN SPACE**

- A. Preservation of Yards, Courts and Open Space - Rear yards, courts and other open space shall be kept undeveloped in order to meet setback and coverage requirements of this Law except as specified in B below.
- B. Permitted Obstructions - The following shall not be considered to be obstructions when located in the preserved yards, courts, and open space:
  - 1. open terraces, patios, awnings and canopies, chimneys, trellises, flag poles, open fire escapes, decks, balconies, and other similar uses which do not extend more than 40% of the required setback nor come closer to a lot boundary line by more than 40% of the required setback; and
  - 2. bay windows, steps, chimneys, overhanging eaves and gutters and other similar uses shall not extend more than 3 feet from the principal structure nor come within 2 feet of any property lines.

## **SECTION 509 ESTABLISHED FRONT YARDS**

In an existing neighborhood where structures are not set back from the edge of the road and the distance specified by this Law, it shall be determined by the Enforcement Officer what appropriate setback will be permitted by new construction or by alterations to existing structures in order to aesthetically blend with existing adjacent structures. The varied setback will be based on the average of the setbacks of the 2 adjacent structures minus up to 5 feet. Any variation requested which is in greater variation than that permitted by this rule will require an Area Variance.

## **SECTION 510 NUMBER OF RESIDENTIAL DWELLINGS ON LOT / LOT DIVISION**

- A. Number of residential dwellings on a lot - No more than 1 principal detached residential dwelling shall be constructed on a lot.
- B. Division of Lots - No lot improved with a building or buildings shall hereafter be divided into 2 or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings shall not be less conforming to all the bulk regulations of the zoning district in which the property is located. However, any portion of a parcel may be removed if it is to be used with an adjacent parcel and the original parcel continues to conform to the bulk regulations.

## **SECTION 511 DRIVEWAYS WITHIN RIGHT-OF-WAYS**

When property to be developed fronts on a highway and access to the highway is desired, an approved permit from the applicable agency for the development of such highway access shall be presented. The Highway/Street Superintendent may require the installation of an appropriately sized sluice pipe where it is likely that drainage problems exist or may be created by the presence of a driveway on a public right-of-way.

## **SECTION 512 AGRICULTURE**

- A. Agricultural Preservation - In order to promote, preserve and protect agricultural businesses, any portion of this Law that would reduce operational capability of an agricultural business shall be waived in that one instance. However, where a documented health or safety problem exists or would be created if sections of this Law were not adhered to, then, these sections will be enforced, but even then only to the minimum necessary. Determination or interpretations shall be made by the Zoning Board of Appeals.
- B. Manure Piles - Manure piles may not be located within 200 feet of any neighboring water well on adjacent or nearby lots.

## **SECTION 513 TRANSITION BETWEEN DISTRICTS**

- A. Purpose - The purpose of this section is to promote harmonious use of land located at district boundaries.
- B. Conditions - Where the Permitting Board determined there is a need to protect a residential neighborhood located in a Residential District from a permitted use in an adjacent district, the Board may:

1. require an artificial or natural buffer such as a hedge, fence, wall, etc., which shields the residential units from the business use;
2. require a doubling of the yard setback requirements to protect the neighborhood;
3. control the positioning of signs, lights, parking, mechanical equipment, and any other features so as to reduce the potential nuisance; or
4. impose other appropriate requirements.

C. Preexisting Uses - This section shall only apply to new construction to include additions and enlargements.

## **SECTION 514 DISPUTED LOT LINES**

A. Purpose - It is the intent of this section to clarify the procedures to be followed in verifying where lot lines are in order to insure that area requirements (side yards, etc.) are met.

B. Procedures - When the Enforcement Officer is in doubt as to the location of lot lines and it is apparent that new development may not be in accordance with area requirements, the Enforcement Officer shall withhold the granting of the Zoning Permit until one of the following occurs:

1. Applicant provides proof such as a survey accomplished by a New York State licensed land surveyor.
2. Refer the matter to the Zoning Board of Appeals for an interpretation of documentation provided by the applicant.
3. Grant Zoning Permit after the applicant receives an Area Variance from the Zoning Board of Appeals.

## **SECTION 515 LOTS IN TWO DISTRICTS**

A. Purpose - The intent of this section is to clarify how lots divided by boundary lines are to be treated.

B. Conditions - Where a district boundary divides a parcel at the time of enactment of this Law, the regulations for the district which contains most of the land area of the parcel shall apply to all of the parcel.

## **SECTION 516 BUFFER ZONES**

A. Purpose - Buffers are needed to physically separate or screen different types or uses from each other so as to visually shield or block noise, light or other nuisances.

B. General Requirements - The Zoning Board of Appeals and Planning Board shall include in their analysis of application (Variances, Special Use Permits, etc.) a consideration for the need of an appropriate buffer zone. If such a barrier is deemed necessary, then this condition will be included in the written decision and the Zoning Officer shall insure that appropriate vegetation is planted or other man-made structure is installed within a reasonable time after completion of the construction.

The following represents a "Default" screening that may be required by the Permitting Board as appropriate: a compact evergreen hedge which will reach a height of five feet within three years, or by a solid fence or non-pierced masonry fence wall five feet in height. Such screening shall be maintained in safe and good condition at all times.

- C. Residential Buffers - Where a commercial use is to be adjacent to a residential district a buffer shall be established of such size and materials as are necessary to fully safeguard the residential use. These buffer areas shall remain undeveloped.

## **SECTION 517 DEMOLITION**

- A. Purpose - The primary purpose of this section is to insure that environmental and nuisance issues are considered prior to the demolition of structures.

- B. Conditions - The following conditions shall be considered:

1. Time - The time frame over which the demolition will take place shall be defined. The hours of demolition will also be identified such that the residents of the neighborhood are not disturbed significantly.
2. Safety - Depending on the character of the neighborhood, signage and fences shall be considered in order to insure that unsafe conditions are avoided. Possible safety problems (e.g., water in basement) shall be identified with mitigation insured.
3. Environment - Assurances shall be received that any hazardous materials (e.g., asbestos, etc.) will be dealt with properly.
4. Dump Site - Assurances shall be received that all disposed materials removed from the site will be taken to a proper disposal site.
5. Nuisances - Dust, noise and other potential nuisances shall be defined with a plan for how they will be treated.
6. Restoration - The demolition site shall be restored to a safe, environmentally sound and aesthetically pleasing state within 30 days from when demolition is completed.
7. Other Regulations - All federal, state and local regulations that apply shall be identified prior to a permit being granted.

## **SECTION 518 BUSINESS ENTRANCES ON RESIDENTIAL STREETS**

- A. Purpose - To preserve the residential character of neighborhoods which abut Business Districts, the regulations which follow shall apply to all businesses in Business Districts which are adjacent to a Residential District and have both access to a primary business street and primary residential street.

- B. Regulations -

1. Store Entrance - Business structures erected in the Business District shall not face and open onto the street that is primarily in the Residential District.
2. Display Windows - Primary display windows shall front on the primary business's street and not the primary residential street.
3. Parking - Off-street parking for use by business patrons shall be situated so that the access is from the primary business's street.
4. Signs - Business Signs shall be oriented toward the primary business's street.
5. Lighting - All lighting fixtures associated with the business shall be oriented to point away from the Residential District.

## **SECTION 519 MIXED RESIDENTIAL/COMMERCIAL USES IN B1/B2 DISTRICT**

In order to preserve the commercial nature of the B1 and B2 Districts, Commercial structures (preexisting and new) located within these districts may, by Special Use Permit, be partially used for dwelling purposes when the following conditions are met:

- A. Location in Structure - All such dwellings shall be located on the second, third, or basement floor.
- B. Location - The location is appropriate for housing units with respect to health, safety and general welfare of the occupants.
- C. Parking - Sufficient off-street parking is available, preferably on the parcel where the structure is located or in close proximity to the structure.
- D. Other Conditions - Other reasonable conditions as deemed necessary.

**ARTICLE VI  
SUPPLEMENTAL REGULATIONS**

**SECTION 601 GENERAL DEVELOPMENT CONDITIONS**

- A. Purposes - Development conditions shall be attached to permits or variances when necessary or advisable to reduce or eliminate conflicts between uses or to protect the health, safety, and general welfare.
- B. Areas of Concern - The following checklist shall be considered by the appropriate Boards and administrators in their reviews of request for Building Permits, Special Use Permits and Variances. The checklist is not intended to be all inclusive and does not limit the areas of concern over which conditions may be imposed.
  - 1. Traffic - safety of ingress/egress from roadway, intersection visibility, level of anticipated new traffic generation in relation to existing road capacity and traffic, adequacy of off-street parking and loading, pedestrian safety, and/or location of structures in relation to all of the above.
  - 2. Safety - trash disposal, steep slopes, open pits, toxic and/or flammable fluids.
  - 3. Health - sewers / water, sunlight, air movement, junk vehicles and/or trash storage.
  - 4. Character of Neighborhood - development density, traffic volume, lot sizes, compatible uses, and/or buffers.
  - 5. Public Costs - road damage, need for new roads, and/or need for new utilities.
  - 6. Environmental Protection - flood plain, wetlands, and/or natural features.
  - 7. Nuisances - noise, odor, dust, lights, hours of operation, lot size, buffers, and/or nuisance location.
  - 8. Land Use Preservation - agriculture, and/or open space.
  - 9. Aesthetics - restoration, appearance, scenic views, and/or buffers.
- C. Failure to Comply - Applicants who have received Variances or Special Use Permits with conditions attached shall be responsible for continual compliance with the specified conditions. Noncompliance with any condition shall result in revocation of the Variance or Special Use Permit and continuance of the use shall only be allowed after reapplication for the Variance or Special Use Permit.

**SECTION 602 CLUSTER RESIDENTIAL DEVELOPMENT**

- A. Purpose - Cluster residential provisions for single-family subdivisions and attached multiple-family projects are intended to allow flexibility, where desirable, to permit and encourage superior development of relatively large undeveloped sites. Development aims may include the preservation of views or natural features, provision of amenities for common use, including recreational facilities not feasible on individual lots, and innovative groups of dwellings that will provide desirable variety in the municipal housing stock. To carry out this purpose, standards for individual lot area and dimensions may be reduced from the standards of the district in which the cluster development is located, if compensating permanent common area ancillary to the dwelling units is provided.
- B. Standards for Development of Single-Family Clustered Subdivision -
  - 1. A cluster single-family residential development shall not be less than 5 acres of contiguous undeveloped area under single ownership.
  - 2. Uses permitted shall be limited to the residential uses permitted in the district in which the cluster development is located.



3. Maximum permitted reductions in individual lot standards - Any lot in a cluster development may be reduced from the standards of the district in which it is located by the following or lesser amounts:
  - a) Minimum lot area may be reduced by up to 25% of the required area.
  - b) Minimum lot width may be reduced by up to 25%.
  - c) Minimum yard requirements (front, side, and rear) may be reduced up to 25% where the lots are not adjacent to an existing public roadway.
4. Compensating permanent common area ancillary to the dwelling units shall consist of all land and recreational areas held in common by the owners of the dwelling units in the development. This shall include but not be limited to private streets, parking areas, utility systems, parks, buffer areas, recreational areas to include tennis courts, pools, golf courses, storage areas, and wetlands. Permanent common areas shall be legally set aside and developed for the common use and enjoyment of all residents of the cluster development and appropriate convenient access shall be provided.
5. Compensating permanent common area shall equal 75% or more of the total of the individual lot area reductions, thus there maybe an overall increase in density of up to 20%.
6. Applicable general provisions and supplemental regulations of this Law shall apply to all cluster residential development.
7. Clustering regulations may be mandated by the Permitting Board if they decide that clustering will be beneficial to the municipality and developer.

C. Standards for Development of Clustered Multiple Attached Dwellings (Apartments, Condominiums, Town houses) -

1. A cluster multiple-family residential development shall not be less than 2.5 acres of contiguous undeveloped area under single ownership.
2. Multiple dwellings (attached) shall be listed as an allowable use in the district in which the project is proposed.
3. Maximum permitted reductions in individual lot standards - Any lot in a cluster development may be reduced from the standards of the district in which it is located by the following or lesser amounts:
  - a) Minimum lot area may be reduced by up to 10% of the required area.
  - b) Minimum lot width may be reduced by up to 10%.
  - c) Minimum yard requirements (front, side, and rear) may be reduced up to 10% where the lots are not adjacent to an existing public roadway.
4. The per acre density (dwelling units per acre) may be increased up to 10% over that specified in the area requirements for the district as long as the overall density of the project is maintained at or below the maximum allowed. This is accomplished by setting aside more common areas as defined below.
5. Compensating permanent common area ancillary to the dwelling units shall consist of all land and recreational areas held in common by the owners of the dwelling units in the development. This shall include but not be limited to private streets, parking areas, utility systems, parks, buffer areas, recreational areas to include tennis courts, pools, golf courses, storage areas, and wetlands. Permanent common areas shall be legally set aside and developed for the common use and enjoyment of all residents of the cluster development and appropriate convenient access shall be provided.
6. Applicable "general provisions" and "supplemental" sections of this Law shall apply to all cluster residential development.

- D. Application and Procedures for Establishing a Cluster Residential Development-
1. Application for establishing a cluster residential development shall be made to the Zoning Enforcement Officer who shall refer the application to the Municipal Board and Planning Board.
  2. The application shall include:
    - a) names and addresses of owner and developer;
    - b) written statements concerning need for development and suitability of site, potential impact on abutting properties and the neighborhood, development schedule for private and common areas, method of disposition of common areas including pertinent documents regarding owner's association or other organization and long-term maintenance, estimates of annual maintenance costs, other pertinent information;
    - c) location map drawn to scale of not less than 1 inch equals 1,000 feet showing subject parcel, existing and proposed access streets and nature of abutting development;
    - d) overall development plan drawn to scale of 1 inch equals 10 feet with contour interval of 2 feet, showing exact size and shape of the subject parcel, natural features to be preserved, proposed residential lots and their dimensions, internal and surrounding streets and all other provisions for pedestrian and vehicular access and circulation, off-street parking and loading areas, utility rights-of-ways or installations on or near the property, location, dimensions and area of proposed open space or other commonly held facilities which are part of the compensating permanent common area, comparison of total area of residential lot reduction with total area of common area, nature and location of public or private utilities which would serve the residential cluster;
    - e) preliminary landscaping and drainage plans at a scale of 1 inch equals 10 feet with 2 foot contour intervals and/or;
    - f) preliminary architectural and engineering drawings to show the nature of residential and open space or recreational facilities proposed.
- E. Action by Municipal (Permitting) Board and Planning Board -
1. The Permitting Board will review and rule on the application for a cluster residential development as expeditiously as practical and in no case later than 90 days after all information required for the application is received. The Planning Board shall make a recommendation to the Permitting Board in accordance with the article on Planning Boards.
  2. The Boards will consider -
    - a) need for development and suitability of site;
    - b) impact on the neighborhood, circulation system, and municipality as a whole;
    - c) feasibility and practicality of providing and maintaining common areas, including costs to prospective homeowners;
    - d) need for complete disclosure to prospective buyers of future costs and responsibilities in connection with common areas;
    - e) need to require performance bond if nature of development warrants; and
    - f) other factors which affect the viability of the proposal and the general welfare of the municipality.
  3. The Permitting Board may request preliminary meetings with the applicant to provide additional information or explain the proposal.
  4. The Permitting Board may hold an informational meeting in addition to a required public hearing to receive local opinion and reaction and shall make information concerning the proposal available to the public before such meeting.

## **SECTION 603 MULTIPLE DWELLINGS**

- A. Purpose - Attached multiple dwellings, in districts where allowed shall be subject to Special Use Permits and where 3 or more units are proposed, site plan review requirements shall also apply. Each development proposal shall be evaluated on its own merits with reasonable conditions attached.
  
- B. Conditions - The following shall be considered where appropriate for inclusion.
  - 1. Special Use Permit Conditions -
    - a) Safe ingress and egress.
    - b) Roadway ownership and design. Insure roadways and fire lanes are adequate for year-round fire equipment movement.
    - c) Parking in accordance with the supplemental section and additionally, auxiliary parking.
    - d) Storage facilities such that adequate indoor storage is available. See supplemental sections.
    - e) Utilities to include sewer, water, telephone, electric, cable TV, etc.
    - f) Common property ownership and the creation of an owner's association.
    - g) Sign size, location, lighting, etc. See supplemental section on signs.
    - h) Recreational uses, active and passive.
    - i) Buffers, natural and man-made as necessary.
    - j) Density of development as specified in the area requirements. See Clustering Section.
    - k) Other reasonable and appropriate conditions as deemed necessary by the Permitting Board. See supplemental section on development conditions.
  - 2. Site Plan Review Conditions - See site plan review section.

**SECTION 604 HOME OCCUPATIONS**

- A. Purpose - To preserve the residential character of neighborhoods, Home Occupations shall be controlled to various degrees dependent upon the density of development of a neighborhood and the planned use of the area as designated by the Zoning District.
- B. Applicability –This subsection is designed to be used to determine which of the four home occupation categories is to be allowed based on the district and the distance between the proposed occupation and adjacent dwellings. After this determination is made the appropriate set of conditions (Part C) should be followed.

District Name	Distance in Feet From Home Occupation Exterior Wall to Adjacent Dwelling Owners <sup>1</sup>	Category of Home Occupation			
		A Most Controlled	B Very Controlled	C Moderately Controlled	D Least Controlled
R-3, P	less 20'	X			
	20'+	X			
R-I, R-2, & R-4	Less than 15'	X			
	15' - 25'	X	X		
	26'+	X	X	X	
B-2	Less than 25'	X			
	25' – 50'	X	X	X	
	51'+	X	X	X	X
B-I	Less than 15'	X	X		
	15' - 50'	X	X	X	
	51'+	X	X	X	X
B-3, I-I, I-2	Less than 25'	X	X	X	
	25'+	X	X	X	X

Refer to the notes on the next page for further clarification.

- C. Conditions –The selection of the Category or Conditions should be based on Part B (Applicability)

Conditions	Category of Home Occupation			
	A Most Controlled	B Very Controlled	C Moderately Controlled	D Least Controlled
Floor Area-Maximum (% of Living Space)	10%	15%	20%	25%
Use of Accessory Bldg.				
Existing Access. Bldg. Only (Max.Sq.Ft.)	None	100	400	600
New Accessory Bldg (Max.Sq.Ft.)	No	No	No	500
Use of Land Outside of Structure (% lot)	0%	0%	0%	1%

Use of Nonhousehold Equipment	No	No	Yes	Yes
On Premise Sale of Goods to Client	No	Yes	Yes	Yes
On Premise Service to Client	No	Yes	Yes	Yes
Max. Number of Clients at One Time	0	1	3	No limit
Number of Employee Equivalents Working on site (Non-family)	0	1	2	3
Outside Display of Goods	No	No	Yes	Yes
Signs Allowed:	Yes	Yes	Yes	Yes
Location	On Dwelling	On Dwelling	Anywhere	Anywhere
Size (Sq. Ft.)	12" x 4"	5	15	25
Number	1	1	1	2
Lighting	No	No	Minimal	Yes
Hours of Operation may be Specified	Yes	Yes	Yes	Yes
Parking Required				
Sufficient for Peak Demand	None	Yes	Yes	Yes
Minimum Spaces For Employees	0	1	2	3
Minimum Spaces for Clients	0	1	2	3
Effects on Character of Neighborhood (Nuisances, etc.)	None	Minimal	Minimal	Some
Permit Required	None	Special Use	Special Use	Special Use

Refer to the notes that follow for further clarification.

- Notes: 1) To determine the distance from the Home Occupation to the property line, measure from the outer wall of the structure in which the Home Occupation is located to the closest dwelling property line. When the distance is close to the limit specified in this section – e.g., 50 feet, assume that the distance falls into the “higher” category – e.g., 50-140 feet.
- 2) The above conditions are guidelines only. The permitting board is authorized to vary the conditions in a reasonable manner based on the circumstances in each case when the effects on the character of the neighborhood will be altered minimally.

D. Preexisting Home Occupations - Home occupations legally existing at the time of enactment of this Law shall not generally be required to comply with the above conditions. However, where there is clear evidence that a nuisance is present due to an increased level of activity or a substantial change in the nature of the home occupation, then the use shall be subject to a Special Use Permit proceedings and any of the above conditions may be imposed on the use where reasonably possible. Compliance shall take place within the period specified by the Permitting Board but shall be no less than 6 months.

**SECTION 605 HOUSEHOLD SALES**

A. Purpose - In order to preserve the character of neighborhoods, garage and other similar type of noncommercial sales (lawn sales, household sales, flea market, etc.) shall be subject to the following conditions.

B. Conditions -

1. Frequency - Sales shall be limited to 3 periods of 3 days each per year per property owner. A Special Use Permit must be requested if more than 3 sales per year are desired.
2. Signs - Refer to supplemental sign section.
3. Fees - No fees shall be charged for household sales and permits are not required.

**SECTION 606 FARM ROADSIDE STAND (SEASONAL)**

A. Purpose - In order to minimize traffic safety problems associated with retail sales at roadside stands, the following regulations shall apply.

B. Minimum Conditions -

	Limited Stand	General Stand	Transient Stand
1. Type standard construction	Removable	Permanent	Mobile
2. Year round operation possible	No	Yes	No
3. Some produce from off premise	No	Yes	Not applicable
4. Employees other than owner and relatives	No	Yes	Yes
5. Type permit	By Right	Special Use	By Right
6. Requires safe entry and exit with good "line of sight"	Yes	Yes	Yes
7. Sufficient off-street parking to cover peak periods	Yes	Yes	Yes
8. Signs allowed in accordance with sign section	Yes	Yes	Yes
9. Maximum sign size	16 sq. ft.	100 sq. ft.	16 sq. Ft.
10. Hour operation specified	No	Yes	No
11. Section 601 Conditions can be imposed	No	Yes	No

C. Preexisting Roadside Stands - All stands utilized in the 24-month period prior to the effective date of this Law shall be exempt from all regulations found in this section. However, any expansion or alterations shall be subject to regulations of this section.

## SECTION 607 PARKING

- A. Purpose - Off-street parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district. Any application for a building permit for a new or enlarged building structure or change in use shall include with it a plot plan drawn to scale and fully dimensioned, showing any parking in compliance with the regulations of this Law.
- B. Conditions - The following conditions shall apply to required parking spaces created under this section. Specific requirements shall supercede general requirements.
1. Material Composition - All open off-street parking space and access areas shall be surfaced with some all-weather low dust materials such as stone, gravel, macadam, or concrete and shall be graded and drained as to dispose of surface water accumulation.
  2. Lighting - Any fixture used to illuminate any automotive use area shall be arranged as to direct the light away from the street and from adjoining premises in any residential neighborhood.
  3. Access - No entrance or exit to any commercial parking lot or lot containing 10 or more parking places shall be permitted within 30 feet of any intersecting street lines or within ten feet of a lot in any Residential District. Parking lots shall be so arranged that vehicles do not back into a street.
  4. Reduction of Parking - No off-street parking area shall be reduced in capacity so as to be less than herein required by this law, or, if such parking capacity is already less than herein required, such parking area shall not be further reduced.
  5. Size of Parking Space - For the purpose of computing gross parking area for required off-street parking, 350 square feet of unobstructed net standing / maneuvering, or access area shall be considered one parking space. The size of each parking space shall be at least 9 feet wide and 19 feet long, exclusive of access or maneuvering area. Aisles between vehicular parking rows shall not be less than 24 feet in width when serving automobiles parked perpendicular to the aisles and accommodating two-way traffic.
  6. Location of Parking -
    - a) Public Parking - For nonresidential off-street parking, the Permitting Board may, upon request by the applicant, allow certain public or private parking spaces off the applicant's property but within 500 feet of said property to be included as part of the required spaces.
    - b) Commercial Parking - In Business and Industrial Districts open off street parking may occupy any required yard except as otherwise provided for visibility and screening and except that it shall not be permitted within ten feet of a street line or ten feet of a lot in any Residential District.
    - c) Residential Parking - Off-Street Parking for residences shall be subject to the following conditions:
      - (1) Up to 25% maximum of a front yard shall be utilized for parking and it must be located on a prepared driveway or parking area.
      - (2) Driveways located in front yards shall be setback a minimum of 5 feet from adjacent side parcels unless contiguous landowner(s) provides a written waiver.
      - (3) The use of side or rear yards for driveways shall be permitted as long as they are set back a minimum of 5 feet from all property lines.

- C. Number of Spaces - The following parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each use which, after the date when this Law becomes effective, is erected, enlarged, or altered for use for any of the following reasons:

USES	Minimum Number Spaces
<b>1. Dwellings / Living Quarters</b>	
(a) Single family or two family dwelling	2 spaces for each dwelling unit
(b) Multiple family dwelling	2 spaces for each dwelling unit
(c) Hotels, motels, bed and breakfast inns, homes for the elderly including senior citizen complexes	1 space for each unit accommodation, plus 1 space for each office and 1 space for each 2 employees
<b>2. Institutional Uses</b>	
(a) Hospital	1.5 spaces for each bed
(b) Nursing or convalescent home	1 space for 3 beds
<b>3. Places of Public Assembly</b>	
(a) School	1 space for each classroom, 1 space for each office, and 1 space for each 4 seats in the auditorium or stadium whichever is greater
(b) Daycare Center	1 space for each office, and 1 space for each 300 square feet of gross floor area
(c) Churches, principal or accessory Auditorium, theater, stadium or sports Arena	1 space for each 4 seats
(d) Library, museum, or art gallery	1 space for each 300 square feet of gross floor area
(e) Bowling alley without dining or bar room facilities	5 spaces per alley
(f) Dance hall or skating rink	1 space for each 100 square feet of gross floor area.
(g) Eating and drinking establishments, Principal or accessory	
(1) Drive - in type	3 spaces for each 25 feet of gross floor area
(2) Other types	2 spaces for each 5 seats
(h) Private club or lodge	1 space for each 100 sq. ft. of gross floor area used for club or lodge purposes, plus 1 space for each sleeping room
(i) Mortuary or funeral parlor	10 spaces for each parlor
(j) Swimming pools, principal or accessory, other than private pool	1 space for each 25 square feet of pool area.



#### 4. **Business or Industrial Uses**

- |  |   |
|--|---|
| (a) Furniture, floor covering, or appliance Stores, custom shops, wholesale businesses                       | 1 space for each 700 square feet of gross floor area  |
| (b) New or used car sales  | 1 space for each 700 square feet of floor area within a building, but not less than 5 spaces for customer parking and 1 space for each 2 employees. Such spaces shall be clearly marked and not used for the parking of registered motor vehicles |
| (c) Gasoline station, public garage or repair garage, principal or accessory                                 | 3 spaces for each service bay   |
| (d) Food stores, supermarket, shopping center or group of stores over 20,000 square feet of gross floor area | 1 space for each 200 square feet gross floor area, plus 1 space for each 2 employees  |
| (e) Individual retail stores   | 1 space for each 200 square feet of gross floor area, plus 1 space for each 2 employees   |
| (f) Doctor, dentist, or real estate office   | 5 spaces for each office  |
| (g) Other businesses, or professional offices or banks   | 1 space for each 175 feet of gross floor area   |
| (h) Manufacturing, storage, or other industrial Floor area   | 1 space for each 1,000 square feet of gross floor area used for such purpose, Plus 1 space for each 2 employees   |
| 5. <b>All Other Principal Uses Not Herein Listed</b>   | 1 space for each 350 square feet of gross floor area, plus 1 space for each 2 employees   |

#### D. General Rules for Calculating Parking Spaces -

1. **Gross Floor Area** - For the purpose of computing parking requirements, basements or cellar floor areas not used for processing, servicing or sales of goods and merchandise, shall not be counted as gross floor area.
2. **Seats** - In places of public assembly where bench type seats are provided, each 24 lineal inches of such seating shall be considered one seat for the purpose of computing required parking spaces.
3. **Mixed Uses** - Where any building or lot is occupied by 2 or more uses having different parking requirements, the parking requirement for each use shall be computed separately to determine the total off-street parking requirements.

## **SECTION 608 LOADING AND UNLOADING**

- A. Purpose - Off-street loading and/or unloading spaces for non-farm commercial vehicles while loading and/or unloading shall be provided for new uses where it is deemed that such facilities are necessary to serve the use or uses on the lot. At least 1 off-street loading and/or unloading space shall be provided for all commercial establishments in excess of 7,500 square feet of floor area.
- B. Conditions:
1. Size - Each loading and/or unloading space shall be at least 14 feet wide, 60 feet long and shall have at least a 15 foot vertical clearance; and shall also have an adequate maneuvering area. Refer to Variance Section where this requirement cannot be met.
  2. Use of Parking Spaces - Generally parking space shall not be used for loading and/or unloading purposes except during hours when business operations are suspended or if pedestrian and vehicle traffic will not be obstructed. However, the Permitting Board may allow the use of parking spaces when it is determined that the effects will be minimal.

## **SECTION 609 SIGNS**

- A. Purpose - The intent of this section is to preserve and enhance the Commercial and Industrial Districts by encouraging signs in character and scale with individual buildings and with the municipality to avoid a chaotic, unsafe, or unattractive clutter of signs by prohibiting signs or advertising devices which are inappropriate, in size or type, to municipal character; and to protect the character of the Residential Districts by strictly limiting signs within them.
- B. Administration -
1. Permits Required - Except as listed in paragraphs B2 and B3, a Zoning Permit shall be required before an outdoor sign is created, altered, relocated, or enlarged. All signs shall be accessory to uses that are listed as permitted in a district or signs shall be associated with a legally existing non-conforming use. A permit shall not be issued until all applicable sign regulations are met. All requests for permits must be accompanied by a plan drawn to scale showing the exact size, shape, location, and type of sign.
  2. Exempt Signs - The following signs shall be exempt from all regulations of this section - Public signs such as directional, street, traffic, and personal identification signs not more than 2 square feet in size.
  3. Signs Requiring No Permit - The following signs shall be subject to all regulations of this section but shall be exempt from obtaining a permit as required above:
    - a) Temporary Signs to include contractor signs, political signs and fruit stand signs (see C3e below);
    - b) non-illuminated, indoor signs;
    - c) realty signs; and
    - d) household sale signs. (See C3d below.)
- C. Specific Regulations by Sign Type - Specific regulations shall take precedence over the more general sign regulations.
1. Signs Attached to Buildings -
    - a) No sign shall project more than 12 inches from the building wall on which it is attached.
    - b) No sign shall project higher than the roof line.
    - c) No sign shall be permitted to be mounted on the roof of a building above the roof line.
    - d) No sign shall extend higher than 18 feet in height as measured from the ground.

- e) No sign shall be so located as to overhang above a walkway or a right-of-way.
- 2. Freestanding Signs - Freestanding signs where allowed shall be in accordance with the following:
  - a) Height - A maximum height of 30 feet from the ground to the top of the sign shall be allowed.
  - b) Setback - Freestanding signs shall be placed no closer to a road than the road right-of-way.
  - c) Sidewalks - Freestanding signs that are proposed to overhang above a sidewalk shall require a Special Use Permit.
- 3. Temporary Sign Regulations - The following specific regulations shall apply to temporary signs:
  - a) Contractor signs shall be allowed during periods from when the job commences and is completed. The sign must be removed if substantial progress on the job is not taking place. The maximum cumulative signage for all contractors and subcontractors per project shall be 32 sq. ft. for commercial projects and 16 sq. ft. for residential projects.
  - b) Political signs up to 9 square feet in size shall be allowed before and up to 1 week after the election and it shall be the responsibility of the candidate to comply with this regulation. Permission from the property owner must be received prior to sign placement. Property owners may remove signs from their properties when no permission was given.
  - c) Household Sale signs shall be permitted in accordance with the following regulations:
    - (1) Maximum Size - no more than 4 feet high by 4 feet wide.
    - (2) Maximum Number - no more than 6 signs shall be used and permission must be received from property owners where off premise signs are located.
    - (3) Location - Signs shall not be placed on utility poles.
    - (4) Illumination - Signs shall not be illuminated.
    - (5) Time - Household signs may be erected two days before the sale starts and must be removed within 24 hours of the last day of the sale.
    - (6) Wording - Household sale signs shall contain only the following: "household sale", "garage sale", or "yard sale"; signs may include an arrow and a street address.
  - d) Seasonal On-Premise Roadside Stand Signs shall be allowed in accordance with the following conditions:
    - (1) Maximum Size - 16 sq. ft. (Limited Stand) and 100 sq. ft. (General Stand).
    - (2) Maximum Number - No more than 2 signs shall be used per property with more signs requiring a Special Use Permit.
    - (3) Location - Signs shall not be placed on off premise trees or utility poles.
    - (4) Illumination - Signs shall not be illuminated.
    - (5) Time - Roadside stand signs shall only be permitted during the season in which the agricultural product being sold is available.
    - (6) Permits - No permit shall be required for seasonal on premise roadside stand signs.
  - e) Real estate signs
    - (1) Size – Real estate signs for commercial or industrial properties shall be no larger than 32 sq. ft. For residential properties the maximum shall be 6 sq. ft.
    - (2) Removal – Real estate signs shall be removed within 7 days of closing.
    - (3) Location – Real estate signs shall be located outside of the Road right-of-way and shall only be located within the boundaries of the property for sale.
    - (4) Illumination – Real estate signs shall not be illuminated.
  - f) Signs for quasi-public uses to include churches, schools, libraries, hospitals, and nursing homes shall require a Special Use Permit with the size determined by the

Permitting Board. A 16 sq. ft. sign with no lighting shall be allowed with a “By Right” Permit. If the sign is to be freestanding, it shall be setback a minimum of 15 feet from the street edge and a minimum of 15 feet from all residential properties.

4. Interior Illuminated Window Signs - Inside illuminated signs shall be a maximum of 2 square feet each and no more than 5% of the front window area can contain such signs. No permit is required. More than these maximum limits would require a Special Use Permit.
5. Residential Development Signs - Any sign allowed for a subdivision or multiple-family development shall be allowed by Special Use Permit. A maximum size of 50 square feet shall be permitted and said signs may be illuminated lightly.
6. Home Occupation Signs - See Supplemental Section on Home Occupations.

D. General Regulations for Business Signs - The following general regulations shall only apply to signs for which regulations covered herein are not covered in other more specific subsections.

<u>DISTRICTS</u>	<u>Permit Type For Business Signs</u>		<u>Sizes of Signs- Max. Sq. Ft. each Business Signs <sup>(1)</sup></u>	
	<u>On Prem.</u>	<u>Off Prem.</u>	<u>On Prem.</u>	<u>Off Prem.</u>
	R1 Single Family	R	NA	6
R2 Multiple	R	NA	10	NA
R3 Lakeside	R	NA	4	NA
R4 Rural	R	NA	16	NA
B1 Central Business	R <sup>(3)</sup>	S	50	10
B2 Lakeside Business	R <sup>(3)</sup>	S	100 <sup>(2)</sup>	10
B3 Highway Business	R <sup>(3)</sup>	S	200 <sup>(2)</sup>	10
B4 School Business	R <sup>(3)</sup>	S	50 <sup>(2)</sup>	NA
I1 Industrial (Limited)	R <sup>(3)</sup>	S	200 <sup>(2)</sup>	16
I2 Industrial	R <sup>(3)</sup>	S	200 <sup>(2)</sup>	32

LEGEND: R - By Right Permit  
S - Special Use Permit  
NA - Not Allowed

Notes:

- (1) The sign size provided represents the maximum square feet allowed per Business.
- (2) Or 20% of the building front, whichever is greater.
- (3) Sign proposed to be located 100 feet or less from a Residential District shall require a Special Use Permit.

<u>District</u>	<u>Maximum Number Signs</u>	
	<u>Primary</u>	<u>Secondary</u>
R1, R2, R3, R4	1	0
B4	1	1
B1, B2, B3, I1, I2	2	2

Note: More than the maximum number of signs shall be allowed by Special Use Permit with conditions attached if it can be accomplished in good character with the neighborhood and does not exceed size requirements.

E. General Regulations -

1. Condition -
  - a) Every permitted sign must be constructed of durable materials and kept in good condition and repair.
  - b) Any sign that is allowed to become dilapidated may be removed by the municipality.
  - c) Off premise signs must have the name, address and telephone number of the person(s) responsible for the sign.
2. Location -
  - a) Traffic -
    - (1) No sign shall be so located that the sign might interfere with traffic, be confused with or obstruct the view or effectiveness of any official traffic sign, signal or marking.
  - b) Ingress and / or Egress -
    - (1) No sign shall be located which shall prevent free ingress or egress from any window, door, or fire escape.
    - (2) No sign shall be so placed that it will obscure light and/or air movement from a building.
  - c) Public Property - Signs shall not be located on public property, public right-of-ways, public electric/telephone poles, sidewalks, or public buildings.
3. Illumination -
  - a) No off premise neon signs are permitted.
  - b) Illuminating arrangements for signs shall be such that the light is concentrated on the sign with a minimal spillover cast on the street, sidewalk or adjacent properties.
  - c) Signs using flashing, intermittent or moving lights are prohibited.

F. NYS Regulations -

1. New York State Highway regulations related to outdoor advertising shall also apply where applicable.

G. Preexisting Signs -

1. General Regulations Covered - Lawfully existing signs which are not in conformance with this sign section may be continued and maintained but shall not be moved, replaced or altered in any way except when the sign is made to be more conforming. However, Legally existing nonconforming signs shall be required to comply with the following general paragraphs:
  - a) Part E1b, Dilapidation; and
  - b) Part E2, Location
2. Compliance - Sign owners notified of a violation shall respond within 30 days of receipt on how they intend to comply. Compliance shall take place within 3 months of notification. The sign owner may request a public hearing before the Zoning Board of Appeals to resolve any issues requiring an interpretation.

**SECTION 610 FENCES / WALLS**

- A. Purpose - For the purpose of protecting properties adjacent to fences and walls from indiscriminate placement, unsightliness, related health and safety problems, etc., the following rules and standards shall apply:
- B. Definition - Fences shall, for the purpose of this law, include hedges and walls and is further defined in the definitions section.

- C. Regulations - Fences and walls shall be allowed by permit in any district and shall conform to the regulations which follow:
1. Exempt Fencing - Fencing used for agricultural purposes on farms (see definition) shall be exempt from all regulations except for maintenance requirements detailed below. Additionally, non-boundary fencing located more than 15 feet from any property line shall be exempt.
  2. Height - In all districts except the R3 Lakeside District, fences shall be allowed up to 4 feet in height by "No Permit". Fences above 4 feet in height shall require a Special Use Permit and consideration will be given to visibility from adjacent properties, light and air movement, etc.. For the R3 District, fences over 3 feet in height between the lake and the house shall require a Special Use Permit.
  3. Setback from Road - Fences shall not be located within legal highway rights-of-way unless approval in writing is received from the utility company or highway department.
  4. Proximity to Neighboring Properties - All fences, walls, and/or hedges shall be located no closer than 2 feet from adjacent property lines. This rule can be waived if agreed to in writing by adjacent property owners.
  5. Fire Hazard - Any fence considered to be flammable shall be prohibited. Also, any fence in a potentially hazardous location shall be not allowed.
  6. Finished Sides - The finished sides of all fences must face adjacent properties. This rule can be waived if agreed to in writing by adjacent property owners.
  7. Materials - Only durable materials generally used and accepted by the industry shall be used for fences. Barbed wire, electric fences, or any other fence or wall considered to be unsafe shall be prohibited except for farm fencing used for agricultural purposes shall be permitted.
  8. Maintenance - All fences shall be maintained structurally and visually.
  9. Corner setbacks - Fences, walls, and/or hedges shall not be located so as to cut off or reduce visibility at intersections. See Section on Visibility in Article V.
- D. Preexisting Fences - Fences in existence at the time of the enactment of this Law shall only be subject to regulation C1 (Exempt Fencing) and regulation C8 (Maintenance); as listed above.

## **SECTION 611 SOLAR ENERGY SYSTEMS**

In order to promote and protect the use of solar energy systems (active and passive) the following regulations shall apply:

- A. Solar Energy Permit and Placement - The placement of structures or modification of existing structures which are to contain solar energy systems shall be by Special Use Permit if protection is to be sought under part B of this section. If no protection is sought for a solar energy system, then no permit shall be required for the installation unless the floor space is increased. Consideration will be given to locating the solar energy structure the furthest distance from adjoining properties, on the southern exposure, which is reasonably possible. This distance shall be a minimum of 100 feet and may be required to be more if the slope so dictates.
- B. Adjacent Property Control - The placement of structures, trees, towers, etc., which have the potential of blocking the sun from adjacent solar energy collectors established by Special Use Permit under part A of this section shall also only be allowed by Special Use Permit. The placement of said potential obstruction shall be such that it least interferes with the adjacent solar energy collectors while still allowing reasonable use of the land.

- C. Notification - If protection is sought, owners of all properties within 200 feet of the property on which the solar energy collector is to be placed will be notified in writing of the intent to place a solar energy system in the neighborhood and the possible effects that this could have on future development. The date, time, and location of the public hearing shall be included in the notification.

## **SECTION 612 VEHICLE DISMANTLING / SCRAP AND JUNKYARDS**

- A. Purpose - This Section exists in order to insure that vehicle dismantling yards and scrap / junkyards are designed safely and with the least amount of impact on the surrounding neighborhood. Controlling these yards is essential to the maintenance and continued development of the Economy. Unrestricted accumulation of scrap and junk can negatively affect the health, safety and welfare of residents. Promoting yards as a useful and necessary business should be encouraged.
- B. Conditions - Prior to the granting of a Special Use Permit, assurances will be received that the following conditions, will be met:
1. Fences -
    - a) Yards shall be completely surrounded with a fence for screening and security purposes of at least 8 feet in height. However, where the Permitting Board determines that the character of the neighborhood does not require aesthetic screening or security fencing, this 8 feet in height fence requirement can be waived to any degree for the side and rear yards.
    - b) There shall be located a gate in the fence which shall be kept locked at all times except when the vehicle dismantling or scrap yard is in operation.
    - c) The fence shall be located a minimum of 50 feet from adjacent public highways.
    - d) All storage, dismantling, and work on the vehicles or scrap shall take place within the fenced area.
    - e) The type of materials used shall be generally accepted by the industry and commonly used as fencing material. Fences shall be permanent and substantial.
    - f) Fences shall obscure or screen, adequately, the contents of the yard.
    - g) Fences shall be well maintained and aesthetically pleasing.
  2. Location Considerations -
    - a) Yards shall only be allowed in the Industrial District.
    - b) Yards shall be allowed where there will be a minimum negative effect on the character of existing neighborhoods.
    - c) No yard shall be permitted within 500 feet of a church, school, public building, or other place of public assembly.
    - d) Yards shall not be permitted to be located upon areas where an 8 foot fence will not reasonably screen the contents from adjacent highways or properties.
  3. Off-street Parking -
    - a) Sufficient off-street parking shall be provided for customers.
  4. Fire Safety -
    - a) The fire department shall be notified prior to the granting of a Special Use Permit for a yard and be given 30 days within which to make recommendations.
    - b) Inside, adjacent to and contiguous with the fence, a strip of land at least 15 feet wide shall be kept clear of all dry grass or other growth or combustible material so as to provide a fire lane around the whole area.
    - c) There shall be maintained at least 1 fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and visible.

- d) All vehicles and scrap and junk shall be disassembled by means other than burning. It shall be arranged in neat rows so as to permit easy, clear passage through the area.
  - 5. Visual Considerations -
    - a) There shall be no stacking of vehicles, scrap or junk above 8 feet in height from the ground. However, vehicles and scrap that have been crushed may be loaded on to the bed of a truck where they will be removed from the premises within a reasonable time period.
    - b) An appropriate buffer shall be established between adjacent properties. (See General Provisions on Buffers)
  - 6. Minimum Lot Size -
    - a) Adequate acreage shall be available to handle present and future needs of proposed yards.
  - 7. Other Considerations -
    - a) Suitable sanitary facilities shall be provided in accordance with State Health Laws.
    - b) Inspection of yards shall be allowed at any reasonable time to insure compliance with this and other laws.
    - c) Reasonable hours of operation may be specified.
    - d) Other reasonable conditions may be imposed as is deemed necessary.
- C. Preexisting Dismantling, Scrap and Junk Yards – For existing yards, yards proposed to be enlarged or in instances where neighboring uses change, some of the conditions found in Part B may be required to be implemented. To implement these conditions a hearing must be held. It must be shown that the community as a whole or the contiguous neighborhoods are being significantly impacted by the lack of certain conditions. It also should be shown that the implementation of these conditions can be reasonably accomplished. The following conditions shall be considered for implementation: B-1 Fences; B-3 Off-Street Parking; B-4 Fire Safety; B-5 Visual Considerations; & B-7 Other Considerations. Following the hearing, the conditions specified for implementation shall be implemented in the time specified in the Permit but this time shall be no less than 6 months.

## **SECTION 613 HEAVY VEHICLES**

- A. Purpose - This section has as its main purpose the preservation of residential neighborhoods and particularly the elimination of noise from diesel engines and air conditioning units caused by large commercial truck parking. Visual intrusion into residential neighborhoods is also a primary concern.
- B. Regulations in districts where permitted - Heavy vehicles shall comply with the following regulations:
  - 1. Location - Heavy vehicles shall be allowed to park in districts where they are listed as allowable under the following conditions:
    - a) The vehicle is not parked on a road or in a public road right-of-way.
    - b) The vehicle is located a minimum of 150 feet from the closest dwelling unit on adjacent parcels.
  - 2. Location Waivers - In an emergency (e.g., truck breakdown) or for normal deliveries, the locational requirements in B1, above, shall be waived for a maximum of 48 hours.
  - 3. Night Operations - Diesels/compressors shall only be allowed to operate after dark if a nuisance is not created with nearby residences due to the noise.
  - 4. Industrial Districts - Heavy trucks shall be permitted 24 hours per day in Industrial Districts with no conditions to be met.



- C. Preexisting Heavy Vehicles - This section shall apply to all heavy vehicles immediately, including those that have in the past parked in such a manner so as not to be in compliance with this section.

**SECTION 614 LARGE GROUP GATHERINGS**

- A. Purpose - In order to promote safe and healthy gatherings of large groups of people, as defined in the definition section, certain conditions shall be complied with as defined below.
- B. Conditions - Prior to the granting of a Special Use Permit, the following will be taken into consideration:
1. traffic safety, parking, access;
  2. noise;
  3. health and sanitation;
  4. character of neighborhood development density;
  5. beverages to be served;
  6. security and traffic control;
  7. cleanup and restoration of land; and
  8. other appropriate considerations.
- C. Sponsor Responsibility - The sponsor of any large group gathering shall be responsible for compliance with any conditions that are specifically imposed as well as the overall conduct of the gathering.
- D. Exempt Gatherings - Nonprofit and local civic group sponsored gatherings shall be exempt from permit requirements. Additionally, any large group gathering occurring on municipally owned property shall be sanctioned and regulated by the Municipal Board.
- D. Preexisting Uses - All large group gatherings held after the effective date of this Law shall be subject to this section.

**SECTION 615 TRAVEL TRAILER (ACCESSORY USE)**

- A. Purpose - The primary purpose of this section is to limit the use of travel trailers, motor homes and other temporary dwelling units to uses for which they are intended, namely, seasonal/recreational use. Ultimately, the protection of neighborhoods as well as the protection of tourism is promoted with respect to health and general quality. Commercial travel trailer parks are not subject to regulation under this section.
- B. Inhabitation and Storage Time - Travel trailers, motor homes, and other similar uses may be inhabited by non-renters on a temporary basis in accordance with the following chart. No permit or fee is required unless the inhabitation desired is greater than that specified, in which case a Special Use Permit must be requested.

DISTRICTS	MAXIMUM INHABITATION TIME in WEEKS (Annually)	REQUIRED THAT UNIT BE INHABITED as ACCESSORY to DWELLING	STORED UNINHABITED <u>in WEEKS</u>	
			Less than 150 sq. ft.	More than 150 sq. ft.
P (Parks)	0	N/A	0	0
R 1 (Single Family Res.)	3	YES	4	2

R 2 (Limited Multiple Res.)	3	YES	4	2
R 3 (Lakeside Residential)	3	YES	4	2
R 4 (Rural Residence)	5	NO	8	4
B 1 (Central Business)	3	YES	4	2
B 2 (Lakeside Business)	3	YES	4	2
B 3 (Highway Business)	3	NO	4	2
B 4 (School Business)	3	YES	4	2
I 1 (Limited Industrial)	5	NO	52	52
I 2 (Industrial)	5	NO	52	52

C. Conditions -

1. Setbacks - Front, side, and rear yard setbacks shall be met in the placement of the travel trailer.
2. Utilities - Permanent utility systems, used exclusively for temporary dwellings in residential or commercial districts, shall not be constructed.
3. Nuisances - Accessory dwellings may not be utilized in such a manner so as to cause a nuisance.
4. Field Offices - Contractors may use temporary dwellings for "field offices" after obtaining a permit "by right". Additionally, temporary dwelling units may be utilized by owner/builders during the construction of a structure.
5. Maintenance - All travel trailers shall be maintained in a condition suitable for highway use and capable of passing a state inspection.

D. Preexisting Uses - Storage and occupancy of travel trailers and motor homes, already in existence as of the effective date of this Law, shall within 1 year of written notification be in compliance with this section to the greatest degree possible.

**SECTION 616 HELIPORT**

A. Purpose - In order to protect residents from the creation of unsafe conditions or nuisances, the following conditions shall be considered prior to the granting of any permit for a heliport.

B. Conditions -

1. Referral to State - Prior to acting on any heliport permit request, the Permitting Board shall request the NYSDOT Commissioner to review the proposed heliport and make a recommendation in accordance with Section 249 of General Business Law.

C. Permit Requirements - All requests for permits shall include a description of the type and quantity of aircraft using the facilities, frequency of flights, a map drawn to scale showing the heliport and prevailing winds as well as dwellings in the neighborhood and proposed commercial development.

**SECTION 617 TOPSOIL / EXCAVATION**

A. Purpose - During the construction of a foundation, general landscaping, or any other extensive excavating project, a person, firm, corporation, etc., shall not strip, excavate, or otherwise remove soil/gravel unless the following conditions are met:

B. Conditions -

1. Topsoil - Topsoil is replenished or left with sufficient amounts to support future development needs.
2. Steep Slopes - The creation of steep slopes shall be limited to the greatest extent possible.
3. Groundwater Runoff - Runoff will not be caused to flow into neighboring properties, to pool, or cause erosion. A stormwater drainage plan for both the construction period and

the long term should be considered when slope and soil types dictate. A minimum amount of siltation should be allowed to leave the site.

4. Time Requirement - All of the above conditions shall be met within 1 year from the time the project started. However, the Municipal Board shall have the power to grant extensions or shorten the time frame for just cause after receiving a written request which includes the reasons for the request.

## **SECTION 618 DAY CARE FACILITIES**

- A. Purpose - The purpose of this section is to provide guidelines for Day Care Facilities and Adult Day Care Facilities (as defined in the Article of Definitions), that are not regulated by the Department of Social Services or other state laws, in order to insure the safety and welfare of those being cared for while at the same time providing protection to existing neighborhoods.
- B. Conditions - The following conditions shall be considered by the Permitting Board for all Day Care Facilities under local jurisdiction requiring a Special Use Permit (See Definitions of Day Care):
  1. Lot size / Adjacent Uses
  2. Off-Street Parking
  3. Load and unload areas
  4. Outside recreation / Fencing
  5. Signs
  6. Fire safety
  7. Buffers
  8. Other conditions
- C. Preexisting Conditions - Day Care Facilities under local jurisdiction existing at the time of the passage of this section shall only be subject to review by hearing under this section if the board responsible for administering this section becomes aware of an obvious non-compliance with conditions of this section that are reportedly causing problems for either the clients of the day care facility or the residents of the neighborhood.

## **SECTION 619 - RECREATIONAL VEHICLE / TRAILER STORAGE**

- A. Purpose - To encourage aesthetically pleasing residential neighborhoods, this section allows for the reasonable control of recreational vehicles.
- B. Conditions - The following conditions shall be met:
  1. Number - A maximum of 3 recreational vehicles, utility trailers or other similar vehicles may be stored outside on each parcel or series of contiguous parcels under single ownership. Travel trailers and motor homes are dealt with under a separate section and should be referred to.
  2. Location - All recreational vehicles/trailers, etc., shall be stored in rear yards whenever it is possible and shall not be stored in a front yard. Nor shall they be allowed to become a nuisance. All area requirements of the district in which the vehicle is stored shall be met. Area Variances shall be requested where these rules cannot be met.
- C. Preexisting Vehicles - All recreational vehicles existing at the time of enactment of this law shall be subject to the regulations of this section 6 months from the date of notification in writing.

## **SECTION 620 STORAGE - ACCESSORY STRUCTURES**

- A. Purpose - Storage structures are regulated to insure that they are properly located so as to protect the rights associated with neighboring properties with respect to visibility, light and air movement, fire safety, and aesthetics.
- B. Administration - Multiple storage sheds shall be aggregately considered to determine if the 120 square foot requirement is surpassed, in determining the type of permit that is required.
- C. Conditions -
  - 1. Area Requirements - The accessory area requirements for each district shall be met.
  - 2. Vacant Lots - In Residential Districts, a storage structure may be placed on a vacant lot if it meets appropriate yard requirements and if it is accessory to a primary use located within 200 feet. If the proposed storage structure would be over 200 feet from the principal structure, then a Special Use Permit shall be required. For all other districts, storage structures need not be accessory to a residential unit.
  - 3. Truck Storage - Any inoperable truck, semi-trailer or other similar unit shall not be used for storage in a residential district. In industrial and commercial districts, trucks and similar units shall only be allowed if they will have a negligible affect on the neighborhood, i.e.: out-of-sight, etc. A special use permit shall be required to make this determination.

## **SECTION 621 PET STORE AND GROOMING PARLOR**

- A. Purpose - In order to promote the general welfare of the municipality, new kennels shall be allowed only by Special Use Permit. The application shall include a diagram drawn to scale that displays the kennel building(s) and all other inhabited dwellings in the vicinity, information on buffers, number and type of animals, and any other information deemed appropriate.
- B. Definitions - Any premises on which five or more dogs or cats over 6 months old are housed, groomed, boarded, trained, bred or sold for monetary gain.
- C. Conditions to be considered when hearing a request for a kennel Special Use Permit:
  - 1. closeness to adjacent properties; (e.g., noise, odors, etc.)
  - 2. maximum number of animals to be maintained;
  - 3. effect on character of neighborhood; and
  - 4. existing or proposed natural or man-made buffers.
  - 5. treatment and waste products.
  - 6. types of animals
- D. Preexisting Kennels - Kennels in existence prior to the passage of this Law shall not be subject to regulations under this section generally. However, if an existing kennel becomes a nuisance, any of the above conditions can be imposed after public hearing.

## **SECTION 622 INDUSTRIAL PERFORMANCE STANDARDS**

- A. Purpose - It is the intent to maintain a quality environment that will lead to the development and maintenance of a well-planned industrial area which will be attractive to sophisticated industrial establishments and will enhance the general welfare of the residents and assure both users and employees thereof of a safe and stable working area.

B. Administration - Regarding the administration of Performance Standards, the intent is to cause minimal cost and time for developers while adequately protecting surrounding neighborhoods. During the permitting and SEQR process, the applicant should address the various applicable Performance Standard categories covered in this section. The Permitting Board, utilizing all sources of information to include the developer, shall determine which, if any, of the categories should be actually measured for compliance at the onset of the project. If at any time after the facility is operational it is brought to the Permitting Board's attention that allegedly a certain standard is not being met, the Permitting Board may after a hearing ask that those standards be verified, if warranted. The cost of this verification shall be born by the applicant unless it is shown that the applicant was and always has been in compliance with the standard. In this case the municipality shall be responsible for the verification costs. Additionally, during the application process the developer shall agree in writing to comply with applicable performance standards at all times.

C. The Standards of Performance are:

1. Noise - It shall be unlawful for any person to permit the emission of measurable noise, as measured at the edge of the manufacturing district, to exceed seventy decibels during the periods between 6:00 A.M. and 10:00 P.M. or sixty decibels during the periods between 10:00 P.M. and 6:00 A.M. The sound level may exceed these established sound levels for a period not to exceed six minutes during any sixty minutes by not more than seven decibels. Noises shall be muffled so as not to become unreasonably offensive due to intermittence, beat frequency, high frequency or other means.
3. Odor - It shall be unlawful for any person to permit the emission of any odor that is unreasonably offensive.
4. Dust and Dirt - It shall be unlawful for any person to permit or cause the escape of such quantities of soot, cinders or fly ash as to exceed 0.3 grains per cubic foot of the flue gases when measured at the top of the stack. Other kinds of dust, dirt and other particulate matter shall not be in excess of 3.0 grains per cubic foot of air as measured at the top of the stack and corrected to standard conditions.
5. Parking and Driveways - There shall be no off-site parking of motor vehicles. Each land user subject to this Article VI must provide sufficient, suitable, on-site parking space to prevent any necessity for off-site parking. Drive and traffic access systems are allowed in all yard areas. However, when any yard abuts on land that allows residential development, the drives or traffic access facilities must be placed as far from the exterior line as practical. No parking shall take place in any required yard area.
6. Vibration - It shall be unlawful for any person to permit or cause, as a result of normal operations, a vibration which creates a displacement of plus or minus 0.003 of one inch as measured at the edge of the manufacturing district.
7. Noxious gases - It shall be unlawful for any person to permit the escape of such quantities of noxious acids, fumes or gases in such manner and concentration as to endanger the health, comfort or safety of any person or to cause injury or damage to property, business or vegetation, or which causes any excessive soiling at any point beyond the property line.
8. Glare - It shall be unlawful for any person to carry on a process such that a direct or sky-reflected glare, whether from floodlights or from high temperature process such as combustion or welding or other such process, is unreasonably offensive when visible outside the manufacturing district. No lighting of signs or buildings shall be allowed unless it is of such low intensity or brilliance that it does not cause glare or impair the vision of the driver of any motor vehicle.
9. Fire and safety hazards - All buildings, operations, storage, waste disposal, etc., shall be in accordance with applicable provisions of the latest edition of the New York State

Uniform Fire Prevention and Building Codes. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices.

10. Open Storage - It shall be unlawful for any person to permit the open storage of more than incidental quantities of any materials derived from the given industrial operation without screening, such as a fence, hedge or other barrier, at least eight (8) feet high, that obscures storage to persons passing in a normal manner from a public way or from any property line facing a public right of way. The following is the list of materials requiring screening:

- a) New materials
- b) Component parts
- c) Work in progress
- d) Finished products
- e) Scrap or waste material

The location of said screening shall be subject to the front, side and rear yard restrictions provided, however, natural barrier screening, decorative planting, etc., shall not be subject to these restrictions.

11. Landscaping - A planted visual barrier may be required to be maintained in yard areas that abut land upon which residential structures exist or are permitted at the time of the special use permit application except when natural or physical man-made barriers exist. This planting barrier or visual screen shall have a width of no less than three feet. It shall be of such plant materials that within a reasonable period of time (five years) the vegetation barrier will provide a high degree of separation and privacy on a year round basis.

12. District Lighting - All lighting shall be completely shielded from traffic on any public right-of-way and from occupied structures located outside the manufacturing district, if within a distance of 1500 feet.

## **SECTION 623 VEHICLE SALES**

- A. Purpose - For the purpose of promoting safe and aesthetically pleasing motor vehicle sales lots, the following conditions are proposed:

B. Conditions -

1. Lot Size - Land area must be sufficient to handle vehicles, ingress and egress, and off-street parking.
2. Location - All vehicles being offered for sale shall be set back a minimum of 25 feet from the street edge and neatly arranged in an organized manner. Vehicles not offered for sale shall be located behind the main building setback line and, if necessary, it may be required that they be fenced in so as not to be visible.
3. Signs - All signs and advertising devices must comply with the supplemental sign section.
4. Traffic Safety - Ingress and egress must be safely located.

## **SECTION 624 INDOOR SHOOTING RANGES (COMMERCIAL)**

- A. Purpose - In order to promote safety and the general welfare of the public and to maintain the quality of neighborhoods, the following regulations are to be enforced for all commercial ranges. New ranges shall be allowed only in accordance with the following conditions.

- B. Conditions - The operation of a commercial range, such as a shooting club, shall be subject to the following conditions:
  - 1. Safety Considerations - All ranges shall be so located and directed so as to present the safest situation possible with respect to the existing neighborhood. Appropriate signage shall be posted to warn people of the existence of a shooting range.
  - 2. Time of Day - Ranges shall only be utilized for target practice for the period of 9 a.m. to 9 p.m. daily.
  - 3. Character of Neighborhood - The density, types of structures, etc., shall be considered.
  - 4. Other Conditions - Unlisted conditions deemed necessary.
- C. Preexisting Ranges - All prior established ranges shall be subject to all of the above regulations one year after the effective date of this Law.

## **SECTION 625 VEHICLE REPAIR / AUTO BODY REPAIR SHOP**

- A. Purpose - In order to preserve the character of neighborhoods and promote safe and aesthetically pleasing repair shops, all such shops shall be reviewed in accordance with the conditions which follow:
- B. Conditions - The following conditions shall be met:
  - 1. Storage of Vehicles Awaiting Repairs that are visually altered (missing external parts or have damaged parts.)
    - a) 1 to 10 licensed vehicles stored outside awaiting repairs shall be kept in one contiguous location and neatly arranged.
    - b) Where over 10 licensed vehicles are temporarily stored outdoors, they shall all be screened by an appropriate fence which makes it impossible to view the vehicles from adjacent roads or properties.
    - c) All parts shall be enclosed within a screened/fence area or stored inside of a building.
  - 2. Hours of Operation - The hours of operation shall be derived so as to limit the noise during non-business hours.
  - 3. Area Requirements - The lot on which the shop is to be located shall be a minimum of one and a half times the minimum lot size for the appropriate district (other use category).
  - 4. Buffers - Where deemed necessary, appropriate buffers shall be required.
  - 5. Trash - The supplemental section on trash shall be complied with.
  - 6. Other Conditions - Conditions listed in supplemental section on "General Conditions" may be required where deemed appropriate.

## **SECTION 626 GAS STATION / CONVENIENCE STORE**

- A. Purpose - Gas stations as defined in the definition section, are regulated in this section to promote safe and properly located stations that are visually attractive.
- B. Conditions - The following conditions shall be considered:
  - 1. Safety - The positioning of the entrance(s)/exits shall be designed and accomplished such that sight distances are maintained to the fullest extent possible. Pedestrian movement should be well thought out in relation to vehicular movement in order to minimize traffic safety problems.
  - 2. Pump Location - All motor vehicle service stations shall be so arranged and all gasoline pumps shall be so placed as to require all servicing on the premises and outside the public way; and no gasoline pump shall be placed closer to any side property line than 50 feet.
  - 3. Parking - Sufficient parking to cover employee needs and peak customer demands should be addressed. Safety shall be a primary concern in locating parking spaces.

4. Abandoned Tanks and Pumps - All abandoned tanks and pumps shall be secured in accordance with the NYS Uniform Fire and Building Code.
5. Surface Treatment - See Off-street Parking Section.

## **SECTION 627 SWIMMING POOLS (PRIVATE)**

- A. Purpose - The primary purpose of this section is to promote the safe installation and maintenance of private swimming pools.
- B. Conditions - Private swimming pools shall be required to meet the following conditions:
  1. Permits - It shall be unlawful to maintain, construct, erect, install, modify, alter, demolish or change any swimming pool or to permit any such acts, without first obtaining a Zoning Permit and then only as an accessory to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests.
  2. Fences - Every permanent private swimming pool, and every portable private swimming pool less than 4 feet high, now existing or hereafter constructed, installed, established, or maintained, the wall or supporting structure of which is not at least 4 feet above ground level, shall be enclosed with a fence of durable construction of a type approved by the Building Inspector of not less than 4 feet in height or by a wall or a building or structure. A fence of similar construction and height erected on the lot lines, which, with additional fencing of any open areas completely encloses the pool area, shall be deemed a sufficient enclosure for the purpose of this section. All pools (in-ground and above ground) shall be provided with 1 or more substantial, self-closing and self-latching gates or doors of at least the height of the fence, and said enclosure and gates or doors thereof shall be so designed and constructed as to reasonably prevent any person from gaining access beneath, through or over the same. Every gate or door of such fence shall be kept securely locked at all times when the pool is not in use.
  3. Maintenance - Both in-ground and above ground pools, accessory buildings, fences, etc., shall be properly maintained.
  4. Drainage - It shall be insured that provisions for the drainage of such pools are adequate and will not interfere with the water supply system, or existing sanitary facilities and neighboring properties.
  5. Noise - Such pool shall be equipped with an integral filtration system and filter pumps or other mechanical devices which shall be so located and constructed as not to interfere with the peace, comfort, and repose of the occupant of any adjoining property.
  6. Setback Requirements - Pool shall be installed in accordance with the area requirements of the appropriate district.
- C. Preexisting Uses - Pools in existence prior to the enactment of this Law shall, within six months, from the date of written notification, comply with the following conditions in the previous paragraphs: B2 (Fences); B3 (Maintenance); and B4 (Drainage).

## **SECTION 628 TOWERS / WINDMILLS**

- A. Purpose - All commercial towers to include cell towers shall be regulated for the purpose of assuring safe installations which are properly located and which have the least impact on the neighborhood and community.
- B. The following conditions shall be considered for inclusion in the permit:
  1. Location - Towers shall be removed from surrounding residential structures and residential districts sufficiently so as to not cause a nuisance due to appearance or other



factors. As a minimum the base of a tower shall be at least 100 feet or 30% of the tower height, whichever is greater, from all property lines.

2. Buffer - The placement or retention of buffers shall be required where they would improve the compatibility of the use with surrounding areas.
3. Safety - The base of a tower shall be sufficiently protected from entry either by tower design or by protective fences, etc.. Where guy wires are utilized, the anchor points shall be sufficiently protected to minimize the possibility of hitting the guy wires with recreational vehicles. Additionally, a sign shall be conspicuously placed near the base of a communications tower and it shall generally state that danger exists and that no access is permitted. It shall also contain a telephone number in case of emergency.
4. Lighting - The minimal amount of lighting necessary to meet State and Federal regulations shall be considered for all towers. The FAA has various lighting options and they should all be considered. Light pollution or light spillover shall be minimized to the greatest degree possible. The applicant shall fully disclose methods and plans for protecting nearby and distant properties from light spillover.
5. Aesthetic Impact - The base of the tower and any accessory buildings shall be appropriately screened. Consideration will be given to the type and design of uses found in the area of the tower. Landscaping and materials used for accessory buildings shall be specified. The entire facility must be reasonably compatible with the surrounding environment.
6. Co-location - In order to minimize tower proliferation, applicants must show proof that they have exhausted all reasonable alternatives for sharing space on existing towers.
7. Inspections - Periodic inspections of towers may be required to ensure structural integrity. The frequency of inspections shall be specified with 5-year intervals recommended. Inspections shall be conducted by a licensed engineer. Based on the results of an inspection, repair or removal may be required.
8. Abandonment - Tower owners shall remove all towers that have not been used for a twelve-month period. Removal shall be within six months of written notification. Owners may request a Special Use Permit hearing to ask for an extension for just cause.
9. State Environmental Quality Review Act - In complying with SEQR the "visual addendum" should be utilized to assist in the review of the tower proposals.
10. Other Regulations - State and Federal regulations governing towers must be complied with.

## **SECTION 629 JUNK VEHICLES**

- A. Purpose - It is the intent of this section to minimize safety, health and aesthetic related problems by limiting, according to district and lot size, the storage outdoors of junk vehicles.
- B. Definition - Any motorized vehicle except farm vehicles to include those intended for operation either on or off of public roadways that additionally meet certain criteria. For the purpose of this definition, only motorized vehicles located outdoors shall be considered as to whether it is a junk vehicle. Additionally, a minimum of 4 of the following characteristics as determined by the Zoning Enforcement Officer shall be met in order for the vehicle to be considered a junk vehicle.
  1. Any motor vehicle abandoned due to its limited value such that the owner does not intend to recover possession of the vehicle and has stated such directly or indirectly by their actions.
  2. Any motor vehicle in such condition as to cost more to repair and place in operating condition than its reasonable market value at the time of such repairs.
  3. Any motor vehicle being dismantled or cannibalized for parts.
  4. Any motor vehicle which is missing bumpers, fenders, doors, trunk lids, windows, or other major body parts for 3 months or greater.

5. Any motor vehicle no longer intended nor in a condition for legal use on public highways as determined by its lack of mobility for 6 months or more.
6. Any motor vehicle intended for use on public highways which is not capable of passing a NYS safety inspection due to major visible safety problems.
7. Any motor vehicle which negatively affects the character of a residential neighborhood from an aesthetic point of view due to its proximity to adjacent structures and results in a devaluing of adjacent improved or unimproved properties.
8. Any motor vehicle stored in such a condition or manner such that it causes potential health or safety problems due to the presence of animal life, its use by children, etc.

*Note: Any motorized vehicle in the process of being restored in accordance with this Section shall not be deemed to be a junk vehicle as is also the case for vehicles removed from operation temporarily due to the season of the year.*

- C. Number of Vehicles - The number of junk vehicles that may be stored outdoors shall be as follows:

<u>Districts</u>	<u>Number of Vehicles</u>
All	One

- D. Restoration of Vehicle Outdoors - Sustained progress in restoring or repairing a vehicle to operational condition shall be allowed under the following conditions and said vehicle shall not constitute a junk vehicle:
1. A maximum of one vehicle shall be allowed to be restored.
  2. The entire restoration shall take no longer than one year from the date of notification to accomplish.
  3. Such vehicles shall be located so as to create the least nuisance possible.
  4. Noise associated with the restoration shall be limited to reasonable hours.
- E. Preexisting Junk Vehicles - Where more than the maximum number of junk vehicles are present at the time of enactment of this Law, a maximum of 6 months from date of written notification shall be allowed for the owner to come into compliance with this section. However, when a property owner asks for an extension, the request shall be reviewed and acted on at a variance hearing. If justified, the Zoning Board of Appeals shall determine a revised schedule of compliance with specific dates and milestones noted.

## **SECTION 630 TOXIC WASTE / FLAMMABLE LIQUIDS**

- A. Purpose - For the purpose of protecting present and future generations from the potentially harmful health and safety effects of toxic and flammable materials, the following regulations shall apply to new Industries and Businesses:
- B. Conditions -
1. Toxic Waste - It shall be unlawful to maintain, store, bury or in any other way keep solid or liquid wastes that are considered to be toxic or hazardous. However, toxic wastes, which are the results of a locally operated manufacturing process shall be permitted to be temporarily stored for a reasonable period of time pending proper disposal.
  2. Flammable Liquids - It shall be unlawful to maintain flammable liquids used in commercial operations within 200 feet of any inhabited dwelling unit. The storage of any flammable liquid must be in accordance with state and local regulations. Farm operations shall not be subject to this regulation.

**SECTION 631**

*This section is intentionally left blank for future use*

## **SECTION 632 FARM ANIMALS**

- A. Purpose - This section has as its main purpose the protection of residential neighborhoods in the R1, R4, B2, and B3 districts from certain nuisances such as noise and odor associated with the keeping of farm animals.
- B. Conditions - Farm animals, poultry, and other animals shall be regulated under the following condition:
1. Permits - All farm animals and related structures proposed to be located or utilized in the R1, R4, B2 and B3 districts shall require a Special Use Permit.
  2. Nuisances - Farm animals that create a nuisance due to odor, noise, etc., shall be prohibited.
  3. Fences - Farm type animals shall be fenced so as not to be able to come within 50 feet of adjacent residential structures nor within 10 feet of any boundary line.
  4. Horses & Cows - Horses and or cows shall be allowed for noncommercial use where over 3 contiguous acres of pasture are present. The maximum number of horses or cows allowed shall be based on the acres of pasture available with one acre being required per horse or cow.
  5. Runoff - Provisions must be made to insure that pastures and in particular manure storage areas do not runoff onto adjacent parcels. Particular concern must be shown for protecting water wells and streams.
  6. Youth Programs - All 4H and other recognized youth programs associated with the raising of farm animals shall be exempt from this section.

Pre-existing Farms - No portion of this section shall apply to any farm in existence at the time of enactment of this law.

**SECTION 633 RESIDENTIAL CONVERSIONS**

A. Purpose - The conversion of existing single-family dwellings to multiple-family units shall be regulated in accordance with this section for districts where conversions are specifically listed as being allowed uses. The purpose is to protect established neighborhoods (especially those that are predominantly single-family) from adverse change resulting from density increases.

B. Conditions - The following conditions must be met, otherwise a variance shall be requested.

<b><u>CONDITIONS</u></b>	<b><u>R-1 DISTRICT</u></b>	<b><u>OTHER DISTRICTS: R-2, R-3, R-4, B-1, B-2, B-3, B-4, I-1, I-2 &amp; IA</u></b>
Number of Apartments Created	Maximum of 1	No limit if conditions are met.
Apartment Size	Minimum 650 sq.ft. Maximum 800 sq. ft.	Minimum 650 sq. ft.
Area Requirements	Lot must conform to or exceed area requirements.	Lot must conform to or exceed appropriate district area requirements
Parking (Additional)	Minimum 2 additional per unit.	Minimum 2 additional spaces per unit created.
Floor space of Single-Family Dwelling prior to conversion	Minimum 2000 sq. ft. of floor space.	Minimum of 1800 sq.ft. floor space.
Accessory Building Use	May utilize for apartment if existing garage space is not reduced.	May utilize for apartment if existing garage space is not reduced.
Character of Neighborhood	Will not be changed.	Will not be substantially changed.

## **SECTION 634 BED AND BREAKFAST**

- A. Purpose - the conversion of existing dwellings to bed and breakfast uses shall be regulated in accordance with this section for districts where conversions are specifically listed as being allowed uses. The purpose of this section is to provide guidelines that will insure that any conversions will not permit a significant adverse change in a residential neighborhood.
- B. Conditions - The following conditions shall be considered by the Permitting Board for attachment to the permit.
1. Lot Size - For each bedroom proposed to be utilized by a traveler, there shall be an additional lot area of 1,000 sq. ft. over the minimum lot size required by the district.
  2. Number of Bedrooms - A maximum of one bed and breakfast bedroom shall be allowed for each 760 sq. ft. of livable floor space with a maximum of 5 bedrooms allowed.
  3. Parking - Convenient off-street parking shall be available at a rate of 1 space per proposed bed and breakfast bedroom. These spaces shall be located beyond the minimum front yard setback line. Natural or artificial buffers may be required as necessary by the Permitting Board to shield the parking spaces.
  4. External Modifications - No external modifications of a structure shall be allowed in conjunction with the creation of a bed and breakfast. All internal modifications shall be accomplished in accordance with the NYS Uniform Building Code.
  5. Existing Structures - Only dwelling units existing at the time of enactment of this section shall be eligible for conversion to a bed and breakfast. Garages or accessory buildings shall not be utilized.
  6. Signs - In addition to all requirements of the supplemental sign section, signs shall be constructed of natural materials and shall be allowed to be illuminated. Other reasonable conditions may be imposed in order for the sign to blend into the neighborhood.
  7. Location - A bed and breakfast shall only be established on a state or county road in Districts where listed as a permitted use. However they may be located on any street in Business Districts where allowed.
  8. Nuisances - Outside activities shall not be permitted by guests where it will create a nuisance or in any way alter the character of the neighborhood.
  9. Other Conditions - Any other reasonable condition as deemed necessary by the Permitting Board shall be permissible.

## **SECTION 635 TEMPORARY RETAIL OUTLET**

- A. Purpose - Temporary Retail Outlets provide needed products at convenient locations. Assuring that these temporary businesses are conducted safely and in an aesthetically acceptable manner are the primary purposes of this section.
- B. Conditions - Prior to being granted a Zoning Permit, the Enforcement Officer shall insure that the following conditions are met:
1. Signs - All sign requirements of the supplemental section on signs shall be complied with.
  2. Location - Permission in writing from the owner of the property on which the Temporary Retail Outlet is to be located shall be provided prior to being granted a Zoning Permit.
  3. Safety - Safe entry and exit to and from the site must be assured along with sufficient off-street parking.
  4. Cleanup - At no time during the operation shall any junk or debris be allowed to accumulate. At the conclusion of a selling period the site shall be restored to its original state. Displaying of retail goods shall be accomplished in a neat and orderly fashion.

5. Hours - The dates and hours of operation shall be clearly defined in writing by the property owner (see part c).
  6. Sale Items - The type of retail goods to be sold shall be specified along with the quantity.
- C. Administration - In districts where Temporary Retail Outlets are specified as being allowed, the Enforcement Officer shall grant a “by right” Zoning Permit after all conditions in Part B, above, have been met. Said permit shall cover as a maximum two weeks. The applicant may request a longer period utilizing the Special use Permit process.

## **SECTION 636 RESTAURANTS**

- A. Purpose - Restaurants are regulated in order to promote safe, appealing establishments with minimal nuisances present.
- B. Permanent Conditions - The following conditions must be met as required by the Permitting Board in order to receive the Special Use Permit.
1. Parking - See supplemental section on parking to determine the number of off-street parking spaces required. The location and layout of the parking spaces may be specified in the permit.
  2. Traffic Safety - The entrance and exit location and size shall be safely designed with minimal obstructions. Pedestrian safety shall also be considered.
  3. Nuisances - Noises from electric motors, compressors, etc., or glare from lighting shall be minimal.
  4. Signs - All sign regulations as specified in the supplemental section shall be complied with fully.
  5. Decks - Any deck, patio, porch or similar area utilized by customers shall be approved and in accordance with all area requirements.
  6. Trash - All trash shall be located inconspicuously and in well-maintained containers that minimize the chance for spillage, unhealthy or unsightly conditions.
  7. Buffers - As is required by the Permitting Board, appropriate buffers may be required which shield adjacent properties from any adverse conditions associated with the restaurant (e.g., parking lots, lighting, etc.).
  8. Entertainment - No nuisance shall be permitted; and if it becomes apparent that this entertainment is creating a nuisance, a public hearing shall be required to reevaluate the original application.
  9. Other - Any other condition as deemed reasonable and necessary may be required by the Permitting Board.

## **SECTION 637 SHOPPING CENTER**

- A. Purpose - Commercial shopping centers or malls in districts, where allowed, shall be subject to Special Use Permits and where 5,000 or more square feet of floor space is being proposed, site plan review requirements shall also apply. Each development proposal shall be evaluated on its own merits with reasonable conditions attached.
- B. Conditions - The following shall be considered for inclusion, where appropriate.
1. Special Use Permit Conditions -
    - a) Safe ingress and egress
    - b) Alleys, fire lanes, and all other means of fire equipment movement shall be adequate for year-round movement.

- c) Dry hydrants shall be required where normal water supply for fighting fires may be inadequate. The developer may be partially or totally responsible for financing the dry hydrant as determined by the Permitting Board.
  - d) Sufficient parking in accordance with the supplemental section on parking.
  - e) Loading and unloading spaces in accordance with the supplemental section on loading
  - f) Signs shall be in conformance with the supplemental section on signs.
  - g) Buffers, either natural or man-made, shall be required where a conflict of uses needs to be reduced to acceptable levels.
  - h) Trash should be handled in accordance with the supplemental section on trash.
  - i) Other reasonable and appropriate conditions as deemed necessary by the permitting board. See supplemental section on development conditions.
2. Site Plan Review Conditions - Refer to Site Plan Review sections.

**SECTION 638 HEALTH AND PERSONAL CARE BUSINESS**

- A. Purpose - Health and Personal Care businesses (e.g. health club, therapeutic massage, hairdresser, etc.) shall be regulated to insure they are appropriately located and conditioned properly to protect neighboring uses.
- B. Conditions - Health and Beauty Businesses in districts, where allowed, shall meet the following conditions:
  - 1. Character of Neighborhood - The existing character of the neighborhood shall be maintained.
  - 2. Parking - Sufficient off-street parking is available to meet peak requirements.
  - 3. Signs - The appearance of associated signs shall be acceptable.
  - 4. General Conditions - The supplemental section on General Conditions shall be complied with where reasonably possible.

**SECTION 639 FUNNELING (WATERFRONT LOT DIVISION)**

- A. Purpose - Provide waterfront access opportunities primarily to owners of upland dwelling units (single or multiple family) through a relatively small lakefront lot or row while at the same time providing visual and density protection to lot owners in close proximity to the access lot.
- B. Permits & Conditions - Regarding characteristics 1 through 8, applicants shall select which of the 3 columns they will comply with and this will determine the type of permit (By Right, Special Use or Area Variance) required. Characteristics 9 through 20 must be considered for Special Use and Area Variance requests only with the Permitting Board deciding for each case which characteristics apply and what conditions, if any, shall be required (e.g. need for buffers, covenants, etc.).

<u>Type of Permit Required</u>			
<u>Lot Characteristics</u>	<u>By Right</u>	<u>Special Use Site Plan Permit</u>	<u>Area Variance</u>
1. Min. width of each lake-front lot / R.O.W created.	40 ft.	30 ft.	Less 30 ft.
2. Min. lot width per household unit.	20 ft.	15 ft.	Less 15 ft.
3. Number housing units with access.	2 or less	More than 2	N/A
4. Minimum area of each	2500 sq. ft. min.	1500 sq. ft. Min.	Less 1500 sq.ft



lakefront lot / R.O.W created.			
5. Width of all contiguous lakefront lots.	50 ft. Min.	25 to 49 ft.	Less 25 ft.
6. Number of docks to be included on each lakefront lot / R.O.W.	1 Max.	2 Max.	Over 2
7. Dock separations possible between docks associated with new lot & contiguous lots.	Min. 25 ft.	Min 25 ft.	Less 25 ft.
8. Parking spaces available off-street.	Min. 1 off-street per household	Min. 1 street/off-street per household	Less than 1 per household
9. Shoreline Shape – Docks converge / separate as they extend out from shore	Parallel or separate	X	X
10. Zoning district and lot density requirements (lot sizes for dwelling units)		X	X
11. Existing number of "funnel" access points within 500 ft.		X	X
12. Potential for future "funnel" access points (e.g., amount of upland open space)		X	X
13. Presence of existing buffers or the need for them		X	X
14. Opinions of residents of neighborhood		X	X
15. The willingness of landowners involved in the lot division to use legal means (e.g., area covenants to give permanence to decisions)		X	X
16. Overall affect on character of neighborhood		X	X
17. Elimination or demolition of existing structures		X	X
18. Restricted Use of Waterfront Parcel (e.g., access to boat only)		X	X
19. Number or Size of Boats to be at dock		X	X
20. Other reasonable conditions		X	X

## SECTION 640 LAKESHORE REGULATIONS

The following regulation shall apply to parcels located adjacent to Chautauqua Lake. In cases of conflict with other regulations, the most stringent shall apply.

- A. Setbacks - No principal structures intended for inhabitation shall be permitted within 50 feet of the shoreline based on high water levels of 1310.5 feet mean sea level (msl). However, where the property for the proposed dwelling is located between existing nearby dwellings then the minimum setback from the lake shall be calculated by averaging the setbacks of the nearby dwellings and adding 5 feet. Note that if the proposed dwelling is to be located within the 100 year floodplain area then all Federal Emergency Management Agency (FEMA) floodplain regulations shall be complied with.
- B. Accessory Buildings - Accessory Buildings not utilized for inhabitation shall be allowed By Right when set back from the shoreline a minimum that places them beyond the wall of the dwelling that is closest to the shoreline. Accessory buildings proposed to be closer to the shoreline than the wall of the dwelling that is closest to the shoreline shall be subject to special use permit review with consideration given to the following:
  - 1. Visibility from adjacent parcels.
  - 2. Structure is sufficiently anchored to prevent movement due to wind, high waters, etc.
  - 3. Structure does not extend beyond the natural high water shoreline.
  - 4. Other reasonable conditions deemed necessary.
- C. Breakwalls - Any modifications of a shoreline shall be in accordance with New York State Department of Environmental Conservation (NYSDEC) regulations.
- D. Fences - See Section 610 Fences / Walls - C2 (Height).
- E. Dock Use - All docks extending from the B2 and R3 districts shall be utilized only for noncommercial pleasure uses by the owner of the property or any persons who may have a permanent legal right-of-way over the property from which the dock extends.
- F. Uses Allowed - Any use created on a dock, pier, island, floating vessel or, in general, on Chautauqua Lake shall be listed as an allowed use in the district (B2, R3, P) over which access is obtained to the proposed use. Adequate off-street parking shall be required.
- G. Outdoor Storage on Parcels adjacent to Chautauqua Lake -
  - 1. Purpose - Unique lakeshore properties where development density is very high should be preserved and upgraded to encourage a high grade of development for this limited resource.
  - 2. Items allowed to be stored outdoors - Items traditionally stored or used outdoors such as recreational vehicles (boats, ATV's, motor homes, snowmobiles, etc.), noncommercial trailers, and docks shall be allowed to be stored outdoors if the conditions which follow are abided by.
  - 3. Conditions -
    - a) A maximum of 2% of the lot area shall be utilized for regulated outdoor storage items. A special use permit may be requested to utilize more than 2% of the lot area.
    - b) All small items or "excess" outdoor items (over 2% limit) shall be stored indoors in sheds, primary structures, garages, other allowed enclosures, or off premise.
    - c) Indoor Items - Where a nuisance exists due to a large number of indoor items being stored or kept outside, it shall be required that the items causing the nuisance be moved indoors.

- d) Location - Items allowed to be stored outdoors shall be:
  - (1) stored out-of-sight to the greatest degree possible;
  - (2) stored in accordance with area setbacks of the district;
  - (3) placed as far back from the lake as possible;
  - (4) placed out of the sight line of neighbors to the greatest degree possible; and
  - (5) stored in an orderly fashion.
- 4. Administration - The Enforcement Officer shall notify owners of lakefront properties of obvious violations of this section as he is made aware of them. The violator shall within a reasonable time period notify the Enforcement Officer of steps to be taken to come into compliance and shall specify a compliance schedule. If the violator does not voluntarily comply or respond within a reasonable time period, the Enforcement Officer shall, in writing, specify the conditions to be met and advise the violator of his rights to ask for a variance or an informal meeting with the Zoning Board of Appeals to settle the matter. Aggrieved parties may also request a meeting with the Zoning Board of Appeals to ask for an interpretation on compliance with this section.

H. TV Dish Antennas (Private) - Any TV (television) dish antenna proposed to be located on a parcel of land contiguous to Chautauqua Lake must not be located between the lake and the primary structure. This requirement shall apply to primary and contiguous secondary vacant lots.

## **SECTION 641- OUTDOOR WOODBURNING FURNACE**

A. Purpose- It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor wood burning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property or premises.

B. Definitions-

**OUTDOOR WOODBURNING FURNACE** – An accessory structure, designed and intended, through the burning of wood, for the purposed of heating the principal structure or any other site, building or structure on the premises.

C. Construction And Operation

- 1. The construction and operation of outdoor wood burning furnaces are hereby prohibited within all zoning districts of the Village of Mayville except for R-4.
- 2. With the proposed installation of any outdoor wood burning furnace a minimum separation of 500 feet from said furnace shall be maintained with any other structure on any neighboring property.
- 3. That any permitted outdoor wood burning furnace shall maintain an efficient combustion system which will not allow for the discharge of any noxious smoke, odor or other form of discharge from its combustion process.
- 4. The outdoor wood burning furnace shall have a discharge smoke stack at an elevation determined by the Code Officer to ensure that exhaust heat will be distributed to the air stream above any adjoining property roofline so as to minimize the possibility of any nuisance affecting any adjoining property.

D. Nonconforming Uses

- 1. Except as hereinafter provided, the lawful use of any outdoor wood burning furnace existing at the time of the adoption of this article may be continued, although such use does not conform with the provisions of this article.

2. No outdoor wood burning furnace existing at the time of the adoption of this article shall thereafter be extended or enlarged.
3. Any existing outdoor wood burning furnace which is abandoned or discontinued for a period of seven consecutive months shall not be permitted to be reestablished as a nonconforming use, and must be immediately removed by the property owner from the subject premises.
  - a.) If the property owner fails to remove the outdoor wood burning furnace by the end of said seven consecutive month period, the Village Code Enforcement Officer shall give written notice by certified mail or personal service to the owner of the property upon which the outdoor wood burning furnace is located. Such notice shall provide that said owner shall remove the outdoor wood burning furnace within 15 days of the date the notice is either postmarked or personally served upon the owner.
  - b.) Should the outdoor wood burning furnace not be removed with the time specified, the Code Enforcement Officer shall take reasonable steps to effect its removal.
  - c.) The costs incurred by the Village to effect said removal(including any attorneys' fees incurred by the Village to effect the removal), plus an amount equal to 50% of said costs of removal, shall be charged to the owner of said premises. Said expense shall be paid by the owner of the property so affected within 30 days from the date said costs are presented to the owner. If said expense is not paid within said thirty-day time frame, then said expenses shall be charged to the property so affected by including such expense in the next annual Village tax levy against the property.
4. No existing outdoor wood burning furnace which has been damaged by any reason to the extent of more than 75% of its assessed value for Village tax purposes shall be repaired or rebuilt.

## **SECTION 642 ADULT BUSINESSES**

- A. Findings and Legislative Intent - An Adult Business Secondary Impact Study was initiated by the Village of Mayville to investigate the need for, and if required, recommend land use controls to regulate the establishment of adult businesses in the Village of Mayville. The Study and its results are hereby incorporated in this regulation.

In the development and execution of this Local Law, it is recognized that Adult Businesses, because of their very nature, have serious objectionable, operational characteristics when concentrated under certain circumstances, and can have a deleterious effect on adjacent areas. It is the purpose of this Law to regulate the creation, opening, commencement and/or operation of Adult Businesses, as herein defined, in order to achieve the following:

1. To preserve the character and the quality of life in the Village of Mayville's neighborhoods and business areas.
2. To control such documented harmful and adverse secondary effects of adult uses on the surrounding areas as: decreased property values; attraction of transients; parking and traffic problems; increased crime; loss of business for surrounding non-adult businesses; and deterioration of neighborhoods.
3. To restrict minors' access to adult uses.
4. To maintain the general welfare and safety for the Village of Mayville's residents.

## B. Definitions

Adult businesses shall include the following:

1. **ADULT ARCADE** - Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically-controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
2. **ADULT BOOKSTORE** – A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
  - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproduction, digital video discs (DVD's), slides, or other visual representations which depict or describe specified sexual activities specified anatomical areas: or
  - b. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be defined as an adult bookstore so long as one of its principal business purposes is the offering for sale or rental for consideration of the specified materials which depict or describe specified sexual activities or specified anatomical areas.
3. **ADULT CABARET** - A nightclub, bar, restaurant or similar commercial establishment, which regularly features:
  - a. Persons who appear in a state of nudity;
  - b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities: or
  - c. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of, specified anatomical areas or specified sexual activities.
4. **ADULT MOTEL** – A hotel, motel or similar commercial establishment which:
  - a. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions;
  - b. Offers sleeping rooms for rent for a period of time that is less than 10 hours; or
  - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
5. **ADULT MOTION PICTURE THEATER** – A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
6. **ADULT THEATER** – A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live

performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

7. ADULT VIDEO STORE – [see ADULT BOOKSTORE]
8. ADULT USES – Adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, adult video stores, escort agencies, nude model studios and sexual encounter centers.
9. ESCORT – A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
10. ESCORT AGENCY – A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
11. ESTABLISHMENT – Any of the following:
  - a. The opening or commencement of any sexually-oriented business as a new business;
  - b. The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business;
  - c. The additions of any sexually-oriented business to any other existing sexually-oriented business; or
  - d. The relocation of any sexually oriented business.
12. NUDE MODEL STUDIO – Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

#### C. Additional Definitions Relating to Adult Businesses

1. NUDITY – The appearance of a human bare buttocks, anus, genitals or full female breast.
2. PERSON – An individual, proprietorship, partnership, corporation, association, or other legal entity.
3. SEMI-NUDE – A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
4. SEXUAL ENCOUNTER CENTER – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
  - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
5. SEXUALLY-ORIENTED BUSINESS – An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

6. SPECIFIED ANATOMICAL AREAS – The male genitals and/or the female genitals.
  7. SPECIFIED SEXUAL ACTIVITIES – Any of the following:
    - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
    - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
    - c. Masturbation, actual or simulated; or
    - d. Excretory functions as part of or in connection with any of the activities set forth in A, B, and C above.
  8. STATE OF NUDITY – [See NUDITY]
  9. SUBSTANTIAL ENLARGEMENT – The increase in floor areas occupied by a sexually oriented business by more than 25% of the floor areas as it exists on the effective date of this chapter.
  10. TRANSFER OF OWNERSHIP OR CONTROL – Means and includes any of the following:
    - a. The sale, lease or sublease of a sexually-oriented business;
    - b. The transfer of securities which constitute a controlling interest in a sexually-oriented business, whether by sale, exchange or similar means; or
    - c. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of a sexually-oriented business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.
- D. Location Restrictions/ Industrial/Adult Business District - An overlay zoning district or floating zone is hereby established for adult businesses within the Village of Mayville. All zoning requirements of any existing district will apply in addition to the restriction listed in Section 643.

Upon the proposal of any Adult Business the Village Board will consider the application for locating the Adult Business and shall consider the appropriateness of the proposed location given the development proposal's compliance with all of the relevant concerns set forth in Section 643 of the Village's Zoning Law as well as the likely prevention of any negative secondary impacts from the proposed development to other neighboring properties as well as the general neighborhood in question. Should the Board determine that no such negative secondary impacts can be anticipated at the site the Board may fix the proposed location by setting the specific area as part or all of the underlying zoning district.

The determinations of the Village Board herein shall not eliminate the requirements for a developer of an Adult Business obtaining such special use permit or site plan approval as may be required by other sections of the Village's Zoning Law which remain in effect and thus condition any such application.

1. Adult uses shall only be permitted in the I/A zoning district subject to the following restrictions:
  - a. 750 feet from any property currently in residential use;
  - b. 1,000 feet from any public or private school or day care center;
  - c. 1,000 feet from any church or other religious facility or institution;
  - d. 1,000 feet from any public park, public bike path, playground, playing field,

cemetery, civic or recreational facility, or designated urban renewal or development area; or

e. 750 feet from any other existing adult use.

2. No more than one adult use shall be located on any lot.
3. The distances provided hereinabove shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult use is to be located to the nearest point of the parcel of property of the land use district boundary line from which the adult use is to be separated.

#### E. Other Restrictions

1. No adult entertainment use shall be conducted in any manner that allows the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any property not operating as an adult entertainment use. This provision shall apply to any sign, show, window, or other opening.
2. There shall be no outdoor sign, display, or advertising of any kind other than one identification sign limited to only the name of the establishment.
3. Adult uses shall meet all other regulations of the Village of Mayville including but not limited to district lot and bulk regulations, parking regulations, and signage.

F. Amortization of Existing Adult Uses - The right to maintain a legal nonconforming adult use shall terminate in one year from the effective date of this law, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. The owner may apply to the zoning board of appeals for an extension of the amortization period and the zoning board of appeals may grant an extension upon a finding that there are substantial and un-recovered costs which cannot be recouped within one year. Such nonconforming uses shall not be increased, enlarged, extended, or altered within the one-year period, except that the use may be changed to a conforming use.

### **SECTION 643 DERELICT STRUCTURES**

A. Purpose and Definition - The Village Board of Mayville has seen an incidence in the increase of derelict structures resulting from fires or other physical casualty which have resulted in situations which pose immediate threats to public health and safety due to the existence of the derelict and unsafe structures requiring a means to more effectively deal with the presence and need for removal of said unsafe and/or derelict structures. An unsafe structure shall be defined as any structure which, due to inadequate maintenance, dilapidation, obsolescence, fire/wind or other similar types of damage becomes structurally unsafe, unsanitary, or in any other way is dangerous to human life. Such unsafe structures shall, for the purpose of this Law, be declared to be illegal. It is the intention of this provision to provide an additional course for Village enforcement of relevant state and village laws and regulations. These provisions do not in any way exclude the ability of the Code Officer or other Village officers or employees charged with responsibility to carry out their functions pursuant to state or local law. These provisions are available for implementation when such other state or local laws and regulations do not or will not result in remedying the situation and/or the threat to public health and safety. These provisions are



available when the Uniform Fire and Building Code/Zoning Officer or other officials charged with the responsibility for the particular matter in question determines that other enforcement remedies are not or will not be effective in resolving the issue at hand.

- B. Initial identification – when a potentially unsafe structure is brought to the attention of the Zoning Officer and Fire Inspector, they shall, within a 5 day period, externally inspect the structure and report back to the Municipal Board as to whether it warrants further examination.
- C. Examination – After consultation with the Municipal Board, the Zoning Officer and Fire Inspector shall, if warranted, be authorized to thoroughly inspect the structure in question. The Municipal Board may also authorize a building inspector with appropriate credentials to be retained to assist in the inspection. A written report of the findings shall be submitted to the Municipal Board and if applicable, the County Health Department shall receive a report also. The Municipal Board shall evaluate the report and decide what action is necessary to alleviate the problem.
- D. Notification of Owner -
  - 1. The Municipal Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.
  - 2. The Notice shall contain the following:
    - a. A description of the premises
    - b. A statement of the particulars in which the building is unsafe or dangerous
    - c. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
    - d. A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended
    - e. A date, time and place for a hearing before the Municipal Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than 5 business days from the date of service of the notice.
    - f. A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Municipal Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.
  - 3. The said notice shall be served on the owner or someone of the owner’s executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or someone of the owner’s executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the tax collector and/or in the office of the County Clerk; and as such service may be made by registered mail by securely affixing a copy of such notice upon the unsafe building.
- E. Prohibition of Occupancy – If at any time the Municipal Board, upon reviewing all reports, determined that there is actual and immediate danger of failure of collapse, health or other

serious safety problems which endanger life, they may order the property vacated forthwith and not reoccupied until the specified repairs and improvements are complete, inspected and approved by the Zoning Officer. The Zoning Officer shall post a notice at each entrance stating: THIS BUILDING UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE ZONING OFFICER. Such notice shall remain posted until the required repairs are made of demolition is complete. It shall be unlawful for any person, firm or corporation, or their agents, or other servants to remove such notice without written permission of the Zoning Officer, or for any person to enter the building except for the purpose of making the required repairs or of demolition of the same.

F. Noncompliance - In the event of the refusal or neglect of the person so notified to comply with said order and after the hearing, the Municipal Board shall provide for the demolition and removal of such building or structure either by Municipal employees or by contract. Except in emergency as provided in Section II hereof, any contract for demolition and removal of a building in excess of \$5,000 shall be awarded through competitive bidding. All expenses incurred by the Municipality in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided for the levy and collection of Municipal taxes.

G. Emergency Cases - Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Municipal Board may by resolution immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided above under Noncompliance.

## **SECTION 644 TRASH STORAGE**

A. Purpose - The Village Board of the Village of Mayville has seen an incidence in the increase of derelict and offensive property conditions resulting from the physical deterioration of the structures located there upon or through the intentional or unintentional storage or collection of garbage, rubbish or trash materials in open areas of the premises or located in inadequate storage facilities thereupon. The presence of these materials often leads to unsafe and unhealthy conditions affecting not only the property in question but also larger areas of the community including but not limited to the presence of foul and obnoxious odors, leeching of various contaminated waters or other liquid substances, the creation of conditions leading to the presence of vermin and a general diminution of the visual aesthetics of the property and the neighborhood and community at large resulting in a variety of public health hazards as well as the reduction in property values of the subject property and others in its vicinity. It is the intention of this provision to provide an additional course for Village enforcement of relevant state and village laws and regulations. These provisions do not in any way exclude the ability of the Code Officer or other Village officers or employees charged with responsibility to carry out their functions pursuant to state or local law. These provisions are available for implementation when such other state or local laws and regulations do not or will not result in remedying the situation and/or the threat to public health and safety. These provisions are available when the Uniform Fire and Building Code/Zoning Officer or other officials charged with the responsibility for the particular matter in question determines that other enforcement remedies are not or will not be effective in resolving the issue at hand.

## B. Definitions

COMPOST – Relatively stable decomposed organic material.

COMPOSTING – A controlled process of degrading organic matter through the use of micro-organisms for private gardening and non-commercial activities.

GARBAGE – The waste of animal, fish, fowl, or vegetable matter produced from or resulting from the use and storage of food for human consumption.

RUBBISH – Combustible and noncombustible waste materials except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible materials; paper, rags, cartons, boxes, scrap wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and other similar materials.

TRASH – Glass, scrap wood, scrap metals, tires, rags, refuse, garbage, waste paper, toilets, urinals, unsalvageable machines such as abandoned farm machinery, rototillers, riding lawnmowers, walk behind lawnmowers, snowmobiles, all terrain vehicles; appliances such as washing machines, clothes dryers, refrigerators, freezers, cooking stoves, heating stoves, televisions, computer components, stereo components, air conditioners and similar electrical devices or similar materials.

## C. Regulations

1. Trash may not be stored within the municipality except for a reasonable period prior to and during the scheduled trash pickup cycle. No accumulation, collection, storage or sale of glass, scrap wood, scrap metals, salvaged metals, tires, rags, refuse, garbage, rubbish, trash, waste paper, salvaged machines, appliances, old lumber (excluding firewood), metal, pipes, plumbing fixtures, broken concrete or stone, or other similar materials. The refrigerant must be removed from refrigerators, freezers, air conditioners or other similar appliances by a certified repair person. See definitions for rubbish, trash and garbage.

2. Pre-existing uses present at the time of enactment of this Local Law shall be provided a period of thirty (30) days for compliance after notification by the Code Enforcement Officer.

3. Metal Dumpsters - All dumpsters, excluding construction size dumpsters, located on a site for 30 days or more shall comply with the following regulations:

a. Location - Dumpsters shall be placed as far back as is reasonably possible from all public roadways and boundaries of neighboring parcels in order to be the least objectionable.

b. Buffer - A suitable buffer may be required.

c. Covers - All dumpsters shall have tops that shall be utilized.

d. Preexisting - Dumpsters existing at the time of enactment of this Law shall comply with dumpster regulations specified by the Permitting Board within 6 months from written notification. Compliance requests may be appealed.

4. The provisions of this Local Law shall be applicable throughout the Village.

D. Initial Identification – When a potentially unsafe condition relating to the storage of garbage, rubbish or trash is brought to the attention of the Zoning/Code Officer he shall within a five day period externally inspect the premises and report back to the municipal board. The Code Officer shall also advise the County Health Department or other office having jurisdictional

interest in the matter of the conditions or other matters of jurisdictional interest to said agency or to the County Health Department.

E. Notification Of Owner Or Other Interested Party –

1. The municipal board may direct the Code Officer or advise the Code Officer if remedial actions beyond those provided for in the Uniform Fire and Building Code are necessary and further order that a notice be served upon the person or persons who own, occupy or have an interest in the property as specified in 3 below. Said notice shall be in the manner provided herein.

2. The notice shall contain the following:

- a. A description of premises
- b. Statement of particulars in which the premises are unsafe or in violation of the provisions herein.
- c. An order outlining the manner in which the premises are to be made safe and secure and any offending materials are to be removed and/or stored in appropriate facilities.
- d. A statement that corrective actions set forth in c above shall commence within ten (10) days of the service of the notice and shall be completed within thirty (30) days thereafter unless a good cause can be shown, when such time may be extended.
- e. A date, time and place for a hearing before the municipal board in relation to such violations, which hearing shall be scheduled not less than five (5) business days from the date of the service of notice.
- f. A statement that in the event of neglect or refusal to comply with the order to correct or remediate such violations as specified in said notice the municipal board is authorized to provide for a removal or remediation or other correction as may be required pursuant to the notice of violations and thereafter to assess all expenses thereof against the land upon which such violations are located or upon which such conditions exist and institute any special proceedings to collect the costs of corrections or remediation including legal expenses as may be necessary.

3. The said notice shall be served on the owner or someone of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or someone of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the tax collector and/or in the office of the County Clerk; and such service may be made by registered mail and by securely affixing a copy of such notice upon any building or structure located upon the property.

F. Noncompliance - In the event of the refusal or neglect of the person so notified to comply with said order and after the hearing, the Municipal Board shall provide for the clean up and/or remediation of the conditions complained of on said premises either by municipal employees or by contract. Except in emergency as provided in Section 2 G hereof, any contract for clean up or remediation of such offending premises in excess of the limits provided by the General Municipal Law shall be awarded through competitive bidding. All expenses incurred by the Municipality in connection with the proceedings to clean up, remove or remediate conditions on premises specified of any nature including legal costs

shall be assessed against the land upon which the violations occurred and shall be levied and collected in the same manner as provided for the levy and collection of Municipal taxes.

- G. Emergency Cases - Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless premises identified as being in violation are immediately cleaned up or remedied in the fashion specified herein the municipal board may by resolution immediately cause such efforts that are necessary to remediate the conditions complained of herein. The expenses of such correction or elimination of said violation shall be a charge against the land upon which it is located and shall be assessed, levied and collected as provided above under Noncompliance.
- H. Farm Operations And Practices – It is not the intention of this Local Law to unreasonably restrict or regulate normal farm operations or practices involving materials or the storage of materials as are set out in other provisions of this Local Law. Instances where such farm operations or activities occur on properties qualified and characterized as farm operations, agricultural activities or other similarly related land use activities as defined in New York State Agriculture and Market Law Section 301 shall be exempt from the provisions of this Local Law.
- I. Compost Regulations - Regulations provided above shall not include maintenance of private compost or the processing of composting for private gardening and/or non-commercial activity. Subject to the requirement that such material or activities not constitute an identifiable public nuisance to the production of noxious odors or waste run-off from a property upon which it is located.

**SECTION 645 REGULATIONS REGARDING THE CONSTRUCTION OR ESTABLISHMENTS OF TELECOMMUNICATION FACILITIES, TOWERS AND WINDMILLS**

A. Purpose - The Village Board of the Village of Mayville has previously considered the matter of telecommunication's towers and facilities as part of its Zoning Law 1-1996. Since the time of the law's adoption, various issues have arisen regarding the appropriateness of the development of such facilities within various zoning districts that exist in the community. The regulations herein are proposed as additions to the village's zoning law to regulate such telecommunications facilities, towers, and windmills within the Village of Mayville. All telecommunication facilities, towers and windmills shall be regulated for the purpose of assuring safe installations which are properly located and which have the least adverse impact on the neighborhood and community.

B. Definitions -

**ACCESSORY STRUCTURE** – A non-habitable accessory facility or structure serving or being used in conjunction with communications tower and/or similar facility or antenna, and located on the same lot as the communications tower or antenna. Examples of such structures include utility or transmission equipment, storage sheds or cabinets.

**ANTENNA** – A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication service (PSC), and microwave communications.

**CO-LOCATED ANTENNAS** – Telecommunication's Facilities that utilize existing towers, buildings, or other structures for placement of antennas and do not require construction of a

new tower.

**FALL DOWN ZONE** – The radius around a tower within which all portions of the tower and antennas would fall in event of a structural failure of the tower.

**PERSON** – Any individual person, or persons, firm, partnership, corporation, whether business, membership, religious, charitable, or otherwise any association or other unit or entity owning or occupying real property in the Village of Mayville.

**TELECOMMUNICATION FACILITIES** – Towers and/or antennas and accessory structures together used in connection with the provision of cellular telephone service, personal communications services, digital and/or data communication services, paging services, radio and television broadcast services and similar broadcast services.

**TOWER** – A structure designed to support antennas. It includes without limitation freestanding towers, guyed towers, monopoles, and similar structures, which do, or do not, employ camouflage technology.

**WINDMILL** – A structure designed to utilize the force of the wind for generating mechanical, electrical, or other locomotive power for any purpose.

### C. Conditions

The following conditions shall be considered for inclusion in a Telecommunication facilities/tower/windmill permit:

1. **Location** – Shall be sufficiently removed from surrounding residential structures and residential districts sufficiently so as to not cause a nuisance due to appearance, or other factors. The setbacks shall be determined as part of the special use permitting process. As a function of safety requirements, specific board consideration will be made on the requirements of the proposed site, the height of the proposed project, the use or non-use of any advanced technology, including stealth technology, so as to minimize neighborhood intrusions and the mode of proposed construction of the facility in question.
2. **Buffer** – The placement or retention of buffers shall be required where they would improve the compatibility of the use with the surrounding area.
3. **Safety** – The base shall be sufficiently protected from entry either by design or by protective fences, etc. Where guy wires are utilized, the anchor points shall be sufficiently protected to minimize the possibility of hitting the guy wires when passed by a recreation vehicle, tractor or motor vehicle. Additionally, a sign shall be conspicuously placed near the base and it shall generally state that danger exists and that no unauthorized access is permitted.
4. **Lighting** – The minimal amount of lighting necessary to meet State and Federal regulations shall be required. The FAA regulations shall be met. Light pollution and/or light spill over shall be minimized to the greatest degree possible. The applicant shall fully disclose methods and plans for protecting nearby and distant properties from light spill over.

5. Aesthetic Impact – The base and any accessory buildings shall be appropriately screened relative to the type and design of uses in the area. Landscaping and materials used for accessory structures shall be specified. The entire facility must be reasonably compatible with the surrounding environment. The permitting board may consider, and if need be require, the use of stealth technology in order to mitigate any adverse impact of any proposed facility within a given neighborhood or proposed site.
6. Co-location – In order to minimize proliferation communication tower applicants must show proof that they have exhausted all reasonable alternatives for sharing space upon existing structures.
7. Inspections – Periodic inspections will be required to ensure structural integrity. The frequency of inspections shall be specified, with five-year intervals recommended. Inspections shall be conducted by a licensed engineer. Based upon the results of an inspection, repair or removal maybe required.
8. Abandonment – Owners shall remove all structures that have not been used for a twelve-month period. Removal shall be within six months of written notification from the zoning officer. Owners may request a special use permit hearing to ask for an extension of the removal based upon just cause, i.e. financial hardship.
9. State Environmental Quality Review Act – All such proposals for development of facilities herein shall be fully subject to the ‘State’s Environmental Quality Review Act’ (SEQRA). In reviewing same, any application shall be considered a Type I Activity under SEQR, which will require the filing and consideration of a ‘Long Environmental Assessment Form’ along with such other and further reviews including a ‘Visual Addendum’ as appropriate to ensure compliance with SEQR.
10. Each applicant upon being granted a permit shall post a performance and damages bond, guaranteeing removal of the said facility in the amount sufficient, at the time of the permit’s granting, to remove said facility, which shall be forfeited to the Village upon owner’s failure to comply with the terms of its permit and upon notification of such violation by the Zoning Enforcement Officer. Owner may within ten- days of such notification request a hearing before the Board of Appeals to contest such notice. A new performance bond shall be filed with the Village’s Zoning/Enforcement Officer within five-days of such notice of forfeiture. Said performance bonds will be increased to a then current sum required for removal should said amount increase over time. This determination will be made as part of the periodic inspection program for the facility but shall be not less frequent than five-year intervals.
11. Other Regulations – State and Federal regulations governing structures subject hereto must be complied with by applicant.

## **SECTION 646 WEEDS**

All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254mm). All noxious weeds shall be prohibited. Weeds

shall be defined as all grasses, annual plant and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner, agent, lessee and/or occupant having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be obligated to cut and/or remove such weeds or other noxious plant growth. The Code Officer of the Village shall advise the owner, agent, lessee or occupant of the said violation and shall set a time for the property to come into compliance. Said notice shall not involve a period of more than seven (7) days. On the expiration of seven days the Code Officer shall inspect the property. The Village, its officers, employees or contract assigns shall have the authority to enter upon the property in violation to cut and destroy the weeds growing thereon and should he find that no correction or cutting has been made nor any assured plan for such correction he shall advise the owner, agent, lessee or occupant in writing that the Village, its officers, employees or contract assigns shall have the authority to enter upon the property in violation to cut and destroy the weeds growing thereon. The Village shall cut and remove or cause to be cut and removed the violating weeds or noxious plants pursuant to this section and that the owner of the property shall be liable for the cost intended thereto which costs shall be placed upon the property as a tax lien with the return of Village taxes to the County at the next appropriate return date.

It is the intention of this provision to provide an additional course for Village enforcement of relevant state and village laws and regulations. These provisions do not in any way exclude the ability of the Code Officer or other Village officers or employees charged with responsibility to carry out their functions pursuant to state or local law. These provisions are available for implementation when such other state or local laws and regulations do not or will not result in remedying the situation and/or the threat to public health and safety. These provisions are available when the Uniform Fire and Building Code/Zoning Officer or other officials charged with the responsibility for the particular matter in question determines that other enforcement remedies are not or will not be effective in resolving the issue at hand.



**ARTICLE VII  
ADMINISTRATION BY ENFORCEMENT OFFICER**

**SECTION 701 ENFORCEMENT**

This Law shall be enforced by the Enforcement Officer who shall be appointed by the municipality. No building permit shall be issued by the Enforcement Officer except where there is to be compliance with all provisions of this Law.

**SECTION 702 DUTIES**

It shall be the duty of the Enforcement Officer, in connection with this Law, to do the following:

- A. Permits - Issue building/zoning permits or refuse to issue the same and give the reasons for such refusal to the applicant in writing.
- B. Records - Keep a record of all applications for permits and record of all permits issued with a notation of all special conditions involved.
- C. Fees - All fees shall be paid directly to the Municipal Clerk.
- D. Coordination - Keep the Municipal Board, the Zoning Board of Appeals, and Planning Board informed and advised of all matters, other than routine matters in connection with this Law. All Special Use Permit applications and their revisions shall be transmitted to each member of the Village Board, Planning Board and Zoning Board of Appeal within two working days from the time of receipt. All applications shall be stamped in with the date and time of receipt.
- E. Reports - Submit such reports as may be deemed necessary by the Municipal Board.
- F. Assist Applicants - Whenever possible, advise and assist persons applying for building permits with the preparation of their applications.
- G. Violations - Apply for and secure search warrants for alleged violations when necessary and assist in prosecuting violators of the provisions of this law.
- H. Notices - Serve or cause to be served all notices that may be required to be served in connection with this Law.
- I. Fire Inspection - Notify Fire Code Inspector of all permits issued.
- J. Building Code Inspector - Notify Building Code Inspector of all permits issued.
- K. Amendment Recommendations - Make recommendations for keeping the Zoning Law and accompanying map up-to-date.
- L. Inspections - Inspect new construction or changes of use during and/or after construction or change in use to insure conformity with the provisions of this Law and other applicable laws.

**SECTION 703 ZONING PERMITS**

- A. Permit Required - No building, structure, accessory uses, or lot shall be erected, added to, structurally enlarged, or changed to another use until a zoning permit has been issued by the Enforcement Officer. Excluded, however, from these permit requirements are:
  - 1. interior modifications unless additional dwelling units or different types of uses are created, and
  - 2. home repairs or improvements not involving additions or enlargements of floor space.
  - 3. refer to Article IV, District Regulations, for other exclusions.
- B. Permit Contents - The application for a permit shall be made on a form obtained from the Enforcement Officer. The form shall, as a minimum, contain the following:
  - 1. applicant information - name, address, etc.;
  - 2. property identification - street address and tax map parcel identification number;

3. project description including purpose - proposed use;
  4. construction type - height, family units, lot dimensions, setbacks, accessory buildings, etc.;
  5. other information - copy of Health Department Permit, off-street parking, location of wetlands, floodplains, need for curb cut;
  6. signature of applicant; and
  7. plot plan drawn to approximate scale showing the lot size, setback, highways existing and proposed structures, and any other pertinent features as determined by the Enforcement Officer.
- C. Commercial Permit Requirements - All applications for permits for commercial buildings must contain information detailing drainage and landscaping plans, off-street parking, off-street loading, and any other data the Permitting Board deems necessary.
- D. Flood Permits - A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Zoning Enforcement Officer and may include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area to be developed, existing or proposed structures, fill and material storage areas, drainage facilities, etc.. Duplicate copies of plans and additional project information may be requested.
- E. Notification of Property Owners
1. Determination - The Municipal Clerk and/or the Zoning Enforcement Officer shall determine which affected landowners will be provided with hearing notices. The primary consideration will be the potential impact that the proposed project could have on landowners. As a minimum, contiguous property owners shall be notified. If concurrence cannot be reached as to who should be notified then attempts shall be made to notify all landowners within 300 feet of the proposed project site.
  2. Type of Notification - The notification shall be a copy of the Public Notice advertising the hearing. The Notice shall be in clear language and shall include sufficient information such that it is easily understood what the request is for.
  3. Record - A record shall be kept of which landowners are notified and where notification is unsuccessful the reason why it is unsuccessful.
  4. Failure to Notify - Failure to notify selected property owners shall not be the basis for invalidating a requested permit/variance or hearing procedure nor of contesting the actions of the Zoning Enforcement Officer or Permitting Board.
- F. Validity - Zoning permits shall be valid for a 1-year period only. Within 1 year from the date that the zoning permit is granted, the exterior of the structure shall be completed, backfilling and rough grading will be accomplished, and no new building materials will be stored outside. Structures not completed within the time period specified by the zoning permit shall be in violation of this zoning law and shall be subject to Section 1201 Violations and Section 1202 Penalties. Upon expiration of the 1-year zoning permit period, a 1-year extension may be requested. Only one zoning permit extension of 1-year shall be allowed and this limitation shall apply to all projects for which previous permits and extension(s) were granted and have since expired. After the expiration of the 1-year extension, an applicant may apply for future extensions. However, the basis for granting or denying this zoning permit extension shall be the actual sustained construction progress that previously occurred and/or evidence of good faith intent to complete the structure - e.g., a dated/signed contract between the property owner and an insured contractor dealing with the completion of the exterior of the structure with a completion date indicated. The Zoning Enforcement Officer

shall determine if extensions are to be granted. If an extension is denied, the applicant may apply for a variance from the Zoning Board of Appeals.

G. Notification of Adjacent Property Owners - Attempts shall be made to notify in writing property owners of land adjacent to parcels of land involved in requests for zoning permits, special use permits, variances, or amendments. The notification shall be a copy of any public notice advertising the meeting or hearing. Failure of such adjacent property owners to receive such notice, however, shall not be a basis for invalidating such a building permit; nor of contesting the actions of the Enforcement Officer, Board of Appeals, Planning Board, or the Municipal Board in regard to the issuance or withholding of such permit.

H. Decisions -

1. All decisions by the Zoning Officer to grant or deny a zoning permit shall be made in writing within 20 days from the time that the completed zoning permit form is submitted along with full payment of the required fee.
2. The decision form shall, as a minimum, include a project description, location information, reference to the section of the Zoning Law that would not be complied with and a description of alternatives open to applicants who are turned down.

#### **SECTION 704 SCHEDULE OF FEES**

A. Fee Schedule - All requests that require a public hearing with legal notice by any board shall require a \$50 fee. In the event that multiple hearings are required for the same application only one \$50 fee shall be collected. All requests for Special Use Permit regarding an Adult Business Application shall require a \$250 fee.

**ARTICLE VIII  
NONCONFORMING USES**

**SECTION 801 CONTINUATION**

The lawful use of any building or land existing at the time of the enactment of this Law may be continued although such use does not conform to the provisions of this Law. However, all legally preexisting uses which do not conform to specific provisions of this Law shall not be required to comply with these provisions unless it is specifically stated within this Law that they must comply within a certain reasonable time period.

**SECTION 802 ALTERATION OF STRUCTURES**

A. Unsafe Structures - Nonconforming buildings damaged by fire, wind, and other catastrophic causes as well as structures declared to be unsafe due to general dilapidation may be restored or rebuilt for the nonconforming use it was used for last. Unsafe structures cannot be restored or rebuilt if it would result in a use which is more nonconforming than the structure was prior to becoming unsafe. When the unsafe condition was caused by fire, wind, or any catastrophic causes, the permit must be applied for within 6 months from the date of the fire, etc. Otherwise, the building permit need not be granted, as decided by the Municipal Board.

**SECTION 803 PRIOR APPROVED CONSTRUCTION**

Nothing herein contained shall require any change in plan, 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 carried on within 3 months of the date of such permit.

**SECTION 804 CESSATION**

Whenever a nonconforming use has been discontinued for a period of 1 year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this Law.

**SECTION 805 DISPLACEMENT**

No nonconforming use shall be extended or enlarged to displace a conforming use on the property or adjacent property.

**SECTION 806 DISTRICT CHANGES**

Whenever the boundaries of a district or zone shall be changed so as to transfer an area from one district or zone to another district or zone of a different classification, the provisions of this article shall also apply to any uses made nonconforming as a result of the change.

**SECTION 807 NONCONFORMING YARD CHANGES**

A permitted use which is not in conformance with yard requirements (e.g.; setbacks, etc.) may be removed and replaced with another structure (same use) which is the same or more in compliance with the yard requirements without going through area variance procedures. The Enforcement Officer shall determine the applicability of this section to specific cases. Additionally, where an existing structure does not comply with setback requirements, additions to the structure may be made where the setbacks will not be further violated. Generally, this shall apply to the filling in of irregularly shaped structures.

**SECTION 808 USE CHANGES**

A. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

**ARTICLE IX  
ZONING BOARD OF APPEALS**

**SECTION 901 CREATION**

A Zoning Board of Appeals is hereby created. Said Board shall be appointed and function in accordance with the enabling Law. Said Board shall consist of five (5) members. The Zoning Board may prescribe for its own affairs. Should any Board member have four (4) consecutive unexcused absences, this shall constitute grounds for removal pursuant to Section 7-712 (9) of Village Law.

**SECTION 902 GENERAL PROCEDURES (DUTIES)**

- A. Duties - The Zoning Board of Appeals shall act in strict accordance with procedures specified by Law and by this Zoning Law. The major duties of the Board shall be to hear and decide on variance requests as well as to interpret the meaning of the Zoning Law as requested. Additionally, they shall hear requests for selected Special Use Permits when a Variance (Use or Area) is also required.
- B. Format for Requests - All requests shall be in writing on forms prescribed by the Zoning Board of Appeals. Specific provisions of the Zoning Law shall be referred to and as a minimum, the following information shall be provided by the person requesting the variance/interpretation:
  - 1. property identification;
  - 2. project description;
  - 3. drawing of sufficient detail to provide needed information sufficient to decide on the request;
  - 4. reasons for permit denial;
  - 5. proof of unnecessary hardship or practical difficulties; and
  - 6. hearing information.
- C. Referral to Planning Board - On an optional basis, the Zoning Board of Appeals may request in writing a recommendation by the Planning Board. The failure of the Planning Board to submit said report shall be deemed to be an approval of the appeal or interpretation in favor of the applicant.
- D. Hearings - All hearing procedures shall be in accordance with appropriate laws with respect to notices, timeliness, etc.
- E. Decisions - Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings. Decisions shall be made in a timely manner in accordance with state law. As per state law, a majority of the membership are needed to pass or reject any request.
- F. Time Requirements - All appeals to the Zoning Board of Appeals for interpretations or variances shall be submitted to the Zoning Board of Appeals within 30 days of the date of denial of the application.

## **SECTION 903 INTERPRETATION**

The Zoning Board of Appeals shall have the power to interpret the meaning of this Zoning Law whenever called upon by the Municipal Board, Zoning Officer, or an aggrieved party. This shall include the power to reverse any order, requirement, decision, or determination of an administrative official or Board. This interpretive power shall include the determination of district boundary lines.

## **SECTION 904 USE AND AREA VARIANCES**

- A. Reasons for Variances - The Zoning Board of Appeals has the authority to vary or modify the strict letter of the Zoning Law where a literal interpretation would cause practical difficulties (Area Variances) or unnecessary hardships (Use Variance).
- B. Applicability & Limitations -
1. The Zoning Board of Appeals can decide appeals from a person who feels aggrieved by a decision of the Enforcement Officer.
  2. The Zoning Board of Appeals has absolutely no power to amend the Zoning Law and must exercise great care to insure that its rulings do not, in effect, amend the Zoning Law.
- C. Basis for Granting Area Variances -
1. Area Variances provide relief of a dimensional nature, (e.g., lot shape or grade) and must be based on practical difficulty. The burden of proof is on the applicant and if relief is warranted, it should be the minimum necessary.
  2. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider :
    - a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties would be created by the granting of the area variance;
    - b) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance;
    - c) whether the requested area variance is substantial;
    - d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
    - e) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.
- D. Basis for Granting Use Variances -
1. Use Variances provide relief to an applicant who is denied through application of the Zoning Law by the Permitting Board the right to use land or structures in a certain manner since the use is not listed as an allowable use in the Zoning Law. In order to be granted the Use Variance the applicant must prove that "Unnecessary Hardship" exists and this is accomplished by showing all of the following:
    - a) The applicant cannot realize a reasonable return for a permitted use under the zoning regulations, provided that lack of a return is substantial as demonstrated by competent financial evidence.
    - b) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

- c) That the requested use variance if granted will not alter the essential character of the neighborhood.
  - d) That the alleged hardship has not been self-created.
- E. In granting any variance, be it a use variance or area variance the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable and are in compliance with the intent of the Zoning Law. The decisions must be written in the form of a resolution and must state in detail the reasons for granting or denying the variance and the conditions imposed.
- F. Temporary Variances - The Zoning Board of Appeals may issue, for uses which are of a temporary nature, a Variance. Said Variance shall clearly state the conditions of the Variance to include when it shall terminate, the possibility of renewal, and other conditions deemed necessary.

## **SECTION 905 SPECIAL USE PERMITS**

- A. Applicability - Whenever a Variance (Use or Area) is required before a Special Use Permit can be reviewed, the Zoning Board of Appeals shall be the authorized Board for dealing with both the Variance and the Special Use Permit. This Special Use Permit review is only authorized by the Zoning Board of Appeals for commercial projects involving 5,000 or less square feet of floor space or residential projects involving 5 or less residential units.
- B. Basis for Granting Special Use / Site Plan Permits - See Article on Planning Board, Section on Special Use Permit.
- C. Referral to Planning Board -
1. Prior to action on Special Use Permits, the Zoning Board of Appeals shall advise the Municipal Board and Planning Board of the proposed actions.
  2. The Municipal Board and Planning Board shall have 15 days in which to review the proposed action and return their recommendation to the Zoning Board of Appeals. After the 15 days has expired, the Zoning Board of Appeals may act without receipt of a response.

## **SECTION 906 MANDATORY REFERRAL (GENERAL MUNICIPAL LAW 239 I & m)**

- A. Applicability - In accordance with General Municipal Law 239 I & m, before issuing a Special Use Permit or granting a variance affecting any real property lying within a distance of 500 feet from the boundary of this Municipality; or from the boundary of any existing or proposed county or state park or other recreation area; or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway; or from the channel owned by the county or 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 matter shall be referred to the Chautauqua County Planning Board.
- B. Response Time - Within 30 days after receipt of a full statement of such referred matter, the Chautauqua County Planning Board to which the referral is made, or an authorized agent of said the County Planning Board, shall report its recommendations thereon to the Board of Appeals, accompanied by a full statement of the reasons for such recommendations. If the Chautauqua County Planning Board fails to report within such period of 30 days, the Board of Appeals may act without such report. If the Chautauqua County Planning Board

disapproved the proposal, or recommends modification thereof, the Board of Appeals shall not act contrary to such disapproval or recommendation except by a vote of a majority plus 1 of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

- C. Report of Action - Within 7 days after final action by the Board of Appeals, modifications or disapproval of a referred matter, the Board of Appeals shall file a report of the final action it has taken with the Chautauqua County Planning Board which had made the recommendations, modifications, or disapproval.



**ARTICLE X  
MUNICIPAL PLANNING BOARD**

**SECTION 1001 CREATION**

The Municipal Board shall appoint a Planning Board consisting of five (5) members as prescribed by Law. The Planning Board may prescribe for its own affairs. Should any Planning Board member have four (4) consecutive unexcused absences, this shall constitute grounds for removal pursuant to Section 7-718 (9) of Village Law.

**SECTION 1002 DUTIES: SPECIAL USE PERMIT AND RECOMMENDATIONS**

The Planning Board shall have the following duties with respect to this Zoning Law:

**A. Special Use Permit**

1. **Applicability** - The Planning Board shall hear all requests for Special Use Permits for commercial projects involving 5,000 or less square feet of floor space and for residential projects involving 5 or less residential units. However, the aforementioned projects that also require an Area or Use Variance shall not be handled by the Planning Board (see Article IX, Zoning Board of Appeals).
2. **General Provisions** - The special uses listed in this Zoning Law for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Zoning Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
3. **Standards:** The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights, than would be the operations of any permitted use.
4. **Conditions** -
  - a) In the granting of special use permits, the Permitting Board shall attach such conditions and safeguards as it deems appropriate under this law.
  - b) The supplemental section of this Law entitled, General Development Conditions, will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested and this section is not all-inclusive.
  - c) A plan for the proposed development of a site for designated special use shall be submitted with an application for a Special Use Permit and plan shall show the location of all buildings, lots, parking areas, traffic access, and circulation drives, open spaces, landscaping, and other pertinent information that the Permitting Board deems necessary.
5. **Administrator** -
  - a) **Procedures** - the Permitting Board shall act in strict accordance with procedure specified by law and by this Zoning Law with regard to public hearings, notices, publications, etc..
  - b) **Expiration** - A Special Use Permit shall be deemed to authorize only 1 particular use and shall expire if the special use shall cease for more than 1 year for any reason.

- c) Existing Violations - No Special Use Permit shall be issued for a property where there is an existing violation of this Law.

**B. Recommendations**

1. Optional Reports - The Planning Board shall submit reports within 30 days after referral on any matters referred to it.
2. Mandatory Recommendations - The Planning Board shall submit recommendations to the appropriate Board on all applications for:
  - a) cluster residential development;
  - b) zoning amendments; and
  - c) all other uses for which a referral to the Planning Board is mandatory.
3. Failure to Report - When the Planning Board fails to make a recommendation/report within 15 days from receipt of the request, it shall be deemed that the Planning Board has no objection to the request or proposal. The 15-day requirement may be extended with permission of the Board making the referral.

- C. Review of Zoning Law - To review the Zoning Law at least every 5 years and make written recommendations for amendments, should they be necessary.**

**SECTION 1003 MANDATORY REFERRAL**

Under General Municipal Law 239 1 & m, certain Special Use Permits, variances and amendments must be referred to the County Planning Board prior to local decisions being made. See Article IX, Zoning Board of Appeals, for procedures to be followed. (Section 906 on mandatory referrals).

**ARTICLE XI  
MUNICIPAL BOARD**

**SECTION 1101 DUTIES: AMENDMENTS AND SPECIAL USE / SITE PLAN**

The Municipal Board shall have the following duties with respect to this Zoning Law.

**A. Amendments -**

1. The Municipal Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Law after public notice and hearing.
2. The Municipal Board by resolution adopted at a scheduled meeting shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given in accordance with applicable Law.

**B. Special Use Permit / Site Plan Review -**

1. **Applicability -** The Municipal Board shall hear all requests for Special Use Permits / Site Plan Reviews for all commercial / industrial projects involving over 5,000 sq. ft. of floor space and for residential projects involving more than 5 residential units.
2. **Special Use Permit Provisions -**
  - a) **General Provisions -** The special uses listed in this Zoning Law for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Zoning Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
  - b) **Standards -** The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights, than would be the operations of any permitted use.
  - c) **Conditions -**
    - (1) In the granting of Special Use Permits, the Permitting Board shall attach such conditions and safeguards as it deems appropriate under this Law.
    - (2) The supplemental section of this Law entitled, General Conditions, will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested. It should not be assumed that this section is all-inclusive.
    - (3) A plan for the proposed development of a site for designated special use shall be submitted with an application for a Special Use Permit, and the plan shall show the location of all buildings, lots, parking areas, traffic access, and circulation drives, and any other pertinent information that the Permitting Board deems necessary.
  - d) **Procedures -** The Permitting Board shall act in strict accordance with procedure specified by Law and by this Zoning Law with regard to public hearings, notices, publications, etc.
  - e) **Expiration -** A Special Use Permit shall be deemed to authorize only 1 particular use and shall expire if the special use shall cease for more than 1 year.

- f) Existing Violations - No Special Use Permit shall be issued for a property where there is an existing violation of this Law.
3. Site Plan Review Requirements -
- a) Purpose - Site plan review has the purpose of specifying for all involved parties what the intended design, arrangement, and uses of the land shall consist of so as to optimize the physical, social, environmental, aesthetic, and economic effects on the community for specified types of development.
  - b) Administration -
    - (1) Permits - The Permitting Board shall be responsible for a site plan review of all commercial development with over 5,000 square feet of floor space or residential development involving more than 5 dwelling units. In these instances the Permitting Board shall also be responsible for administering the Special Use Permit requirements, with both processes taking place simultaneously.
    - (2) Expiration - A Site Plan Review shall be deemed to authorize only 1 particular use and shall expire if the use shall cease for more than 1 year.
    - (3) Hearings - An attempt shall be made to integrate, where appropriate, the Site Plan Review requirements into the required Special Use Permit Hearing, thus eliminating the need for 2 hearings.
    - (4) Referral - The Permitting Board shall, within 7 days of receipt of the complete application, submit to the Planning Board a request for an opinion on any proposed project. The Permitting Board shall wait 14 days for a response prior to acting on the matter.
    - (5) Decision Requirements - Within 45 days of receipt of the complete application, the Permitting Board shall render a decision to the Zoning Officer. If no decision is made within the 45-day period, the site plan shall be considered approved. The applicant shall be notified in writing of its decision with the reasons for the decision specified.
  - c) Information Required - Sketches drawn to approximate scale will be prepared by the applicant, where feasible, to display the following information:
    - (1) Administration, Legal and Other Miscellaneous Information -
      - (a) project title and date;
      - (b) name, address and telephone number of applicant, owner (if different), contractor, architect, and other major involved parties;
      - (c) construction schedule to include phasing and the completion date;
      - (d) performance bond to include amount, public improvements covered and bond approval;
      - (e) location width and purpose of all easements, public land holdings, leases, covenants, deed restrictions or any other unique land restriction; and
      - (f) record of all applications for permits from the Federal, State, or County governments to include approval status.
    - (2) Existing Man-made Features to be Shown -
      - (a) boundary lines of project site as well as adjacent properties;
      - (b) ownership pattern of all adjacent parcels.
      - (c) Existing structures on project site and adjacent property within 20 feet of the property line to include location, dimensions, height, and use. Decks and accessory structures should also be shown as well as historic structures.
      - (d) Roadways to include public roads, private roads, or driveways on the site, on and off- Street parking, load/unload zones, access and egress, pedestrian pathways, or sidewalks. Width and elevations should be included.
      - (e) Utilities shall be identified to include location and size of water, sewer, drainage pipes, telephone, electric, gas, and TV cable. Additionally, any solar systems should be identified.

- (f) Miscellaneous features to include: fences, signs, outside lighting, public address systems, storage areas, and retaining walls shall be shown.
  - (g) Fire lanes and fire hydrants, if any exist, should be displayed.
  - (h) Recreational areas both on the site and adjacent should be displayed to include public and private facilities. Decks, pools, tennis courts, etc., should be included.
  - (i) Trash or garbage collection areas shall be identified.
  - (j) Services such as banks, schools, retail, or service districts should be identified.
  - (k) Zoning district boundaries shall be identified.
  - (l) Other information deemed necessary by Permitting Board.
- (3) Existing Natural Features to be Shown -
- (a) Topographic features with a minimum contour interval of 10 feet but preferably 2 feet. Areas of steep slope should be delineated.
  - (b) Geographic features such as depth to bedrock and load bearing capacity for large development proposals.
  - (c) Hydrological features including drainage and runoff patterns, flood hazard areas, wetlands, depth to ground water and drainage capacity of soil.
  - (d) Landscaping and vegetative cover including wooded areas, significant isolated trees, ground cover, shrubs, and other similar features. Buffers should be identified.
  - (e) Watercourses to include lakes, streams, or ponds.
  - (f) Archaeologically significant areas.
  - (g) Significant views of landscapes should be identified.
  - (h) Other information deemed necessary by Permitting Board.
- (4) New Proposal Features -
- (a) Referring to the existing man-made and natural features above, provide a description/sketch of any changes that are being proposed.
  - (b) Include construction materials proposed for use.
  - (c) Design features - In reviewing the Site Plan the following topics shall be considered with appropriate and reasonable design features required:
    - 1) Architectural Design
    - 2) Lighting
    - 3) Signage design
    - 4) Landscaping
    - 5) View presentation
  - (d) List the positive and negative effects for each existing feature listed above (e.g., traffic to be generated and the effects it will have on specific roadways).
  - (e) Environmental considerations - Utilizing the NYS SEQR process, identify requirements that can be incorporated into the Site Plan Permit that will maintain or enhance the site, surrounding area, and watershed by requiring and/or encouraging the use of Best Management Practices. The following shall be considered:
    - 1) Clustering development
    - 2) Buffers and screening
    - 3) Hillside development
    - 4) Site preparation staging
    - 5) Erosion and sediment controls
    - 6) Stream corridor protection
    - 7) Wetland protection
    - 8) Open space protection
    - 9) Limiting fertilizer usage
    - 10) Driveway and parking lot design

11) Tree preservation

**SECTION 1102 REFERRAL TO MUNICIPAL PLANNING BOARD**

- A. Prior to action on Zoning amendments, Special Use Permits / Site Plan Review Permits, the Municipal Board shall advise the Planning Board of the proposed action.
- B. The Planning Board shall have 30 days in which to review the proposed action and return their recommendation to the Municipal Board. After the 30 days has expired, the Municipal Board may act without receipt of a recommendation from the Planning Board.

**SECTION 1103 MANDATORY REFERRAL**

Under General Municipal Law 239 1 & m, certain Special Use Permits, variances and amendments must be referred to the County Planning Board prior to local decisions being made. See Article IX - Zoning Board of Appeals, the section on Mandatory Referrals for procedures to be followed.

**ARTICLE XII  
VIOLATIONS & PENALTIES**

**SECTION 1201 VIOLATIONS**

Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate. However, the Municipal Board shall be responsible for insuring compliance with this Law when it is brought to their attention that a violation may exist, even though no formal complaint is filed.

**SECTION 1202 PENALTIES**

Any violation of any provision of this Law by any person shall be punishable by fine or other penalties as specified by Law. Each day's continued violation shall constitute a separate additional violation. Any fine levied hereunder shall not exceed the amount of \$500.00 per violation. The Village may also maintain an action or special proceeding for an injunction or other equitable relief to compel compliance with or to restrain the violation of this Local Law. The use of any remedy shall not prevent the use of any other remedy either in combination or separately.

**ARTICLE XIII  
LEGALITY**

**SECTION 1301 CONFLICTS**

In their interpretation and application, the provisions of this Law shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Law are at variance with other requirements of this Law or the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

**SECTION 1302 SEPARABILITY**

The invalidity of any provisions of this Law shall not invalidate any other part thereof.

**SECTION 1303 REPEALER**

Any previously adopted Zoning Law or regulations of the municipality, together with all changes and amendments thereto, are hereby repealed and declared to be of no effect.

**SECTION 1304 EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.



**ARTICLE XIV  
ATTACHMENTS**

**SECTION 1 ZONING MATRIX**

**SECTION 2 ZONING MAP**