

CHAPTER 99

ZONING LAW

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Section 99.1 - Title and Scope

A. SCOPE

This Local Law regulating and restricting the location, construction, alteration, occupancy, and use of buildings and structures and the use of land in the Village of Riverside for said purposes dividing the Village into zoning districts.

B. TITLE

This Local Law shall be known and may be cited as “The Zoning Law of the Village of Riverside, New York.”

C. ENACTING AND PURPOSES

This Local Law is enacted pursuant to the Village Law of the State of New York, Chapter 64 of the Consolidated Law, Article VII, to protect and promote public health, safety, morals, comfort, convenience, economy, aesthetics, and the general welfare, and for the following additional purposes:

1. To promote and effectuate the orderly physical development of the Village of Riverside;
2. To encourage the most appropriate use of land in the community in order to conserve and enhance the value of property;
3. To eliminate the spread of strip business developments and provide for more adequate and suitably-located commercial facilities and consequently eliminate many roadside hazards and add to community attractiveness;

4. To create a suitable system of open spaces and recreation areas, and to protect and enhance existing wooded areas, scenic areas, and waterways, and flood plains;
5. To regulate building densities in order to assure access of light and circulation of air; to aid in the prevention and fighting of fires; to present undue concentration of population; to lessen congestion on streets and highways; and to provide efficient municipal utility services;
6. To improve transportation facilities and traffic circulation, to provide for adequate off-street parking, loading and unloading facilities;
7. To realize a development plan properly designed to conserve the use of land and the cost of municipal services;
8. To assure privacy for residences and freedom from nuisances and noxious conditions harmful to the senses;
9. To protect the community against unsightly, obtrusive and noisome land uses and operations; and
10. To enhance the aesthetic aspects throughout the entire community.

Section 99.2 – Establishment of Districts

A. NAMES OF ZONING DISTRICTS

In order to fulfill the purpose of these regulations, the Village of Riverside establishes and is hereby divided into the following zoning districts:

R	Residential
C	Commercial
I	Industrial
FP	Flood Plain Overlay Zone

B. ZONING MAP

The location and boundaries of said zoning districts are shown on the map designated “Official Zoning Map of the Village of Riverside,” and certified by the Village Clerk. Said map together with everything shown thereon is declared to be an appurtenant part of these regulations.

C. 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:

1. Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way line of such street, highway, public utility or watercourse is moved to a maximum of fifty (50) feet.
2. Where district boundaries are so indicated that they are approximately parallel to the Village boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be constructed as being coincident thereto or parallel thereto and at such instances there from as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
3. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion.
4. In all other cases where not dimensioned, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon, but in no instances will a district depth be less than specified minimum lot depth shown for each district in the Zoning Schedule.
5. Where physical or cultural features existing on the ground are a variance with those shown on the official Zoning Map, or in other cases not covered herein, the Zoning Board of Appeals shall interpret the boundaries.

Section 99.3 – District Regulations

A. APPLICATION OF REGULATIONS

1. No building, structure or land shall be used or occupied and not building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the zone in which it is located.

Any lawful use existing prior to the enactment of these regulations which does not conform to the requirements of these regulations may continue as a non-conforming use as provided herein (Article V).

2. No building or other structure shall hereinafter be erected or altered:
 - (a.) to exceed the height or bulk;
 - (b.) to accommodate or house a greater number of families;
 - (c.) to occupy a greater percentage of lot area;

(d.) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than required herein;

or in any other manner contrary to the provisions of these regulations.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with these regulations, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein.
5. Yards or lots created after the effective date of said regulations shall meet at least the minimum requirements established herein.

B. RESIDENTIAL – R

1. INTENT

To delineate those areas where predominantly residential development has occurred or will likely occur at medium density, including the area surrounding the Commercial District where multiple family dwellings and some intermingling of business uses have or will likely occur. High-rise apartments may be developed under prescribed standards of density and open space.

2. PERMITTED PRINCIPAL USES

Single and two family dwellings
Historical monuments and markers
Public parks and playgrounds

3. ACCESSORY USES

Private garages, private swimming pools
Fireplaces, trellises, lampposts
Carports, residential storage structures
Play equipment, required off-street parking
Similar uses clearly incidental and accessory to a permitted principal use.

4. SPECIAL PERMIT USES

Nursing or convalescent homes, hospitals
Philanthropic institutions
Professional offices
Membership clubs

Essential services
Mobile Home Park; note: single mobile homes are restricted to mobile home parks.
Multi-family dwellings
Home Occupations as provided elsewhere herein (Section 408.)
Museums
Private or parochial schools, churches

C. COMMERCIAL – C

1. INTENT

The purpose of this District is to encourage the development of areas for commercial uses to serve local and regional markets and to provide for new commercial facilities including shopping centers, with provision for accommodation of traffic and parking.

2. PERMITTED PRINCIPAL USES

Retail stores including those with incidental manufacturing or processing of goods for sale at retail only on the premises
Retail sales and display rooms, not including yards for any scrap or salvage operation, storage or sales
Theaters and amusement enterprises, bowling alley
Personal Service Establishment
Business and professional offices, newspaper offices
Printing shops, studios, Laundromats
Hotel and motel
Garages, service stations
Department stores, parking lots, furniture stores
Bus stations
Funeral homes
Small animal hospitals
Florist shops
Medial and dental clinics, nursing homes
Governmental offices
Churches, private schools
Banks, offices, restaurants, bars
Day nurseries, libraries, museums, historical monuments and markers, parks, open space
Uses of the same general character as those above, upon approval of the Zoning Board of Appeals

3. ACCESSORY USES

Any use customarily incidental to a permitted use signs as provided for in supplementary regulations.

4. SPECIAL PERMIT USES

Car washes
Membership clubs, philanthropic institutions
Essential services
Residential uses
Video Arcades

D. INDUSTRIAL DISTRICT – I

1. PERMITTED PRINCIPAL USES

Any use of an Industrial nature which involves only the processing, assembly, or packaging of previously prepared or refined materials when conducted within an enclosed building, provided that such use will not cause:

- a. Dissemination of dust, smoke, smog, gas, fumes, or odors or other atmospheric pollution, objectionable noise, glare, or vibration.
- b. Hazard of fire or explosion or other physical hazard to any adjacent real estate.

The following uses are indicative of the kind of uses intended to be permitted:

1. Machinery manufacturing such as: carburetor and small machine parts, cash registers, sewing machines, type writers and other office machines;
2. Fabrication of metal products such as: baby carriages, bicycles, metal foil, tin, aluminum, gold, metal furniture, musical instruments, sheet metal products;
3. Fabrication of paper products such as: bags, book bindings, boxes, packaging material, office supplies, processing of pharmaceutical and cosmetic products;
4. Fabrication of wood products such as: boats, boxes, cabinets, toys, etc;
5. Food and associated industries such as: bakeries, bottling, food & cereal mixing, food packaging, ice cream manufacturing,
6. Office buildings, laundry and dry cleaning; warehousing & storage of goods and products such as: building materials, farm supplies;

7. Automotive service, including sales, repairs, washing, service stations, garages, parking lots;
8. Research Laboratories.
9. Any use permitted in a commercial district as provided in Section 303.

The bulk storage of fuel for resale is specifically excluded from the intent above.

2. ACCESSORY USES

Garage & storage buildings for vehicles, equipment or materials, parking.

3. PROHIBITED USES

Celluloid, coal & coke, garbage, dead animals, refuse, natural gas (except propane) in excess of 10,000 cu. Ft., gasoline in excess amounts necessary for a retail station, gunpowder or explosives, junk, scrap, metal, paper, rags, rawhides or skins.

Section 99.4 – Supplemental Regulations

The provisions of these regulations shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations.

A. PROHIBITED USES

1. Any use of any buildings or premises in such a manner that the health, morals, safety, or welfare of the community may be endangered.

In any district, the following standards for the activities shall apply:

- a) No offensive or objectionable vibration, odor, or glare shall be noticeable at or beyond the property line.
- b) No activity shall create a physical hazard by reason of fire, explosion, radiation, or other such cause, to persons or property in the same adjacent district.
- c) There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin, or endangers health in any way.
- d) The emission of smoke, fly ash, or dust which can cause damage to the health of persons, animals, plant life, or to other forms of property shall be prohibited.
- e) The harboring of animals other than common household pets is prohibited including cattle, horses, pigs, and similar animals.

- f) Mobile homes are prohibited on single lots. Mobile homes are restricted to mobile Home Parks.

B. VISIBILITY AT INTERSECTIONS

On a corner lot in the residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets. In the area bounded by the street lines of such corner lots and a line joining points along said streets lines fifty (50) feet from the point along said street lines fifty (50) feet from the point of the intersection.

C. PROJECTIONS INTO REQUIRED YARDS

The following projections into required yards may be permitted:

Open fire escape – four feet into side or rear yards.

Awning or movable canopies, six feet into any yard.

Cornices, eaves, and other similar features, three feet into any yard.

Any open or enclosed porch or carport shall be considered a part of the building in determining the size of the required yard and lot coverage.

No accessory building shall be extended into any required yard.

D. EXCEPTIONS TO HEIGHT REGULATIONS

Height regulations shall not apply to flagpoles, radio or television antennas, spires, cupolas, water tanks, chimneys, elevator or stair bulkheads, or similar appurtenances not intended for human occupancy.

E. MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any distant, more than one structure housing a permitted principal use may be erected on a single lot, provided lot area, yard and other requirements of these regulations shall be met for each structure as though it were on an individual lot.

F. SEWAGE DISPOSAL

See: An ordinance regulating the disposal of sewage, The Construction and use of Public Sewers, Building Laterals and The Discharge of Waters and Wastes into Public Sewers. Section ___ page___ of the Village of Riverside Code of Local Laws.

G. HOME OCCUPATIONS

Where home occupations are permitted by these regulations, the following conditions shall be mandatory:

- a) A home occupation shall be defined as a use of a service character that is carried on wholly within a dwelling unit or a building or other structure accessory to a dwelling unit; and
- b) Is carried on by a member of the family residing in the dwelling unit; and
- c) Is clearly incidental and secondary to the residential use of the dwelling unit; and
- d) Which conforms to the following additional conditions:
 1. No such occupation shall involve sales of goods or merchandise except as incidental to services provided.
 2. There shall be no exterior display, no exterior sign (except one sign not exceeding 2 sq. ft. in area), no exterior storage of materials and no other exterior indication of the Home Occupation or variation from the residential character of the principal building.
 3. No equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises, or causes fluctuations on line voltage off the premises.
 4. No traffic shall be generated by such home occupations in substantially greater volume than normal in the neighborhood and any need for parking generated by such occupation shall be provided off street other than in the required yard.

H. FENCES, WALLS, AND HEDGES

1. In any required front yard, no fence, wall or hedges shall be erected, placed, planted or allowed to grow above 4 feet.
2. In side or rear yards, fences, walls, or hedges which materially obscure vision or shut out light, sun, or air, may not be over six (6) feet in height.
3. These restrictions shall not apply to retaining walls.
4. Fences, walls and hedges existing at the date of enactment of these regulations will be required to be brought into full compliance with these regulations within one (1) year from the effective date thereof.

5. In any commercial or industrial district, there shall be no restriction on fences or walls, except on a residential district boundary line where such fences or walls shall be limited to eight feet in height and except where corner clearances are required.
6. The planting of trees and shrubs by landowners shall take place on the “home-side” of the sidewalks, not in the highway right-of-way.
7. Fences, walls and hedges shall be properly maintained.
8. No barb wire or electric fences will be permitted;

I. PRIVATE SWIMMING POOLS

Private swimming pools shall be allowed in any district provided they do not encroach upon any required yard and provided further, that pools which do not extend more than four (4) feet above ground level shall be enclosed by a fence sufficient to prevent uncontrolled access by children and animals. Such fence shall not be less than four (4) feet in height and maintained with a self-latching gate of equal height. This section shall not apply to any pool less than 8’ in diameter and 1’ deep.

All pools when not in use and unattended shall be secured in such a manner as to prohibit accidental entrance by children and animals.

J. ESSENTIAL SERVICES

- a. Such facilities shall not be located on a residential street unless no other site is available and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
- b. The location, design and operation of such facilities shall be such as to not adversely affect the character of the surrounding residential area.
- c. Fences, barriers and landscaping shall be provided as required by the Zoning Board of Appeals.
- d. Noise from such installations shall not be of nature or volume as to be objectionable to adjoining residences.

K. GASOLINE FILLING STATIONS AND REPAIR GARAGES

In any district where permitted, a gasoline filling station shall be subject to the following regulations:

1. The area for use by motor vehicles, except access drives thereto, as well as any structures shall not encroach on any required yard area.
2. No fuel pump shall be located closer than 20 feet from any side lot line nor closer than 35 feet from any street line, measured from the outside edge of the fuel island.
3. No access drive shall be within 200 feet of and on the same side of the street as a school, public library, theater, church, or any other public gathering place, park, playground or fire station unless a street fifty (50) feet or more wide lies between such service station and such building or use.
4. All repair work and storage shall be within a completely enclosed building. Such repair work shall include all body repair work and spray painting.
5. Accessory goods for sale may be displayed on the pump island & the building island only.
6. Where a service station abuts a residential zone, it shall be screened by buffers of evergreen hedge or solid fencing or a combination of both. Failure to maintain such a screen in good condition shall constitute a violation of these regulations.

L. OFF-STREET PARKING

1. General Requirement

No building or structure shall be erected, enlarged or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of these regulations.

90 degree parking	9 x 19 feet
60 degree parking	10 x 19 feet
45 degree parking	9 x 20 feet
Parallel parking	9 x 20 feet

All dimensions shall be exclusive of driveways aisles, and other circulation areas.

2. Enlargements

Whenever a building or structure existing at the effective date of these regulations is changed or enlarged more than 50 % in floor area, number of employees, number of housing units, seating capacity, or otherwise,

parking shall be provided in compliance with the full requirements for the entire building.

For changes, or enlargements of less than 50%, additional parking shall be required on the basis of the enlargement only.

3. Location of Parking Spaces

- a. Parking spaces other than driveways for all residential uses, shall be located on a building portion of the same lot as the use which they are intended to serve, and shall not encroach on any requires yards.
- b. Parking spaces for commercial uses shall be located not more than seven hundred (700) feet from the principal use.

4. Municipal Lots

Spaces in municipal parking lots, where provided, may be credited toward parking requirements of new commercial uses provided that:

- a. Municipal spaces are within four hundred (400) feet of the use to be served;
- b. The parking needs of existing facilities within four hundred (400) feet and computed on the same basis as the first, and only excess capacity is used for the new facility; and
- c. A special permit for such use is obtained from the Zoning Board of Appeals.

5. Combined Uses

Combined use of one parking lot by two or more adjoining uses is permitted provided the lot is adequate for the total requirements for the several uses, unless staggered hours permit modification of total requirements, and provided further, that a written agreement covering such joint use shall be filed with approved by the Zoning Board of Appeals, provided further, that the lot or spaces so used shall be owned or leased by one or more of the joint users.

6. Location of Required Spaces

In commercial districts or industrial districts, for non-residential uses, such spaces shall be provided on the same lot, or not more than 400 feet there from. No open or enclosed parking area shall encroach on any required front-yard or required open areas. Adequate access-drives shall be provided from an adjoining public street.

7. Required Spaces

Parking spaces shall be provided in accordance with the following schedule:

TYPES OF USES	OFF-STREET PARKING SPACES REQUIRED
<u>RESIDENTIAL:</u>	
1. Family dwellings of any type	Two for each dwelling unit, garage space may be counted toward requirement.
2. Apartment hotels, apartments each unit.	One and one-half (1 ½) for
3. Lodging houses, rooming or one houses for each permanent occupant.	One for each sleeping room
<u>COMMERCIAL:</u>	
1. Gasoline stations, automobile service stations which also provide repair	One for each fuel pump and two for each service bay.
2. Hotels, motels	One per each living or sleeping unit plus one for each two employees.
3. Funeral parlors, mortuaries floor area & similar types of uses service	One for each 100 sq. ft. of in reposing rooms, parlors, or rooms.
4. Retail stores, banks, professional offices, other than medical	One floor for each 200 sq. ft. of floor area.

TYPES OF USES	OFF-STREET PARKING SPACES REQUIRED
5. Doctor and dental offices	One for each 100 sq. ft. of floor area plus one for each practitioner.
6. Restaurants, taverns, night clubs	One for each 3 seats plus one for each two employees.
7. All other types of business or commercial uses	Five and one-half (5 ½) spaces per each 1,000 sq. ft. of gross floor area.
8. Drive-in banks	Three spaces for each service window plus one space for each full-time employee.

RECREATIONAL OR ENTERTIANMENT:

1. Bowling alleys	Three for each alley plus one additional space for each 100 sq. ft. of the area used for restaurant, cocktail lounge, or similar use.
2. Outdoor swimming pools, capacity. public or club	One for each 5 persons
3. Auditoriums, sport arenas, theaters, membership clubs, and similar uses	One for each 4 seats
4. Skating rinks	One for each 250 sq. ft. of skating area.

INSTITUTIONAL:

1. Churches & places of religious assembly	One for each 5 persons capacity in the sanctuary.
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TYPES OF USES	OFF-STREET PARKING SPACES REQUIRED
2. Hospitals, sanitariums, nursing homes, children's homes & similar uses.	One for each 3 beds plus one for each employee.
3. Medical & dental clinics	Ten (10) spaces plus six for each additional practitioner.
4. Libraries, museums, & art galleries.	One for each 400 sq. st. of floor area.
<u>INDUSTRIAL:</u>	
1. All types of manufacturing, storage & wholesale	One for every 2 employees on the largest shift for which the building is designed, plus one for each motor vehicle used in the business.

Off-street parking spaces for uses not listed will be determined by the Zoning Board of Appeals.

- a) Parking requirements for uses not specifically listed herein shall be determined by the Zoning Board of Appeals.
- b) Fractional parking space requirements shall be increased by the next whole number.
- 8. Loading spaces

One off-street loading space shall be provided and maintained on the same lot for every establishment requiring more than one truck delivery per day.

A loading space shall have a minimum dimension of not less than twelve (12) feet in width and fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas. Height clearance shall not be less than fifteen (15) feet. Off-street loading areas shall not encroach on any required front or side yards, access way or off-street parking area, except that in Business Districts, existing off-street parking areas may be used for loading spaces for not more than three (3) hours per day.

The location, number, size and design of loading spaces and access ways thereto shall be approved by the Village Board prior to the issuance of a building permit or certificate of occupancy by the Zoning Officer.

9. Surfacing and Drainage

The required parking and loading spaces shall be improved with acceptable wearing surface providing dust-free surface. Proper drainage shall be provided to prevent ponding of water.

10. Landscaping

At least eight percent (8%) of the area of a lot used for off-street parking shall be devoted to landscaping with lawn, trees, shrubs, or other plant material. All loading berths and parking area of three or more spaces that abut a residential lot line and any parking lot for more than 20 cars, shall be screened by a fence six (6) feet high, or a compact evergreen hedge of a landscaped strip of trees and shrubs at least 10 feet wide, so designed as to form a visual screen from the adjoining property.

All parking areas and landscaping shall be properly maintained thereafter in a slightly and well-kept condition.

M. HIGHWAY ACCESS

Every building hereafter erected or moved shall be on a lot with frontage on a public street or highway and be so located on lots as to provide safe, convenient access for servicing, fire protection and off-high way parking. Curb-cuts protection and driveways will be carefully located and kept to a minimum in all cases. Parallel access roads or internal development roads will be required where appropriate to achieve this purpose.

Vehicular access to and from streets and highways shall consist of well defined, separate or common entrances and shall comply with the applicable regulations of the New York State Department of Transportation, or the Village of Riverside, whichever applies, and the following provisions, whichever is more restrictive.

Access drives shall not open upon any public right-of-way:

1. Within fifty (50) feet of the nearest right-of-way line of any intersecting public street or highway.
2. Where the sight distance in either direction along the public thoroughfare would be less than five hundred (500) feet when the posted speed limit exceeds thirty-five (35) miles per hour, however, when the posted speed limit is thirty-five (35) miles per hour or less, the sight distance requirement may be reduced to two hundred fifty (250) feet.

The following provisions shall not apply to access drives serving single or two-family dwellings but shall apply in the case of all other uses:

- a. Separate entrance and exit drives shall have a minimum width of twelve (12) feet and a maximum width of twenty-two (22) feet measured at right angles to the driveway centerline; shall be separated by at least a ten (10) foot traffic island; and shall not intersect the public right-of-way at an acute angle of less than sixty (60) degrees.
- b. Combined exit-entrance drives and common drives serving more than one establishment shall have a minimum width of twenty-four (24) feet and a maximum width of thirty (30) feet measured at right angles to the driveway centerline and shall intersect the public right-of-way at an angle of not less than sixty (60) degrees.

In cases where the size of an existing lot of record at the effective date of these regulations is such that strict application of these requirements would prohibit highway access to the property, a plan for access which shall provide the greatest traffic safety possible under the circumstances shall be submitted to and approved by the Village Board prior to the issuance of a permit.

N. PARKING AND LOADING AREA SETBACKS

All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property by a planting strip at least twenty (20) feet in depth.

O. SIGNS

1. Definitions:

- a. Sign: Any letter, pictorial representation, symbol, flag, emblem, illuminated or animated device displayed in any manner whatsoever, which directs attention of persons off the premises on which the sign is displayed to any object, subject, place, person, activity, product, service institution, organization, or business.
- b. Surface area (of a sign) : The surface area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included in calculating surface area, providing that the two display surfaces are joined at an angle no greater than 60 degrees. All sides of a multi-faced sign visible from any one street, shall be included in the calculations of surface area.

2. Exception

For the purpose of these regulations, the term “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or as required by law, ordinance, or government regulation.

3. Prohibited Devices

Except as provided for time and temperature signs under section 5b of this article, signs, any portions of which contain any of the following, are expressly prohibited in all districts:

- (a) No sign shall be permitted which is an imitation of or in any way resembles official traffic devices or which uses the word “stop,” “danger,” or “slow,” predominantly or in any manner which implies the need of stopping or the existence of danger to motorists.
- (b) Any sign which obstructs from view of the motorists any official traffic control device or which reduces the clear view of oncoming vehicles to a distance of less than five hundred (500) feet.
- (c) Any sign which produces glare, in extent or direction which may affect highway safety.
- (d) Any sign containing flashing, pulsating, intermittent, rotating or moving lights or simulations thereof.
- (e) Any sign containing or consisting of banners, pennants, ribbons, streamers, spinners, or other similar moving, fluttering or revolving devices.
- (f) Signs affixed to or painted upon rocks, trees, utility poles or other such structures not intended for such use.

4. Signs Permitted in All Districts

- A. The following signs shall be permitted in any district without a permit:
 - a) Signs advertising the sales, lease, or rental of the premises upon which the sign is located; said sign shall not exceed nine (9) square feet in area.
 - b) Professional name plates and rooming house signs not exceeding two (2) square feet in area.

- c) Signs denoting the name and address of the occupants, not exceeding two (2) square feet in area.
- d) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, clubs, or societies, which signs bulletin boards do not exceed twelve (12) square feet in area and are located on the premises of such institution.

B. The following signs are permitted in any district but require a zoning permit.

- 1. Any sign advertising real estate developments or subdivisions, which sign shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, product sold and provided that not more than two (2) signs shall be allowed for each development.

5. Commercial Districts and Industrial Districts

An attempt should be made to visually relate the signs of neighboring establishments. The following regulations shall apply to all signs.

- a. All signs shall be a maximum of 3 feet in height.
- b. In Industrial Areas no sign shall project above the window sill of first story above ground floor – or if no upper floor exists, 15'-0" street level.
- c. In Commercial Areas no sign shall project more than 20' from street level.
- d. All signs shall be parallel to the face of the building and no part thereof shall project more than 12 inches beyond the face of the wall or permitted marquee overhang.
- e. A maximum of one sign will be permitted for each tenant on each wall fronting on a street, plaza, or parking lot.
- f. The total area of all signs on a parcel shall not exceed 3 square feet for each lineal foot of exterior building wall on which the sign is located. If a building is divided into units for separate occupancy, the area of all signs on each unit of occupancy shall not exceed 3 square feet for each foot of exterior building wall of such unit of occupancy.
- g. A sign may be illuminated if illumination is confined to or directed to the surface of the sign. No flashing, rotating, or intermittent

illumination shall be permitted. The light sources of signs shall be designed, and where necessary shielded so as to prevent glare on adjacent properties.

6. General Regulations

Provisions of this section shall apply to all signs in all districts established by these regulations.

- a. Number of Signs: Each building may have one sign oriented to each street on which the premises have frontage, identifying the building as a whole or its predominant use.
- b. Projecting Signs: No sign shall overhang the right-of-way of a public highway. No sign except on a canopy providing shelter, shall overhang more than one-third (1/3) of the sidewalk.
- c. Illumination: Signs shall be illuminated only by a steady, stationary, shielded, light source directed solely at the sign or internal to it. Without causing glare for motorists, pedestrians, or neighboring premises.
- d. Roof signs: No sign shall be placed on the roof of any building, nor extend more than four (4) feet above the building, except that this shall not apply to painting a sign on the roof of a building, and except that four (4) story buildings may have one roof sign not exceeding 200 square feet and not projecting more than eight (8) feet above the building.
- e. Obsolete Signs: It shall be unlawful to maintain for more than thirty (30) days any sign which has become obsolete because of discontinuance of the business, service or activity which it advertises.
- f. Removal: Such obsolete signs shall be removed by the building or structure upon which such sign may be found, within ten (10) days after written notice by the Zoning Officer. Upon failure to comply with such notice within the time specified in such order, the Zoning Officer is authorized to cause removal of such sign, and any expense incidental thereto, shall be paid by the owner of the building or structure to which such sign is attached.

7. Temporary Signs

The following are allowed for a period up to six (6) months without a permit:

Construction Sign

Two unlighted sign up to twenty (20) square feet identifying persons or firms involved in construction on the site of the sign. Also, one sign up to twenty (20) square feet identifying the owner and activity for which the building is intended.

Event Sign

One unlighted sign up to thirty-two (32) square feet announcing a campaign, drive or event. Event signs are temporary, non-permanent poster and signs covering such things as political events, fairs, sporting events and shows. It shall be permitted in non-residential areas only four (4) weeks prior to the event and must be removed two (2) weeks after the event.

8. Non-Conforming Signs:

Any sign which becomes non-conforming upon the date of enactment of this law shall be removed or altered so as to conform within three (3) years after such date of enactment.

P. RESIDENTIAL CLUSTER DEVELOPMENT

In accordance with section 738, Article 7 of the Village Law, A Residential Cluster Development District will be included by amendment if and when needed.

Q. PLANNED UNIT DEVELOPMENT

A planned Unit Development section will be included by amendment if and when needed.

R. UNDERGROUND UTILITY PLACEMENT

All new utilities shall be placed underground.

S. MOBILE HOME PARKS

1. General requirements

All mobile homes intended for year-round occupancy in the Village of Riverside, shall conform to the following:

a. Code Requirements

All new mobile home units installed shall meet the requirements of ~~the~~ "New York State Code for the Construction and Installation of Mobile

Homes,” as promulgated by the State Building Code Council under Article 19 of the Executive Law.

b. Mobile Home Stands and Placement

The mobile home shall be placed upon a stand consisting of appropriate material properly placed, graded and compacted so as to be durable and adequate for the maximum load anticipated during all seasons.

The stand shall have a longitudinal gradient of zero percent (0%) to five percent (5%) and adequate crown or cross gradient for surface drainage.

The mobile home stand shall include provisions for all utility connections at appropriate locations.

The mobile home stand shall include provision for supports and ground anchors prior to, or at the time a mobile home is set in place.

c. Mobile Home Supports and Tie Downs

Supports shall be provided not more than twelve (12) feet on centers, beginning from the front of the mobile home stand. End supports shall be no more than two (2) feet from the ends of the mobile home.

Tie downs and anchors as installed shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds, and shall be withstanding a 50% overload without failure.

d. Tie down Hardware

Tie down hardware shall be resistant to weathering at least equivalent to that provided by a coating of zinc on steel strapping of not less than 0.30 ounces per square foot of surface coated.

Unless the entire tie down system, including ground anchors and connections to the mobile home is designed by a registered professional engineer or architect, tie downs shall be placed as follows:

Not more than twenty four (24) feet on centers beginning from the front line of the mobile home stand. End anchors shall not be more than six (6) feet from the end of the mobile home frame.

Over-the-top ties shall be positioned at the stud and rafter locations near the ends of the mobile home.

e. Skirting

Each mobile home shall be skirted around the bottom portion with uniform durable material properly ventilated, within sixty (60) days, weather permitting, from placement of the unit.

T. MOBILE HOME PARKS

1. Permits, Licenses, Fees

Mobile home parks in the Village of Riverside, shall conform to all applicable State regulations and the following:

a. Construction Permits

It shall be unlawful for any person to construct, alter or extend any mobile home park within the Village of Riverside, unless said person holds a valid building permit issued by said Building Officer or Village Official for the specific construction, alteration or extension proposed

b. Operating Licenses

It shall be unlawful for any person to operate and maintain any mobile home park within the Village of Riverside, unless said person holds a valid license issued annually by the Village of Riverside, in compliance with the provisions of these regulations in the name of such person for the name of such person for the specific mobile home park.

Licenses issued as provided herein shall be transferable only upon written application to and approval by the Village Board.

c. Exceptions - Gradual Improvements – Existing Parks

Mobile home parks existing prior to the effective date of this regulation shall submit a plot plan showing the park size and location of existing mobile homes and individual lots, within two months of the enactment of this local law. The mobile home park shall comply with the following provisions of part II Land Development Standards hereof within two years of the enactment of this local law: Provision # 3 and # 6. Existing parks must also comply with Part IV Community Maintenance Standards, Provisions # 1-3 within said two years.

Factors to be considered in determining the period of time in which to achieve conformity for each particular improvement shall include but not be limited to: the economic feasibility, nature and significance and extent

of the existing deviation from this standard, general depreciation, factors of materials, design of existing layout, and other similar factors.

d. Expansion of Existing Parks

No mobile home park existing at the effective date of this regulation shall be expanded, except that the expanded portion shall be in full compliance with the provisions of this regulation.

e. Application for Permit and License

Application for a construction permit or initial annual license shall be filed with the Village Clerk accompanied by payment of such fees as may be required herein.

In the case of existing parks, the application for an initial license shall be filed within ninety (90) days of the effective date of these regulations.

The applications for permits or initial licenses shall be signed by the applicant and shall include the following:

1. The name and address of the applicant, owner,
2. The location, legal description of the property on which the park is or will be located;
3. Plans and specifications of the park including but not limited to the following:
 - a) The area and dimensions of the tract of land on which the park is or will be located.
 - b) The location of all mobile home lots and stands.
 - c) The location and width of roadways.
 - d) The location of all utility lines in their respective detail.
 - e) The plans and specifications for the water supply and sewage disposal facilities.
 - f) Plans and specifications for any community service buildings.
 - g) Certification that the plans for water and sewer facilities have been approved by the New York State Department of Health.

- h) Such further information as may be requested by the Village Board or designated official to enable determination of the park's compliance with these regulations.

The application and all accompanying plans and specifications shall be filed in triplicate. The Village Board, Planning Board or designated official shall inspect the application and plans and specifications.

No permits shall be issued except in compliance with these regulations and all other applicable laws and regulations.

- f. Application for License Renewal

Upon application in writing by a license for a renewal of a license fee, the Village Board or designated official shall renew such license for another year upon determination that said park is in compliance with these regulations.

- g. Fees

The annual license fee for each mobile home park shall be \$2.50 per occupied lot as of the first day of January of each year, with a maximum fee of \$100. The annual license fee shall be payable on or before January 31st each year.

- h. Inspection

The Village Board or designated official is authorized and directed to make such inspections as are necessary to determine satisfactory compliance with these regulations. Said official shall be authorized to enter at reasonable times upon any private property (except the mobile home) for the purpose of inspecting and investigating conditions relating to the enforcement of these regulations.

- i. Revocation of License

The Village Board or designated official may revoke any license to maintain and operate a park when the license has been found guilty by a court of competent jurisdiction of violating any provision of these regulations. After such conviction, the license shall be re-issued if the circumstances leading to conviction have been

remedied and the park is being maintained and operated in full compliance with the law.

j. Penalties

A violation of these regulations is hereby declared an offense punishable by a fine not to exceed \$50 or imprisoned for a period not to exceed six (6) months or both. Each week such violation shall exist shall constitute a separate additional violation.

k. Severability Clause

Should any section, paragraph, sentence, clause or phrase of these regulations be declared unconstitutional or invalid for any reason, the remainder of said regulations shall not be affected thereby.

l. Conflict With Other Regulations

Should any provision of these regulations be in conflict with existing regulations be in conflict with existing regulations applicable in the Village of Riverside, the more restrictive regulation shall prevail.

m. Effective Date

These regulations shall take effect upon publication and posting as required by law.

U. LAND DEVELOPMENT STANDARDS

1. Minimum Park Sizes

Each mobile home park shall have a minimum area of five (5) acres containing clearly defined and marked mobile home lots and stands, streets, service buildings and recreation areas.

2. Location and Access

No mobile home park containing six (6) or more units shall be located except with direct access to a State or County highway and width appropriate frontage thereon to permit proper design of access streets.

3. Site Conditions

The mobile home park site shall in all respects be suitable for residential use. It shall not create hazards to health and safety to residents. It shall not be exposed

to objectionable smoke, dust, noise, odors, soil subsidence or the probability of flooding or erosion. The soil ground water level, drainage, rock formations, and topography shall not create hazards to property or to health and safety of residents.

4. Lot size and Density

Each mobile home lot shall meet the following minimum requirements.

- a) Minimum lot area – 5,000 square feet.
- b) Minimum lot width – 50 feet.
- c) Yard depth from internal street – 15 feet from edge of pavement.
- d) Yard depth from public streets – 50 feet from edge of pavement and 15 feet from any other park boundary.

5. Spacing

Mobile home stands shall be so located so that the mobile home unit shall be separated from other units or structures by at least 25 feet, except the accessory building.

6. Non-Residential Uses

No non-residential uses shall be permitted in any mobile home park, except such uses that are required for direct servicing of park residences and/ or the management and maintenance of the park. This shall not prohibit the sale of mobile homes located on mobile home stands and connected to appurtenant utilities.

7. Recreation Area Requirements

Not less than eight (8) percent of the gross site area shall be devoted to recreation facilities, generally provided in a central location.

Recreation areas may include space for community building and community use facilities, such as indoor recreation areas, swimming pools, hobby and service buildings.

8. Landscaping and Screening

Landscaping and screening will be required to the extent needed to provide for:

- a) Screening of objectionable views;
- b) Adequate shading;
- c) Suitable setting for mobile homes and other facilities.

Visual screening, where required, will be a solid fence six (6) feet high maintained in good condition and free of all advertising. Planted screens in lieu of such fence shall consist of evergreens not less than six (6) feet in height.

Screening may be required where appropriate for objectionable views such as laundry drying yards, refuse collection stations, accessory uses, adjacent properties.

Landscaping will be required in appropriate size, quantity, and character to provide an attractive setting for the mobile homes and accessory facilities, and to provide privacy and to minimize glare and to afford shade.

Existing natural vegetation shall be protected to the extent possible where such is suitable for preservation.

9. Parking Spaces

Off-street automobile parking spaces shall be provided at the rate of not less than two (2) car spaces for each mobile home lot plus one additional space for each four (4) mobile home lots.

Two (2) spaces shall be located on each mobile home lot and the remainder in conveniently adjacent parking bays.

Parking spaces shall be well drained and uniformly graded. Based material will be composed of gravel or crushed stone compacted to a maximum density. A smooth well drained surface durable under normal use and weather conditions shall be provided and maintained.

Minimum size of parking spaces shall be 9 x 20 feet.

10. Streets

All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot.

- a) Streets shall be provided on the site where necessary to furnish principal traffic-ways for convenient access to the mobile home stands and other important facilities on the property. Streets shall be privately owned.

- b) All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Street surfaces shall be maintained free of holes and other hazards. Extensive dusting must be prevented.
- c) Street surface drainage and overland surface drainage adjacent to streets shall be conveyed by shallow ditches to storm water drains, dry wells, or natural drainage systems.
- d) Grades of all streets shall not be more than eight (8) percent. Short runs with a maximum of twelve (12) percent may be permitted provided traffic safety is assured.
- e) Street intersections should generally be at right angles. Offsets at intersections and intersections of more than two streets at one point should be avoided.
- f) Street lighting shall be designed to produce a minimum of 0.1 foot candles at street level throughout the system. Potentially hazardous locations shall be individually illuminated with a minimum of 0.3 foot candles.
- g) The street system shall provide convenient circulation by means of minor streets and properly located collector streets.
- h) Dead end streets shall be limited to length to 1,000 feet, and shall be provided with adequate turn-arounds.
- i) Pavement widths, the entrance street connecting the mobile home park streets with a public road, shall have a minimum pavement width of 24 feet.

Minor internal streets serving less than forty (40) lots with no on-street parking shall have a minimum pavement width of twenty (20) feet.

Where on-street parking is provided, parallel parking lanes a minimum of seven (7) feet in width shall be provided.

11. Patio Pads

A patio pad shall be provided for each mobile home. The patio area shall not be less than 100 square feet with a least dimension of ten (10) feet.

Construction shall be either concrete pavement or movable units of durable weather resistant material.

12. Utilities

Water supply, sewage disposal, fuel supply and/or storage and electrical service including equipment, fittings, materials, and installation serving mobile homes and appurtenant service buildings and structures, shall be approved systems and equipment designed, constructed, maintained and operated in accordance with applicable State and local standards and regulations.

13. Electrical Service

All electrical distribution shall be placed underground.

14. Telephone Service

When telephone service is provided to mobile home spaces, the distribution system shall be placed underground.

15. Fire Protection

The water supply and fire protection facilities servicing the mobile home park shall be in accordance with the standards of the local fire prevention authority, or shall meet the fire protection standards established by the National Fire Protection Association standard N.F.P.A. No.501A, whichever is the most stringent.

V. ACCESSORY BUILDING AND STRUCTURES

1. Service Buildings

- a) Service buildings if provided, housing and sanitation facilities shall be permanent structures complying with all applicable ordinances and statues regulating buildings, electrical installations and plumbing and sanitation systems.
- b) The service building shall be well lighted at all times of day and night, and shall be well ventilated with screened openings, shall be constructed of moisture-proof material which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least sixty eight (68) degrees Fahrenheit during the period from October 1st to May 1st. The floors of service buildings shall be of water impervious material.
- c) All service buildings and the grounds of park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

2. Outdoor Storage Prohibited

No open outdoor storage shall be permitted on mobile home lots. A separate storage structure may be located on individual lots, provided such shall not be in excess of 100 square feet.

3. Awnings and Carports

Awnings and carports may be erected or maintained on a mobile home lot only as an accessory to a mobile home located on the same lot, provided:

- a. No awning or carport shall be enclosed with rigid material or walls or connected for use as habitable space or cabana.
- b. An awning or carport may be constructed on a lot line provided said awning or carport is constructed of material which does not support combustion.
- c. Awnings or carports supported in part by the mobile home and free standing awnings or carports on the same lot may be structurally interconnected.
- d. Awnings or carports supported in part by the mobile home shall not exceed twelve (12) feet in width (projection).

W. COMMUNITY MAINTENCE STANDARDS

1. Solid Waste Handling

Garbage and Refuse

Each mobile home owner shall furnish adequate metal or plastic garbage cans with tight fitting covers. The cans shall be kept in a sanitary condition at all times. It shall be the responsibility of the park owner to insure that garbage and rubbish shall be collected and properly disposed of outside of the mobile home park. Exterior property areas shall be maintained free from organic and inorganic material that might become a health accident or fire hazard. Garbage cans are to be kept in non-integral structures.

2. Responsibilities of Management

- a. Any person or persons to whom a mobile home park license is issued shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and sanitary condition at all times.

- b. The park owner shall notify the residents of all applicable provisions of these regulations and inform them of their responsibilities thereof.
- c. The management shall be responsible for the Placement of each mobile home stand insuring its stability and installing all utility connections.

3. Responsibilities of Residents

- a. The resident shall comply with all provisions of these regulations and shall maintain his mobile home lot, its facilities, and equipment in good repair and sanitary condition.
- b. The resident shall be responsible for proper Placement of his mobile home on its mobile home stand, and proper installation of all utility connections.
- c. Pets shall not be allowed to run at large or create any nuisance within the limits of any mobile home lot.
- d. Skirtings, porches, awnings, and other additions shall be installed according to instructions of the park management. When installed, they shall be maintained in good repair.
- e. Every resident of the mobile home park shall provide the management. Or any proper enforcing agency, access to any part of the mobile home lot (not including the mobile home) at reasonable times for the purposes of making inspections or repairs.

X. Definitions:

AWNING: A shade structure supported by posts or columns and partially supported by a mobile home installed, erected, or used on a mobile home lot.

CARPORT: An awning or shade structure for a vehicle or vehicles which may be free-standing or partially supported by a mobile home.

HEALTH AUTHORITY: A legally designated health authority or its authorized representative of the Village of Riverside.

INTERNAL STREET: a private way which affords principal means of access to abutting individual mobile home lots and community service buildings.

LICENSE: Any person licensed to operate and maintain a mobile home park under the terms of these regulations.

MOBILE HOME: A single-family dwelling unit built on a chassis containing complete bathroom and kitchen facilities, suitable for long-term occupancy when connected to required utilities.

MOBILE HOME LOT: A designated portion of a mobile home park designated for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

MOBILE HOME PARK: A plot of ground upon which three or more mobile homes occupied for dwellings or sleeping purposes are located, regardless of whether or not a rental charge is made for use of same.

MOBILE HOME STAND: That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

OCCUPIED LOT: A mobile home lot with a mobile home in place on the stand thereon.

PARK: A mobile home park.

PERMIT: A written document issued by the enforcing agency permitting the construction, alteration, or expansion of a mobile home park.

PERMITTEE: Any person to whom a permit is issued to maintain or operate a mobile home park under the provision of these regulations.

PERSON: Any natural individual, firm, trust, partnership, association or corporation.

Section 99.5 – Non- Conformities

A. NON CONFORMING USES, LOTS STRUCTURES

Lots, structures, uses of land and structures and characteristics of use which lawfully existed at the time of the enactment of this Local Law and which would be prohibited or restricted under the terms of this Local Law may be continued subject to the following provisions.

B. INTENT

It is the intent of this Local Law to permit non-conforming uses to continue until they are removed unless specifically given a period by which to become in conformance.

C. EXISTING UNDERSIZED LOTS OF RECORDS

Any recorded lot held in single and separate ownership prior to the adoption of this Local Law and whose area and/or width and/or depth are less than the specified minimum

lot requirements in this Local Law for that district, may be considered as complying with such minimum lot requirements and no variance shall be required provided that:

1. Such lot does not adjoin any other lot or lots by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.
2. Yards shall conform to the dimensions and requirements herein for the district in which such lot is located.

D. REDUCTION IN LOT AREA

A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner of adjoining lots. No lot may be reduced in area so that it creates a non-conforming lot in violation of any provision of this Local Law.

E. ENLARGEMENT

No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of this Local Law.

F. UNSAFE STRUCTURES

Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

G. ALTERATIONS

A non-conforming building may not be reconstructed or structurally altered to an extent exceeding in aggregate cost 50 percent of the full assessed value of said building unless the building shall be changed to a conforming use.

H. RESTORATION

A non-conforming building damaged by fire or other causes may be rebuilt not to exceed its previous non-conformity. Said buildings must be restored within 9 months of the damage.

I. DISCONTINUANCE

Whenever a non-conforming use has been discontinued for a period of six (6) months, use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Local Law.

J. CHANGES

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

K. DISPLACEMENT

No non-conforming use shall be extended to displace a conforming use.

L. PRIOR CONSTRUCTION

To avoid undue hardship, nothing in the Local Law shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations and upon which actual construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

M. CHANGE TO OTHER NON-CONFORMING USE

If no structural alterations are made, a non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use by special permit providing that the Village Board, by general rule, or by making findings in the specific case, shall find that the proposed use is no less appropriate to the district than the existing non-conforming use. When such change is permitted, the Village Board may require appropriate conditions and safeguards in accordance with the provisions of these regulations.

N. MOVING NON-CONFORMING STRUCTURES

Should any non-conforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

Section 99.6 - Administration

A. ENFORCEMENT

1. Zoning Officer

The duty of administering and enforcing this Local Law, is hereby conferred upon the Zoning Officer, who shall have such powers as are conferred upon him by this Local Law and may reasonably be implied. He shall be appointed by the Village Board and shall receive such compensation as said Board shall determine.

2. Duties of Zoning Officer

For the purpose of this Local Law, the Zoning Officer shall have the following duties:

1. To issue zoning permits in compliance with the provisions of these regulations,
2. Upon finding that any provision of this Local Law is being violated, he shall notify in writing, the person responsible for such violation and the action necessary to correct said violation;
3. Order discontinuance of illegal uses of land, buildings or structures;
4. Order removal of illegal buildings or structures, or illegal additions or structural alterations;
5. Order discontinuance of any illegal work being done; or
6. Take any other action authorized by this Local Law;
7. Submit a written monthly report to the municipal board describing and enumerating actions taken and permits issued under this Local Law.

B. PERMITS REQUIRED

1. Zoning Permit

No building or structure shall be erected, moved, added to, or enlarged; nor shall any use of buildings or land be established or changed without a Zoning Permit therefore issued by the Zoning Officer in compliance with this Local Law.

a) Expiration of Permits –

If the work for which a Zoning Permit is issued has not begun within six (6) months from the date of issuance, said permit shall expire.

If the work for which a Zoning Permit has been issued has not been substantially completed within two (2) years of the date of the permit, said permit shall expire

2. Certification of Zoning Compliance

A Certification of Zoning Compliance is required for any of the following:

- (1) Occupancy and use of buildings hereafter erected, altered, moved or extended.
- (2) Change in the use of an existing building.

- (3) Occupancy and use of vacant land, except for any use consisting primarily of tilling the soil or similar customary agricultural use.

C. APPLICATION PROCEDURE

Applications for zoning permits and certifications of Zoning Compliance shall be submitted to the Zoning Officer on forms provided by him. Such permits and certifications shall be issued only in conformance with all the provisions of this Local Law.

D. APPLICATION CONTENT

Each application shall set forth the purpose for which the building is intended and shall be accompanied by a plot plan, scale drawings and/or sketches and descriptions of the lot, building dimensions or required yards and such other information as may lawfully be required by the Zoning Officer including the number of families, number of dwelling units and conditions existing on the lot.

The zoning Officer shall make or cause to have made an inspection of each building or lot for which a certificate of Zoning Compliance has been applied for before issuing such certificate.

The original copy of such plans and/or illustrative and explanatory material shall be filed at the Village Hall.

E. FEES

The following schedule of fees shall be effective with the enactment of these regulations. Fees shall be paid at the office of the Village Clerk upon the filing of an application.

The schedule of fees shall be posted in the Municipal Hall and may be altered or amended by the Municipal Board.

Zoning Permits	\$ 5.00
Certificate of Zoning Compliance	5.00
Appeals for a Variance	30.00
Application for Special Permit	30.00
Application for Zoning Change	75.00

Fees are not refundable.

No action will be taken on any application or appeal until application or appeal until applicable fees have been paid.

F. BOARD OF APPEALS

1. Appointment

Such Board of Trustees shall provide for the appointment of a Board of Appeals consisting of three or five members, one of whom shall be appointed chairman by the Board of Trustees for a period of three years. The first appointments of members thereto shall be for terms so fixed that at least one will expire at the end of the current such year and continuing in succeeding year until the entire original appointments run out. At the expiration of each original appointment, the succeeding members shall be appointed for three-year terms in the case of a three member Board, and five-year terms in the case of a five member Board. No such term shall exceed five years. Vacancies shall be filled for the expired term of the member whose place has become vacant.

No person who is a member of the Village Board of Trustees shall be eligible for membership on such Board of Appeals.

The Board of Trustees shall have the power to remove any member of the Board for cause and after public hearing.

2. Meetings

All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as such Board may determine. Such chairman, or in his absence the deputy chairman, who shall also be appointed by the Board of Trustees, may administer oaths and compel the attendance of Witnesses. All meetings of such Board shall be open to the public.

3. Minutes

Such Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and with the Village Clerk and shall be a public record.

4. Powers and Duties

The Board of Appeals shall have all the powers and duties as prescribed by the Village Law of the State of New York and by this Local Law, which are more particularly specified as follows:

a. Administrative Review

To hear and decide appeals from and review of any order, requirement, decision, or determination made by an administrative official charged with the enforcement of this Local Law.

The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Local Law.

b. Referrals

To hear and decide all matters referred to it upon which it is required to pass under this Local Law.

c. Interpretation

To decide any question involving the interpretation of any provision of this Local Law, including determination of the exact location of any zoning district boundary in case of uncertainty with respect thereto.

d. Special Use Permits

To authorize only such special or temporary permits as the Board of Appeals is specifically authorized to pass on by the terms of this Local Law; to decide such questions as are involved in determining whether such permits should be granted; and to authorize such permits with such conditions and safeguards as are appropriate under this Local Law; or to deny said permits when not in harmony with the purposes and intent of this Local Law. (See Section 610 – Special Permits).

e. Variances

To authorize upon appeals in specific cases, such variance from the terms of this Local Law as will not be contrary to the public interest according to standards specified herein.

5. STAFF

The Board of Appeals may employ such staff assistances as may be necessary, and prescribed their duties, provided that at no time shall expenses be incurred beyond the amount of the appropriations made by the municipal board for such use and then available for that purpose.

6. PROCEDURE – BY-LAWS – FORMS

The Board of Appeals shall have the power to make and adopt such written rules of procedure, by-laws, and forms as they may deem necessary for the proper execution of their duties and to secure the intent of these regulations.

Such rules, by laws, and forms shall not be in conflict with, nor have the effect of waiving any provision of these regulations or any other regulation of the municipality.

7. BOARD OF APPEALS OFFICE

The office of the Municipal Clerk shall be the office of the Board of Appeals and every rule, regulation, requirement, decision, or determination of the Board shall immediately be filed in said office.

8. STAY OF PROCEEDINGS

An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Officer certified that by reason of facts, a stay would in his opinion, cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or a court of record on an application, on notice to the Zoning Officer and on due cause shown.

G. VARIANCES AND SPECIAL PERMITS – PROCEDURES, STANDARDS

1. PROCEDURE

The Board of Appeals shall act in strict accordance with the procedure specified by this Local Law. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board, and available from the Zoning Officer. Every appeal or application shall refer to the specific provision of these regulations involved and shall exactly set forth the interpretation that is claimed, the use for which the special permit or variance is sought, or the details of the variance that is applied for, and the grounds as the case may be.

2. NOTICE OF BOARD OF APPEALS HEARINGS

The board shall fix a reasonable time for the hearing of appeals and shall give due notice of the time set for the hearing to the applicant. Appeals shall be decided within sixty-two (62) days of the final hearing. Notice shall be by the publication of a notice in the official newspaper of the municipality and shall briefly describe the nature of the appeal and the time and place of the hearing.

- a) Public Hearing - Notice shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special permit of variance is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special permit or variance is sought, at the Municipal Hall,

and in one other public place at least ten (10) days prior to the public hearing. Any party may appear in person, or by agent, or attorney.

- b) The Board of Appeals shall make a finding that it is empowered under the section of these regulations described in the application, to grant the special permit or variance will not adversely affect the public interest.

H. STANDARDS FOR VARIANCE

No variance in the strict application of these regulations shall be granted by the Board of Appeals unless and until it finds each of the following facts and conditions exist:

1. That there are unique physical conditions, including irregularity, narrowness or shallowness of a lot size or shape, or exceptional topographic or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use of bulk provisions herein; and that the alleged practical difficulties or unnecessary hardship are not applicable generally to other land or structures in the same district;
2. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;
3. That the special conditions and circumstances do not result from the actions of the applicant;
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations or other lands, structures, or buildings in the same district;
5. That the variance if authorized, will not alter the essential character of the neighborhood or district in which the affected property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare;
6. That the variance if authorized will represent the minimum variance that will afford relief and will represent the least modifications possible of the regulation involved;
7. In no case shall a variance be granted solely for the reason of additional financial gain on the part of the applicant or owner of the land or building involved.

In granting any variance, the Board may require such reasonable conditions and safeguards as it may deem necessary to implement the purpose of these regulations.

No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance.

Under no circumstances shall a variance be granted to allow a use not permitted in the district involved or any use expressly or by implication prohibited in said district.

I. EXPIRATION

Any variance authorized by the Board which is not exercised within one year from the date of issuance shall expire automatically without a further hearing by the Board.

J. SPECIAL PERMITS – PLANNING BOARD REFERRALS

Where these regulations provide for the authorization of special permit uses pursuant to expressed standards and criteria, the Board of Appeals shall hear and decide requests for each special use by the following procedure:

At least 45 days before the date of hearing held in connection with any application submitted to the Board of Appeals, said Board shall transmit to the Planning Board a copy of said application, and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said application. The Planning Board shall submit a report of such advisory opinion prior to the date of said public hearings. The failure of the Planning Board to submit such report shall be interpreted as a favorable opinion for the application. The Planning Board shall review the application for compliance with the standards and criteria and provisions of these regulations. In the case of any matter requiring an advisory report by the Planning Board, the Zoning Board of Appeals shall advise the Planning Board in writing of the action taken and the reasons therefore.

K. STANDARDS

Before any special permit shall be authorized, the Planning Board shall make written findings certifying compliance with the specific rule governing individual special permits and that satisfactory provision and arrangement has been made concerning the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience traffic flow and control, and access in case of fire or catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special use on adjoining properties and properties in the district.

3. Refuse and service areas, with particular reference to the items in (1) and (2) above;
4. Utilities with reference to locations, availability, and compatibility;
5. Screening and buffering with reference to type, dimensions, and character;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
7. Required yards and other open space;
8. General compatibility with adjacent properties and other property in the district, and in accordance with the general or specific objectives of the municipal Comprehensive Plan and these regulations;
9. That the proposal be designed, constructed, and operated to be in harmony with the intended character of the area and be such that it will not change the general character of the area;
10. That the proposal will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance;
11. Evaluation of traffic generating characteristics of proposed uses in relation to the traffic carrying capacity of the road or street on which said use is proposed to be located.

In authorizing any special permit, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with regulations. Violations of such conditions and safeguards when made part of the conditions under which a special permit is granted shall be a violation of these regulations.

L. REQUIRED REFERRALS

As provided in Article 7, Section 239M of the General Municipal Law, before final action on amendments, special permits or variance, referrals shall be made as follows:

Any action which would affect the regulations applying to property within five hundred (500) feet of any city, town 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, road or highway, or from the existing or proposed right-of-way of any stream or drainage or drainage 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 located.

Within thirty (30) days after receipt of a full statement of such referred matter, the referral agency shall report its recommendation thereon to the municipal agency, accompanied by a full statement of the reasons for such recommendation. If such agency fails to report within thirty (30) days, or such longer period as may have been agreed upon, the municipal body having jurisdiction may act without such report.

If the referral agency disapproves the proposal or recommends modification thereof, the municipal agency having jurisdiction shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all members thereof, and after the adoption of a resolution fully setting forth the reasons for such contrary action.

M EXPIRATION

A special permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six (6) months for any reason.

N EXISTING VIOLATIONS

No special use permit shall be issued for a property where there is an existing violation of these regulations.

Section 99.7 - Amendments

A. PROCEDURE

The Village Board may from time to time, on its own motion, or on petition, or on recommendation from the Planning Board, amend the regulations and districts established under this Local Law after public notice and hearing on each case. All petitions for any amendment of the regulations or districts herein established shall be filed in writing in a form required by the Village Board.

B. PROTEST BY OWNERS

If a protest against a proposed amendment is presented to the Village Board, duly signed and acknowledged by the owners of twenty percent or more of the area of land included in such proposed amendment, or by the owners of twenty percent or more of the area of the land immediately adjacent extending 100 feet there from, or by the owners of twenty percent or more of the area of land directly opposite thereto, such amendment shall not be passed except by the favorable vote of at least three-fourths of the members of the Village Board.

C. ADVISORY REPORT BY PLANNING BOARD

Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to the Village Board, accompanied by a full statement of the reasons for such recommendations,

prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the days of receipt of notice or such longer time as may have been agreed upon by it and the Village Board, the Village Board may act without such report. If the Planning Board disapproves the proposed amendment, or recommends modification thereof, the Village Board shall not act contrary to such disapproval or recommendation except by the reasons for such contrary action, a copy of said resolution to be furnished to the Planning Board.

D. PUBLIC NOTICE AND HEARING

The Village Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:

1. By publishing a notice of the proposed amendment and the time and place of the public hearing in the official paper of the Village, not less than 10 days prior to the date of public hearing.

2. REQUIRED REFERRALS

By giving written notice of hearing to any required municipal, County or State agency in the manner prescribed by Article 12-B, Section 239 of the General Municipal Law. (See section 612 herein).

E. PUBLICATION AND POSTING

Every amendment to this Local Law, including any map incorporated therein, adopted in accordance with the Village Law shall be entered in the minutes of the Village Board and a copy thereof exclusive of any map incorporated therein, shall be published once in the official newspaper of the village and a copy of such amendment together with a copy of any map incorporated therein, shall be posted on a sign board maintained by the Village Clerk pursuant to the Village Law. Affidavits of the publication and posting thereof shall be filed with the Village Clerk.

F. PERIODIC REVIEW

When these regulations have been in effect for one (1) year, and each successive three years thereafter, a review committee consisting of the Zoning Officer shall review this Local Law in its entirety and submit a report to the Village Trustees recommending needed change to these regulations and/or map, if any.

The Village Board shall not act contrary to such recommendation except by a proper resolution fully setting forth the reasons for such contrary action.

Section 99.8 – Interpretation and Application

A. LEGISLATIVE INTENT

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, and general welfare.

B. NON-INTERFERENCE AND PRECEDENCE

This Local Law shall not interfere with, abrogate, annul, or repeal any ordinance of any rule, regulation, or permit, previously or hereafter enacted, adopted, or issued pursuant to law, provided that, unless specifically excepted. Where this Local Law imposes greater restrictions, its provisions shall control.

C. PENALTIES AND ENFORCEMENT

Violation of this Local Law is punishable by a fine not to exceed \$250.00 for each violation thereof. Each week the violation continues shall be deemed to be a separate and distinct violation. In all cases, the Board of Trustees may enforce obedience to this Local Law by injunction.

D. SEPARATE VALIDITY

If any section, subsection, paragraph, clause, or other provisions of this Local Law shall be invalid, the invalidity of such section, subsection, paragraph, clause or other provision shall not affect any of the provisions of this Local Law.

E. EFFECTIVE DATE

This Local Law shall be effective ten (10) days after publication and posting, as provided by the Village Law.