

Chapter 200

ZONING

GENERAL REFERENCES

Adult uses — See Ch. 59.

Streets and sidewalks — See Ch. 163.

Building construction and fire prevention — See Ch. 76.

Subdivision of land — See Ch. 167.

Flood damage prevention — See Ch. 108.

Trees — See Ch. 178.

Sewer use — See Ch. 147.

Water — See Ch. 189.

ARTICLE I
General Provisions

§ 200-1. Enacting clause; legislative authority.

The Village Board of the Village of Palmyra in the County of Wayne, under the authority of the Village Law of the State of New York, hereby ordains, enacts and publishes as follows.

§ 200-2. Title.

This chapter shall be known as “Local Law No. 3 of 1967,” and the map referred to herein and made a part of this chapter shall be known as the “Zoning District Map.”¹

§ 200-3. When effective.

This chapter shall be effective immediately.

§ 200-4. Zoning Board of Appeals/Planning Board. [Amended 8-1-2016 by L.L. No. 2-2016]

The Village of Palmyra Planning Board is hereby abolished. All functions of the Planning Board are hereby transferred to the Zoning Board of Appeals, to be known hereafter as the "Zoning Board of Appeals/Planning Board" ("ZBA/Planning Board"). All references to either "Planning Board" or "Zoning Board of Appeals" contained in the Code of the Village of Palmyra shall be replaced with the term "Zoning Board of Appeals/Planning Board."

§ 200-5. Conflict with other regulations.

Where a provision of this chapter is found to be in conflict with or in any other local law of the Village existing on the effective date of this chapter, or in any regulation issued under the authority of such code or ordinance, the provision which establishes the higher standard for the protection of health, safety and welfare shall prevail.

§ 200-6. Purpose.

- A. The purposes of this chapter are set forth in general terms in the Village Law which enables the Village to adopt this chapter. The provisions of this chapter shall be held to be the minimum requirements for the protection of the health, safety and welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable standards of the physical environment.
- B. It is fundamental for the purpose of this chapter to recognize that some existing lots in the Village are more difficult to use for the intended purpose because of location, size, slope or general topography. Usually such differences will not make use of a lot impractical, although such use may require greater expense or ingenuity. Where such lots cannot practically be used for a permitted use, the remedy of variance is available to permit modifications in yard or other requirements to make possible a

1. Editor's Note: The current Zoning District Map is on file in the office of the Village Clerk.

use generally permitted in the district, but not to permit a more intensive use. Difficulty in using land for a permitted dwelling because of topography problems should not justify use of the land for a commercial use not normally permitted but should justify only accommodation in the regulations so as to facilitate a dwelling.

- C. It is the further intent that the administration of this chapter, where it affects properties near or adjacent to the Village boundary lines, will be such as to promote administrative cooperation with bordering municipalities for the benefit and protection of all properties.
- D. This section, together with all provisions of the chapter, shall be considered when appraising the spirit of this chapter as a guide to its interpretation.

ARTICLE II

Word Usage and Definitions

§ 200-7. Word usage.

For the purpose of this chapter, certain terms and words are herein defined; whenever used in this chapter, they shall have the meaning indicated in this article, except where the context indicates a clearly different meaning. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the words “used for” include the meaning “designed or redesigned for” and vice versa; the word “shall” is mandatory and not discretionary; and the word “may” is permissive.

§ 200-8. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

ABANDONED SIGN — A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.[Added 5-16-2005 by L.L. No. 4-2005]

ACCESSORY STRUCTURE — A detached subordinate structure, the use of which is incidental to the main structure or the use of the land.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

AGRICULTURAL FAIRGROUNDS — An area of land, including structures thereon, that is used primarily for the display and judging of agricultural products, animals and machinery, during a period of not to exceed seven days per year or such additional period of time as may be required by state regulations in order to qualify for premium payment.[Added 5-7-1979 by L.L. No. 4-1979]

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts or exit facilities or an enlargement, whether by extending on a side, by increasing in height or by moving from one location or position to another.

ALTERATION, STRUCTURAL — Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

ANIMATED SIGN — A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this chapter, include the following types:[Added 5-16-2005 by L.L. No. 4-2005]

A. **ELECTRICALLY ACTIVATED** — - Animated signs producing the illusion of movement by means of electronic, electrical or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

(1) **Flashing.** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of nonillumination. For the purposes of this chapter, flashing will not be defined as occurring if the cyclical period between on and off phases of illumination exceeds four seconds.

(2) **Patterned illusionary movement.** Animated signs or animated portions of signs

whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

- B. ENVIRONMENTALLY ACTIVATED — - Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

ARCHITECTURAL PROJECTION — Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also, "awning;" "back-lit awning;" and "canopy, attached and freestanding." **[Added 5-16-2005 by L.L. No. 4-2005]**

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 uncovered porches, terraces and steps.

AREA, LAND — When referring to the required area per dwelling unit, means net land area, the area exclusive of any streets and alleys.

AUTO COURT — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities.

AUTOMATIC COIN LAUNDRY OR DRY CLEANER — A business premises equipped with individual clothes washing or cleaning machines for the principal use of retail customers.

AUTOMOBILE AND/OR TRAILER SALES AREA — An open area, other than a street or way, used for the display or sale of new or used automobiles or trailers and where minor and incidental repair work, other than body and fender, may be done.

AUTOMOBILE LAUNDRY — Establishment for the washing of motor vehicles as a principal use.

AUTOMOBILE REPAIR GARAGE — A building used for the repair of motor vehicles involving operations not permitted at a gasoline station.

AUTOMOBILE WRECKING — The dismantling or wrecking of used automobiles or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AWNING — An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of non-rigid materials and/or fabric on a supporting retractable framework. **[Added 5-16-2005 by L.L. No. 4-2005]**

AWNING SIGN — A sign displayed on or attached flat against the surface or surfaces of an awning. See also, "wall" or "fascia sign." **[Added 5-16-2005 by L.L. No. 4-2005]**

BACKLIT AWNING — An awning with a translucent covering material and a source of illumination contained within its framework. **[Added 5-16-2005 by L.L. No. 4-2005]**

BANNER — A flexible substrate on which copy or graphics may be displayed. **[Added 5-16-2005 by L.L. No. 4-2005]**

BANNER SIGN — A sign utilizing a banner as its display surface.[**Added 5-16-2005 by L.L. No. 4-2005**]

BASEMENT — A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground.

BILLBOARD — See "off-premises sign" and "outdoor advertising sign." [**Added 5-16-2005 by L.L. No. 4-2005**]

BOARDINGHOUSE — A building or portion thereof, other than a hotel, containing not more than one dwelling unit where meals and lodging are provided for three or more persons in addition to the family unit.

BUILDING — A structure having a roof for the housing or enclosure of persons, animals or chattels.

BUILDING, ACCESSORY — A subordinate building, or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

BUILDING ELEVATION — The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.[**Added 5-16-2005 by L.L. No. 4-2005**]

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which said building is situated.

CANOPY (ATTACHED) — A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and cantilevered from such building. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light.[**Added 5-16-2005 by L.L. No. 4-2005**]

CANOPY (FREESTANDING) — A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.[**Added 5-16-2005 by L.L. No. 4-2005**]

CANOPY SIGN — A sign affixed to the visible surface(s) of an attached or freestanding canopy. For reference, see Figure 200-25 A(1)(b).²[**Added 5-16-2005 by L.L. No. 4-2005**]

CELLAR — A portion of the building having 1/2 or more of its height below the average level of the adjoining ground.

CEMETERY — Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

CHANGEABLE SIGN — A sign with the capability of content change by means of manual or remote input, including signs which are:[**Added 5-16-2005 by L.L. No. 4-2005**]

A. **MANUALLY ACTIVATED** — - Changeable sign whose message copy or content can be changed manually.

2. Editor's Note: Sign figures are included at the end of this chapter.

- B. **ELECTRICALLY ACTIVATED** — - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices or it may be from an external light source designed to reflect off the changeable component display. See also, "electronic message sign or center."

CHURCH — Includes any or all of the following: church, cathedral, temple, synagogue, manse, rectory, convent, parish school or similar building incidental to the particular use; school for religious education; convents and other buildings for the housing of students, teachers, communicants and domestic or maintenance employees, but not including business offices (except administrative offices incidental to the operation of the particular use), rescue missions or the occasional use for religious purposes of properties not regularly so used.

CODE ENFORCEMENT OFFICER — The agent or representative of the Village of Palmyra, or his delegates or deputies, responsible for the enforcement of the ordinances and codes of the Village.**[Added 5-16-2005 by L.L. No. 4-2005]**

COMBINATION SIGN — A sign that is supported partly by pole and partly by a building structure.**[Added 5-16-2005 by L.L. No. 4-2005]**

COPY — Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.**[Added 5-16-2005 by L.L. No. 4-2005]**

COVERAGE — That percentage of the plot or lot area covered by the building.³

DEVELOPMENT COMPLEX SIGN — A freestanding sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with § 200-25G(2) of this chapter.**[Added 5-16-2005 by L.L. No. 4-2005]**

DIRECTIONAL SIGN — Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.**[Added 5-16-2005 by L.L. No. 4-2005]**

DOG KENNEL — A structure used for the harboring of more than three dogs that are more than six months old.

DOUBLE-FACED SIGN — A sign with two faces, back to back.**[Added 5-16-2005 by L.L. No. 4-2005]**

DRIVE-IN USE — Any use customarily providing service to or selling at retail to a person occupying an automobile.

DWELLING — A building or portion thereof designed for and used primarily for human occupancy and having the floor area required in this chapter, but not including auto courts, hospitals, hotels, boardinghouses, residential clubs, rooming houses and the like.

DWELLING GROUP — A group of two or more one-family, two-family or multiple dwellings occupying a lot in one ownership and having any yard in common.

3. Editor's Note: The former definition of "customary home occupation or profession," which immediately followed this definition, was repealed 6-1-1992 by L.L. No. 2-1992.

DWELLING, MULTIPLE-FAMILY — A building or portion thereof containing three or more dwelling units.

DWELLING UNIT — One or more living or sleeping rooms with cooking and sanitary facilities for one person or one family.

EDUCATIONAL INSTITUTION — A college or university giving general academic instruction. Included within this term are areas of structures used for administration, housing of students or faculty, dining halls and social or athletic activities, when located on the institution's land that is not detached from that portion of the campus where classroom facilities are maintained by more than street and/or other property owned by the institution.

ELECTRIC SIGN — Any sign activated or illuminated by means of electrical energy.**[Added 5-16-2005 by L.L. No. 4-2005]**

ELECTRONIC MESSAGE SIGN OR CENTER — An electrically activated changeable sign whose variable message capability can be electronically programmed.**[Added 5-16-2005 by L.L. No. 4-2005]**

EXTERIOR SIGN — Any sign placed outside a building.**[Added 5-16-2005 by L.L. No. 4-2005]**

FACADE — See "building facade."**[Added 5-16-2005 by L.L. No. 4-2005]**

FAMILY — One or more persons occupying a dwelling unit as a single, nonprofit housekeeping unit, who are living together as a bona fide stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family.**[Amended 11-17-2005 by L.L. No. 2-2003]**

FASCIA SIGN — See "wall sign."**[Added 5-16-2005 by L.L. No. 4-2005]**

FLASHING SIGN — See "animated sign, electrically activated."**[Added 5-16-2005 by L.L. No. 4-2005]**

FLOOR AREA (of a building) — The sum of the gross horizontal area of the several floors, including the basement of a building and its accessory buildings on the same lot, and including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA RATIO — The floor area of a building divided by the area of the occupied lot.

FREESTANDING SIGN — A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. For visual reference, see Figure 200-25 A(1)(a).**[Added 5-16-2005 by L.L. No. 4-2005]**

FRONTAGE (BUILDING) — The length of an exterior building wall or structure of a single premises oriented to the public way or other properties that it faces.⁴**[Added 5-16-2005 by L.L. No. 4-2005]**

FRONTAGE (PROPERTY) — The length of the property line(s) of any single premises along either a public way or other properties on which it borders.**[Added 5-16-2005 by L.L. No. 4-2005]**

4. Editor's Note: Sign figures are included at the end of this chapter.

GARAGE — A building or part of building used for the parking of one or more operative motor vehicles.

GARAGE, REPAIR — See “automobile repair garage.”

GASOLINE STATION — Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and lubricating substances, including 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.

GROUND SIGN — See "freestanding sign." **[Added 5-16-2005 by L.L. No. 4-2005]**

HEIGHT OF BUILDING — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

HEIGHT OF STRUCTURE (other than a building) — Vertical distance between the mean elevation of the base of the structure and the highest point of the structure.

HOME OCCUPATION — An income-producing occupation or profession carried on wholly within the principal building or within a building accessory thereto where: **[Added 6-1-1992 by L.L. No. 2-1992]**

- A. The occupation is carried on by a member of the family residing in the dwelling (and no more than one other person other than the immediate family);
- B. The appearance of the structure or property is not altered or expanded to accommodate the home occupation, or otherwise causes the premises to differ from residential character;
- C. The occupation is clearly incidental and secondary to the use of the dwelling unit for residential purposes;
- D. There is no exterior display, sign, storage of equipment or materials or any other indication of the home occupation, including noise, vibration, smoke, dust, odors, heat or glare;
- E. The occupation shall not detract from the uses of neighboring properties; and
- F. The home occupation will not cause a hazard to health, safety or use of neighboring properties.

HOSPITAL — Includes sanitarium, sanitorium and preventorium for the diagnosis, treatment or other care of human ailments. **[Amended 10-26-1970 by L.L. No. 4-1970]**

HOTEL — A building designed primarily for occupancy as the temporary abiding place of individuals who are lodged with or without meals, in which building:

- A. There are more than 12 sleeping rooms.
- B. Incidental business may be conducted.
- C. There may be club rooms, ballrooms and common dining facilities.

D. Such hotel services as maid, telephone and postal services are provided.

IDENTIFICATION SIGN — A sign used to identify a specific property by address, occupant or use.**[Added 5-16-2005 by L.L. No. 4-2005]**

ILLUMINATED SIGN — A sign characterized by the use of artificial light either projecting through its surface(s) (internally illuminated) or reflecting off its surface(s) (externally illuminated).**[Added 5-16-2005 by L.L. No. 4-2005]**

INSTITUTIONAL HOME — A building used for the full-time home of three or more babies, children or aged persons, a rest home, nursing home, related health facility, clinic and convalescent home, except correctional institutions or hospitals.**[Amended 10-26-1970 by L.L. No. 4-1970]**

INTERIOR SIGN — Any sign placed within a building, but not including "window signs" as defined by this section. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.**[Added 5-16-2005 by L.L. No. 4-2005]**

JUNKYARD — A lot, land or structure, or part thereof, over 200 square feet in area, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof, except as accessory to a principal manufacturing use on the lot.

LOADING SPACE — An off-street space or berth, abutting upon a street or way or other appropriate means of access, intended for the temporary standing of a commercial vehicle while being loaded or unloaded, which space or berth is not less than 10 feet in width and sufficient in length, measured perpendicularly to the street or way, to ensure that no vehicle using the space shall extend beyond a property line, but in no case less than 25 feet in length and which has a clear height of not less than 15 feet.

LOT — A parcel of land.

LOT, BUILDABLE AREA OF — That portion of a zoning lot or an accredited zoning lot bounded by required front, rear and side yards.

LOT, CORNER — A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°.

LOT DEPTH — The distance between the front and rear lot lines measured along the median between the two side lot lines as determined by the Zoning Administrator.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINES — The lines that bound a lot.

LOT WIDTH — The distance between the side lot lines measured along the front building line as determined by the prescribed front yard requirement.

MAJOR EXCAVATING, GRADING OR FILLING — Any operation, other than in connection with the foundation for a structure, involving:

- A. Strip or other mining of minerals; excavating of sand, gravel or rock and the washing, screening, grading, crushing of rock or gravel; sanitary and other fills; or
- B. Material alteration of the ground surface so as to affect streets, recreation sites and other public facilities, or physically affect private property within 1,000 feet of the intended operation; or

- C. A volume of earth movement exceeding an average of one cubic foot per square foot of surface area, or 1,000 cubic yards, whichever is the lesser; or
- D. A change in ground elevation exceeding 10 feet.

MANSARD — An inclined decorative rooflike projection that is attached to an exterior building facade.**[Added 5-16-2005 by L.L. No. 4-2005]**

MECHANICALLY ACTIVATED — Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.**[Added 5-16-2005 by L.L. No. 4-2005]**

MOTEL — See “auto court.”

MOTOR FREIGHT TERMINAL — Any premises used by a motor freight company regulated by the Public Service Commission of New York and/or the Interstate Commerce Commission as a carrier of goods, which is the origin and/or destination point of goods being transported for the purpose of storing, transferring, loading and unloading such goods.

MULTIPLE-FACED SIGN — A sign containing three or more faces.**[Added 5-16-2005 by L.L. No. 4-2005]**

NONCONFORMING SIGN — A sign lawfully existing on the effective date of this chapter or subsequent amendment hereto, which does not conform to the sign regulations applicable in the district in which it is located.

NONCONFORMING STRUCTURE — A structure or portion thereof, other than a sign, lawfully existing on the effective date of this chapter or subsequent amendment thereto, which was erected or altered for a use that does not conform to the use regulations applicable in the district in which it is located.

NONCONFORMING USE — A use of a structure or land, other than a sign, lawfully existing on the effective date of this chapter or subsequent amendment thereto, which does not conform to the use regulations applicable in the district in which it is located.

NURSERY SCHOOL — A school designed to provide daytime care or instruction for two or more children from two to five years of age, inclusive, and operated on a regular basis.

OFF-PREMISES SIGN — See "outdoor advertising sign."**[Added 5-16-2005 by L.L. No. 4-2005]**

ON-PREMISES SIGN — A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.**[Added 5-16-2005 by L.L. No. 4-2005]**

OUTDOOR ADVERTISING SIGN — A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.**[Added 5-16-2005 by L.L. No. 4-2005]**

PARAPET — The extension of a building facade above the line of the structural roof.**[Added 5-16-2005 by L.L. No. 4-2005]**

PARKING SPACE — A space in a parking garage or parking area not less than nine feet

wide and 20 feet long, exclusive of passageways and driveways, giving access thereto, and having direct access to a street or alley.

POLE SIGN — See "freestanding sign." **[Added 5-16-2005 by L.L. No. 4-2005]**

POLITICAL SIGN — A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign. **[Added 5-16-2005 by L.L. No. 4-2005]**

PORTABLE SIGN — Any sign not permanently attached to the ground or to a building or building surface. **[Added 5-16-2005 by L.L. No. 4-2005]**

PROJECTING SIGN — A sign other than a wall sign that is attached to or projects more than 12 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Figure 200-25 A(1)(a).⁵ **[Added 5-16-2005 by L.L. No. 4-2005]**

PUBLIC — Owned, operated or controlled by a government agency (federal, state or local), including a corporation created by law for the performance of certain specialized governmental functions, or a public school district or service district.

REAL ESTATE SIGN — A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located. **[Added 5-16-2005 by L.L. No. 4-2005]**

REVOLVING SIGN — A sign that revolves 360 degrees about an axis. See also, "animated sign, mechanically activated." **[Added 5-16-2005 by L.L. No. 4-2005]**

ROOFLINE — The top edge of a peaked roof or, in the case of an extended facade or parapet, the upper-most point of said facade or parapet. **[Added 5-16-2005 by L.L. No. 4-2005]**

ROOF SIGN — A sign mounted on and supported by the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference example of a roof sign, and a comparison of differences between roof and fascia signs, see Figure 200-25 A(1)(b).⁶ **[Added 5-16-2005 by L.L. No. 4-2005]**

SCHOOL — Any place of instruction in any branch of knowledge.

SCHOOL, ELEMENTARY — Any school having regular sessions with regularly employed instructors which teaches those subjects that are fundamental and essential in general education and which teaches and provides elementary education, under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body, or a corporation meeting the requirements of the state.

SCHOOL, SECONDARY — Same as elementary school, except secondary education is provided.

SCHOOL, VOCATIONAL — Any school having regular sessions with regularly employed instructors which, as a principal activity, provides training in a trade or vocation and teaches those subjects that are fundamental and essential in elementary

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or secondary education, under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body, or a corporation meeting the requirements of the state.

SIGN — Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.**[Amended 5-16-2005 by L.L. No. 4-2005]**

SIGN AREA — The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double sided or V-shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50% of the sum of the area of all faces of the sign.**[Added 5-16-2005 by L.L. No. 4-2005]**

SIGN, BUSINESS — A sign which directs attention to a business, profession or industry located upon the premises where the sign is displayed, to the type of products sold, manufactured or assembled and/or to service or entertainment offered on said premises; except a sign pertaining to the preceding if such activity is only minor and incidental to the principal use, of the premises.

SIGN COPY — Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.**[Added 5-16-2005 by L.L. No. 4-2005]**

SIGN FACE — The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. See § 200-25A(1)(d).**[Added 5-16-2005 by L.L. No. 4-2005]**

- A. In the case of panel or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
- B. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
- C. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
- D. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN, IDENTIFICATION — A sign used to identify the individual or organization occupying the premises or the name of the building on which the sign is displayed.

SIGN, REAL ESTATE — A sign advertising the property on which it is located, or a building located thereon, for sale, rent or lease preceding such transaction only.

SIGN, SPECIAL EVENT — A temporary sign giving notice of a special event or activity if not more than a quarterly occurrence.

SIGN STRUCTURE — Any structure supporting a sign.**[Added 5-16-2005 by L.L. No. 4-2005]**

SIGN, TRAFFIC INFORMATION — A sign used to provide only directional information relative to entrances, exits and traffic circulation.

STOP, BUMPER — A barrier capable of effectively preventing any encroachment by any part of a conventional passenger motor vehicle on or over an area.

STOP, WHEEL — A barrier capable of effectively preventing encroachment on an area by the operating wheels of a motor vehicle.

STREET — Any right-of-way greater than 20 feet in width dedicated to public travel and serving the abutting properties as a means of access.

STREET LINE — The right-of-way line of a street as indicated by dedication or by deed of record or appearing on a duly adopted Official Map, such line to be determined by the Zoning Administrator in the instance of any question.

STRUCTURE — That which is built or constructed, or a portion thereof.**[Amended 5-16-2005 by L.L. No. 4-2005]**

SWIMMING POOL — Any body of water (excluding natural bodies of water fed by rivers, streams or brooks) or receptacle for water having a depth at any point greater than two feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above the ground outside any building.

TEMPORARY SIGN — A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground or not permanently fixed to a building or sign structure that is permanently embedded in the ground are considered temporary signs.**[Added 5-16-2005 by L.L. No. 4-2005]**

THEATER — A building or part of a building devoted to presenting entertainment on a paid admission basis.

TOURIST HOME — A private residence in which overnight accommodations are provided for not more than 10 transient paying guests.

TRAILER, BOAT — A vehicle designed exclusively for the transportation of one boat of less than ten-foot beam and twenty-four-foot length.

TRAILER, CAMP — A vehicle or portable structure not over 150 square feet in floor area, equipped for, but not regularly used for, sleeping.

TRAILER, CARGO — A vehicle, not over 70 square feet in floor area, used for the hauling of cargo.

UNDER CANOPY SIGN or UNDER MARQUEE SIGN — A sign attached to the underside of a canopy or marquee.**[Added 5-16-2005 by L.L. No. 4-2005]**

USE — The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use,” or its

equivalent, shall not be deemed to include any nonconforming use.

V SIGN — Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90° with the distance between the sign faces not exceeding five feet at their closest point.**[Added 5-16-2005 by L.L. No. 4-2005]**

WALL OR FASCIA SIGN — A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 12 inches from the building or structure wall, including signs affixed to architectural projections from a building, provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For visual reference and comparison examples of differences between wall or fascia signs and roof signs, see Figure 2005-25 A(1)(a).⁷**[Added 5-16-2005 by L.L. No. 4-2005]**

WINDOW SIGN — A sign affixed to or within 12 inches directly behind the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.**[Added 5-16-2005 by L.L. No. 4-2005]**

YARD — An open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky.

YARD, FRONT — A yard extending across the full width of the lot and abutting the front lot line, the required depth of which yard is a prescribed minimum distance between the front lot line and a line parallel thereto on the lot.

YARD, REAR — A yard extending across the full width of the lot and abutting the rear lot line, the required depth of which yard is a prescribed minimum distance between the rear lot line and a line parallel thereto on the lot.

YARD, SIDE — A yard extending from the front yard to the rear yard and abutting a side lot line, the required width of which yard is a prescribed minimum distance between the side lot line and a line parallel thereto on the lot.

7. Editor's Note: Sign figures are included at the end of this chapter.

ARTICLE III
Establishment of Districts; District Map

§ 200-9. Districts established. [Amended 11-17-2003 by L.L. No. 2-2003; 8-1-2011 by L.L. No. 1-2011]

To carry out the purposes of this chapter, the area of the Village is hereby divided into the following types of districts. For convenience in discussion, in the text and on the Zoning District Map, each district has been assigned an identifying short title. Such short title may be used in the text or on the Zoning Map to identify the district.

District	Short Title
Residence 1	R-1
Commercial Overlay (R-1)	RC-1
Residence 2	R-2
Commercial Overlay (R-2)	RC-2
Central Commercial	C-1
General Commercial	C-2
Highway Commercial	C-3
Neighborhood Commercial	C-4
Industrial	I
Office Park/Multiple-Family Overlay	OM
Business Overlay	BO

§ 200-10. District relationships.

No ranking or hierarchy is intended among districts; for example, a residential district is not necessarily considered a higher type of district than a commercial district. Each district is designed to provide optimum conditions for the intended uses. Uses permitted in a residential district are, therefore, not automatically permitted in a commercial district, nor are commercial uses necessarily permitted in an industrial district. For convenience, and where applicable, uses may be permitted by reference when they are identical in several districts.

§ 200-11. Zoning District Map.

- A. Establishment. The locations of the districts enumerated in preceding § 200-9, and the boundaries of such districts, are hereby established as shown upon the map which is attached hereto and made a part of this chapter, being designated as the "Zoning District Map." The said Map and all the notations, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by said Map were all fully described herein.⁸
- B. Boundary determination. The boundaries of districts shall be as shown by heavy solid lines on the Zoning District Map. Where uncertainty exists as to any of said

8. Editor's Note: The current Zoning District Map is on file in the office of the Village Clerk.

boundaries as shown on said Map, the following rules shall apply:

- (1) Where such boundaries are indicated as approximately following the center lines of streets, alleys, railroads, streams or canals, such center lines shall be construed to be such boundaries.
- (2) Where such boundaries are indicated as approximately following the boundary lines of parks or reservations, such lines shall be construed to be such boundaries.
- (3) Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- (4) In unsubdivided land and where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the Map, shall be determined by the use of the scale appearing thereon.

ARTICLE IV
District Regulations

§ 200-12. Applicability.

Except as may be hereinafter provided, the provisions of this article shall govern the use of land and buildings in the various districts, specifically:

- A. Use of land and buildings. No building shall hereafter be erected and no existing building shall be altered, added to or moved on or onto a lot, nor shall any land or building be used or arranged to be used for any purpose other than is included among the uses listed in this article for the district in which it is located.
- B. Structure and building height. No structure or building shall hereafter be erected or altered to exceed in height the limit designated for the district in which it is located.
- C. Space and area regulations. No building shall be hereafter erected; nor shall any existing building be altered, enlarged or moved; nor shall any open space, loading or parking space required in relation to any building or use be encroached upon or reduced in any manner not in conformity with the lot area, lot coverage, open space and building bulk regulations, yard requirements and other space and area regulations designated herein for the district in which it is located, unless such reduction is by a duly constituted public authority for a public purpose.
- D. Yard as related to a building. No part of a yard or other open space required appurtenant to any building or use shall be included as a part of a yard or other open space required for any other building on any other lot.
- E. Use of yards. Yards, as required herein, shall not be used for the storage of merchandise, equipment, building materials, junk, vehicles, vehicle parts or any other material, or for signs, except as specific provision is made therefor.
- F. Maintenance of lot size. No lot may be reduced in area so that yards, lot area, lot area per dwelling unit, lot width or other requirements of this chapter are not maintained, unless such reduction is by a duly constituted public authority for a public purpose.

§ 200-13. Residence 1 (R-1) Districts.

- A. Purpose. In addition to the general purposes of this chapter, this section is to provide for the development and quiet enjoyment of low-density residential use in suitable areas.
- B. Permitted uses.
 - (1) Cemetery on a site of not less than 10 acres.
 - (2) Church.
 - (3) Dwelling for one or two families.
 - (4) Educational institution on a site of not less than 10 acres.
 - (5) Golf course on a site not less than 100 acres, provided that no buildings,

intensive recreation areas, greens, tees or parking areas are located closer than 100 feet to any property line.

- (6) Institutional home, provided that the site contains not less than 1,000 square feet for each person accommodated, in addition to 4,000 square feet for any resident family.
- (7) Public and parochial and private elementary, secondary and vocational schools.
- (8) Public park, playground and similar public recreational uses.
- (9) Public uses other than uses of an industrial nature.
- (10) Agricultural fairgrounds on a site of not less than 30 acres, provided that buildings for the housing of animals are located not less than 125 feet from any property line, not less than 200 feet nor more than 600 feet from any rear street line and not less than 600 feet nor more than 800 feet from any westerly through street line, and provided further that buildings for uses other than housing of animals are located not less than 55 feet from any property line and not less than 40 feet from any existing structure. **[Added 5-7-1979 by L.L. No. 4-1979]**

C. Permitted accessory uses. **[Amended 1-2-1979 by L.L. No. 1-1979⁹]**

- (1) Keeping of not more than two transient roomers and boarders.
- (2) Outdoor storage of not more than one of the following on each premises: boat, boat and trailer, boat hauler, camp trailer, cargo trailer or pickup camper owned for personal nonbusiness use by a resident of the premises, provided that such storage is in a rear yard and not within four feet of any rear lot line or side lot line.
- (3) Parking garage or open parking for operative passenger vehicles of persons visiting or residing on the premises and rental of not more than two parking units to off-site residents. Parking for other uses in accordance with § 200-30.
- (4) Playhouse, toolhouse, garden house or greenhouse not operated for gain and not over 150 square feet in area. **[Amended 4-15-1991 by L.L. No. 1-1991]**
- (5) Private swimming pool not conducted for gain.
- (6) Signs in accordance with the general regulations on signs in § 200-25, as follows:
 - (a) Bulletin board for a church or other institution.
 - (b) Business signs for nonconforming uses.
 - (c) Home occupation and professional signs.
 - (d) Identification signs.

9. Editor's Note: This local law repealed original Subsection C(1), permitting as accessory uses customary home occupations and professions, which immediately followed this paragraph.

- (e) Real estate signs.
 - (f) Temporary special event signs for churches and other nonprofit organizations.
 - (g) Traffic information signs.
- (7) Home occupations. **[Added 6-1-1992 by L.L. No. 2-1992]**
- D. Uses requiring a special permit in accordance with Article VII.¹⁰
 - (1) Hospital and/or office of a licensed physician or dentist. **[Amended 4-8-1974 by L.L. No. 3-1974; 11-1-1976 by L.L. No. 5-1976]**
 - (2) Nursery school.
 - (3) Parking lot for more than five vehicles for a use on the premises.
 - (4) Public utility installation necessary to serve the immediate area.
 - (5) Tourist home.¹¹
- E. Lot area requirements.
 - (1) Minimum lot area requirements:
 - (a) Without central water and sewer: 30,000 square feet.
 - (b) With central water and sewer: 9,600 square feet. **[Amended 4-8-1974 by L.L. No. 3-1974]**
 - (2) Minimum lot area per family requirements:
 - (a) Without central water and sewer: 30,000 square feet.
 - (b) With central water and sewer: 4,000 square feet.
- F. Minimum lot width requirement.
 - (1) Without central water and sewer: 150 feet.
 - (2) With central water and sewer: 80 feet. **[Amended 4-8-1974 by L.L. No. 3-1974]**
- G. Lot coverage. Maximum lot coverage permitted: 20%.
- H. Yard requirements.
 - (1) Front yard, minimum depth: 30 feet.
 - (2) Side yards, minimum width: **[Amended 4-8-1974 by L.L. No. 3-1974]**

10. Editor's Note: Original Subsection D(1), Multiple-family dwelling, which immediately followed this subsection, was repealed 3-20-1972 by L.L. No. 2-1972.

11. Editor's Note: Original Subsection D(7), Customary home occupations and professions, added 1-2-1979 by L.L. No. 1-1979, which immediately followed this subsection, was deleted 11-17-2003 by L.L. No. 2-2003.

- (a) For interior lots: both sides, 22 feet; one side, 10 feet.
 - (b) For corner lots: street side, 14 feet; interior side, 10 feet.
- (3) Rear yard, minimum depth: 30 feet.
- I. Height limitations.
 - (1) Maximum height of structure: 50 feet.
 - (2) Maximum height of building: 30 feet.

§ 200-13.1. Commercial Overlay (RC-1) District. [Added 8-1-2011 by L.L. No. 1-2011]

- A. Purpose. In addition to general purposes of this chapter, the purpose of this section is to provide, in suitable locations, for the establishment of residence and commercial uses. The overlay district regulations are designed to limit and restrict uses to those that will be compatible and have a minimum adverse effect upon residential and commercial areas in close proximity.
- B. The overlay district shall be located upon the Zoning Map, and mapped in conjunction with the underlying district. The uses allowed in the overlay district shall be those permitted in the R1 District and those permitted in the overlay district. Any overlay district so located creates a separate district in accordance with § 7-702 of the Village law and regulated as such pursuant to the provisions of this chapter.
- C. The following uses are permitted in the overlay district:
 - (1) Offices for business, administrative and professional entities, corporate headquarters and government offices.
 - (2) Salesroom or shop of a builder, contractor or artisan, provided no equipment, materials or supplies are stored out-of-doors.
 - (3) Stores and shops for the conduct of retail trade.
 - (4) Manufacturing for retail sale exclusively on the premises of food products or hand-crafted items.
 - (5) Health and fitness center.
- D. Uses requiring a special permit in accordance with Article VII, § 200-45D:
 - (1) Personal service establishments.
- E. The following properties shall be included in this district:
 - (1) 504 West Main Street.
 - (2) 101 Hyde Parkway.
 - (3) 102 Hyde Parkway.

§ 200-14. Residence 2 (R-2) Districts.

- A. Purpose. In addition to the general purposes of this chapter, this section is to provide, in areas located in close proximity to the Village center, for low-density multifamily residential construction under conditions compatible with the character of the Village and to provide for the adequate protection of residential uses therein as well as for specified transitional uses adjacent to and serving the Village center.
- B. Permitted uses. **[Amended 4-8-1974 by L.L. No. 3-1974]**
- (1) Any use permitted in § 200-13B.
- C. Permitted accessory uses.
- (1) Any accessory use permitted in § 200-13C.
 - (2) Parking lot for more than five vehicles for a permitted use on the premises.
- D. Uses requiring a special permit in accordance with Article VII:
- (1) Any use provided in § 200-13D subject to the same requirements.
 - (2) Clubs or fraternal organization on a lot of not less than 20,000 square feet, provided neither alcoholic beverages nor meals are normally served.
 - (3) Mortuary on a lot of not less than 20,000 square feet.
 - (4) Parking lot for a use off the premises on a lot abutting a Commercial or Industrial District.
 - (5) Multiple dwellings and dwellings in groups, provided that there shall not be more than eight dwelling units in any one building; that all buildings shall be separated from each other by a minimum distance of 40 feet if within 30° of parallel and opposite, and 20 feet if not; and that each dwelling unit has separate access to ground level without the use of common hallways or stairs. **[Added 4-8-1974 by L.L. No. 3-1974]**
- E. Lot area requirements.
- (1) Minimum lot area required: 8,000 square feet. **[Amended 4-8-1974 by L.L. No. 3-1974]**
 - (2) Minimum lot area per family required: 2,500 square feet.
- F. Minimum lot width requirement: 80 feet. **[Amended 4-8-1974 by L.L. No. 3-1974]**
- G. Lot coverage. Maximum lot coverage permitted: 25%.
- H. Yard requirements.
- (1) Front yards, minimum depth: 30 feet.
 - (2) Side yards, minimum width: **[Amended 4-8-1974 by L.L. No. 3-1974]**
 - (a) For interior lots: both sides 22 feet; one side, 10 feet.

- (b) For corner lots: street side, 14 feet; interior side, 10 feet.
 - (3) Rear yard, minimum depth: 30 feet.
 - I. Height limitations.
 - (1) Maximum height of structure: 50 feet.
 - (2) Maximum height of building: 30 feet.
- § 200-14.1. Commercial Overlay (RC-2) District. [Added 8-1-2011 by L.L. No. 1-2011]**
- A. Purpose. In addition to general purposes of this chapter, the purpose of this section is to provide, in suitable locations, for the establishment of residence and commercial uses. The overlay district regulations are designed to limit and restrict uses to those that will be compatible and have a minimum adverse effect upon residential and commercial areas in close proximity.
 - B. The overlay district shall be located upon the Zoning Map, and mapped in conjunction with the underlying district. The uses allowed in the overlay district shall be those permitted in the R2 District and those permitted in the overlay district. Any overlay district so located creates a separate district in accordance with § 7-702 of the Village Law and regulated as such pursuant to the provisions of this chapter.
 - C. The following uses are permitted in the overlay district:
 - (1) Offices for business, administrative and professional entities, corporate headquarters and government offices.
 - (2) Stores and shops for the conduct of retail trade.
 - (3) Manufacturing for retail sale exclusively on the premises of food products or hand-crafted items.
 - D. Uses requiring a special permit in accordance with Article VII, § 200-45D:
 - (1) Club or fraternal organization.
 - (2) Salesroom or shop of a builder, contractor or artisan, provided no equipment, materials or supplies are stored out-of-doors.
 - (3) Theater of the arts.
 - (4) Day-care or child-learning center.
 - (5) Lodging establishment.
 - (6) Restaurant and other food services for consumption exclusively on the premises.
 - (7) Personal service establishments.
 - E. The following properties shall be included in this district:

- (1) 122 Cuyler Street.
- (2) 126 Cuyler Street.
- (3) 127 Cuyler Street.
- (4) 134 Cuyler Street.
- (5) The municipal parking areas behind 122, 126 and 134 Cuyler Street.

§ 200-15. Central Commercial (C-1) Districts.

- A. Purposes. In addition to general purposes of this chapter, the purposes of this section are more specifically to provide for the development and redevelopment of the central shopping district of the Village as a safe, convenient, efficient and attractive shopping center, provided with adequate off-street parking and off-street loading area.
- B. Permitted uses.
- (1) Any use permitted in the Residence R-2 District subject to the regulations of that district.
 - (2) Automatic coin laundry, dry cleaner or laundry.
 - (3) Bank, other than a drive-in bank.
 - (4) Club and lodge.
 - (5) Communication center.
 - (6) Dance hall, theater, bowling alley, billiard room and similar places of recreation.
 - (7) Hotel and auto court.
 - (8) Manufacturing for sale exclusively on the premises at retail of food products or hand-crafted items.
 - (9) Mortuary.
 - (10) Newspaper publishing and job printing.
 - (11) Offices.
 - (12) Personal service establishment.
 - (13) Restaurant and other places of food service.
 - (14) Stores and shops for the conduct of retail trade.
- C. Permitted accessory uses.
- (1) Any accessory use permitted in § 200-14.
 - (2) Accessory uses which customarily accompany and are a part of permitted use.

- (3) Business signs, in accordance with § 200-25.
- D. Uses requiring a special permit in accordance with Article VII:
 - (1) Automobile repair garage.
 - (2) Bus station.
 - (3) Drive-in bank.
 - (4) Gasoline station.
 - (5) Motor vehicle sales room.
 - (6) Parking lot or garage for more than five vehicles.
- E. Lot area requirements.
 - (1) Minimum lot area requirements: 4,000 square feet.
 - (2) Minimum lot area requirements, per family: 2,500 square feet.
- F. Minimum lot width requirement: 40 feet.
- G. Lot coverage and open space regulations.
 - (1) Maximum lot coverage permitted: 80%.
 - (2) Maximum floor area ratio permitted: 4%.
- H. Yard requirements.
 - (1) Front yard, minimum depth: no requirement.
 - (2) Side yards, minimum width: none required, but if any is provided, it shall be not less than three feet in width.
 - (3) Rear yard, minimum depth: 20 feet.
- I. Height limitations.
 - (1) Maximum height of structure: 100 feet.
 - (2) Maximum height of building: 60 feet.

§ 200-16. General Commercial (C-2) Districts.

- A. Purpose. In addition to the general purposes of this chapter, the purpose of this section is to provide in suitable locations for the growth and continued operation of distributive and other generally nuisance-free industry, such uses being suitably restricted so as to protect the general character of the Village and provide adequate protection for neighboring residential and commercial uses.
- B. Uses permitted.
 - (1) Any use permitted in the Central Commercial District, except dwellings.

- (2) Warehousing and wholesale business carried out entirely within buildings.
 - (3) Manufacturing of goods, provided no air pollutant, noise, vibration or glare is produced that exceeds the general level of such potential nuisances at the boundary of the property, and that no unusual hazard is involved in the character of materials used or in the manufacturing process, as determined by the Zoning Administrator.¹²
- C. Permitted accessory uses.
 - (1) Uses customarily accessory to permitted uses when conducted entirely within buildings.
 - (2) Signs in accordance with § 200-25 as follows:
 - (a) Any sign permitted in a Central Business District.
 - (3) A residence of a watchman or caretaker on the premises with a permitted use.
- D. Uses requiring a special permit in accordance with Article VII.
 - (1) Rear yard storage of goods.
 - (2) Gasoline service station. **[Added 6-22-1970 by L.L. No. 2-1970]**
- E. Lot area requirement. Minimum lot area required: 20,000 square feet.
- F. Minimum lot width requirement: 100 feet.
- G. Lot coverage and open space regulation.
 - (1) Maximum lot coverage permitted: 40%.
- H. Yard requirements.
 - (1) Required front yard, minimum depth: 50 feet.
 - (2) Required side yards, minimum width: 10 feet.
 - (3) Rear yard requirement, minimum depth: 50 feet.
- I. Height limitations.
 - (1) Maximum height of structure: 50 feet.
 - (2) Maximum height of building: 30 feet.

§ 200-17. Highway Commercial (C-3) Districts.

- A. Purpose. In addition to the general purposes of the chapter, the purpose of this section is to provide, in properly located areas, for uses relating to the sale and service of motor vehicles and other mobile equipment requiring considerable space, for uses providing services to motorists, for specified uses involving the storage and

12. Editor's Note: Original Subsection B(4), Gasoline service station, which immediately followed this subsection, was repealed 6-22-1970 by L.L. No. 2-1970.

sale of bulk commodities and for specified uses normally approached primarily by automobile and requiring considerable space. Such uses are permitted under regulations designed to provide favorable conditions for their operation while preserving the safety of the public streets, protecting the general appearance of the Village and providing adequate protection for the diverse uses within the district as well as abutting uses in residential and other districts.

B. Permitted uses.

- (1) Automobile repair garage.
- (2) Automatic coin laundry, dry cleaner or laundry.
- (3) Theater, bowling alley, skating rink and similar recreation establishments enclosed within buildings. **[Amended 4-7-1975 by L.L. No 4-1975]**
- (4) Club or fraternal organization.
- (5) Drive-in bank.
- (6) Greenhouse, nursery, sale of garden and farm plants and supplies.
- (7) Public uses.
- (8) Restaurant and other food services, including drive-in restaurants.
- (9) Sale or rental of new and used:
 - (a) Boats, boat trailers, marine accessories.
 - (b) Cargo trailers, camping trailers
 - (c) Construction equipment.
 - (d) Farm machinery.
 - (e) Passenger automobiles.
 - (f) Trucks.
 - (g) Mobile homes.
- (10) Sale of new building materials and structures.
- (11) Salesroom or shop of a builder, contractor or artisan, provided no equipment is stored out-of-doors, unless enclosed and screened from view by fences.
- (12) Gasoline filling stations. **[Added 6-22-1970 by L.L. No. 2-1970]**
- (13) Manufacturing for sale exclusively on the premises at retail of food products or hand-crafted items. **[Added 4-7-1975 by L.L. No. 4-1975]**
- (14) Offices. **[Added 4-7-1975 by L.L. No. 4-1975]**
- (15) Personal service establishments. **[Added 4-7-1975 by L.L. No. 4-1975]**
- (16) Stores and shops for the conduct of retail trade. **[Added 4-7-1975 by L.L. No.**

4-1975]

- (17) Warehousing and wholesale business carried out entirely within buildings.
[Added 4-7-1975 by L.L. No. 4-1975]

C. Permitted accessory uses.

- (1) Uses customarily accessory to permitted uses.
- (2) Residence of properties, watchman or caretaker associated with a permitted use.
- (3) Signs, in accordance with § 200-25, as follows:
 - (a) Any sign permitted in § 200-13.
 - (b) Business signs.
- (4) Vending machines when located on the buildable area of the lot.

D. Uses requiring a special permit in accordance with Article VII.

- (1) Veterinarian's office.
- (2) Animal hospital.
- (3) Dog kennel.
- (4) Automobile laundry.
- (5) Motor freight terminal.
- (6) Rear yard storage of goods. **[Added 4-7-1975 by L.L. No. 4-1975]**

E. Lot area requirements.

- (1) Minimum lot area requirement: 30,000 square feet.
- (2) Minimum lot area requirement, per family: 30,000 square feet.

F. Minimum lot width requirement: 200 feet.

G. Lot coverage and open space regulations.

- (1) Maximum lot coverage permitted: 25%.

H. Yard requirements.

- (1) Front yard, minimum depth:
 - (a) From lot line: 50 feet.
 - (b) From center street line: 100 feet.
- (2) Side yards, minimum width:
 - (a) For interior lots: 10 feet.

- (b) For corner lots, street side: 20 feet.
 - (3) Rear yard, minimum depth: 20 feet.
- I. Height limitations.
 - (1) Maximum height of structure: 50 feet.
 - (2) Maximum height of building: 30 feet.

§ 200-18. Neighborhood Commercial (C-4) Districts. [Added 1-4-1988 by L.L. No. 1-1988]

- A. Purpose. In addition to the general purposes of this chapter, the purpose of this section is to provide for low-traffic businesses in suitable locations while protecting adjoining residential and/or commercial areas.
- B. Uses permitted.
 - (1) Motor vehicle sales.
 - (2) Automobile repair.
 - (3) Offices.
 - (4) Retail sales.
 - (5) Manufacture for sale exclusively on the premises at retail of food products or hand-crafted items.
 - (6) Job printing and publishing.
 - (7) Furniture repair and refinishing.
- C. Permitted accessory uses.
 - (1) Uses customarily accessory to permitted uses when conducted entirely within buildings.
 - (2) Signs in accordance with § 200-25F as follows:
 - (a) Any sign permitted in Central Business District.
- D. Uses requiring a special permit in accordance with Article VII.
 - (1) Rear yard storage of goods.
 - (2) Sale of liquor for off-premises consumption.
 - (3) Sale of liquor for on-premises consumption.
 - (4) Restaurant.
 - (5) Retail grocery.
- E. Lot area requirement. Minimum lot area required: 20,000 square feet.

- F. Minimum lot width requirement: 100 feet.
- G. Lot coverage and open space regulation.
 - (1) Maximum lot coverage permitted: 40%.
- H. Yard requirements.
 - (1) Required front yard, minimum depth: 50 feet.
 - (2) Required side yards, minimum width: 10 feet.
 - (3) Rear yard requirement, minimum depth: 50 feet.
- I. Height limitations.
 - (1) Maximum height of structure: 50 feet.
 - (2) Maximum height of building: 30 feet.

§ 200-19. Industrial (I) Districts.

- A. Purpose. In addition to the general purposes of this chapter, the purpose of this section is to provide, in suitable locations for the growth and continued operation of industrial uses of a nonnuisance character, such uses being suitably restricted so as to protect the general character of the Village, provide adequate protection for neighboring residential uses and provide an adequate environment for modern industrial operations.
- B. Permitted uses.
 - (1) Customary agricultural operations.
 - (2) Public utility storage and service.
 - (3) Manufacturing or processing of goods, provided no air pollutants, noise, vibration or glare is produced that exceeds the general level of such potential nuisance at the zoning district line, and that no unusual hazard is involved in the character of materials involved or in the manufacturing process as determined by the Zoning Administrator.
 - (4) Any use permitted in a Highway Commercial District.
 - (5) Any public use.
- C. Permitted accessory uses.
 - (1) Accessory uses which customarily are a part of permitted uses.
 - (2) Signs, in accordance with § 200-25 as follows:
 - (a) Any sign permitted in a Highway Commercial District.
- D. Uses requiring a special permit in accordance with Article VII:
 - (1) Junkyard and automobile wrecking operation.

- (2) Animal sales lot and storage barn.
- (3) Rear yard storage of goods.
- E. Lot area requirements. Minimum lot area required: 40,000 square feet.
- F. Minimum lot width requirement: 150 feet.
- G. Lot coverage and open space regulations.
 - (1) Maximum lot coverage by buildings permitted: 40%.
- H. Yard requirements.
 - (1) Required front yard, minimum depth: 25 feet.
 - (2) Required side yards, minimum width: 20 feet.
 - (3) Rear yard, minimum depth: 50 feet.
- I. Height limitations.
 - (1) Maximum height of structure: 100 feet.
 - (2) Maximum height of building: 50 feet.

§ 200-20. Office Park/Multiple-Family Overlay (OM) District. [Added 8-21-1995 by L.L. No. 3-1995]

- A. Statement of purpose. It is the purpose of this section to provide, in suitable locations, for the establishment of office park and multifamily uses. The overlay district regulations are designed to limit and restrict uses to those that will be compatible and have a minimum adverse effect upon residential and commercial areas in close proximity.
- B. The overlay district shall be located upon the Zoning Map, and mapped in conjunction with the underlying district. The uses allowed in the overlay district shall be those permitted in the primary district and those permitted in the overlay district. Any overlay district so located creates a separate district in accordance with § 7-702 of the Village Law and regulated as such pursuant to the provisions of this chapter.
- C. The following uses are permitted in the overlay district:
 - (1) Offices for business, administrative and professional entities, corporate headquarters and government offices.
 - (2) Multiple-family dwellings and dwellings in groups, provided that they shall not be more than 30 units in any one building; that all buildings shall be separated from each other by a minimum distance of 40 feet if within 30° of parallel and opposite, and 20 feet if not; and, unless otherwise specified in the Uniform Code,¹³ that there shall be a fire wall separating every eight units.

13. Editor's Note: See Ch. 76, Building Construction and Fire Prevention.

§ 200-21. Business Overlay District. [Added 4-16-1994 by L.L. No. 1-1994]

- A. Purpose. In addition to general purposes of this chapter, the purposes of this section are more specifically to provide for the development of the central shopping center by prohibiting uses deleterious to a healthy, efficient and attractive business climate.
- B. Overlay district. The Business Overlay District shall not be independently mapped upon the Zoning Map, but shall be mapped in conjunction with an underlying district.
- C. Uses permitted. Except as stated in Subsection D of this section, the uses permitted and the dimensional requirements for the Business Overlay District shall be determined by the regulations specified in this chapter for the primary or underlying district.
- D. Uses prohibited. Residential dwelling units are prohibited on the first floor of any building or structure located in the Business Overlay District.
- E. Nonconforming uses. Article VI of this chapter shall apply to residential uses heretofore established on the first floor of any building or structure located in the Business Overlay District.
- F. Overlay district location. The Business Overlay District is hereby described to encompass the following area in the Village of Palmyra:

Description of Village Business “No Residence Area”

Commencing in the Village of Palmyra on the south right-of-way line of New York State Route 21 and 31 at the northwest corner of tax account parcel 644677;

- (1) thence easterly along said south right-of-way line of New York State Routes 21 and 31 to the northeast corner of tax account parcel 650677;
- (2) thence northerly across the right-of-way of New York State Route 21 and 31 to the southwest corner of tax account parcel 661707;
- (3) thence northerly along the western boundary of tax account parcel 661707 to its northwest corner;
- (4) thence northerly along the western boundary of tax account parcel 663724 to its northwest corner;
- (5) thence easterly along the northern boundary of tax account parcel 663724 to its northeast boundary, said point being located in the western right-of-way line of William Street;
- (6) thence southerly along the eastern boundary of tax account parcel 663724, said boundary also being the western boundary of the William Street right-of-way to a point in said western boundary intersecting the northerly boundary of tax account parcel 679723 extended westerly across the William Street right-of-way;
- (7) thence easterly along said line of extension of the northerly boundary of tax account parcel 679723 across the William Street right-of-way to a point in the northwest corner of tax account parcel 679723;

- (8) thence easterly along the north boundary of tax account parcel 679723 to its northeast corner;
- (9) thence southerly along the east boundary of tax account parcel 679723 to the northeast corner of tax account parcel 682718;
- (10) thence southerly along the western boundary of tax account parcel 700729 to its southwest corner;
- (11) thence easterly along the southerly boundary of tax account parcel 700729 as extended to the west right-of-way of Market Street;
- (12) thence southeasterly across the right-of-way of Market Street to the southwest corner of tax account parcel 719713, said corner also being a point in the east right-of-way line of Market Street;
- (13) thence easterly along the south boundary of tax account parcel 719713 to its southeast corner;
- (14) thence northerly to a point being the northwest corner of tax account parcel 729708;
- (15) thence easterly along the north boundary of tax account parcel 729708 to its northeast boundary;
- (16) thence southerly along the eastern boundary of tax account parcel 729708 to the point of intersection with the northwest corner of tax account parcel 731699;
- (17) thence easterly along the north boundary of tax account parcel 731669 to the northwest corner of tax account parcel of 733698;
- (18) thence easterly along the north boundary of tax account parcel 733698 to its northeast boundary;
- (19) thence southerly along the east boundary of tax account parcel 733698 to its southeast corner, said point also being in the northerly right-of-way of New York State Routes 31 and 21;
- (20) thence southwesterly across the New York State Route 31 and 21 right-of-way to the northeast corner of tax account parcel 724678;
- (21) thence southerly along the east boundary of tax account parcel 724678 to its southeast corner;
- (22) thence westerly along the south boundary of tax account parcel 724678 to its southwest corner;
- (23) then westerly along the south boundary of tax account parcel 719675 to its southwestern corner, said corner also being a point in the eastern right-of-way line of Fayette Street;
- (24) thence southwesterly across the Fayette Street right-of-way to the southeast corner of tax account parcel 709677;
- (25) thence westerly along the southern boundary of tax account parcel 709677 to the southwest corner of tax account parcel 709677;
- (26) thence northerly along the western boundary of tax account parcel 709677 to a point of intersection with the southeast corner of tax account parcel 703679;

- (27) thence westerly along the south boundary of tax account parcel 703679 to the southwest corner of tax account parcel 703679;
- (28) thence westerly along the south boundary of tax account parcel 703683 to the southwest corner of tax account parcel 703683;
- (29) thence northerly along the westerly boundary of tax account number 703683 to the southeast corner of tax account parcel 701682;
- (30) thence westerly along the south boundaries of tax account parcels 701682, 698681 and 695681 to the eastern boundary of tax account parcel 695673;
- (31) thence southerly and easterly along the east boundary of tax account parcel 695673 to its southeast corner;
- (32) thence westerly along the south boundary of tax account parcel 695673 then northerly to the southeast corner of tax account parcel 689678;
- (33) thence westerly along the south boundary of tax account parcels 689678, 686680 and 680673 to the southwest corner of tax account parcel 680673, said point also being in the eastern right-of-way line of Cuyler Street;
- (34) thence northwesterly from the southwest corner of tax account parcel 680673, across the right-of-way of Cuyler Street to the southeast corner of tax account parcel 656675;
- (35) thence westerly along the south boundary of tax account parcel 656675 to its southwest boundary;
- (36) thence southerly along the east boundary of tax account parcel 650677 to the southeast corner of tax account parcel 650677;
- (37) thence westerly along the south boundary of tax account parcels 650677 and 644677 to the southwest corner of tax account parcel 644677;
- (38) thence northerly along the west boundary of tax account parcel 644677 to the northwest corner of tax account parcel 644677 to the point and place of beginning.

ARTICLE V
Supplementary Regulations and Exceptions

§ 200-22. Applicability.

The supplementary regulations in this article covering general requirements and exceptions shall apply to all districts or to such districts as specified.

§ 200-23. Use regulations.

- A. Utility transmission lines. Utility transmission lines approved by appropriate federal or state agencies may be located anywhere in the Village and shall not be subject to height limitations.
- B. Radio or television. Transmission or receiving lines and facilities, but not studios or business offices, may be located on any lot if all structures are located a distance from all property lines equal to their height.
- C. Agricultural fairgrounds in R-1 District. Buildings for the housing of animals for purposes other than agricultural display shall contain not more than 20 stalls and not more than 20 such animals shall be kept on the agricultural fairgrounds at any time, with the exception of fair week. Uses other than an agricultural fair or exhibition shall have prior written approval of the Board of Trustees of the Village of Palmyra. **[Added 5-7-1979 by L.L. No. 4-1979]**

§ 200-24. Temporary uses.

The following uses are permitted as temporary uses in any district, or in such district as may be designated, subject to the conditions stated.

- A. Contractors' sheds. Contractors' buildings, trailers or sheds may be erected on a construction site to serve as an office, workshop or storage area during the construction of any authorized structure, following the issuance of a building permit. Such building shall not remain longer than 18 months unless a special permit for a longer period is granted by the Board of Appeals in accordance with Article VII. They may not be used as a residence, except as the quarters of a watchman.
- B. Construction signs. Signs bearing information as to the nature of a new or altered building and the name of the contractors, architects, engineers and artisans engaged in the construction may be erected at the site of any authorized construction project during the period of construction only.
- C. Fairs and carnivals. An outdoor fair or carnival may be conducted by a church, civic organization or similar nonprofit group on the premises of a building occupied by such organization for a period not exceeding three days in any calendar year, in any district, subject to the granting of a special permit therefor by the Board of Appeals in accordance with Article VII.
- D. Special events. Any nonprofit, commercial or industrial operation in other than a residential district may celebrate, during not more than six days of any calendar year, or for any nonprofit operation not more than one month in any calendar year,

a special promotional event, upon the granting of a special permit by the Board of Appeals in accordance with Article VII. During such period, it may use such signs and other devices as the Board shall find appropriate to the occasion and within the limits of the sign regulations.

- E. Agricultural fair or exhibition. An agricultural fair may be conducted within the premises of an agricultural fairgrounds by a chartered agricultural society during a period of not more than seven consecutive days in any calendar year or such additional period of time as may be required by state regulations in order to qualify for premium payment. An exhibition of agricultural products and/or animals may be conducted by a chartered agricultural society for not more than one day in any week and for not more than nine weeks in any calendar year, unless the Board of Trustees of the Village of Palmyra shall approve additional events; such exhibition shall be conducted within the premises of an agricultural fairgrounds. For purposes of this subsection, a “week” shall mean a period of seven consecutive days commencing on Sunday and ending on the following Saturday. **[Added 5-7-1979 by L.L. No. 4-1979]**

§ 200-25. Accessory signs. [Amended 4-8-1974 by L.L. No. 3-1974; 5-16-2005 by L.L. No. 4-2005]

A. General regulations.¹⁴

- (1) Sign types and the computation of sign area shall be as depicted in Figures 200-25 A(1)(a) through 200-25 A(1)(d).
- (2) Conformance to codes. Any sign hereafter erected shall conform to the provisions of this section and of any other ordinance or regulations within this jurisdiction.
- (3) Signs in rights-of-way. No sign other than an official traffic sign or similar sign shall be erected within two feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the Code Official.
- (4) Projections over public ways. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 10 feet from grade level to the bottom of the sign and a maximum projection from the face of the structure not to exceed two feet. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
- (5) Traffic visibility. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
- (6) Computation of frontage. If a premises contains walls facing more than one

14. Editor's Note: Figures 200-25A(1)(a) through 200-25A(1)(d) are included at the end of this chapter.

property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall on property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permit signs placed on each separate wall or property line frontage.

- (7) Changeable message signs. Signs, except as prohibited in § 200-25E, are permitted in commercial and industrial zones only. Changeable signs, manually activated or electrically activated, are permitted in all nonresidential zones.
- (8) Maintenance, repair and removal. Every sign permitted by this section shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the Code Official, or if any signs shall be unlawfully installed, erected or maintained in violation of any of the provisions of this section, the owner thereof or the person or firm using same shall, upon written notice by the Code Official, forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this section, or shall remove it. If within 10 days the order is not complied with, the Code Official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
- (9) Obsolete sign copy. Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 10 days after written notification from the Municipal Code Official, and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.
- (10) Nonconforming signs. The Code Enforcement Officer and/or his agent shall prepare a survey of all nonconforming signs and send written notice by registered mail to the recorded owner of the property on which such sign is erected. Any sign legally existing at the time of the passage of this section that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is listed below.
 - (a) Portable signs shall be removed within 15 days of receipt of the written notice described above.
 - (b) Other nonconforming signs that include features prohibited under this section shall be modified to comply or must be removed within one year after receipt of the written notice described above.
 - (c) All other signs that are structural or a removable part of a structure shall be made to comply with all provisions of this section or be removed within one year of receipt of the written notice as described above.

- B. Exempt signs. The following signs shall be exempt from the provisions of this chapter. No sign shall be exempt from § 200-25A.
- (1) Official notices authorized by a court, public body or public safety official.
 - (2) Directional, warning or information signs authorized by federal, state or municipal governments.
 - (3) Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
 - (4) The flag of a government or noncommercial institution, such as a school.
 - (5) Religious symbols and seasonal decorations within the appropriate public holiday season.
 - (6) Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
- C. Prohibited signs. The following devices and locations shall be specifically prohibited:
- (1) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
 - (2) Except as provided for elsewhere in this Code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
 - (3) Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights or municipal vehicle warnings from a distance.
 - (4) Portable signs except as allowed for temporary signs.
 - (5) Any sign attached to or placed on a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - (a) The primary purpose of such a vehicle or trailer is not the display of signs.
 - (b) The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer and do not break the silhouette of the vehicle.
 - (c) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively unused or available for use in the daily function of the business to which such signs relate.
 - (6) Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for

commercial products or services for the general public.

- (7) Balloons, streamers, sandwich board signs or pinwheels, except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporarily" means no more than 20 days in any calendar year.

D. Permits.

- (1) Permits required. Unless specifically exempted, a permit must be obtained from the Code Official for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this section.
- (2) Construction documents. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Code Official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the International Building Code.
- (3) Changes to signs. No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of moveable parts or components of an approved sign that is designed for such changes shall not be deemed a structural alteration.
- (4) Permit fees. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

E. Specific sign requirements.

- (1) Permanent signs.
 - (a) Awning signs. Awning signs shall be permitted in all nonresidential zoning districts, subject to the following limitations:
 - [1] The copy area of awning signs shall not exceed an area equal to 25% of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
 - [2] Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.
 - (b) Canopy signs. Canopy signs shall be permitted in all nonresidential zoning districts, subject to the following limitations:

- [1] The permanently affixed copy area of canopy signs shall not exceed an area equal to 25% of the face area of the canopy or architectural projection upon which such sign is affixed or applied and shall not exceed total sign area allowed.
- [2] Graphic striping, patterns or color bands on the face of a building, canopy or architectural projection shall not be included in the computation of sign copy area.
- (c) Directional signs. No more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In residential zones, the maximum total area for directional signs shall be four square feet. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be four square feet.
- (d) Freestanding signs. Freestanding signs shall be permitted in all nonresidential zoning districts, subject to the following limitations:
 - [1] One permitted sign not over 30 square feet in area may be located in that part of the front yard more than 20 feet from the street line and not closer than 10% of the lot width on any side lot line.
 - [2] The bottom of the sign body must be a minimum of 10 feet above the finished grade of the front yard.
 - [3] The maximum height of the sign will be not higher than 25 feet above finished grade of the front yard.
- (e) Identification signs.
 - [1] Residential identification signs denoting address and/or occupant shall be limited to three square feet of total area and do not require a sign permit.
 - [2] Commercial, industrial identification signs denoting address, occupant or use shall be limited to six square feet of total area. This square footage is in addition to the allowable total sign area for a specific property.
- (f) Menu boards. Menu boards shall be permitted in all commercial zoning districts, subject to the following limitations:
 - [1] Menu board signs shall not be permitted to exceed three square feet.
- (g) Projecting signs. Projecting signs shall be permitted in all nonresidential zoning districts, subject to the following limitations:
 - [1] Projecting signs shall be permitted in lieu of freestanding signage on any street frontage, limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height and area to 1.5 square feet per each one lineal

foot of building frontage, except that no such sign shall exceed an area of 60 square feet.

- [2] No such sign shall extend vertically above the highest point of the building facade upon which it is mounted.
 - [3] Such signs shall not extend over a public sidewalk in excess of two feet, measured from the face of the building or supporting structure to the outside edge of the sign.
 - [4] Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 10 feet measured from grade to the bottom of the sign.
- (h) Roof signs. Roof signs shall be permitted in all industrial, C2, and C3 zoning districts, subject to the following limitations:
- [1] Roof signs shall be permitted in certain commercial and all industrial districts.
 - [2] Such signs shall not exceed the height of the roofline upon which they are mounted.
 - [3] The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.
- (i) Under canopy signs. Under canopy signs shall be permitted in all nonresidential zoning districts, subject to the following limitations:
- [1] Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy and shall be limited to an area not to exceed four square feet.
 - [2] Such signs shall maintain a clear vertical distance above any sidewalk or pedestrianway a minimum of 10 feet.
- (j) Wall signs. Buildings in all commercial and industrial zoning districts may display wall signs per street frontage subject to the following limitations. See Table 200.25A(1)e.¹⁵
- [1] Total sign area not to exceed 1.5 square feet for each linear foot of lot frontage.
 - [2] Minimum height shall be above the entrance door frame top.
 - [3] Maximum height shall be the top of the face of the building upon which the sign is mounted.
- (k) Window signs. Window signs shall be permitted in all nonresidential zoning districts, subject to the following limitations:

15. Editor's Note: Said table is included at the end of this chapter.

- [1] The aggregate area of all such signs shall not exceed 25% of the window area on which such signs are displayed. Window panels separated by mullions shall be considered as one continuous window area.
- [2] Window signs shall not be assessed against the sign area permitted for other sign types.
- [3] Any window sign hung or mounted within 12 inches of the interior of the window will be assessed against the allowable twenty-five-percent total window coverage area.

(2) Temporary signs.

- (a) Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates shall be permitted in all zoning districts, subject to the following limitations:

- [1] Such signs on a single residential lot shall be limited to one sign not greater than three feet in height and 12 square feet in area.
- [2] Such signs for a residential subdivision or multiple residential lots shall be limited to one sign at each entrance to the subdivision or on one of the lots to be built upon and shall be no greater than six feet in height and 20 square feet in area.
- [3] Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed 10 feet in height and 25 square feet for projects on parcels five acres or greater.
- [4] Development and construction signs may not be displayed until after the issuance of construction permits by the Building Official and must be removed not later than 24 hours following issuance of an occupancy permit for all or any portion of the project.

- (b) Political signs. Political signs shall be permitted in all zoning districts, subject to the following limitations:

- [1] Such signs shall not exceed a height of three feet nor an area of four square feet.
- [2] Such signs for election candidates or ballot propositions shall be displayed only for a period of 40 days preceding the election and shall be removed within five days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than five days after the general election.
- [3] Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

- (c) Portable signs. Portable signs shall be permitted only in commercial and

commercial districts, as designated in this chapter, subject to the following limitations:

- [1] No more than one such sign may be displayed on any property and shall not exceed a height of eight feet nor an area of 20 square feet.
 - [2] Such signs shall be displayed not more than 21 days in any calendar year.
 - [3] Any electrical portable signs shall comply with the ICC Electrical Code, as adopted in this jurisdiction.
 - [4] No portable sign shall be displayed prior to obtaining a sign permit.
- (d) Real estate signs. Real estate signs shall be permitted in all zoning districts, subject to the following limitations:
- [1] Real estate signs located on a single residential lot shall be limited to one sign not greater than three feet in height and 10 square feet in area.
 - [2] Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be no greater than 10 square feet in area and six feet in height. All signs permitted under this section shall be removed within 10 days after sale of the last original lot.
 - [3] Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be no greater than 15 square feet in area nor 10 feet in height and shall be limited to one sign per street front.
 - [4] Real estate signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one sign per street front, and each sign shall be no greater than 10 feet in height and 25 square feet.
 - [5] Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease or the closing of the sale in the event of a purchase.
- (e) Special event signs in public ways. Signs advertising a special community event shall be permitted over public rights-of-way, subject to approval by the Village Board and or the State Department of Transportation as to the size, location and method of erection. The Code Official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way or obstruct traffic visibility.
- (f) Special promotions; event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for all commercial and industrial districts, subject to the following limitations:

- [1] Such signs shall be limited to one sign per street front.
- [2] Such signs may be displayed for not more than 30 consecutive days in any three-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than five days prior to the event or grand opening and shall be removed not more than one day after the event or grand opening.
- [3] The total area of all such signs shall not exceed 20 square feet in any residential district and 30 square feet in any commercial or industrial district.

F. Signs for development complexes.

- (1) Master sign plan required. All landlord or single-owner-controlled multiple-occupancy development complexes, such as shopping centers, multiple-family housing units or planned industrial parks, shall submit to the Code Official a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits and shall address, at a minimum, the following:
 - (a) Proposed sign locations.
 - (b) Materials.
 - (c) Type of illumination.
 - (d) Design of freestanding sign structures.
 - (e) Size.
 - (f) Quantity.
 - (g) Uniform standards for nonbusiness signage, including directional and informational signs.
- (2) Development complex sign. In addition to the freestanding business identification signs otherwise allowed by this section, every multiple-occupancy development complex shall be entitled to one freestanding sign per street front, at the maximum size permitted for business identification freestanding signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any freestanding sign otherwise permitted under this section may identify the name of the development complex.
- (3) Compliance with master sign plan. All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.
- (4) Amendments. Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

§ 200-26. Private swimming pools as accessory use.

A private swimming pool installed or maintained as an accessory use in a residential district shall meet the following requirements:

- A. It shall be used only as an accessory use to a dwelling or to a special permit use in a residence district for the private use of the owner or occupant of such dwelling or building and his or her family, guests, or employees.
- B. Any such pool shall be completely enclosed by a security fence not less than four feet in height, with all gates or doors opening through such enclosure equipped with self-closing and self-latching devices of a type approved by the Zoning Administrator, designed to keep and capable of keeping such gates or doors securely closed at all times when not in actual use.
- C. Such pool shall be maintained in a manner sufficient to meet the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools.
- D. 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 occupants of any adjoining property.
- E. No permission shall be granted for the installation of any swimming pool until the owner has filed with the Zoning Administration a statement by the Village Water and Sewerage Superintendent that provisions for the drainage of such pool are adequate and will not interfere with the public water supply system or existing sanitary facilities.
- F. Any electrical installations necessary for the erection of a swimming pool must be inspected by the Board of Fire Underwriters or other qualified inspection agency approved by the Village. **[Added 4-15-1991 by L.L. No. 1-1991; amended 11-17-2003 by L.L. No. 2-2003]**
- G. Any swimming pool erected must comply with all setback and yard requirements for the district in which it is located. The dimensions used in any calculations must include decks or walkways that are adjacent to the pool. **[Added 4-15-1991 by L.L. No. 1-1991]**
- H. The above regulations pertain to all types of swimming pools (aboveground or in-ground) and a building permit must be granted prior to its installation. **[Added 4-15-1991 by L.L. No. 1-1991]**

§ 200-27. Lot area requirements.

- A. Area measurement. For purposes of measuring lot area, only that part of the depth which is no more than three times the average width of the lot may be utilized in calculations.
- B. Lot area per family when other uses present. In computing the lot area available for residential use on a lot which has other uses, such as a dwelling use in addition to a retail use, the lot area occupied by the building containing the other use, together

with the area of any required parking or off-street loading, shall first be deducted from the total lot area.

- C. Substandard lots of record. Other provisions of this chapter notwithstanding, any parcel of land having access to a street and having an area or a width less than those prescribed for the district in which such parcel is situated may be used as a lot for any purpose permitted in such district, provided all of the following requirements are met:
 - (1) Such parcel has an area of at least 50% of the required area and a frontage width of at least 50% of the required frontage width.
 - (2) Such parcel was under the ownership at the effective date of this chapter and the owner thereof at that time did not then own and has at no time since then owned any land adjoining such parcel.
- D. Variation of requirement for large-scale housing development. The Village Zoning Board of Appeals/Planning Board is hereby empowered, as provided in § 7-738 of the Village Law, simultaneously with the approval of any subdivision, to confirm the zoning regulations of the land so platted or to make any reasonable change therein, in accordance with the procedures and safeguards set forth in § 7-738, providing no change is made in the overall density for the land so platted. **[Amended 11-17-2003 by L.L. No. 2-2003; 8-1-2016 by L.L. No. 2-2016]**

§ 200-28. Yard requirements.

- A. Exceptions to yard requirements. The following may project into required yards: steps or stoops not exceeding 24 square feet in area; eaves, cornices and belt courses not exceeding two feet; and open fire escapes not exceeding four feet six inches, except that no required side yard in a residential district shall be reduced to less than six feet by such fire escape extension.
- B. Side yards on lots nonconforming in width. On a lot of record on the effective date of this chapter that is narrower than required in its zoning district, the side yard requirements may be reduced to the same percentage of the lot width that is required for a minimum width conforming lot; for example, if the yard required for one side is six feet on a sixty-foot lot, the yard may be reduced to five feet on a fifty-foot lot. However, in no event shall the side yard be less than five feet.
- C. Fences. Except as provided in Subsection D, the requirements of this chapter shall not be deemed to prohibit any otherwise lawful fence or wall, provided that in any residential district no fence or wall shall exceed six feet in height.
- D. Visibility at intersections. On a corner lot in any residential district, no structure, fence, wall, hedge or other planting shall be erected, placed or maintained at a height of between three and six feet above the curbline within the triangle formed by the street lines and a straight line joining said street lines at points 20 feet from the point of intersection.
- E. Transition areas. When a lot in a Commercial, Highway Commercial or Industrial District abuts a lot in a residential district, there shall be provided on such Commercial, Highway Commercial or Industrial District lots on the side abutting

the residential lot, an open space not less than 20 feet in width to serve as a buffer. Such yard shall not be used for any purposes other than landscaping. Alternately, there may be provided on the property line, an unpierced masonry wall not less than six nor more than 10 feet in height, which wall may be the wall of a building in which instance no yard shall be required, but no window, roof vent door or other building opening may be located within 20 feet of the residential zone lot line and no outdoor loading, commercial or industrial activities may take place in such restricted area.

- F. Private garage in rear yard. A detached private garage, when otherwise permitted, may be erected in a rear yard but not closer to a street line than the buildable area of the lot nor closer than three feet to other rear or side lot lines, and it shall not occupy more than 1/3 of the required rear yard.
- G. Utility sheds, prefabricated or stick-built, as stated in § 200-13C, may be located in the rear yard no closer than three feet to the rear or side lot lines or five feet to an existing building. The structure shall not exceed 150 square feet in area and its height shall not exceed 10 feet at its highest point. **[Added 4-15-1991 by L.L. No. 1-1991]**

§ 200-29. Height of structures and buildings; exceptions.

The height limitations for buildings shall not apply to church spires, belfries, domes or similar projections not used for human occupancy, nor to chimneys, air-conditioning equipment, water tanks, antennae and other necessary mechanical apparatus usually carried above roof level, all of which apparatus shall be considered as structures and be subject to structural height limitations contained herein.

§ 200-30. Off-street parking.

- A. Purpose. The purposes of this section, in addition to the general purposes of this chapter, are more specifically:
 - (1) To require installation of off-street parking in sufficient quantity to meet the normal needs of all uses in all districts, except the Central Commercial District, in which district other means of providing parking are considered more appropriate.
 - (2) To permit, in suitable areas, provisions of additional parking space to serve the needs of the Central Commercial District and other requirements not adequately provided for.
 - (3) In requiring and regulating the development and maintenance of parking areas, to provide measures to protect the safety of pedestrians on the sidewalks and traffic in the street and the quiet enjoyment of other uses, particularly residential uses, in close proximity to the parking areas and to preserve and enhance the attractiveness of the Village.
- B. Required parking.
 - (1) When required. Permanent off-street automobile parking space shall be provided as specified hereinafter at the time of erecting any structure, at the

time any structure is enlarged or increased in capacity by adding dwelling or rooming units, seats, floor area or other elements on which parking requirements are based or before conversion from one zoning use or occupancy to another.

- (2) Parking units required. For every building or structure hereafter erected or altered, or use hereafter established, except in the Central Commercial District, there shall be provided off-street parking as set forth below:
 - (a) For each dwelling unit: one.
 - (b) For each roomer, boarder or transient guest: one each.
 - (c) For each professional person maintaining office hours: three plus one for each employee.
 - (d) For each home occupation: one.
 - (e) For each place of worship or parish house, auditorium or hall, theater or other place of public assembly: one for each three units of seating capacity.
 - (f) For each rectory, parsonage or church office: two plus one for each employee.
 - (g) For rentable office space: one for each 100 square feet of rental floor area.
 - (h) For retail or personal service uses: for the first 1,000 square feet of space, one for each 250 square feet of floor space; for all additional space, one for each 150 square feet of floor space plus space for all vehicles usually used in the business.
 - (i) For restaurants or other places serving beverages or refreshments, except for drive-in uses: one unit for each two seats.
 - (j) For mortuaries or funeral homes: 20 units.
 - (k) For industrial or warehouse uses: one space for each two employees.
 - (l) For hospitals: one for each bed.
 - (m) For nursing homes: one for each four beds and one for each employee.
 - (n) For bowling alleys: five per alley plus required space for any bar, restaurant or other use on the premises.
 - (o) For drive-in uses: sufficient spaces to accommodate all customers. Customers shall not be served on the public right-of-way.
 - (p) For motor vehicles salesrooms: five units plus one space for each employee. In the case of a salesroom with repair garage and used car lot, the number of spaces required shall be the total of requirements for each use.
 - (q) For new and used car lots: five units plus one additional unit for each 10

cars or major fraction thereof on display.

- (r) For motor vehicle garages and repair shops: one unit for each 500 square feet of floor space.
 - (s) For agricultural fairgrounds: sufficient spaces to accommodate all patrons and visitors. **[Added 5-7-1979 by L.L. No. 4-1979]**
- (3) Location as related to use. All required parking space provided pursuant to this section shall be on the same lot with the related use, except that the Board of Appeals may grant a special permit for the parking space to be on any lot within 300 feet of the use if it is determined that it is impractical to provide space on the same lot with the use in accordance with the provisions.
 - (4) The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that 1/2 of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will normally be closed at night and on Sunday as determined by the Zoning Administrator.

C. Permitted parking.

- (1) As a principal use. Parking as a principal use is permitted only in the following instances:
 - (a) In a Commercial or Industrial District.
 - (b) In a Residence 2 District adjacent to a Commercial or Industrial District as a special permit use.
- (2) As an accessory use. Parking units in excess of those required may be installed for the use of occupants, patrons or visitors of a permitted use, subject to compliance with all other provisions of this chapter, but not to exceed twice the required spaces in any residence district.

D. Use of front yards restricted.

- (1) In residence districts. No required front yard or portion thereof in any residential district shall be utilized to provide parking space required in this chapter.
- (2) In Industrial Districts. In any Industrial District, up to 25% of any front yard, or of any side yard abutting a street, may be used for parking, provided not less than 60% of the yard is developed and maintained as a landscaped area from which vehicle entry is effectively barred by a raised curb or other barrier.

E. Design and installation of parking areas. Any area used for off-street parking for more than five cars shall be designed, installed and maintained in accordance with the following standards:

- (1) Plan required. A plan shall be submitted with the application for a use permit in accordance with § 200-34 and all installations shall be made and maintained in accordance with such plan.

- (2) Access drives to parking lots with more than five units.
 - (a) Location and design. Every required parking unit shall have direct access to a driveway of not less than eight nor more than 24 feet in width connecting with a public street. A driveway shall not be located closer than six feet of any residential structure or within two feet of any side lot lines, except that a driveway built as a joint venture to serve two abutting properties may be built on a lot line.
 - (b) Number and entry into street: as provided in § 200-34.
 - (c) Improvement: as provided in § 200-34.
 - (d) Use for parking. Required driveways may not be used for parking so as to block access to any parking unit.

§ 200-31. Off-street loading.

- A. Purpose. The purposes of this section, in addition to the general purposes of this chapter, are more specifically:
 - (1) To require the installation of off-street loading areas sufficient to meet the normal needs of uses regularly attracting truck traffic.
 - (2) To permit truck loading area in excess of that required where consistent with other purposes of this chapter.
 - (3) To require, in connection with the installation of such off-street loading, measures necessary to protect the safety of pedestrian and vehicular traffic and to preserve the quiet enjoyment of other uses, particularly residential uses in the immediate area, and to preserve the attractiveness of the Village.
- B. Required loading.
 - (1) When required. Permanent off-street parking space, in accordance with the requirements hereinafter stated, shall be provided for all uses regularly involving the receipt or distribution of merchandise or material as specified hereinafter at the time of erection or enlarging any structure, or in the case of use of land not involving a structure, at the time of occupancy or enlargement of such use.
 - (2) Off-street loading units required. Off-street loading units shall be provided as follows:
 - (a) Multifamily dwellings or dwellings in groups with more than 12 dwelling units: one loading unit.
 - (b) For every freight terminal, hospital, industrial plant, retail establishment, warehouse and wholesale establishment: one, if 3,000 to 20,000 square feet in floor area, and one for each additional 50,000 square feet.
 - (c) For every place of public assembly over 3,000 square feet in area such as restaurants, funeral homes or hotels: one loading unit.

- (d) For any use not mentioned, the Zoning Administrator shall determine the requirements in relation to that required for similar uses.
- C. Collective provisions permitted. The collective provision and utilization of loading space may be accomplished, provided it is within the same block and not over 100 feet walking distance from a delivery entrance of all uses involved and provisions suitable to the Zoning Administrator are made to assure the continued provision of such use for all involved.
- D. Exception for small lots. The provisions of this section shall not apply to a use on a lot less than 100 feet in either width or depth in a Central Commercial District when no alley, street, common driveway or other means of access is available other than on the frontage of the property.
- E. Front yard use prohibited. Use of a required front yard for loading area shall not be permitted.
- F. Design and installation of off-street loading areas. All off-street loading areas shall be designed, installed and maintained in accordance with standards for automobile access areas contained in § 200-34.

§ 200-32. Gasoline station requirements.

- A. Purpose. In addition to the general purposes of this chapter, the specific purposes of this section are established in recognition of the general character of gasoline stations and their operations, to provide suitable measures for gasoline station design, construction and operation so as to adequately provide for public safety and convenience, preserve the convenient and efficient use of abutting properties and protect and enhance the attractiveness of the Village.
- B. Lot area. There shall be an area not less than 10,000 square feet and not less than 100 feet in width devoted exclusively to the gasoline station use.
- C. Yards.
 - (1) Side and rear yards. Side and rear yards shall not be less than 10 feet nor such greater width as required for the zoning district. Such yards shall not be used for purposes other than landscaping and shall not be paved.
 - (2) Front yards. Front yards shall not be less than 25 feet nor such greater depth as required by district regulations, shall not be used for any purposes other than necessary driveways and landscaping and shall not be paved, except that the paved apron of the station may extend into such area but shall not extend closer than 15 feet to any street line, nor shall more than 1/3 of the required front yard be accessible to automobiles or paved. No temporary or permanent structures, racks, signs or other devices, parking of vehicles or display of merchandise shall be permitted in any required yard with the following exceptions:
 - (a) Traffic direction signs.
 - (b) One business sign per street frontage, provided it shall not be over 25 square feet in area, and no part of such sign shall be less than 16 feet above grade or closer than 15 feet to any street line.

- (c) One portable sign per street frontage carrying fuel prices, provided such sign is less than six square feet in area, less than three feet in height and not set closer than five feet to the street line.
- D. Additional use regulations.
 - (1) In the Central Commercial District or General Commercial Districts, any gasoline station shall be subject to the following additional regulations:
 - (a) Permitted accessory uses:
 - [1] Maintenance and repair of automobiles, but not involving removal of engine, transmission or differential, body or fender work or painting.
 - [2] Sale of packaged refreshments in vending machines.
 - [3] Sale of automobile accessories and convenience goods for motorists, provided that the total floor area used for such sales does not exceed 200 square feet.
 - (2) In a Highway Commercial or Industrial District where the area of a lot occupied by a gas station exceeds 15,000 square feet, a plan may be filed with the Zoning Administrator assigning 15,000 square feet to gasoline station use, in which instance any remaining portion of the buildable area of the lot may be used for any use permitted in the Highway Commercial District which involves the sale, rental or maintenance of wheeled vehicles.
- E. Inoperative vehicles. No inoperative vehicle shall be kept on the premises for longer than two weeks unless required for legal or insurance proceedings.
- F. Storage. All supplies and material and waste material will be stored within structures or enclosed within fencing so as not to be visible from off the property.
- G. Design of vehicle access areas. Design, installation and maintenance of driveways and vehicular access areas shall be in accordance with § 200-34.

§ 200-33. Parking and storage of abandoned vehicles. [Added 1-17-1972 by L.L. No. 1-1972]

- A. Purpose. Abandoned, junked, discarded and unregistered motor vehicles upon privately owned property within the Village of Palmyra are detrimental to the safety, health and public welfare. They constitute a nuisance to children and are a peril to their safety. They are a fire hazard and a source of fire and explosions. They depreciate the value of the neighboring properties.
- B. Notice. If the provisions of these supplementary regulations relating to the parking and storage of certain automotive vehicles is violated, the Zoning Enforcement Officer or the Village Police Department shall serve written notice, either personally or by mail, upon the owner, occupant or person having charge of any such land, upon which any such motor vehicle is deposited, parked or stored.
- C. Placement of motor vehicles on private lands. It shall be unlawful for any person,

firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise to deposit, or cause or permit to be deposited, an abandoned, junked, discarded or unregistered motor vehicle on any private land within the corporate limits of the Village of Palmyra. Unregistered motor vehicles may be stored or displayed in areas of the Village that are zoned for this purpose and in areas where such use is a preexisting use. In residentially zoned property, the storing or parking of unlicensed or inoperable motor vehicles shall be permitted in completely enclosed buildings.

- D. Penalty. Any owner, occupant, lessee, agent or tenant who shall neglect and refuse to remove said abandoned, junked, discarded and unlicensed motor vehicle or vehicles, as directed by law, or who shall fail or refuse to comply with the provisions of any notice herein provided for, or who shall violate any of the provisions of this section or who shall resist or obstruct authorized agents, servants, officers or employees of the Village of Palmyra in the removal of any motor vehicles, shall be deemed violating this section and shall be subject to a penalty not exceeding \$250 or a term of imprisonment not exceeding 15 days, or both, for each and every violation.¹⁶
- E. Effective date. This section shall take effect immediately upon its adoption and filing in accordance with the provisions of the statutes of the State of New York.

§ 200-34. Standards for automobile access areas.

- A. Permit required. No work, other than site clearance and grading, may be performed in the installation or altering of any of the following vehicle access areas, except on the written approval of plans therefor by the Zoning Administrator in conjunction with the issuance of a building or use permit:
- (1) Parking areas for more than five cars.
 - (2) Off-street loading areas.
 - (3) Automobile access areas at gasoline stations and other drive-in uses.
 - (4) Outdoor display area for vehicles equipped to operate on the public highways.
- B. Plan required. A plan for proposed improvements shall be prepared at a scale of not more than 50 feet to one inch in a manner specified by the Zoning Administrator. Such plan shall show, at a minimum, the following information, both as existing and proposed for the entire area within 100 feet of the point of entry of access drives or 50 feet from any part of the proposed improvements:
- (1) Major drainage features (culverts, bridges, streams, ditches, etc.). A topographic map shall be required by the Zoning Administrator where necessary to determine drainage requirements.
 - (2) Lot lines.
 - (3) Street pavement, curb, drainage inlets, utility poles and fire hydrants.
 - (4) Paved areas.

16. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (5) Location and type of traffic barriers.
 - (6) Structures.
 - (7) Layout of parking units and loading units.
 - (8) Landscaping.
- C. Design standards for vehicle access areas.
- (1) Driveway location standards:
 - (a) Sight distance. Driveways shall not be permitted where there is inadequate sight distance for safety, either for traffic on the street or by vehicles leaving the driveway.
 - (b) Distance from schools. Driveways shall not be located within 200 feet of a principal entrance of any elementary or secondary school, playground or church.
 - (c) Only two driveways shall be permitted on any street frontage of less than 300 feet and not more than one additional driveway for each additional 300 feet.
 - (d) A driveway shall not cross a street right-of-way line within 40 feet of the street right-of-way line of an intersecting street, within five feet of a fire hydrant or catch basin or within 50 feet of a driveway on the same lot where lot width permits.
 - (e) A driveway shall not exceed 30 feet in width within 10 feet of the street right-of-way line.
 - (2) Parking and maneuvering area standards.
 - (a) Areas shall be so designed as to preclude any necessity for vehicles to back across sidewalks or into any public right-of-way.
 - (b) Parking areas shall not extend more than 120 feet in any direction unless interrupted by a planting area not less than six feet in width and protected from vehicular encroachment. The improved parking area shall be surrounded by a landscaped area not less than six feet in width if protected by a wheel stop, or three feet in width if protected by a bumper stop.
 - (c) Areas may be lighted, but any lighting shall be suitably located and shielded to protect surrounding properties from glare.
 - (d) No parking space shall be provided within 10 feet of a building used in part or entirely for human occupancy.
 - (3) Standards for improvement.
 - (a) Grading and drainage. Vehicle access areas shall be suitably graded so as to drain and provisions made for the handling of storm drainage so as to prevent stormwater flow across a public sidewalk.

- (b) Paving. Vehicle access areas shall be paved and maintained with an all-weather dust-free surfacing of sufficient strength to carry loads imposed, except that the Board of Appeals may grant a special permit waiving this requirement for any area more than 100 feet removed from any lot line or for areas used only seasonally or occasionally or under such conditions as to make the paving unnecessary, in accordance with the provisions of Article VII.

§ 200-35. Dwellings.

- A. Minimum floor area. No single-family dwelling shall henceforth be constructed, nor shall any existing single dwelling be reduced in area, so as to contain less than 800 feet of floor area usable for living purposes and 300 square feet of storage area usable for storage. No dwelling unit in a two-family or multiple-family dwelling shall henceforth be constructed, nor shall an existing dwelling unit in such building be reduced in area, so as to contain less than 600 square feet of floor area usable for living purposes and 100 square feet of floor area usable for storage purposes.
- B. Usable open space. No multiple-family dwelling or dwelling group shall be constructed as a separate use or as part of a building containing commercial or other uses, except there be provided 500 square feet of usable open space on the lot for each dwelling unit.
- C. Community open space. On any lot containing more than 12 dwelling units, there shall be provided a community open space containing not less than 200 square feet of land area per dwelling unit. This space may be counted as part of the required usable open space.
- D. Cellar occupancy prohibited. It shall be unlawful to occupy all or any part of a cellar for sleeping purposes.
- E. Basement occupancy. Any basement area used for living purposes shall have not less than two means of egress, at least one of which shall be a door giving access to an open area whose surface is at least eight inches below the level of the door. Each basement room used for living purposes shall have a window area, opening to the outside, equal to not less than 0.1 of the floor area of such room.
- F. Room size. No dwelling unit shall henceforth be constructed unless it shall have at least one room having a floor area of not less than 132 square feet, a clear height of seven feet and a clear horizontal dimension of at least eight feet. No existing dwelling unit shall be altered so as to provide less than the above standard.
- G. Slope of yards. No building containing dwelling units shall henceforth be constructed, nor shall any existing building be altered, so as to contain dwelling units unless the surface grade of the front yard at the front wall of such building be more than one foot above the established grade of the sidewalk. Where a sidewalk grade has not been established, the surface grade of the front at the front wall of the dwelling shall be not less than one foot above the center line of the street measured at the midpoint between the side lot lines of the lot. Where there is unusual difficulty in meeting this provision, the Zoning Administrator may accept a substitute gradient, provided that no minus gradient is established within 15 feet of

the front wall or within six feet of either side of the rear wall of the dwelling.

§ 200-36. Public properties and utilities.

Nothing in this chapter shall restrict the construction, use or maintenance of public buildings, structures or facilities, parks or other publicly owned properties, nor the installation and maintenance of such public utilities and facilities other than generating plants, electrical substations, telephone exchanges and gas transmission facilities as may be essential to the servicing of any district or area in which it is installed.

§ 200-37. Excavation and filling of natural materials.

- A. Stripping of topsoil. No person shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which such topsoil was taken, except in connection with the construction or alteration of a building or structure on such premises for which a building permit has been issued.
- B. Major excavating, grading or filling. Major excavating, grading or filling as defined herein shall not take place in any district, except by a duly constituted public body, unless a special permit therefor has been granted by the Board of Appeals.

ARTICLE VI
Nonconforming Uses

§ 200-38. Continuation of lawful uses.

Except as otherwise provided in this section, the lawful uses of land or buildings existing at the time of adoption of this chapter may be continued, even though such use does not conform to the regulations specified by this chapter for the district in which such land is located. Any lawful use existing at the time of the adoption of this chapter or any amendment thereof which, if such existing lawful use would require a special permit in the district in which it is situated if it had been newly created while this chapter was in effect, may be continued and shall be deemed to be a nonconforming use, but any modification, change or extension thereof, except as specifically permitted, shall be subject to the issuance of a special permit as provided in this chapter.

§ 200-39. Regulations for nonconforming uses of land.

- A. Enlargement. No nonconforming use shall be enlarged or extended off the lot or lots of record occupied by such use at the time of the adoption of this chapter nor shall a nonconforming use be enlarged or extended on the lot, except within the confines of an existing building.
- B. Change of use. No nonconforming use may be changed by the addition or substitution of other processes or operations, except on the granting of a special permit by the Board of Appeals in accordance with Article VII.
- C. Movement. No nonconforming use or building shall be moved in whole or in part to any other portion of the lot occupied at the time of the adoption of this chapter, except on the granting of a special permit by the Board of Appeals in accordance with Article VII.
- D. Cessation of land use. If any nonconforming use of land ceases for any continuous period of not less than one year for any reason other than direct participation of the owner or tenant in military service, any subsequent use of such land shall be in conformity to the regulations specified by this chapter for the district in which such land is located.

§ 200-40. Regulations for nonconforming uses of structures and buildings.

- A. Change to other nonconforming use. A nonconforming use of building may be changed to another nonconforming use, which, on the granting of a special permit in a determination of the Board of Appeals, is of the same nature or conforms more closely to the character of the neighborhood in accordance with Article VII.
- B. Cessation of building use. If any nonconforming use of a building ceases for any reason, other than direct participation of the owner or tenant in military service for a continuous period of not less than two years, or if the building in or on which such use is conducted or maintained is moved for any distance whatsoever, then any future use of such building shall be in conformity to the regulations specified by this chapter for the district in which such building is located. If any building in or on which any nonconforming use is conducted or maintained is hereafter removed,

the subsequent location and use of any building thereon shall be in conformity to the regulations specified by this chapter for the district in which such land is located.

- C. Destruction of nonconforming building. If at any time any building in existence or maintained at the time of the adoption of this chapter and not conforming to the regulations for the district in which it is located shall be destroyed by any means to an extent that the remaining value is less than 50% of the market value, the immediate area occupied by said building shall thenceforth be subject to all the regulations specified by this chapter for the district in which such land and buildings are located.

ARTICLE VII

Zoning Board of Appeals and Planning Board

[Amended 4-8-1974 by L.L. No. 3-1974; 1-2-1979 by L.L. No. 1-1979; 1-4-1988 by L.L. No. 1-1988; 4-15-1991 by L.L. No. 1-1991; 5-2-1994 by L.L. No. 2-1994]

§ 200-41. Establishment of Zoning Board of Appeals.

- A. Zoning. The Board of Appeals, heretofore created pursuant to the provisions of the Village Law, is hereby continued as now constituted. Each member of the Board of Appeals shall continue to hold office to the expiration of his present term, at which time the Village Board of Trustees shall appoint a successor as provided by law.
- B. Appointment of members. The Board of Trustees shall designate the Chairperson thereof. In the absence of a Chairperson, the Board of Appeals may designate a member to serve as Acting Chairperson. The Village Board of Trustees may provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Village Board of Trustees for such purpose.
- C. Term of office. Members of the Board of Appeals shall be appointed for a five-year term. The Chairperson shall be appointed annually. No member of the Board of Appeals may serve more than two consecutive terms of five years.
- D. Vacancy in office. Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.
- E. Vacature of office. A member of the Board of Appeals who has failed to attend three consecutive meetings, unless excused by the Chairman or Acting Chairman, shall be considered to have vacated his office unless otherwise ordered by the Board of Trustees.
- F. General grant of power. The Board of Appeals shall perform all the duties and have all the powers prescribed by the laws of the State of New York.
- G. Meetings, minutes, and records. Meetings of the Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Board of Appeals 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 proceedings and other official actions.
- H. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board of Appeals shall be filed in the Village Clerk's office and shall be a public record.
- I. Assistance to Board of Appeals. The Board of Appeals shall have the authority to call upon any department, agency, or employee of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Board of Trustees.

§ 200-42. Powers and duties of Zoning Board of Appeals/Planning Board.

[Amended 8-1-2016 by L.L. No. 2-2016]

- A. Jurisdiction of Zoning Board of Appeals/Planning Board. Except as otherwise provided in this chapter, and in Chapter 167, entitled Subdivision of Land, the jurisdiction of the Zoning Board of Appeals/Planning Board, in addition to the authority set forth below, shall be appellate and shall consist of hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the Zoning Administrator.
- B. Votes necessary for decision. The concurring vote of a majority of the members of the Zoning Board of Appeals/Planning Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to grant a use or area variance.
- C. In addition to the hearing of appeals, the Zoning Board of Appeals/Planning Board shall have the authority:
 - (1) To prepare and from time to time make changes to the Master or Comprehensive Plan for the development of the Village.
 - (2) To review proposals to approve or disapprove the laying out, closing off, abandonment or changes in line of streets, highways and public areas and to make recommendations to the Village Board of Trustees.
 - (3) To make investigations, maps, reports and recommendations relating to the planning and development of the Village as it deems desirable. This shall include but not be limited to changes in boundaries of districts, recommended changes in the provisions of this chapter, and other land use and development matters, and to act on any matter lawfully referred to it by the Village Board of Trustees.
 - (4) To review, act on or provide advisory reports as specified by this chapter.
 - (5) To make referrals to other Village departments, boards and/or officials to request advisory opinions to assist the Board in making decisions which affect the development of the Village.

§ 200-43. Appeal from Zoning Administrator.

- A. Standing to appeal. An appeal to the Board of Appeals from any ruling of the Zoning Administrator may be taken by any person aggrieved, or by an officer, board, or bureau of the Village of Palmyra affected thereby.
- B. Time for appeal. Such an appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation, or determination of the Zoning Administrator by filing with the Zoning Administrator a notice of appeal, specifying the grounds thereof and the relief sought.
- C. Contents of appeal. All appeals made to the Board of Appeals shall be in writing on forms supplied by the Zoning Administrator. Every appeal shall refer to the specific provision of this chapter, and shall exactly set forth the interpretation that is claimed, the plans for a special use, or the details of the variance that is applied for, in addition to the following information:
 - (1) The name and address of the applicant.

- (2) The name and address of the owner of the district lot to be affected by such proposed variance or appeal.
 - (3) A brief description and location of the district lot to be affected by such proposed variance or appeal.
 - (4) A statement of the present zoning classification of the district lot in question, the improvements thereon and the present use thereof.
 - (5) A reasonably accurate description of the present improvements and the additions or changes intended to be made under the application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.
- D. Procedure for Zoning Administrator. Upon receipt of an appeal complying with the provisions of this section, the Zoning Administrator shall transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken. All fees due from the appealing party shall be paid prior to such transmittal.
- E. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after the notice of appeal shall have been filed with the Zoning Administrator, that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

§ 200-44. Procedure for Zoning Board of Appeals/Planning Board. [Amended 8-1-2016 by L.L. No. 2-2016]

- A. Hearing of appeals. The Zoning Board of Appeals/Planning Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in a paper of general circulation in the Village of a notice of such hearing, at least five days prior to the date thereof. In case of an appeal, alleging error or misinterpretation in any order or other action by the Zoning Administrator, the following persons shall be notified: the applicant and the person or persons, if any, who benefit from the order, requirement, regulation, or determination.
- B. County Planning Board referral. At least five days before a hearing, the Zoning Board of Appeals/Planning Board shall mail notice of the appeal to the Wayne County Planning Board, if required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as set out in § 239-m, Subdivision 1, of the General Municipal Law. The Zoning Board of Appeals/Planning Board shall defer any decision until 30 days after the referral or receipt of the report of the County Planning Board, whichever is earlier.
- C. Compliance with SEQRA. The Zoning Board of Appeals/Planning Board shall

comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and regulations promulgated thereunder, codified in Title 6, Part 617, of the New York Codes, Rules and Regulations.

- D. Time of decision. The Zoning Board of Appeals/Planning Board shall decide upon the appeal within 62 days after the conduct of the hearing. The time within which the Zoning Board of Appeals/Planning Board must render its decision may be extended by mutual consent of the applicant and the Board.
- E. Filing of decision and notice. The decision of the Zoning Board of Appeals/Planning Board on the appeal shall be filed in the office of the Village Clerk within five business days after the date such decision is rendered, and a copy thereof mailed to the applicant.
- F. Expiration of appeal decision. Unless otherwise specified by the Zoning Board of Appeals/Planning Board, a decision on any appeal for a variance or special use permit shall expire if the applicant fails to obtain any necessary building permit or comply with the conditions of said authorization permit within six months from the date of authorization.

§ 200-45. Permitted action by Board of Appeals.

- A. Interpretations; requirements; decisions; determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Zoning Administrator and to that end shall have all the powers of the Zoning Administrator from whose order, requirement, or decision the appeal is taken.
- B. Use variances.
 - (1) The Board of Appeals, on appeal from the decision or determination of the Zoning Administrator, shall have the power to grant use variances, authorizing a use that otherwise would not be allowed or would be prohibited by the terms of this chapter. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that:
 - (a) Under the applicable zoning regulations, the applicant cannot realize a reasonable return, provided that lack of 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; and

(d) That the alleged hardship has not been self-created.

- (2) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

C. Area variances.

- (1) The Board of Appeals shall have the power, upon an appeal from a decision or determination of law, to grant area variances from the area or dimensional requirements of this chapter. In making its determination, the 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 will 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; and
- (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.

- (2) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

D. Special permit. In any instance in which the Board of Appeals is required to consider a proposed special permit, it shall not authorize or approve the proposed permit unless and until it shall first:

- (1) Assure itself that the proposed permit is consistent with the spirit, purpose or intent of this chapter and any additional statement of purpose applying to the particular section.
- (2) Determine that the proposed permit meets the conditions prescribed therefor in the text of this chapter.
- (3) Determine that the proposed special permit will not substantially detract from the use of adjoining property and require such provisions as may be necessary

to afford adequate protection for such adjoining property.

- (4) Determine that the streets serving the use are adequate for the requirements, and conditions of traffic will not be created that will adversely affect the neighborhood.
- (5) Consider the effect of the proposed change upon the logical, efficient and economical provision of public services and facilities such as public water, sewers, police and fire protection, public schools and streets.
- (6) Determine that any special standards set forth herein for the particular use are fully met.¹⁷
- (7) Impose such conditions, in addition to those required, as are necessary to assure that the intent of this chapter is complied with, which conditions may include but are not limited to harmonious design of buildings; planting and its maintenance as a sight or sound screen; the minimizing of noxious, offensive or hazardous elements; adequate standards of parking, lighting and sanitation.

§ 200-46. Establishment of Planning Board.

- A. Establishment. The Planning Board, heretofore created pursuant to the provisions of the Village Law, is hereby continued as now constituted. Each member of the Planning Board shall continue to hold office to the expiration of his present term, at which time the Village Board of Trustees shall appoint a successor as provided by law.
- B. Powers and duties. The Planning Board shall have the following powers and duties:
 - (1) To prepare and from time to time change the master or comprehensive plan for the development of the Village.
 - (2) To review proposals to approve or disapprove the laying out, closing off, abandonment or changes in lines of streets, highways and public areas and to make recommendations to the Village Board of Trustees.
 - (3) To make investigations, maps, reports and recommendations relating to the planning and development of the Village as it seems desirable. This shall include but not be limited to changes in boundaries of districts, recommended changes in the provisions of this chapter, other land use and development matters of importance to the Planning Board, and to act on any matter lawfully referred to it by the Village Board of Trustees.
 - (4) To review, act on or provide advisory reports as specified by this chapter.
 - (5) To make referrals to other Village Departments, Boards and/or officials to request advisory opinions to assist the Planning Board in making decisions which affect the development of the Village.
 - (6) All such powers as are conferred upon Village Planning Boards by the provisions of the Village Law as now or hereafter in effect.

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. Appointment of members. The members and Chairperson shall be appointed as provided in § 7-718 of the Village Law. The Board of Trustees may provide for compensation to be paid to experts, clerks, and a secretary, and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Board of Trustees for such purpose.
- D. Terms of office. Members of the Planning Board shall be appointed for five-year terms. The Chairperson shall be appointed annually. No member of the Planning Board may serve more than two consecutive terms of five years each.
- E. Vacancy in office. Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.
- F. Vacature of office. A member of the Board of Appeals who has failed to attend three consecutive meetings, unless excused by the Chairman or Acting Chairman, shall be considered to have vacated his office unless otherwise ordered by the Board of Trustees.

**§ 200-47. Alternate members of Zoning Board of Appeals/Planning Board.
[Amended 8-1-2016 by L.L. No. 2-2016]**

- A. The positions of alternate members of the Zoning Board of Appeals/Planning Board are hereby established. There shall be two such alternate members for the Zoning Board of Appeals/Planning Board.
- B. The alternate members of the Zoning Board of Appeals/Planning Board shall serve in the absence, unavailability, or inability of a regular member of such Board to serve. Copies of notices sent to regular members of the Zoning Board of Appeals/Planning Board shall be sent to the respective alternate members. When a meeting of the Zoning Board of Appeals/Planning Board shall be duly noticed and called for discussion, if it shall become apparent that a regular member(s) of the Board will be unable to hear and deliberate upon an application, then the alternate member(s) of the Board, at the call of the Chairman or Clerk of the Board, shall be duly authorized to hear any application, to deliberate and to vote with full force and effect as if duly appointed a regular member of the Board.
- C. The alternate members of the Zoning Board of Appeals/Planning Board shall be appointed for the same term and in the same manner as regularly appointed members.

ARTICLE VIII
Administration and Enforcement

§ 200-48. Zoning Administrator.

- A. Office and appointment. There is hereby established the position of Zoning Administrator who shall be appointed by the Village Board and may hold other appointive office. In the event a Code Enforcement Officer is appointed, he may be given the additional function of Zoning Administrator.
- B. Powers and duties. It shall be the duty of the Zoning Administrator to enforce the provisions of this chapter. He shall examine all applications for permits and issue permits only for construction and uses which are in accordance with the requirements of this chapter and also other ordinances, rules and regulations of the Village of Palmyra enforced at the time of application, and also in compliance with such laws of the State of New York enforced at the time of application. Permits for construction and uses which require approval from the Board of Appeals shall be issued only upon written order of that Board.
- C. Records and reports. The Zoning Administrator shall maintain in the office of the Village Clerk records and files of all applications for permits with any accompanying plans and documents, which shall be matters of public record. He shall make such reports as the Village Board requires and shall report to the Village Board on all problems which arise in the administration of this chapter.
- D. Entry. The Zoning Administrator shall have the right at any reasonable time to enter any premises in the presence of the owner or occupant for the purpose of making an inspection of the buildings or premises necessary to carry out his duties.
- E. Stop-work order. Whenever any construction work is being done contrary to the provisions of this chapter or a permit issued under it, the Zoning Administrator may order the work stopped by notice in writing served on anyone engaged in such work or causing such work to be done and such person shall forthwith stop such work until notice is received in writing that such stop-work order has been withdrawn or canceled.

§ 200-49. Permits required.

- A. Building permit.
 - (1) Permit requirement. A building permit shall be required prior to the erection, alteration of or addition to any building or structure. It shall be unlawful for any person to commence work requiring a building permit until such permit has been duly issued. In the event a Building Code is adopted,¹⁸ only one permit shall be required which shall cover both the Building Code and this chapter and shall be issued by the Code Enforcement Officer only after approval of the Zoning Administrator, if a separate official.
 - (2) Application. Every application for a building permit shall be accompanied by a plan drawn to scale showing:

18. Editor's Note: See Ch. 76, Building Construction and Fire Prevention.

- (a) The lot upon which the building is proposed to be erected or on which an existing building is to be modified, together with lot dimensions, street address and map numbers; the names of abutting streets; the location, dimensions and uses of any existing buildings on the lot.
 - (b) The location, dimensions and proposed use of buildings for which the permit is sought.
 - (c) North point and scale.
- (3) Review and action. No building permit shall be issued until the Zoning Administrator has certified that the proposed action complies with the provisions of this chapter. In the event an application is denied by the Zoning Administrator, he shall issue to the applicant a written statement containing the reasons therefor. In granting a building permit, the Zoning Administrator or Code Enforcement Officer shall provide a building permit card to be posted on the site, which card shall be posted on the site of operation, visible from the street and open to inspection during the entire time of the prosecution of the work.
- (4) Time limit. If the work for which a building permit has been issued is not commenced within 60 days after the date of issuance of the permit, or if commenced, ceases for a period exceeding 60 days or such longer period as the Zoning Administrator may authorize in writing in recognition of the occurrence of conditions unforeseen at the time of issuance of the permit, the permit shall expire and a new permit shall be required before such work is commenced.

B. Certificate of occupancy for a building where a building permit is required.

- (1) Requirement. No buildings or structures hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Administrator, except that no occupancy permit shall be required for a permitted sign three square feet or less in area. A certificate of occupancy, however, shall not be required for the occupancy or use of a one- or two-family dwelling and its accessory structures when located in a residential use district and used exclusively for residence purposes.
- (2) Application. Application for a certificate of occupancy shall be made coincidentally with the application for a building permit and no building permit shall be issued until application shall have been made for a certificate of occupancy.
- (3) Review and action. Request for the issuance of a certificate of occupancy may be made upon completion of the erection, addition or alteration of any building, structure or portion thereof. If the Zoning Administrator finds that the construction has been completed, or has progressed to an extent that compliance with the terms of the building permit is finally ascertainable, finds that the building may be safely occupied and finds that provisions for use are in conformity with the provisions of this chapter, he shall issue the certificate of occupancy. If the request is denied, the Zoning Administrator shall issue to the applicant a written statement containing the reasons for such denial.

C. Certificate of occupancy for use of land.

- (1) Requirement. No land or existing building shall be put to a different type of use than that existing immediately previous until a certificate of occupancy has been granted by the Zoning Administrator, nor shall a nonconforming use be changed or extended without a certificate of occupancy.
- (2) Application. Written application to the Zoning Administrator shall be made in the same manner as for use of a building.
- (3) Review and action. If the Zoning Administrator shall find that a requested use for which a certificate is requested is in conformity with the provision of this chapter and all other applicable laws and ordinances, he shall issue such permit. If such request is denied, the Zoning Administrator shall issue to the applicant a written statement containing the reasons for such denial.

D. Fees. A schedule of fees shall be adopted by the Village Board and shall be available from the Village Code Enforcement Officer and the Village Clerk.
[Amended 4-15-1991 by L.L. No. 1-1991]

E. Duplicate copies. Duplicate copies of every certificate of occupancy and of every use permit shall be kept in the office of the Village Clerk. Copies shall be furnished on request and upon payment of copying costs to any person having a proprietary or tenancy interest in the building or land affected.

§ 200-50. Notice of violations.

- A. The use or occupancy of any building, structure or land contrary to the terms herein and any other applicable laws or ordinances shall not be permitted. Upon notice of such unlawful use or occupancy, the Zoning Administrator shall serve a written notice of such violation upon the owner, agent, occupant, contractor or builder to cease or desist such unlawful use or occupancy or remove said violation within five days from the date of such notice. In the event that such violation is removed within said period to the satisfaction of said officer serving such notice, he shall note the same accordingly upon his copy of such notice.
- B. In the event such violation or unlawful use is not terminated within said period, the occupancy or use permit for such property shall become null and void and a new certificate of occupancy or use permit shall be required for any further occupancy or use of such building or land.
- C. In the opinion of the Zoning Administrator, if such violation or unlawful use tends to jeopardize health, life or limb, he may order its use to cease and desist forthwith and any further use or occupancy of such property shall be unlawful until the violation or unlawful use is terminated and a new certificate of occupancy or use permit is issued.

§ 200-51. Penalties for offenses.¹⁹

For any and every violation of the provisions of this chapter, the owner, general agent,

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

contractor, lessee or tenant of any entire building or entire premises where such violation has been committed or shall exist, and the general agent, architect, building contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be liable, upon conviction thereof, to a penalty not exceeding \$250 or a term of imprisonment not exceeding 15 days, or both, for each and every offense; and whenever such person shall have been notified by the Zoning Administrator by service of a summons in a prosecution, or in any other way, that he is committing such violation of this chapter, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

§ 200-52. Remedies.

In case any building, sign or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, sign, structure or land is used, or any hedge, tree, shrub or other growth is maintained in violation of this chapter, or of any regulations pursuant hereto, in addition to other remedies provided by law, any appropriate action or procedure may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

§ 200-53. Other remedies not excluded.

The various remedies provided herein are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

ARTICLE IX Amendments

§ 200-54. Application.

The Village Board may from time to time amend, supplement, change, modify or repeal the provisions of this chapter, including the Zoning Map attached thereto, in the manner specified in the Village Law.

§ 200-55. Initiation of proposed amendment. [Amended 8-1-2016 by L.L. No. 2-2016]

A proposed amendment to or change of this chapter shall be initiated by motion of the Village Board, or by recommendation of the Zoning Board of Appeals/Planning Board to the Village Board, or by petition of a property owner to the Village Board in accordance with § 200-56 of this chapter.

§ 200-56. Petition to Village Board.

- A. A petition for amendment to this chapter may be presented to the Village Board by the owner of any property in the Village who desires a change in the provisions of this chapter affecting his property and/or related property.
- B. If the petition shall be accompanied by a proposed amendment to this chapter, it shall be written in a form compatible with the form of this chapter, and satisfactory to the Village Attorney.
- C. If the change is in the Zoning Map, the amendment shall read as follows:

“The Zoning District Map of the Village of Palmyra attached to the Village Zoning Local Law and made a part thereof by § 200-11 of that local law is hereby amended by changing from (list present zoning district or districts) to (list proposed zoning district) of that land described as follows...

Such land being further described and bounded by a map accompanying this amendment and hereby made a part thereof.”
- D. The required map shall be drawn to scale and shall give the scale and North point, the names of all streets and, for areas smaller than a block in a zoning change, all property lines as shown on the Village Tax Map. Existing zoning shall be shown in blue and proposed changes outlined and designated in red.

§ 200-57. through § 200-59. (Reserved)²⁰

§ 200-60. Advertising costs.

When a proposed amendment or change is initiated by petition pursuant to § 200-56, the expenses of advertising notice of a public hearing of such proposal shall be paid by the petitioner.

20. Editor's Note: Former §§ 200-57 through 200-59, Report by Planning Board, Contents of report and recommendation, and Public hearing by Village Board, were repealed 8-1-2016 by L.L. No. 2-2016.

§ 200-61. Content of notice of public hearing.

Each notice of public hearing shall state the general nature of the proposed amendment or change as well as the text thereof. In the instance of map change, the map need not be published but shall be placed on display at the office of the Village Clerk and suitable reference made thereto in the notice.

§ 200-62. Zoning of annexed areas. [Amended 8-1-2016 by L.L. No. 2-2016]

Any area annexed to the Village after the effective date of this chapter shall, immediately upon such annexation, automatically be classified as an R-1 District until a zoning plan for said area has been adopted by the Village Board. The Zoning Board of Appeals/ Planning Board shall recommend to the Village Board appropriate zoning for the annexed area within not more than two months after the effective date of annexation. During the period between the date of annexation and until the Board has adopted said zoning plan, the provisions of Article VII, relative to nonconformity termination, shall not apply to any such annexed area.