

**VILLAGE OF MARGARETVILLE
LOCAL LAW NO. 1 of 1989
ZONING**

Prepared by:

Village of Margaretville Zoning Review Committee and
The Delaware County Planning Department

Prepared for:

The Village of Margaretville

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Village of Margaretville Zoning Local Law

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Schedule A

ARTICLE 1. AUTHORITY, TITLE, PURPOSE, SCOPE

1.01 Authority.

Pursuant to the authority conferred by Article 7 of the Village Law of the State of New York, the Board of Trustees for the Village of Margaretville, New York, hereafter referred to as the Village Board, hereby adopts and enacts as follows:

1.02 Title.

This Law shall be known and may be cited as the "Village of Margaretville Zoning Law".

1.03 Purpose

The provisions of this Local Law shall be held to be the minimum requirements adopted to promote the health, safety and general welfare of the Village of Margaretville. These regulations are intended to achieve the following purposes:

- a) Promote orderly development in accordance with the Village Comprehensive Plan.
- b) Secure safety from fire, flood and other dangers.
- c) Provide adequate light and air.
- d) Prevent overcrowding and undue concentration of population.
- e) Conserve the value of properties and buildings.
- f) Facilitate the adequate provision for public utilities and facilities.
- g) Promote energy conservation.
- h) Make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight, necessary therefor.

1.04 Scope

These regulations shall apply to the construction, installation or alteration of any building, structure or accessory system and any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Village of Margaretville.

1.05 Effective Date.

This Law, and any amendment, shall be in effect on the date of its publication following adoption.

ARTICLE 2. ADMINISTRATION AND ENFORCEMENT.

2.01 Interpretation.

- 2.01-1 In their interpretation and application, the provisions of the regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety or general welfare.
- 2.01-2 Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard shall govern, as interpreted by the Code Enforcement Officer.

2.02 Enforcement.

- 2.02-1 These regulations shall be enforced by a person hereinafter called the "Code Enforcement Officer," designated by the Village Board, who shall have the authority to issue permits only in strict compliance with this law.
- 2.02-2 No zoning permit or certificate of compliance required hereunder shall be issued by the Code Enforcement Officer except in compliance with the provisions of these regulations, or as directed by the Zoning Board of Appeals under provisions of Section 2.06.
- 2.02-3 The Code Enforcement Officer shall make such inspections of buildings or premises as are necessary to carry out said duties.

2.03 Violations and Penalties.

- 2.03-1 Any person who violates any provisions of this law, or who fails to comply with any order or regulation made thereunder, or erects, alters, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of this law, shall be subject to the provisions of this law.
- 2.03-2 Each day that such violation continues to exist shall constitute a separate offense.
- 2.03-3 Upon determination by the Code Enforcement Officer that a violation of these regulations exists, a written notice shall be sent to the last known owner of record, tenant, occupant, or manager, of the property, as determined by the assessment records, informing said owner of the violation of specific provisions of these regulations and stating that action is to be taken by said owner to remove such violation within ten (10) days; or proceedings to compel compliance with the regulations will be instituted, including a fine of not more than \$50.00 a day for each day that a violation exists beyond the said ten (10) days.
- 2.03-4 The Code Enforcement Officer shall be authorized to issue and serve appearance tickets, returnable in any such court, in connection with a violation of this Local Law.

2.04 Zoning and Building Permit.

- 2.04-1 No building shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change in its use and no excavation for any building shall be begun and no Building Permit issued by the Building Inspector, unless and until a zoning permit therefore has been issued by the Code Enforcement Officer. No such Building Permit shall be issued by the Code Enforcement Officer until all necessary permits have been issued under this Local Law and the Code Enforcement Officer confirms that both the structure that is the subject of such permit and its intended use will be in compliance with this Local Law.
- 2.04-2 No such zoning permit shall be issued until there has been filed with the Code Enforcement Officer a sketch or plot plan showing the actual dimensions and angles of the lot to be built upon, the exact dimensions and angles of the lot to be built upon, the exact size and location on the lot of the building or accessory buildings to be erected, relocated or altered and such other information as may be necessary to determine and provide for the enforcement of these regulations.
- 2.04-3 Each application shall state the purpose for which the structure or land is to be used and general description of the type of construction.
- 2.04-1 2.04-4 Upon written request of the Code Enforcement Officer, additional information (such as drawings, data, computations) necessary to ensure compliance with all supplemental regulations listed in Article 9 of this law, shall be provided by the applicant, his agent or consultant at no cost to the Village.
- 2.04-5 Zoning Permit fees shall be as established by resolution of the Village Board of Trustees.
- 2.04-6 If construction authorized by a Building Permit has not been started within six months, or in accordance with The Village of Margaretville Local Law No. 2 , (Administering and Enforcing the New York State Uniform Building Code), said Permit shall be null and void.

2.05 Certificate of Occupancy.

The Building Inspector shall not issue a Certificate of Occupancy until the Building Inspector has received certification (Certificate of Compliance) from the Code Enforcement Officer that the use conforms to all zoning requirements.

2.06 Zoning Board of Appeals.

2.06-1 Appointment.

There is hereby established a Zoning Board of Appeals which shall consist of five members and shall function in the manner prescribed by law. The members of the Board of Appeals shall be residents of the Village of Margaretville and shall be appointed by the Village Board to serve for terms as prescribed by law. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the manner as provided by Law.

2.06-2 Jurisdiction.

The Board of Appeals shall have the power and duties prescribed by statute and by this Local Law.

2.06-3 Interpretation.

On appeal from a determination of the Code Enforcement Officer or the Planning Board, the Board of Appeals shall hear and decide on questions of alleged error in any order or determination of the Code Enforcement Officer involving the interpretation of any provision.

2.06-4 Variance.

(a) On appeal from a determination of the Code Enforcement Officer, the Board of Appeals shall hear and decide to grant of a variance from a strict application of this law.

(b) No Board of Appeals decision shall be made on a variance until an advisory opinion is received from the Planning Board. Failure of said Planning Board to report an opinion prior to the hearing shall be construed as approval of the variance.

(c) The Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this section, and shall not grant any variance unless it makes a finding of fact based on evidence as presented in each case regarding the following:

(d) Area Variance

Area variances may be granted where setback, frontage, lot size, density or yard requirements of this Local Law cannot be reasonably met. The Zoning Board of Appeals shall respond in its findings to each of the following questions:

(1) How substantial the variance is in relation to the zoning requirement.

(2) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created;

- (3) Whether the difficulty can be eliminated by some method other than a variance which is feasible for the applicant to pursue. In the case of side yard variances, in particular, it is frequently feasible, proper and possible for the applicant to alter the plot plan to locate a proposed structure or addition in a new location which does not require a variance.
- (4) Whether in view of the manner in which the difficulty arose and in consideration of the above factors the interests of justice will be served by allowing the variance.
- (5) Proof of significant economic injury or ability to improve access to solar radiation for energy uses, may be grounds for granting any area variance, the Board of Appeals shall prescribe any conditions that it deems necessary or desirable.

The following shall not be considered in determining "Practical Difficulty".

- (1) The owner is merely inconvenienced.
- (2) The owner is prevented from building a second or subsequent structure.
- (3) The owner is prevented from building a structure as large as he/she would like, provided he/she can build on of reasonable size.
- (4) A larger building will merely improve the efficiency of a business or yield more profit.

(e) Use Variance

- (1) A use variance may be granted by the Zoning Board of Appeals only after the findings of the Zoning Board of Appeals established that "Unnecessary Hardship" exists.
- (2) In determining whether "Unnecessary Hardship" exists, the Zoning Board of Appeals' findings must established each of the following criteria:
 - (a) The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone. A promise of a greater yield by allowing a prohibited use is not to be considered;
 - (b) The use to be authorized by the variance will not alter the essential character of the neighborhood and is compatible with the area;
 - (c) The use to be authorized by the variance will not be contradictory or detrimental to the spirit or intent of the Zoning District of Zoning Law itself;
 - (d) that the alleged hardship claimed is not self-created.
 - (e) The applicant is able to identify a unique circumstance.

2.06-5 Procedures.

- (a) The procedures of the Board of Appeals shall be governed by the provisions of Section 7-712 of the Village Law, as amended, and no provision of this law shall be interpreted to the contrary.
- (b) Any appeal of a decision of the Code Enforcement Officer or the Planning Board shall be taken within thirty (30) days of said decision, by filing with the Village Clerk a notice of appeal specifying the grounds thereof.
- (c) All appeals shall be made in writing on forms provided by the Zoning Board of Appeals. The Code Enforcement Officer shall then transmit to the Board of Appeals all papers constituting the record upon which the action appealed was taken.
- (d) The Board of Appeals shall in all instances hold a public hearing within thirty (30) days of filing and shall give notice of public hearing to the Village's official. The applicant shall give notice to the owners contiguous properties, by certified mail not less than ten (10) days in advance of the hearing.
- (e) The minutes of the Board of Appeals meetings and hearings shall be a public record.
- (f) The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any order or decision to decide in favor of any applicant, except as provided in Section 2.06-6 (Referrals).
- (g) All provisions of this Law relating to the Board of Appeals shall be strictly construed, provided that none of the provisions shall be deemed to limit any power of the Board of Appeals conferred by statute.
- (h) All decisions of the Board of Appeals shall be in writing, and a copy of each decision shall be sent to the applicant, the Code Enforcement Officer and the Planning Board. The Board of Appeals shall also retain in its files a copy of each decision which files shall be available for inspection by the public.
- (i) Each decision shall set forth fully the reasons for the decision of the Board of Appeals, and the findings of fact on which the decision was based, with references to the appropriate subsections of this Section (Zoning Board of Appeals) where the appeal is for a variance.
- (j) The Zoning Board of Appeals shall give its decision within sixty-two (62) days from the date of the hearing.
- (k) Any person aggrieved by a decision of the Zoning Board of Appeals may have the decision reviewed by the State Supreme Court in the manner provided by law.

2.06-6 Referrals.

- (a) Whenever any variance would change the district classification of or a regulation applying to real property in an area as described in Sections 239-L and 239-M of the General Municipal Law, said variance shall be referred to the Delaware County Planning Board, which Board shall report its recommendations to the Board of Appeals. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval.
- (b) The concurring vote of a majority plus one of the Board of Appeals shall be necessary to override County Planning Board recommendations of approval with modifications or disapproval.
- (c) Within seven (7) days after final action by the Board of Appeals on the recommendations, modifications, or disapproval of a referred matter, the Zoning Board of Appeals shall file a report of the final action with the County Planning Board.

2.07 Amendments

2.07-1 Policy.

For the purpose of establishing and maintaining sound development, this law shall not be amended except to correct a manifest error, or to provide for regulations more appropriate to an area because of changed or changing circumstances.

2.07-2 Initiation.

The Village Board may, from time to time on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by these regulations pursuant to this law.

Whenever the owners of fifty (50) per cent or more of the frontage in any district or part thereof included in such change shall present a petition duly signed and acknowledged to the Village Board requesting an amendment, supplement or change of the regulations prescribed for such district or part thereof, it shall be the duty of the Village Board to vote upon said petition within ninety (90) days after receiving the reports and recommendations from the Village Planning Board and/or the Delaware County Planning Board in accordance with Section 2.07-3 (Referrals)

The Planning Board may, by resolution, propose an amendment to the Village Board suggesting a change or repeal of specific portions of the regulations. Within ninety (90) days from the time such resolution is filed with the Village Clerk, it shall be the duty of the Village Board to vote on such proposed amendment.

2.07-3 Referrals.

(a) Village Planning Board.

All proposed amendments, supplements or changes originating by petition, or by motion of the Village Board, shall be referred to the Village Planning Board

for a report and recommendation thereon. The Planning Board shall submit its report within ninety (90) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment. In making such report on a proposed amendment, the Planning Board shall make inquiry and determination concerning the items below:

- (1) Concerning a proposed amendment to, or change in, the text of the Law:
 - (a) Whether such change is consistent with the aims and principles embodied in this Local Law as to the particular districts concerned;
 - (b) Which areas, land uses, buildings, and establishments in the Village will be directly affected by such change and in what way they will be affected;
 - (c) The indirect implications of such change in its effect on other regulations; and
 - (d) Any other consideration deemed appropriate by the Planning Board.
 - (2) Concerning a proposed amendment involving a change in the Zoning Map:
 - (a) Whether the uses permitted by the proposed change would be appropriate in the area concerned;
 - (b) Whether adequate public school facilities and other public facilities and services, including roads, exist or can be reasonably expected to be created, to serve the needs of any additional dwellings or other uses likely to be constructed as a result of such change;
 - (c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity; and
 - (d) Any other consideration deemed appropriate by the Planning Board.
- (2) Delaware County Planning Board.
- (1) Whenever any amendment would change the district classification of or a regulation applying to real property in an area as described in Sections 239-L and 239-M of the General Municipal Law, said amendments shall be referred to the Delaware County Planning Board, which Board shall report its recommendations to the Village Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval.
 - (2) Within seven (7) days after final action by the Village Board on the recommendations of a referred matter, the Board shall file a report of the final action with the County Planning Board.

2.07-4 Planning Board Hearing on Proposed Amendment

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. Such hearing shall be by the Planning Board, within forty-five (45) days of receiving the referred amendments. In addition to the public notice of a hearing, notice shall be given in writing, either personally or by mail, to all property owners of the land included in such proposal change, and the land immediately adjacent extending one-hundred (100) feet from the street frontage of such opposite land, as said property owners and addresses appear on the latest completed assessment roll of the Village.

2.07-5 Village Board Hearing on Proposed Amendment

The Village Board shall hold a public hearing in conjunction with or subsequent to the Planning Board public hearing (Section 2.07-4). Such hearing shall be held by the Village Board, within forty-five (45) days of the report and recommendations of the Planning Board. In addition to the public notice of a hearing, notice shall be given in writing, either personally or by mail, to all property owners of the land included in such proposal change, and the land immediately adjacent extending one-hundred (100) feet from the street frontage of such opposite land, as said property owners and addresses appear on the latest completed assessment roll of the Village.

2.07-6 Adoption of Amendment

After the public hearings of the Village Board and the Planning Board, and after all required referrals (Section 2.07-3), a majority vote of the members of the Village Board shall be required to amend this law, except as provided in Section 2.07-7 (Protest Petitions).

2.07-7 If a protest against a proposed amendment is presented to the Village Board, duly signed and acknowledged by the owners of twenty (20) per cent or more of the parcels included in such proposed change, or by the owners of twenty (20) per cent or more of the parcels immediately adjacent extending one-hundred (100) feet there from, or by the owners of twenty (20) per cent or more of the parcels directly opposite thereto extending one-hundred (100) feet from the street frontage of such opposite land, such amendment shall not be passed except by a majority plus one vote of the Village Board.

2.08 Separability.

Should any section or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE 3. ESTABLISHMENT OF DISTRICTS.

3.01 Zoning Districts.

The Village of Margaretville is divided into the following districts:

- R Residential
- B Business
- I Industrial

3.02 Zoning Map.

3.02-1 The locations and boundaries of the zoning districts are as shown on the map entitled "Village of Margaretville, N.Y., Zoning Map", which is on file at the Village Clerk's Office.

3.02-2 Amendments to district boundaries shall be immediately shown on the Official Zoning Map located in the Village Office at the time of such amendment.

3.03 District Boundaries.

In determining the boundaries of districts shown on the map, the following rules shall apply:

3.03-1 Where district boundaries are indicated as approximately following the centerlines of streets, highways, waterways, or railroad rights-of-way or such lines extended, such centerlines shall be construed to be such boundaries.

3.03-2 Where district boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.

3.03-3 Where a district boundary line divides a lot in single ownership at the time of the passage of these regulations, the standards for the less restricted portion of such lot shall apply provided the lot has frontage on a street in the less restricted area.

3.03-4 In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Board of Appeals shall render a determination in accordance with the procedure of Section 2.06 (Zoning Board of Appeals).

3.04 Annexed Areas.

3.04-1 Prior to annexation of any area by the Village, the Planning Board shall recommend to the Village Board the appropriate zoning designation. The procedure for such designation shall be the same as for a Zoning Amendment (Section 2.07).

3.04-2 The Village Board, after public hearing, shall determine the zoning designation, to be effective on the date of annexation.

3.05 Permitted Uses.

Permitted buildings and uses are as listed in Article 4 and Schedule A (which is hereby made a part of these regulations) as follows:

- (a) By Right (Without Special Permit)
- (b) Subject to Special Permit of the Village Planning Board, in accordance with Article 6.
- (c) Subject to Site Plan review of the Planning Board, in accordance with Article 7.

ARTICLE 4. DISTRICTS AND THEIR PERMITTED USES.

4.01 Residential District (R).

4.01-1 Purpose.

- (1) To designate those areas where predominantly residential development has occurred or areas that are well suited for future residential development.
- (2) To protect the integrity of residential areas by prohibiting the development of incompatible land uses.

4.01-2 Permitted Uses.

In any Residential District (R) the following buildings and uses are permitted:

- (a) One and two-family dwellings
- (b) Accessory uses, including solar and other alternative energy systems and equipment
- (c) Public Parks or Playgrounds
- (d) Accessory Apartments
- (e) Minor Home Occupation

4.01-3 Special Permit Uses. (See Schedule A)

In any Residential District (R), buildings and uses are permitted subject to the conditions of Section 6.01 for Special Permit Uses.

4.02 Business District (B).

4.02-1 Purpose.

- (a) To designate those areas where predominately business and commercial development has occurred or areas that are well suited for future business and commercial development.
- (b) To designate areas best suited for business services because of location, transportation, parking, in relation to other land uses.

4.02-2 Permitted Uses.

In any Business District (B) the following buildings and uses are permitted:

- (a) All Permitted and Special Permit Uses allowed in Residential District (R) as state in Section 4.01, except Agriculture and Multiple family dwellings by conversion, and Public Utilities.
- (b) Professional, business, municipal or other governmental agencies
- (c) Bank without drive-up facilities
- (d) Barber shop, beauty parlor
- (e) Laundromat
- (f) Club, lodge, social center, recreation center
- (g) Funeral Home
- (h) Country general stores
- (i) Restaurants, cafes, and similar establishments selling or serving prepared or packaged foods. Including baked goods, dairy products, and desserts, and non-alcoholic beverages, for on premises or off premises consumption.
- (j) Restaurants, cafes, taverns and similar establishments selling or serving prepared or packaged food, including baked goods, dairy products, and desserts, and non-alcoholic beverages, for on premises or off premises consumption, and alcoholic beverages for on premises consumption.
- (k) Antique, gift, novelty, and souvenir shops
- (l) Cultural facilities, museums, botanical gardens and art galleries
- (m) Private, Public Parking Lot
- (n) General retail business, in existing buildings
- (o) Theatre

4.02-3 Special Permit Uses. (See Schedule A)

In any Business District (B) all buildings and uses are permitted subject to the conditions of Section 6.01 for Special Permit Uses.

4.03 Industrial District (I)

4.03-1 Purpose.

To designate areas best suited for manufacturing uses because of location, topography, transportation, existing facilities, and relation to other land uses.

4.03-2 Permitted Uses.

Industrial uses are by Special Permit only as listed in Schedule A.

4.03-3 Special Permit Uses. See Schedule A

In any Industrial District (I) the buildings and uses are permitted subject to the conditions of Section 6.01 for Special Permit Uses:

- (a) Storage/warehouse
- (b) Light Industry
- (c) Gas/fuel distributors
- (d) Public Utility
- (e) Plant nurseries and greenhouses
- (f) Home occupations in preexisting homes
- (g) Agriculture
- (h) Accessory uses, including solar and other alternative energy systems and equipment
- (i) Lumber Yard
- (j) Trucking facility
- (k) Scientific Research lab
- (l) Sand/Gravel Mining

ARTICLE 5. DISTRICT REGULATIONS-

5.01 Application of Regulations.

- 5.01-1 No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed or used for any purpose or in any manner other than as specified among the uses herein listed as permitted in the district in which such building or land is located.
- 5.01-2 No building shall be erected, reconstructed or structurally altered to such exceed in height the limit herein designated for the district in which such building is located. No building shall be erected and no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.
- 5.01-3 No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

5.02 Lot Area and Width, Yards, Building Coverage and Height

5.02-1 Regulations governing lot area and lot width, front, side and rear yard; building coverage and height are specified in Schedule A, which standards are hereby made a part of this Local Law subject to the additional standards set forth herein.

5.02-2 Lot Area, Yard and Height Regulations for Apartments and Attached Dwellings

All special uses and attached dwellings and apartments shall be subject to the site plan requirements of this Local Law. Single family attached housing and apartments shall only be constructed if connected to a public sewer system. No more than six (6) attached buildings shall be located in any one building. Apartment buildings shall have side yards separating individual buildings by a distance of not less than twice the height of the tallest building. Rear yards separating individual buildings shall be equal to three times the height of the tallest building. Any change to existing buildings that includes adding apartment units without a net increase in units shall require a special permit and the apartment building shall meet all requirements for parking as required by this Local Law.

5.03 Additional Area Regulations.

5.03-1 Existing Lots of Record.

A building or structure may be constructed on any lot of record in any district where otherwise permitted even if said lot is less than the minimum area required for building lots in the district in which it is located, providing the conditions of Section 8.04 exist or are met.

5.03-2 Number of Dwellings on Lot.

No more than one residential structure on any lot shall be permitted unless lot area and yard requirements are met for each dwelling, including required street frontage.

5.03-3 Corner Lot.

On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a permit.

5.03-4 Through Lots.

Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the principal structure shall be erected to face the street on which those adjoining structures face. The building height shall be measured from the grade of the street designated as the street on which the building fronts.

5.03-5 Visibility at Street Corners.

On a corner lot in any district where a front yard is required, or exists, no fence, wall, hedge or other structure or planting more than three feet in height shall be placed or maintained which obstructs visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and straight line joining said lines at points thirty (30) feet distant from the point of intersection, measured along said lines.

5.03-6 Front Yard Exception.

When a vacant lot in any district is situated between two improved lots, the front yard of the vacant lot shall have a depth even with the setbacks of buildings on either side, but not less than twenty (20) feet from the street right-of-way.

5.03-7 Transition Yard Requirements.

Where a residential district abuts a non-residential district on a street line, there shall be provided in the non-residential district for a distance of fifty (50) feet, or width of lot - whichever is greater, from the district boundary line a front yard at least equal in depth to that required in the residential district. Where the side or rear yard in a residential district abuts a side or rear yard in a non-residential district, there

shall be provided along such abutting line or lines in the non-residential district, a side or rear yard at least equal in depth to that required in the residential district. In no case, however, shall the abutting side or rear yard be less than fifteen (15) feet.

5.03-8 Projections into Required Yards.

- (a) The space in any required yard shall be open and unobstructed except for accessory buildings in a side or rear yard and except for the ordinary projections of window sills, belt courses, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than two (2) feet into any minimum required yard as specified in Schedule A.
- (b) A paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls, parapets, or other forms of enclosure exceeding six (6) feet in height.
- (c) In determining the percentage of building coverage or the size of yards for the purpose of these regulations, enclosed porches, or porches open at the side but roofed, shall be considered a part of the building.
- (d) An open fire escape may extend into any minimum required yard not more than four (4) feet provided that such fire escape shall not be closer than ten (10) feet at any point to any lot line.
- (e) Unenclosed entrance steps or stairways providing access in the first story, cellar or basement of a building may extend into any minimum required yard a distance not to exceed six (6) feet in front or rear and not exceed four (4) feet in any minimum required side yard.

5.03-9 Walls, Fences and hedges.

The yard requirements of these regulations shall not prohibit any retaining wall nor any fence, wall or hedge otherwise permitted and in conformance with State regulations, providing that in any residential district such fence, wall or hedge shall be no closer to any front lot line than two (2) feet, except for the provision of four (4) feet to enable the passage of foot traffic, and shall comply with visibility at street corners as provided in this section.

5.03-10 Screen Planting.

- (a) Enclosed Uses - Any use required by these regulations to be screened shall provide a fence, screen or landscaping sufficient to obscure such uses from view from abutting properties or from the public right-of-way.
- (b) Unenclosed Uses - Any commercial or industrial use which is not conducted within a building, including, but not limited to junk yards, storage yards, building materials yards, and which is in, abuts or is adjacent to a Residential District or fronts on a public right-of-way, shall be obscured from view from such Residential District and public right-of-way in an effective manner. This section shall not apply to nurseries, and the display for sales purposes of new or used

cars, trucks, trailers, bicycles, motorcycles, snowmobiles or farm equipment if set back at least fifty (50) feet from the edge of the pavement.

- (c) Approval by the Planning Board - Plans and site design for the installation of such fencing or screening as are required by these regulations shall be reviewed and approved by the Planning Board prior to issuance of a building permit. Any fencing or screening installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or diseased plant materials shall be considered a violation of these regulations.

5.03-10 Accessory Buildings: Number, Height, and Location.

- (a) Number - On any lot, two accessory buildings including a garage, non-commercial home workshop or other accessory buildings or use in connection with the principal dwelling or use may be constructed and located subject to the following:
- (b) Height - There shall be no height limitation on barns, silos and other farm structures. Others are as shown in Schedule A.
- (c) Location – Nonresidential accessory buildings shall comply with front and side yard requirements for the principal buildings, except that front and side yard requirements for accessory farm buildings shall be a minimum of one-hundred (100) feet from the road right-of-way and one-hundred (100) feet from the side lot line.

Accessory buildings in a residential district which are not attached to a principal building shall be erected in accordance with the following requirements:

- (1) Rear or side yard - at least ten (10) feet from side or rear property line;
 - (2) Side yard, street side of corner lot - same as for principal building; and
 - (3) Not closer to a principal or other accessory building than ten (10) feet.
- (d) Attached Accessory Building in Residential District - When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of these regulations applicable to the principal building.

5.04 Additional Height Requirements.

General Application - No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except that the height limitations of these regulations shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks and necessary poles, monuments, silos, transmission towers and cables, radio and television antennae or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part for any chimney, tower, tank or other structure which extends above the height limitations.

ARTICLE 6. SPECIAL USE PERMIT REQUIREMENTS.

6.01 Scope, Procedure, Referrals.

6.01-1 Scope.

The Village Planning Board may grant a Special Use Permit for uses as listed in Schedule A if the proposed use meets the standards and conditions listed in this section.

A Special Use Permit shall authorize only one particular special use, and shall expire if the special use ceases for more than six (6) months for any reason.

A Special Use Permit shall be transferable with the change of ownership of the lot the special use exist upon for that particular special use permitted.

Village Planning Board approval shall be obtained for any addition or alteration to uses and buildings authorized by Special Use Permit.

6.01-2 Procedure.

Prior to any application for a Special Use Permit, two copies of preliminary data and drawings on forms provided by the Village Clerk as necessary to describe and illustrate the proposed use shall be submitted to the Code Enforcement Officer for review to assure that the application will be complete and in compliance with these regulations.

On receipt of a complete application for a Special Use Permit, the Code Enforcement Officer shall submit the final plans to the Village Planning Board within seven (7) days. There shall be a public notice and hearing thereon as provided by law. Such hearing shall be held by the Village Planning Board, within forty-five (45) days of receiving the submitted application. In addition to the public notice of a hearing, notice shall be given in writing, by the applicant by certified mail, to all property owners of the land immediately adjacent to, extending one-hundred (100) feet there from, and directly opposite thereto, extending one-hundred (100) feet from the street frontage of the land in said application.

The Village Planning Board shall, within forty-five (45) days of the public hearing and required referrals (Section 6.01-3), approve or approve with conditions or disapprove the Special Use Permit application.

6.01-3 Referrals.

(1) County Referral.

Whenever any Special Use Permit involves real property in an area as described in Section 239-M of the General Municipal Law, said Special Use Permit shall be referred to the County Planning Board, which Board shall report its recommendations to the Village Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be an approval.

Within seven (7) days after final action by the Village Planning Board on the recommendations, modifications or disapproval of a referred matter, the Board shall file a report of the final action with the County Planning Board.

6.02 Purpose

The purpose of the special permit procedure is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses have either unusual character and are essential and desirable for the general convenience and welfare, but because of the nature of the use and possible impact, not only on neighboring properties, but on a large section of the municipality, require the exercise of planning judgment on location and site plan. A special permit should be approved by the Planning Board only if it is found that the proposal meets the standards listed below. Unless otherwise specified as a condition of approval, the height limits, yard spaces, lot area and sign requirements shall be the same as for other uses in the district in which the special permit use is located.

6.03 Standards.

In authorizing such permit, the Village Planning Board may designate appropriate conditions in harmony with the following standards:

- (a) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
- (b) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection there-with, its site layout, and its relations to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying these standards, the Village Planning Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of development of the neighborhood.
- (c) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
- (d) Adequate off-street parking facilities are available or will be provided.

- (e) The proposed development will not adversely affect community appearance.
- (f) The proposed development can be served by necessary community facilities and will not overtax such facilities. This includes providing adequate access for emergency vehicles.
- (g) Operation of any special permit use shall not be more objectionable to nearby properties by reason of dust, odor, noise, fumes, vibration, excessive lighting, or water pollution than would the operation of any permitted use.
- (h) Special Permit uses shall not conflict with the Comprehensive Plan.
- (i) Solar access of adjacent properties is not obstructed by said use.
- (j) All State Environmental Quality Review requirements have been met.
- (k) No Special Permit shall be issued for a property where there is a violation of this Local Law or other Village Law or regulation.
- (l) The proposed development will conform to the provisions of the Local Laws of the Village, the Village Law of New York State, and all applicable rules and regulations of State and Federal Agencies.
- (m) Signage for properties granted Special Use Permits shall conform to the signage requirements in Paragraph 9.03 for the Zoning District of that property, unless a variance is granted by the Zoning Board of Appeals. (Local law #1 of 2005)

6.04 Conditions

The Planning Board, in granting Special Permits may impose such conditions, safeguards and restrictions upon the proposed development as may be deemed necessary in the public interest to secure compliance with the provisions of the Zoning Law.

Conditions may include, but are limited to, the following:

- (a) The hours of operation;
- (b) Access to the subject property;
- (c) Protection of surface and groundwater;
- (d) Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners;
- (e) Adequate sewage disposal and water supplies;
- (f) Sound limitations as needed to ensure peaceful enjoyment of neighboring properties.
- (g) The location, size, height, design of building walls, fences, landscaping and buffer yards;
- (h) Covenants, easements, and/or homeowners' association for maintenance of applicable restrictions;

- (i) Timing or phasing of the development;
- (j) Underground utilities;
- (k) Control of dust, smoke, odor and soil erosion;
- (l) Bonding as required to ensure standards are met and plans are implemented.

ARTICLE 7. SITE PLAN REVIEW.

7.01 Purpose.

This section of the Village of Margaretville Zoning Law is enacted under the authority of Article 7 of the Village Law of the State of New York to protect the health, safety, convenience and general welfare of the inhabitants of the Village. This Article regulates the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- (a) The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
- (b) The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- (c) The adequacy of waste disposal methods and protection from pollution of surface or groundwater; and
- (d) The protection of historic and natural environmental features on the site under review, and in adjacent areas.

7.02 Projects Requiring Site Plan Review.

No permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Planning Board. Site Plan Review shall also be required for the resumption of any use discontinued for more than one year, or for the expansion of any existing use. "Expansion" shall include a floorspace increase of two-hundred (200) square feet or more within any ten (10) year period, or the introduction of new materials or processes not previously associated with the existing use. Those proposals requiring Site Plan Review are listed on Schedule A.

"Change of Use", as defined by the Village Zoning Law shall not require site plan review unless the proposed use will result in an increase in intensity on the site. (Local Law 6 of 2005)

7.03 Exemptions from Site Plan Review.

Site Plan Review shall not be required for:

- (a) The construction of enlargement of any single family or two-family dwelling, or building accessory to such dwelling;
- (b) The construction or alteration of any building used exclusively for agriculture, horticulture, or floriculture;
- (c) Construction or alteration providing for not more than two hundred (200) square feet total floor area after construction;

(d) Customary home occupations as defined in Article 10 (Definitions).

7.04 Procedure.

7.04-1 Prior to the submission of a formal site plan, a presubmission conference may be held wherein the applicant shall meet in person with the Code Enforcement Officer to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Village's requirements in matters relating to the development of the site.

7.04-2 Within six (6) months following the presubmission conference, five (5) copies of the site plan and any related information shall be submitted to the Code Enforcement Officer accompanied by a fee in accordance with the schedule of fees of the Village of Margaretville, payable to the Village Clerk. If the application is not submitted within this six (6) month period, another presubmission conference may be required.

7.04-3 The Code Enforcement Officer shall certify on each site plan application or amendment whether or not the application is complete in accordance with Section 7.06 (Submission Requirements) and whether the plan meets the requirements of all Zoning Law provisions other than those of this Article regarding site plan review. If the Code Enforcement Officer determines that any provisions of Section 7.06 do not apply to an application, he/she may waive any such requirements and supply the Planning Board with a written explanation of each omission. The Code Enforcement Officer shall act to certify the application or return it to the applicant for completion or revision within ten (10) days of submission by the applicant. (Local Law 6 of 2005)

7.04-4 Following certification of a complete application, the Code Enforcement Officer shall, within the next thirty (30) days, review and evaluate the application in accordance with the required standards of Section 7.07 (Standards for Review). Upon completion of review, the Code Enforcement Officer shall meet with the applicant and discuss the application and conditions that could assist the applicant in meeting the standards of Section 7.07. Within ten (10) days thereafter, the Code Enforcement Officer shall make a recommendation on the application to the Planning Board no later than ten (10) days prior to their next meeting.

An Environmental Assessment Form (either a short or long form, depending upon the nature of the proposal) shall be submitted to the Code Enforcement Officer prior to the submission of the Code Enforcement Officer's recommendation to the Village Planning Board to insure compliance with the New York State Environmental Quality Review Act (6 NYCRR 617), hereinafter referred to as SEQR, to identify the potential environmental, social, and economic impacts of the project. (Local Law 6 of 2005)

7.04-5 Public Hearing.

The Planning Board shall hold a Public Hearing on the application. Said hearing shall be held within sixty-two (62) days of submission to the Planning Board of a complete application by the Code Enforcement Officer. Notice of said hearing shall be published in the official Village newspaper at least ten (10) days prior to the hearing. In addition to the published notice of hearing, the applicant shall give written notice by certified mail, to all property owners of the land immediately

adjacent to, extending one-hundred (100) feet there from, and directly opposite thereto, extending one-hundred (100) feet from the street frontage of the land in said application not less than ten (10) days in advance of the hearing. (Local Law 6 of 2005).

7.04-6 Action.

The Planning Board shall make a determination of significance of the proposed site plan according to SEQR.

The Planning Board shall, with consideration given to the recommendations and proposed conditions of the Code Enforcement Officer, approve or approve with conditions or disapprove the application within thirty (30) days of the conclusion of the SEQR process and required referrals (Section 7.04-7). Failure to act within such thirty (30) days of the SEQR process and required approvals shall be deemed approval. Should the Planning Board need an additional thirty (30) days to consider the application, then they may do so by an agreement with the applicant. Said agreement shall be recorded in the minutes.

7.04-7 Referrals.

Whenever any Site Plan involves real property in an area as described in Section 239-m of the General Municipal Law, said Special Use Permit shall be referred to the County Planning Board, which Board shall report its recommendations to the Village Planning Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval.

The concurring vote of a majority plus one of the Village Planning Board shall be necessary to override a County Planning recommendation of approval with modifications or disapproval.

Within seven (7) days after final action by the Village Planning Board on the recommendations, modifications or disapproval of a referred matter, the Board shall file a report of the final action with the County Planning Board.

7.04-8 Review of amendments to an approved site plan shall be acted upon in the same manner as the review of the original site plan.

7.05 Enforcement.

7.05-1 The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any permit or license when work is not performed as required.

7.05-2 Any Site Plan Approval issued under this Article shall lapse within one year if a substantial use thereof has not commenced, such time may be extended by the Village Planning Board in its sole discretion for an additional period(s) not to exceed one (1) year in total upon written application by the applicant stating the reason(s) for the delay. (Local Law 6 of 2005)

7.05-3 The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this Article, by majority vote of the Planning

Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing shall be advertised once in a newspaper of general local circulation, at least seven (7) days prior to the hearing.

7.06 Submission Requirements.

- 7.06-1 The site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, unless specifically waived by the Code Enforcement Officer during the original application certification. Notations explaining the reasons for any omissions shall accompany the application materials. If upon review by the Planning Board, it is determined that a submission requirement previously waived is integral to the review, the Planning Board may require additional information from the applicant. (Local Law 6 of 2005)
- 7.06-2 Site plans shall be prepared by a surveyor, registered professional engineer, architect, or landscape architect at a scale of one (1) inch equals fifty (50) feet, on standard 24" x 36" sheets, with continuation on 8 1/2" x 11" sheets as necessary for written information.
- 7.06-3 Items required for submission include:
- (a) Name of the project, boundaries, and location maps showing site's location in the Village, date, north arrow and scale of the plan.
 - (b) Name and address of the owner of record, developer, and seal of the engineer, surveyor or landscape architect.
 - (c) Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property line.
 - (d) All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses, and the location and use of structures within three hundred (300) feet of the site.
 - (e) The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
 - (f) The location of all present and proposed public and private ways, parking area, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, and walls. Location, type, and screening details for all waste disposal containers shall also be shown.
 - (g) The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties and streets must also be shown.
 - (h) The location, height, size, materials, and design of all proposed signage.
 - (i) The location of all present and proposed utility systems including:

- (1) sewage or septic system;
- (2) water supply system;
- (3) telephone, cable and electrical systems; and
- (4) storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, and drainage swales.

The Planning Board may also request soil logs, percolation tests and storm water run-off calculations for large developments or developments in environmentally-sensitive areas.

- (j) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
- (k) Existing and proposed topography at a two (2) foot contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year flood-plain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within fifty (50) feet of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.
- (l) A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material, and erosion control measures. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
- (m) Zoning district and municipal boundaries within five hundred (500) feet of the site's perimeter shall be drawn and identified on the plan.
- (n) Traffic flow patterns within the site, entrances and exits, loading and unloading area, and curb cuts on the site and within one hundred (100) feet of the site.

The Planning Board may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

- (1) the projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic level;
- (2) the projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
- (3) the impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.

- (o) For new construction or alterations to any existing building, a table containing the following information must be included:

- (1) area of building to be used for a particular use such as retail operation, office, storage, etc.;
 - (2) maximum number of employees;
 - (3) maximum seating capacity, where applicable; and
 - (4) number of parking spaces existing and required for the intended use.
- (p) Elevation plans at a scale of 1/4" = 1' for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of materials to be used.

7.07 Standard for Review.

The Planning Board shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and performance standards shall be adopted by the Planning Board to guide decisions with respect to these objectives, and to help ensure consistency in the review of all applications.

7.07-1 Legal.

Conformance with the provisions of the Local Laws of the Village, the Village Law of New York, and all applicable laws, rules and regulations of state and federal agencies.

7.07-2 Traffic.

Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.

7.07-3 Parking.

Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.

7.07-4 Village Services.

Reasonable demands placed on Village services and infrastructure.

7.07-5 Pollution Control.

Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.

7.07-6 Nuisances.

Protection of abutting properties and Village amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.

7.07-7 Existing Vegetation.

Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

7.07-8 Amenities.

The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.

7.07-9 Village Character.

The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding village scape and the natural landscape.

ARTICLE 8. NONCONFORMING USES, STRUCTURES AND LOTS.

8.01 Intent.

It is the intent of this Article to permit nonconforming lots, structures, and uses to continue until they are removed, but not to encourage their survival. Therefore lots, structures and uses of land and/or structures which lawfully existed at the time of enactment of these regulations and which would be prohibited or restricted under the terms of this Local Law may continue subject to the following provisions:

8.02 Nonconformance.

8.02-1 Nonconforming Lot:: Any lot which legally existed at the time this Law was enacted and which is deficient in depth, width, frontage, area or other dimensional requirement when compared to the present requirements of the zoning district (See Sections 8.03 and 8.04).

8.02-2 Nonconforming Structure: Any structure, building or sign which legally existed at the time of enactment of this Law and which is used for a permitted use, but does not conform to the present requirements of the zoning district for size, dimensions or setbacks (See Sections 8.03 and 8.05).

8.02-3 Nonconforming Use: Any use of land, premises, building or structure, legally existed at the time of enactment of this Law, which is not a permitted use, permitted accessory use or special permit use as specified in the regulations applicable to the zoning district in which such use is located (see Sections 8.03 and 8.06).

8.03 General Provisions.

8.03-1 Construction Approved Prior to Enactment of Law: Any building not in conformance with this Local Law and for which a permit has been duly granted, the construction of which has been started before the date of enactment of this Local Law, and the ground-story framework of which, including the second tier of beams, has been completed within nine (9) months of the date of the permit, may be completed and the nonconforming use, if any, established in accordance with the original plans provided that such construction is diligently prosecuted and the building is completed within one (1) year of such date, may continue.

8.03-2 Transference: Rights granted to nonconforming lots, structures and uses pursuant to this Article shall remain with the land when title is transferred.

8.03-3 District Changes, Amendments: Whenever the boundaries of a zoning district are changed so as to transfer an area from one district to another district of a different classification, or whenever the text of this Law is changed, the provisions of this Article shall also apply to any use, structure or lot made nonconforming by district change or amendment.

8.03-4 Existing Special Uses Deemed Conforming: Any use lawfully existing at the time of enactment of this Law, in the zoning district in which such use is classified herein as a special use, shall, without further action, be deemed a conforming use; provided any extension of or addition to such use shall require a special permit and if applicable, site plan review.

8.04 Nonconforming Lots.

8.04-1 Subdivision: A nonconforming lot may be subdivided if every part of such lot is purchased by the owners of adjoining properties to increase the dimensions of such adjoining properties. Otherwise, the dimensions of a nonconforming lot may not be reduced.

8.04-2 Adjoining Vacant Land: The owner of said lot owns no adjoining vacant land that can be combined with the lot which is deficient in area to create a lot is in conformance with the minimum lot size requirements or is as close to conformance as possible.

8.04-3 Side Yards: On any lot nonconforming because of insufficient width, side yard requirements shall be reduced in accordance with the following standards:

Width of lot	Minimum
at front yard	side yard
setback line (feet)	width (feet)
Less than 55	5
55 but less than 65	8
65 but less than 75	10
75 but less than 85	12
85 but less than 100	15
More than 100	20

8.04-4 Depth or Area: On any lot nonconforming because of insufficient depth or area (acreage) front setback requirements shall not apply for additions to existing buildings located on such lots; provided such additions shall not exceed the present front line of the main structure if such main structure is located closer to the front property line than would be permitted by this Local Law.

8.05 Nonconforming Structures.

8.05-1 Nonconforming structures may be enlarged or altered provided such construction will not result in the increase of any nonconformity in height, setback, land coverage or other dimensional requirement; all new construction shall conform to height, setback, size, land coverage and other applicable dimensional requirements.

8.05-2 Nothing in this Article shall prevent normal maintenance and repair of any nonconforming building or structure.

8.05-3 No nonconforming structure shall be moved to another location where such building or structure would also be nonconforming.

8.05-4 Any nonconforming structure may be restored or reconstructed, but not enlarged, after being destroyed or damaged by fire, accident or other act-of God provided that the restoration or reconstruction is started within twelve (12) months and completed within eighteen (18) months after such damage is incurred.

8.06 Nonconforming Uses.

- 8.06-1 Nonconforming Use of Land: Where no building is involved, the nonconforming use of land may be continued, provided however:
- (a) That no such nonconforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that lawfully occupied by such use at the time of enactment of this Law, unless specifically allowed by other provisions hereof;
 - (b) That no such nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of enactment of this Law;
 - (c) That if such nonconforming use of land, or any portion thereof ceases for any reason for any continuous period of more than one year, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of this Local Law;
 - (d) That no nonconforming use of land shall be changed to another nonconforming use.
- 8.06-2 Nonconforming Use of Structures: No building or structure used for a nonconforming use shall be enlarged, extended or moved nor additional structures allowed; however, the Village Planning Board may grant a Special Use Permit allowing a building or structure containing the nonconforming use to be enlarged or an additional structure to be constructed to an extent not exceeding twenty-five (25) percent of the gross floor area of the existing building or buildings devoted to a nonconforming use at the time of enactment of this Law. The Village Planning Board shall apply the standards of Section 8.06-4 below.
- 8.06-3 Once changed to a conforming use, the use of any structure shall not be permitted to revert to a nonconforming use; however, the Village Planning Board may grant a Special Use Permit allowing nonconforming use of a structure to be changed to another nonconforming use. The Planning Board shall apply the standards of Section 8.06-4 below.
- 8.06-4 In granting special use permits for changes permitted in Sections 8.06-2 and 8.06-3, the Village Planning Board must find that:
- (a) The procedural requirements of Article 6 (Special Permits) have been met, including if applicable, Article 7 (Site Plan Review); and
 - (b) The applicant has shown that the proposed change will be no more objectionable in external effects than the existing non-conforming use with respect to:
 - (1) Traffic generation and congestion, including truck, passenger car and pedestrian traffic.
 - (2) Noise, smoke, dust, noxious matter, heat, glare, vibration.
 - (3) Storage and waste disposal.
 - (4) Appearance.

- 8.06-5 Maintenance and repair work as is required to keep a structure housing a nonconforming use in sound condition shall be permitted.
- 8.06-6 Any nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of enactment of this Law.
- 8.06-7 Discontinuance: Whenever a nonconforming use of a structure has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be conforming with the provisions of this Law. Discontinuance necessary pending action by a probate court shall not be counted as part of the one year period.
- 8.06-8 If a building or structure or part thereof containing a nonconforming use has been damaged or partially destroyed by any cause, it may not be reconstructed or restored unless reconstruction or restoration plans are submitted to the Zoning Board of Appeals for approval within twelve (12) months of said destruction or damage. Such nonconforming use shall be reconstructed or restored with the same or less floor area and cubic content, and with the same or improved site layout as that of the original structure. This paragraph shall only apply if the damage exceeds thirty-three (33) percent of the value of the structure at the time of damage.

8.07 Mobile Homes

Existing mobile homes, that for whatever reason, are to be replaced on the same lot and/or on the same site shall only be replaced with a mobile home meeting the requirements of this Local Law and the construction standards of the New York State Uniform Fire and Building Code.

ARTICLE 9. SUPPLEMENTARY REGULATIONS.

9.01 Parking and Loading Regulations.

9.01-1 Except as otherwise provided by this Zoning Law, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter is converted, accessory off-street parking spaces shall be provided in accordance with this Section.

9.01-2 Uses existing at the time of enactment of this Law which do not comply with the provisions of this Section shall not be considered nonconforming because of such non-compliance.

9.01-3 Off-Street Parking.

Off-street parking spaces, open or enclosed, are permitted accessory to any use, subject to the following provisions:

(a) Parking Requirements.

Accessory off-street parking spaces, open or enclosed, shall be provided for any use as specified herein. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these parking regulations. Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed herein shall be determined by the Planning Board upon consideration of all factors entering into the parking needs of each such use.

(b) Areas Computed as Parking Spaces.

Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or a driveway. A driveway within a required front yard for a one- or two-family residence may count as one (1) parking space. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

(c) Size of Spaces.

Each parking space shall be a minimum of nine (9) feet wide by fifteen (15) feet deep and shall be served by an aisle not less than twenty (20) feet wide. Where parking is arranged back to back, each parking space may share a common back-up space. Entrance and exit lanes shall not be computed as parking space except for driveways in one- and two-family residences, as set forth in Section 9.01-3 (2).

(d) Prohibited Parking Areas.

In the Residential District, parking shall not be permitted in the required front yard except as set forth in Section 9.01-3(2), nor within ten (10) feet of any lot line in rear yards. In addition, except as provided in Section 9.01-3 (2), parking

shall not be permitted anywhere in the front yard of any single or two-family dwelling.

(e) Access.

Unobstructed access to and from a street shall be provided. Such access shall consist of at least one (1) ten-foot wide lane for parking areas with less than twenty (20) spaces, and at least two (2) ten-foot wide lanes for parking areas with twenty (20) spaces or more. No entrance or exit for any off-street parking area with a capacity of more than four (4) spaces shall be located within fifty (50) feet of any street intersection, nor exceed a grade in excess of six (6) percent within twenty-five (25) feet of any street line, nor ten (10) percent of any other point.

(f) Combined Spaces.

When any lot contains two (2) or more uses having different parking requirements, the parking requirements for each use shall apply to the full extent. Where it can be conclusively demonstrated that one (1) or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses or are not in operation, the Planning Board may reduce the total parking requirement to an amount which, in their judgment, will prevent frequent parking on the street by persons working on, or visiting the premises.

(g) Enclosed Facilities.

Required parking area may be constructed within or under any portion of a main building, provided that the access driveway does not at any point have a grade in excess of ten (10) percent.

(h) Location and Ownership.

Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or elsewhere, provided that no required spaces are located farther than two hundred (200) feet walking distance of such lot. In all such cases, the parking spaces shall conform to all the regulations of the district in which the parking spaces are located, and in no event shall such parking spaces be located in any Residential District unless either:

(1) the use to which the spaces are accessory are permitted in such residential districts, or

(2) upon approval by the ownership as the use to which they are accessory and shall be subject to deed restrictions, approved by the Planning Board, binding the owner and his heirs and assigns to maintain the required number of spaces available either

(1) throughout the existence of the use to which they are accessory, or

(2) until such spaces are provided elsewhere, in a location and manner acceptable to the Planning Board.

9.01-4 Minimum Off-Street Parking Spaces.

Apartments and Attached Dwellings:

Number of bedrooms

per dwelling unit

1	2 per dwelling unit
2	2 per dwelling unit
3	2.3 per dwelling unit plus 0.3 spaces for each additional bedroom.
Bank.....	1 per 200 s.f. floor area over 1000 s.f. minimum of 3
Boarding Home	1 per 2 rooms
Clinic	4 per doctor
Club.....	1 per 50 s.f. floor area for patron use
Drive-in Service.....	(Special Permit)
Dwelling, 1 & 2 Family.....	1 per unit
Dwelling, Multi-Family	3 per 2 units
Funeral Home	10, plus spaces for employees
Gasoline Station.....	(Special Permit)
Home Occupation	1 per 200 s.f. of such use
Hospital	2 per patient bed
Hotel.....	(Special Permit)
Industrial Establishment.....	1 per employee of largest shift
Motel	(Special Permit)
Office.....	1 per 200 s.f. floor area over 1000 s.f. - minimum of 3
Public Assembly.....	1 per 5 seats or seating spaces
Religious Institution	1 per 4 seats or bench seating spaces
Restaurant	1 per 50 s.f. floor area for patron use - drive-in: same as above plus minimum of 25 spaces
Nursing/Retirement Home.....	1 per 3 beds
School	1 per 10 auditorium seats or 1 per 15 classroom seats, whichever is greater
Store, Retail	1 per 200 s.f. floor area over 1000 s.f. - minimum of 3
Tavern.....	1 per 50 s.f. floor area for patron use
Theatre.....	1 per 10 seats
Tourists House/Bed & Breakfast.....	1 per guest room
Utility	1 per 1200 s.f. floor area
Warehouse	1 per 1200 s.f. floor area

9.01-5 Off-Street Loading.

Off-street loading berths, open or enclosed, are permitted as accessory to any use (except one- or two-family dwellings) subject to the following provisions:

9.01-6 Loading Requirements.

Accessory off-street loading berths shall be provided for any use specified herein. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these loading requirements. Reasonable

and appropriate off-street loading requirements for structures and uses which do not fall within the categories listed herein shall be determined by the Planning Board upon consideration of all factors entering into the loading needs of each such use.

- (a) For a public library, museum, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institutions for children or the aged, or school: if floor area does not exceed ten thousand (10,000) square feet - one (1) berth; for each additional twenty-five thousand (25,000) square feet or fraction thereof - one (1) additional berth.
- (b) For buildings with professional, governmental, or business offices, or laboratory establishments: if floor area is less than eight thousand (8,000) square feet - none; if floor area amounts to between eight thousand (8,000) and twenty-five thousand (25,000) square feet - one (1) berth; one (1) additional berth for each additional twenty-five thousand (25,000) square feet of floor area, or major fraction thereof.
- (c) For retail sales and service establishments: if floor area is less than eight thousand (8,000) square feet - none; if floor area amounts to between eight thousand (8,000) and twenty-five (25,000) square feet - one (1) berth; one (1) additional berth for each additional twenty-five (25,000) square feet of floor area, or major fraction thereof.
- (d) For undertakers and funeral homes: one (1) berth for each chapel. Such berths shall be at least ten (10) feet wide, twenty (20) feet long, and fourteen (14) feet high.
- (e) For motels, hotels or similar establishments: One (1) berth for each twenty-five thousand (25,000) square feet of floor area, or major fraction thereof.
- (f) For manufacturing, wholesale and storage uses, and for dry cleaning and rug cleaning establishments: One (1) berth for each ten thousand (10,000) square feet of floor area or less; and one (1) additional berth for each additional twenty-thousand (20,000) square feet of floor area, or major fraction thereof, so used.

9.01-7 Size of Space.

Except as provided therein before, each required loading berth shall be at least twelve (12) feet wide, thirty-three (33) feet long, and fourteen (14) feet high.

9.01-8 Location and Access.

Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as provided in Section 9.01-9 (Joint Facilities). No entrance or exit for any loading area shall be located within fifty (50) feet of any street intersection. No off-street loading berth shall be located in any front yard.

9.01-9 Joint Facilities.

Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments provided that the number or required berths in such joint facilities shall not be less than the aggregate of all such requirements.

9.02 Other Local Laws and Regulations.

Compliance with this Local Law does not relieve the requirements of other Local Laws and Regulations. If the jurisdiction of this Local Law and other Local Laws or Regulations coincide, the strictest requirements shall apply.

Other Local Laws and Regulations include, but are not limited to:

Local Law Number 2 of 1985 - A local law for Administering and Enforcing the New York State Uniform Building Code, as amended

Local Law Number 5 of 1985 - A local law regulating projecting and overhead signs and provision for fines and injunctions

Local Law Number 13 of 1985 - A local law establishing standards for use of trailers and campers within the limits of the Village of Margaretville.

Local Law Number 1 of 1990 - Flood Damage Prevention Local Law

9.03 Signs

9.03-1 General Provisions

- (a) All signs placed within the Village of Margaretville shall require a sign permit, except for the temporary signs described in Section A.6 and Section B. Sign permit applications are available in the Code Enforcement Officer's Office.
- (b) All signs shall not project into a public right-of-way and shall not be closer than ten (10) feet to any lot line except where it is attached to and flush with the façade or wall of a building.
- (c) No sign attached or unattached shall be higher than the principal building to which it is accessory, and no sign shall be erected upon the roof of any building.
- (d) Every sign shall be designed and located in such a manner as to: not impair public safety; not restrict motor vehicle clear vision; not be confused with any traffic sign or signal; and not prevent free access to any door, window or fire escape.
- (e) All two-sided signs shall be considered one sign, only if one side of said sign is visible from any angle.
- (f) Temporary signs: The following temporary signs are permitted without a sign permit: (Local Law # 2 of 2005)
 - f.1) Signs identifying construction sites. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding

sources and may contain related information including, but not limited to, sale or leasing information. One such sign is permitted provided such sign may not exceed eight square feet in area nor more than five feet in height. In no case shall such signs be erected prior to the issuance of a building permit, and shall be removed prior to the issuance of the final certificate of Occupancy.

- f.2) Displays with no commercial message, including lighting, erected in connection with the observance of holidays.
- f.3) Signs erected in connection with elections or political campaigns may be displayed prior to the election and shall be removed within five days following the election. Total signage may not exceed fifteen square feet in surface area.
- f.4) Signs indicating that a special community event such as a school or church function, grand opening, special sale, fair, carnival, circus, festival or similar event is to take place. Such signs may be erected not sooner than thirty days before the event and must be removed not later than three days after the event's conclusion.
- f.5) Signs indicating that a garage, yard, barn or estate sale is to take place. Such signs may be erected not sooner than one week before the event and must be removed not later than three days after the event's conclusion.
- f.6) Other signs not listed in Paragraph 9 (f) shall be regarded and treated in all respects as permanent signs.
- (g) Signs must be constructed of durable material, maintained in good condition, and must not be allowed to become dilapidated, faded, peeled or blistered.
- (h) No sign shall be erected on a public utility pole, tree or traffic control structure.
- (i) Flashing or oscillating lights or signs that move or appear to move are not permitted unless necessary for public safety and welfare.
- (j) Any sign that includes banners, flags (except the flag of the United States properly displayed), pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices shall be on a temporary basis only and shall be limited to thirty (30) days (e.g. for grand openings)
- (k) No off-premise signs or billboards are permitted within the Village.
- (l) No portable signs are permitted within the Village.
- (m) All signs existing as of May 17, 1989 shall be allowed to remain as long as they are properly maintained and their use remains current.

One (1) temporary non-illuminated sign not over six (6) square feet in area, located at least ten (10) feet from any public road right of way. Such temporary use shall cease within 10 days after sale or rental is consummated.

The following signs shall be allowed with the issuance of a permit:

9.03-3 Agricultural

- (a) One sign, less than ten (10) square feet, which can be indirectly illuminated.
- (b) No more than two non-illuminated directional signs not more than two (2) square feet in area.
- (c) No more than one (1) non-illuminated sign painted on a building (e.g. a barn) with area limitation of twenty-four (24) square feet.

9.03-4 Home Occupation or Professional Office in Home

One (1) sign to allow naming the home occupation or profession and the proprietor's name and address with area no more than six (6) square feet; if separate home occupations or professions exist, a sign for each home occupation shall be permitted and may be indirectly illuminated.

9.03-5 Residential

One (1) sign naming owners and address no more than two (2) square feet in area which may be indirectly illuminated.

9.03-6 Institutional

- (a) One (1) sign which can be indirectly illuminated naming institution and address no more than twenty-four (24) square feet in area.
- (b) No more than two (2) non-illuminated directional signs limited to two (2) square feet in area.
- (c) One sign or bulletin board customarily incidental to places of worship, libraries, museums, social clubs, or schools, will be permitted and shall not exceed fifteen (15) square feet in area and shall be located on the premises of such institution, and will have a setback of at least fifteen (15) feet from the public right of way.

9.03-7 Commercial Business (Including Offices and Professions).

- (a) Maximum sign area allowed per establishment will be calculated using the following formula:

$$\text{MSA} = 10\% (\text{AAS}) N$$

MSA – maximum sign area

AAS – available advertising space

N – number of establishments

The maximum sign area shall not exceed twenty-four (24) square feet per establishment.

- (b) When there are more than three (3) establishments per building, such establishments will be permitted to erect a sign directory in place of the signage described in Paragraph 1, above. The directory will be limited to thirty-two (32) square feet each.
- (c) Gasoline and vehicular stations are allowed one (1) free standing sign and one (1) wall sign of no more than thirty-two (32) square feet each. This excludes all integral graphics and attached price signs on gasoline pumps and regulation signs as may be required by governmental bodies.
- (d) One (1) additional sign of no more than ten (10) square feet may be painted on an awning shading the front of the business establishment.
- (e) No more than two non-illuminated directional signs, limited to six (6) square feet in area.
- (f) Off-premises directional signs shall be clustered and maintained on the fewest possible posts, and shall be uniform in color, having a dark background with light colors, or a light background with dark colors. Neon or “day-glow” colors shall be avoided.

9.03-8 Industrial

One sign facing each street from which access to the site is provided giving the names of the occupants of premises. Any such sign shall not have an area exceeding forty (40) square feet. The top of any sign which is not attached flush to the building, therefore a free-standing sign, will not measure more than twelve (12) feet above ground level and will not project above the roof. Such signs may be continuously illuminated either directly or indirectly. Necessary directional signs not exceeding five (5) square feet in area are allowed.

9.04 Minor Home Occupations

- (a) The occupations or activities shall be carried on wholly within the principal building or within a building or structure accessory thereto. An area equivalent to no more than 20 percent of the floor area of the dwelling unit shall be used for the occupations. Such area shall be within the dwelling or another structure accessory thereto. No outdoor storage is permitted.
- (b) The occupations shall be carried on by the occupant of the dwelling, and shall not employ any persons outside the resident household.
- (c) There shall be no exterior display or sign except as permitted under the Section 9.03, no exterior storage of materials and no other exterior indication of the home

occupations or variation from the residential character of the lot or the surrounding neighborhood.

- (d) The occupations shall not produce any offensive odor, noise, smoke, dust, heat, electrical interference or glare detectable to normal sensory perception outside the structure.
- (e) Any need for parking generated by the occupations shall be met off the street and in accordance with the regulations of this Ordinance.
- (f) No more than one (1) commercial-type vehicle shall be used in connection with the occupations and/or be parked on the property.

9.05 Major Home Occupations

Major home occupations shall adhere to the regulations for home occupations (Section 9.03) except that:

- (a) They shall require a special permit to operate; and
- (b) The total floor area designed for and allotted to the major home occupation shall not exceed 40 percent of total floor area; and
- (c) No more than two (2) persons who are not residents of the dwelling unit shall be employed at the site of the major home occupation.

9.06 Swimming Pools

9.06-1 Accessory to Single-Family Dwellings

Swimming pools, whether permanent or portable, having a depth of at least two (2) feet, shall be located no closer to any lot line than the existing setbacks within each district.

9.06-2 Accessory to Residential Developments

Swimming pools accessory to residential developments, whether clustered single-family dwellings, seasonal dwellings, bungalow colonies, camps or multi-family dwellings, shall be of a permanent construction and shall be located no closer to any lot line than the existing setbacks within each district.

9.06-3 Nonresidential

Swimming pools that are part of nonresidential uses, whether commercial or noncommercial, such as hotels, motels, clubs campgrounds, day-use recreational facilities or institution, shall be of a permanent construction and shall be located no closer to any lot line than the existing setbacks within each district.

9.06-4 Fencing/Screening

Fencing shall comply with the requirements of the New York State Uniform Fire and Building Code. Screening may be required by the Planning Board through the Site Plan Review Process.

9.07 Mobile Home Park

All mobile home parks will be regulated under this section according to the following general guidelines. Creation, expansion, extension or alteration of any mobile home park shall be in accord with the following minimum requirements:

- (a) A mobile home park shall be located and maintained only in those districts as permitted in this Law and in accord with the standards herein.
- (b) All existing mobile home parks of record shall be exempt from these regulations, except that they shall comply with them whenever any addition, expansion or alteration of the use or operation is proposed. All existing mobile home parks shall be limited to the number and size of mobile homes presently accommodated at the time of adoption of this law, except as they shall meet the minimum requirements set forth herein. Such parks shall comply in every regard with minimum standards for health, sanitation and cleanliness.
- (c) A mobile home park shall have a minimum lot size of five (5) acres.
- (d) Within the mobile home park, minimum lot size for individual mobile homes shall be six thousand (6,000) square feet; and within the individual mobile home lot, yard requirements shall be as follows:

front yard	twenty (20) feet
side yard	fifteen (15) feet
rear yard	fifteen (15) feet

- (e) Sanitary Facilities – All water supply and sewage disposal systems will comply with the standards set forth in any applicable Village regulations and shall be approved by the New York State Department of Health and the New York City Bureau of Water Supply before any Permit is issued. The following shall comply in every regard with the standards set forth by the New York State Department of Health, the New York City Bureau of Water Supply and any such additional regulations as may be established by the Village with respect to:

Storm and Surface Drainage
Open Areas, Yards, and Drives
Garbage and Refuse Disposal

- (f) Utility and Fuel Installations – All wiring, fixtures and appurtenances shall be installed and maintained in accordance with the specifications of any applicable New York State Building and Electrical Code and the local utility company. Wherever possible, electrical transmission and other utility lines shall be placed below ground. Fuel tanks, where used, shall be placed at the rear of the mobile home and at a distance of at least five (5) feet from any exit and shall have a safety shut-off at the tank. Underground tanks or a centralized fuel system are to be encouraged wherever possible.

- (g) Roadways - All mobile homes within a mobile home park shall have direct access only to the internal mobile home park roads and not directly on to a public the existing street. Internal roadways within a mobile home park shall have a minimum right-of-way of fifty (50) feet and a minimum paved or stone course of twenty (20) feet or such additional area as may be required by the Village. A cul-de-sac or wye turnaround shall be provided when necessary.
- (h) Off-Street Parking – Two off-street parking spaces shall be provided for each mobile home lot in the mobile home park outside the fifty-foot (50') right-of-way and otherwise comply with off-street parking requirements as set forth elsewhere in this Local Law.
- (i) Recreation Area – Open space area of at least ten (10) per cent of the land area, suitable for recreation and play purposes, shall be designated in the site plan and shall be an integral part of any proposed mobile home park.
- (j) Improvements – Each mobile home owner or tenant shall be required to enclose the bottom portion of the mobile home with a metal, wood or suitable “skirt”, properly ventilated within sixty (60) days after location in the mobile home park. Notification of such requirement shall be the responsibility of the mobile home park operator. Sidewalks, lighting and landscaping shall be in keeping with surrounding development, the unique features of the site, and the health and safety of the occupants of the mobile home park, as determined by the Planning Board. Attractive site development and landscaping shall be a consideration in determining the adequacy of the proposed mobile home park application. A ten-foot (10') buffer zone surrounding the mobile home park shall be required. The buffer zone shall be maintained according to the standards of the Site Plan Review, Section 7.07-7 of this Law.
- (k) Permits – No mobile home park shall be established in the Village until a Permit has been applied for and granted in compliance with this Law.

ARTICLE 10. DEFINITIONS.

10.01 Terminology.

For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows:

Words used in the present tense shall include the future. The singular number includes the plural, and the plural includes the singular. The word "lot" includes the word "plot" or "parcel". The word "person" includes a corporation, partnership, association or organization as well as an individual. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged or designed to be used or occupied". The word "shall" is mandatory.

10.02 Definitions.

ACCESSORY BUILDING:

A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

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.

ADDITION:

Extension or increase in area or height of a building.

ADVERTISING SIGN

A sign which calls attention to a business, so as to induce a desire to buy or patronize a commodity, service, or entertainment sold or offered by that business.

AGRICULTURAL USE:

Use of land containing at least two acres for the production of horticultural or agricultural foodstuffs excluding livestock. For the purposes of this Local Law agricultural uses shall not include stabling, kenneling, dairying, slaughtering, or riding stables. The sale of agricultural produce raised on the property shall be considered as an accessory use.

ALLEY:

A service way which affords a secondary public means of vehicular access to abutting property.

ALTERATION:

Any change, rearrangement, or addition to a building, other than repairs; any modification in construction, or in building equipment.

APARTMENT

Same as MULTIFAMILY DWELLING.

ATTACHED DWELLING

A single-family dwelling located on its own lot and connected to other single-family dwelling(s) by a common wall; Same as "townhouse" but does not include duplexes or two-family dwellings.

AVAILABLE ADVERTISING SPACE

The lineal building frontage on which the sign is to be placed. On a corner property, only one (1) side of the building may be considered to be the front.

BASEMENT:

A space of full story height partly below grade and having at least half of its clear floor-to-ceiling height above the established grade of the street center line or, if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living accommodations.

BOARDING HOUSE:

A private dwelling in which at least two (2) but not more than six (6) rooms are offered for rent, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained.

BUILDING:

Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into entirely separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING AREA:

The total ground floor area of a principal building and accessory building exclusive of uncovered porches, steps and terraces.

BUILDING COVERAGE:

That portion of the plot or lot area covered by a building.

BUILDING, DETACHED:

A building surrounded by open space on all sides on the same lot.

BUILDING HEIGHT:

The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of roof for flat and mansard roofs, and to the average height between eaves and ridge for other roof types.

BUILDING LINE:

A line parallel with the front, side and rear property lines, respectively, beyond which a structure may not extend as determined by these regulations.

BUILDING, PRINCIPAL:

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

BULLETIN BOARD:

A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.

CAR WASH:

A structure designed or intended primarily for the washing of automobiles, including conveyor, drive- through and self-service types.

CELLAR:

That space of a building that is partly or entirely below grade, which has more than half its height, measured from floor to ceiling, below the established grade at the street center line or, if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living accommodations.

CEMETERY:

Property used for the interring of the dead.

CLUB:

Building or use catering exclusively to club members and their guests, and not operated primarily for profit. Including, but not limited to: YMCA, YWCA, YMHA, lodge, religious, and similar clubs.

COMMERCIAL/RETAIL USES:

Business intended for the sale of retail goods or personal services, including, but not limited to: department store; restaurant; tavern; but excludes gas station, garage, car wash, utilities and agriculture.

COMMUNITY CENTER:

Building or use not operated primarily for profit, including, but not limited to: meeting hall, place of assembly, museum, art gallery, library.

CUSTOMARY ACCESSORY USE:

A use incidental and subordinate to the principal use, and which is located on the same parcel with such principal use.

DIRECTIONAL SIGN:

Signs limited to directional messages pertaining to the location of commercial or industrial businesses, principally for pedestrian or vehicular traffic, but not containing any other advertising information.

DIRECTLY ILLUMINATED SIGN:

Any sign which is illuminated by internal lighting that shines through plastic or other translucent covering; and lighting that is external but integral to the sign, such as bulbs that spell out the sign message.

DRIVE-IN SERVICE:

A traffic generating facility where a product is sold or a service performed for customers while they are in or near their motor vehicles in off-street parking or service areas. The term includes, but is not limited to: drive-in banking, drive-in food service, fast-food service, gasoline station, and car wash.

DWELLING, MULTIPLE-FAMILY:

A building or portion thereof designed for year-round occupancy, containing separate dwelling units for three or more families living independently of each other, other than hotels, motels, camps and boarding houses.

DWELLING, ONE-FAMILY:

A detached building designed for year-round occupancy by one family only, other than a mobile home, camp or recreational vehicle.

DWELLING, TWO-FAMILY:

A detached building designed for year-round occupancy by two families living independently of each other, other than a mobile home, recreational vehicle, camp, or rooming house.

DWELLING UNIT:

A building or portions thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.

ESTABLISHMENT:

An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

FAMILY:

One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit.

FLOOR AREA:

Sum of the gross horizontal area of the floors of a building excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

FREE STANDING SIGN:

Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

FUNERAL HOME:

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

GARAGE, PRIVATE:

A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a non-resident of the premises.

GARAGE, PUBLIC:

A building or part thereof operated and used for the storage, hiring, selling, greasing, washing, servicing, or repair of motor-driven vehicles.

GASOLINE STATION:

Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term 'gasoline station' shall be deemed to include filling station and service station.

HOME OCCUPATION:

A profession or vocation, full time or part time, conducted entirely within a dwelling by the inhabitants thereof, or within a building or other structure accessory to the dwelling, which use is secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOME OCCUPATION MAJOR:

A home occupation as defined in this Law which meets all the criteria as listed in Section 9.04 and 9.05 of this Zoning Law.

HOSPITAL:

A facility for the medical or surgical diagnosis and treatment of inpatients and/or outpatients.

HOSPITAL, ANIMAL:

A building or structure for the diagnosis and medical or surgical care of sick or injured animals.

HOTEL:

A facility containing ten or more rooms rented for lodging, and in which meals and accessory services may be provided.

ILLUMINATED SIGN:

Any sign illuminated by electricity, gas or other artificial light either from the interior or the exterior of the sign, and which includes reflective and phosphorescent light.

INDIRECTLY ILLUMINATED SIGN: Any sign which is illuminated by steady external lighting such as flood or spot lights, provided the light does not cause excessive glare upon adjacent properties and public highways

INDUSTRY: Any size operation involving the processing of any raw or refined material intended for off-site sale, distribution or further processing.

JUNK:

Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Including, but not limited to: vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

JUNK YARD:

Any are, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

LAUNDROMAT:

A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, residence, hotel or club.

LIGHT MANUFACTURING:

Those industrial uses which activities do not usually constitute a fire hazard or emit smoke, glare, noise, odor or dust or in other ways constitute a nuisance and/or are not detrimental to neighboring properties.

LOT:

A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by these regulations, and having its principal frontage on a public street or an officially approved place.

LOT AREA:

The total horizontal area included within lot lines, except that no part of the area within a public right-of-way may be included in the computation of the area.

LOT, CORNER:

A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner or intersection of less than 135 degrees.

LOT, DEPTH:

The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT LINES:

The property lines bounding the lot, including:

Lot Line, Front: The lot line separating the lot from the street right-of-way.

Lot Line, Rear: The lot line opposite and most distant from the front lot line

Lot Line, Side: Any lot line other than a front or rear lot line

LOT, THROUGH:

A lot having frontage on two approximately parallel, or converging streets other than a corner lot.

LOT, WIDTH:

The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

MANUFACTURING:

Any process whereby the nature, size, or shape of articles or raw materials are changed, or where articles are assembled.

MOBILE HOME:

A modular unit built on a chassis, having wheels or designed to be transported on wheels, and designed to be used as a dwelling or for the conduct of a business, profession, trade, or occupation or for use as a selling or advertising device. It shall include double-wide and triple-wide units and expandable units.

MOTEL:

A facility with rooms rented for lodging and with parking space convenient to each room, and in which meals and accessory services may be provided. The term includes Motor Inn.

MUNICIPAL OR PUBLIC UTILITY STRUCTURE:

A facility necessary for the installation or maintenance of utility services in and for the Village of Margaretville.

NURSING/RETIREMENT HOME:

A proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other person, who are not acutely ill and not in need of hospital care, but who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.

OFFICIAL SUBMISSION DATE:

The date of the regular monthly meeting of the Planning Board, Board of Appeals, Village Board, or other agency immediately subsequent to the submission of any complete application, plan, data, or petition for action by such agency.

PARKING SPACE:

A space designated for the parking of one motor vehicle and having an area of not less than one- hundred and thirty-five (135) square feet, exclusive of passageways and driveways adjacent thereto.

PERMITTED USE:

A land use allowed under the regulations of this Local Law.

PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to:

- signs designed to be transported by means of wheels,
- signs converted to A- or T-frames, and
- signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

PREMISES: a lot, parcel, tract or plot of land together with the buildings and structures thereon.

PROFESSIONAL OFFICES: Offices in which an occupation or vocation requiring training and advanced study in a specialized field is practiced (e.g., doctor, lawyer, real estate offices).

PUBLIC WATER, PUBLIC SEWER:

Sewage disposal and water supply systems approved by the Village Board for municipal operation.

RELIGIOUS INSTITUTION:

Church, temple, parish house, convent, seminary, and retreat house.

RESIDENTIAL USE:

One-family dwelling, two-family dwelling, multi-family dwelling, for non-transient occupancy.

RESTAURANT:

Any establishment, however designated, at which food is sold for consumption to patrons seated within a building or on premises, including "drive-in restaurants". A snack bar, refreshment stand, or vendor at a public or quasi-public recreational facility for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

SCHOOL:

Includes parochial, private and public school, college, university, and accessory uses; and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music, and similar establishments.

SETBACK , FRONT:

The required open unoccupied space between the front lot line and the nearest part of the main structure, but not including open porches, entrance steps and other similar structures on the front of the main structure.

SETBACK, REAR:

The required open unoccupied space measured from the rear lot line to the nearest part of the main or accessory structure.

SETBACK, SIDE:

The required open unoccupied space measured from the side lot lines to the nearest part of the main or accessory structure.

SIGN DIRECTORY: A listing of two or more business enterprises or establishments, consisting of a matrix and sign components.

SOLAR ENERGY:

Radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR ENERGY SYSTEM:

An arrangement or combination of components and structures designed to provide heating, cooling, hot water or electricity through the process of collecting, converting, storing, protecting against unnecessary dissipation and distributing solar energy.

SPECIAL USE:

A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or welfare. Such use may be permitted in certain zoning districts as a special use, if specific provision for such use is made in these zoning regulations.

STORY:

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF:

That part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

STREET:

A public or private way which affords the property means of access to abutting property.

STRUCTURE:

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURAL ALTERATION:

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

TEMPORARY SIGN: A non-illuminated sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period as defined in §9.03-1(f). If such sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary. Temporary signs on private property shall be allowed subject to all of the requirements for temporary signs as set forth in §9.03-1(f).

TOURIST HOUSE:

A dwelling with a family in residence containing more than two and less than ten rooms rented for lodging.

VARIANCE:

Any authorized departure by the Board of Appeals from the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship.

WALL SIGN: Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building which displays only one advertising surface.

WINDOW SIGN: A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located in such manner within a structure through the window, but not including graphics in connection with customary window display of products.

YARD:

An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided by this law.

YARD, FRONT:

An open, unoccupied space on the same lot with a building, between the building front line and the street line, and extending the full width of the lot.

YARD, REAR:

An open, unoccupied space, on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot.

YARD, SIDE:

An open, unoccupied space, on the same lot with a building, situated between building and the side lot line, and extending from the front yard to the rear yard.

SCHEDULE A

DISTRICT	PERMITTED USES	SPECIAL PERMIT USES	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	SETBACKS			MAXIMUM BUILDING HEIGHT	SITE PLAN REVIEW REQUIRED
						FRONT/ CORNER YARD	SIDE YARD	REAR YARD		
R	One-, two-family Dwellings		10,000 sq'	60'	100'	25'	15'	25'	35'	
	Accessory Uses, including solar and other alternative energy systems and equipment				(See Section 5.03-11)					
	Minor home occupations		10,000 sq'	60'	100'	25'	15'	25'	35'	X
	Public parks and playgrounds		10,000 sq'	60'	100'	25'	15'	25'	35'	X
	Accessory apartments		10,000 sq'	60'	100'	25'	15'	25'	35'	X
	Major home occupations (Section 9.05)		10,000 sq'	60'	100'	25'	15'	25'	35'	X
	Multiple-family dwelling by conversion		20,000 sq'	100'	100'	25'	15'	25'	35'	X
	Boarding and tourist houses		20,000 sq'	100'	100'	25'	15'	25'	35'	X
	School		2 acres	150'	200'	25'	15'	25'	35'	X
	Church, cemetery		20,000 sq'	100'	100'	25'	15'	25'	35'	X
	Nursing, retirement home		20,000 sq'	100'	100'	25'	15'	25'	35'	X
	Public utility				(To be set by the Planning Board)					X
	Agriculture		2 acres	150'	200'	25'	15'	25'	35'	

	Single-family Attached housing, Townhouses, End Unit	2,400 sq'	20'	75'	24'	--	35'	35'	X
		3,600 sq'	45'	75'	24'	30'	35'	35'	X
	Apartments, by conversion or otherwise	no more than (12) units per acre	60'	--	45'	30'	40'	35'	X
	Day-care centers or nursery schools	10,000 sq'	75'	100'	25'	15'	25'	35'	X
	Hospital			(To be set by the Planning Board)					X
	Library	20,000 sq'	100'	100'	25'	15'	25'	35'	X

DISTRICT	PERMITTED USES	SPECIAL PERMIT USES	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	SETBACKS			MAXIMUM BUILDING HEIGHT	SITE PLAN REVIEW REQUIRED
						FRONT/ CORNER YARD	SIDE YARD	REAR YARD		
B	One-, two-family Dwellings		10,000 sq'	75'	100'	25'	15'	25'	35'	
	Accessory Uses, including solar and other alternative energy systems and equipment				(See Section 5.03-11)					
	Minor home occupations		10,000 sq'	75,	100,	25,	15,	25,	35,	
	Public parks and playgrounds		10,000 sq'	75'	100'	25'	15'	25'	35'	X
	Accessory apartments		10,000 sq'	75'	100'	25'	15'	25'	35'	X
	Major home occupations (Section 9.05)		10,000 sq'	75'	100'	25'	15'	25'	35'	X
	Day-care centers or nursery schools		10,000 sq'	75'	100'	25'	15'	25'	35'	X
	Hospital					(To be set by the Planning Board)				X
	Boarding and tourist houses		20,000 sq'	100'	100'	25'	15'	25'	35'	X
	School		2 acres	150'	200'	25'	15'	25'	35'	X
	Church, cemetery		20,000 sq'	100'	100'	25'	15'	25'	35'	X
	Nursing, retirement home		20,000 sq'	100'	100'	25'	15'	25'	35'	X
	Library		20,000 sq'	100'	100'	25'	15'	25'	35'	X

Single-family Attached housing, Townhouses, End Unit	2,400 sq'	20'	75'	24'	--	35'	35'	X
Apartments, by conversion or otherwise	3,600 sq'	45'	75'	24'	30'	35'	35'	X
Professional, businesses, municipal or other governmental offices	no more than (12) units per acre	60'	--	45'	30'	40'	35'	X
Bank without drive-up facilities	10,000 sq'	50'	50'	15'	--	15'	35'	X
Barber, beauty shop	10,000 sq'	50'	50'	15'	--	15'	35'	X
Laundromat	10,000 sq'	50'	50'	15'	--	15'	35'	X
Club, lodge, social center	15,000 sq'	75'	100'	25'	15'	25'	35'	X
Funeral home	15,000 sq'	75'	100'	25'	15'	25'	35'	X
Country general store	15,000 sq'	50'	50'	15'	--	25'	35'	X
Eating & drinking places serving non-alcoholic beverages	10,000 sq'	50'	50'	15'	--	25'	35'	X
Antique, gift, novelty and souvenir shops	10,000 sq'	50'	50'	15'	--	25'	35'	X

DISTRICT	PERMITTED USES	SPECIAL PERMIT USES	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	SETBACKS			MAXIMUM BUILDING HEIGHT	SITE PLAN REVIEW REQUIRED
						FRONT/ CORNER YARD	SIDE YARD	REAR YARD		
B	Private, public parking lots				(To be set by the Planning Board)					X
	Theatre		50'	100'	100'	15'	--	15'	35'	X

Cultural facilities, museums, botanical gardens and art galleries	15,000 sq'	50'	50'	15'	--	15'	35'	X
Eating and Drinking places serving alcoholic beverages for on premises consumption	15,000 sq'	50'	50'	15'	--	25'	35'	X
General Retail Business in existing buildings	15,000 sq'	50'	50'	15'	--	25'	35'	X
General retail business in new buildings	15,000 sq'	50'	50'	15'	--	25'	35'	X
Light industry with on-site total commercial use and no outdoor storage	25,000 sq'	100'	150'	25'	15'	25'	35'	X
Garage/gas station	10,000 sq'	50'	50'	25'	15'	25'	35'	X
Car wash	10,000 sq'	50'	50'	25'	15'	25'	35'	X
Agriculture	2 acres	150'	200'	25'	15'	25'	35'	X
Drive-up bank facilities	10,000 sq'	50'	50'	25'	15'	25'	35'	X
Multiple-family dwelling by conversion	20,000 sq'	100'	100'	25'	15'	25'	35'	X
Public utility				(To be set by the Planning Board)				X
Convenience food stores	15,000 sq'	50'	100'	25'	15'	25'	35'	X
Hotel/motel				(To be set by the Planning Board)				X

DISTRICT	PERMITTED USES	SPECIAL PERMIT USES	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	SETBACKS				MAXIMUM BUILDING HEIGHT	SITE PLAN REVIEW REQUIRED
						FRONT/ CORNER YARD	SIDE YARD	REAR YARD			
1		Plant nurseries and green houses	20,000 sq'	100'	100'	25'	25'	25'		35'	
		Storage/Warehouse	1 acre	150'	150'	25'	25'	25'		35'	X
		Light Industry	1 acre	150'	150'	25'	25'	25'		35'	X
		Gas/fuel distribution	1 acre	150'	150'	25'	25'	25'		35'	X
		Public utilities				(To be set by the Planning Board)					
		Home occupations in pre-existing homes	10,000 sq'	75'	100'	25'	15'	25'		35'	
		Agriculture	2 acres	150'	200'	25'	15'	20'		35'	
		Accessory uses, including solar and other alternative energy systems				(See Section 5.03-11)					
		Lumber yard	1 acre	150'	150'	25'	25'	25'		35'	X
		Trucking facility	1 acre	150'	150'	25'	25'	25'		35'	X
	Scientific research lab	20,000 sq'	100'	100'	25'	25'	25'		35'	X	
	Sand/gravel mining				(To be set by the Planning Board)						

