Town of Villenova
Zoning Law - 1997

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ARTICLE I

TITLE, ENACTING CLAUSE, PURPOSE

SECTION 101 TITLE

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

SECTION 102 Enacting Clause

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

SECTION 103 Purpose

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

B. General - General benefits derived from Zoning Laws include the following:

1. Promotes health, convenience, economics and general welfare of the community;
2. Balances the rights of the public-at-large, private landowners and other various interest groups;
3. Encourages the positive shaping of the future and the long-range benefits associated with Zoning Laws;
4. Allows for the maintenance of a equitable assessment role;
5. Imposes some reasonable restraints on opportunists and balances economic growth with environmental protection,
6. Zoning is controlled locally, may be amended to meet changing needs and has built-in flexibilities for unique situations;
7. Promotes uniform rules throughout the community;
8. Compatible with state, regional, county plans as well as those of adjacent communities;

9. Promotes community values to include fundamental cultural concerns;
10. Maintains the character of the community;
11. Recognize and implement environmental restraints placed on natural features;
12. Strengthen the economic base so as to support the resident population well above subsistence levels;
13. Improve efficiency in the administration of public services; and
14. Meet basic needs for housing and human services.

C. Safety - From a safety viewpoint, Zoning Laws can assist in the following:

1. Promotes fire safety by controlling building heights, separation of structures, etc.;
2. Promotes traffic safety by protecting the traffic carrying capabilities of highways through setbacks, etc.;
3. Insures that floodplains are reasonably controlled with respect to types of uses, densities, etc., and;
4. Protects residents from other conditions which could cause injury or death.

D. Land Uses and Intensity-Zoning laws promote favorable land uses in proper locations at reasonable densities:

1. Insure there is a desirable blend of uses allowed that are compatible;
2. Promote reasonable districting to separate conflicting types of uses;
3. Maintain a rural atmosphere in select areas;
4. Maintain the character of residential neighborhoods by limiting the type and intensity of uses;
5. Provide a reasonable mix of land use intensities with consideration given to carrying capacity;
6. Insure that agricultural uses are encouraged and protected from other incompatible uses; and
7. Development in centralized locations should be promoted to strengthen continuity and discourage sprawl.

E. Quality - Perpetuate the highest possible quality of life by:

1. Promoting the retention of an aesthetically pleasing community by minimizing nuisances and visually unattractive developments. Design criteria should be encouraged;
2. Insuring adequate light, air and open space;
3. Encourage the visual and performing arts as an essential element;
4. Promote educational and cultural facilities;
5. Historic sites and facilities should be protected at a reasonable degree;
6. Encourage buffers between unlike uses in order to create visual distinctions and provide transitions to neighboring land uses;
7. Landscaping should be encouraged as appropriate;
8. Signage regulations should provide incentives for design excellence;

9. Recreational facilities and parklands must be promoted to meet both resident and visitor needs. Both active and passive facilities must be provided;
10. Sufficient entertainment and social opportunities should be provided for the young, elderly, handicapped and all other groups on a year-round basis;
11. Community centers should be promoted as a focal point for each municipality;
12. Private recreational facilities should be encouraged in proper locations with reasonable conditions imposed;
13. Municipalities should encourage recreational areas such that they also preserve open space, historic sites, and unique natural features; and
14. Child care facilities should be encouraged.

F. Economics - Zoning laws based upon comprehensive plans contribute a great deal to neighborhood stability by:

1. Utilizing existing roadways optimally while discouraging the creation of new roads, except as needed;
2. Encouraging the retention of prime agricultural, commercial and industrial properties for those uses for which they are best suited;
3. Encouraging the largest tax base possible through controlled development;
4. Tourism should be encouraged in ways that promote the community as it is;
5. Stimulate small scale economic development which maintains the community;
6. Industrial growth should be encouraged in areas where utilities exist or could most readily be made available;
7. Encourage home business operations that are compatible with existing residential neighborhoods;
8. Business diversity should be sought in order to reduce the chance of extreme economic fluctuations;
9. Support neighborhood shopping areas that are functionally and aesthetically acceptable to surrounding residential areas;
10. Promote conditional industrial zones that are properly controlled and located;
11. "Clean" types of industrial development are most desired and should be promoted;
12. The inclusion of residential uses in commercial and industrial areas must be addressed; and
13. The use of "performance standards" in controlling commercial and industrial uses should be encouraged.

G. Stability - Zoning Laws based upon comprehensive plans also contribute a great deal to neighborhood stability by:

1. Keeping rural municipalities from being a dumping ground;
2. Protecting property values and individual investments by encouraging proper development for each type of district;
3. Maintaining the character of a neighborhood by providing a stable and orderly living environment;
4. Keeping nuisances to a minimum, especially in residentially oriented neighborhoods; and
5. Allowing for the creation of a fair tax base by keeping

informed of both new construction and demolition.

H. Health - Zoning Laws based upon comprehensive plans protect public health through establishment of standards which address these issues. Such a Zoning Law:

1. Reinforces health standards, particularly with respect to sewage and water-related problems;
2. Keeps unhealthy situations from arising which could cause disease or injury; and
3. Encourages the creation of health and emergency facilities at appropriate locations.

I. Environment-Zoning laws based upon comprehensive plans protect and enhance the environment in various ways:

1. Insures that appropriate amounts of light, air and open space are available for all residents;
2. Promotes proper use of unique or sensitive environmental areas and natural resources;
3. Encourages the use of vegetative buffers to moderate development affects;
4. Promote energy conservation by insuring that alternate fuel systems are encouraged and innovative construction techniques are allowed;
5. Tree maintenance, plantings and other forest management practices should be promoted during the review process that preferably includes Site Plan Review;
6. Vegetation should be encouraged to moderate the influence of wind, sun, precipitation, and noise;
7. Promote best management practices within each watershed such that erosion is minimized during and after construction. Site restoration is essential;
8. Insure that noise pollution is considered in the review of industrial and other appropriate projects;
9. Development should take groundwater protection into consideration;
10. Wetlands should be considered when reviewing development projects;
11. Light pollution should be a consideration in reviewing large development; and
12. Steep slope development should receive special attention during the review of a project.

J. Housing-Zoning laws based upon comprehensive plans encourage quality housing and more specifically should:

1. Insure that a wide range of affordable housing opportunities exist to meet various income needs, e.g., mobile homes and multiple family units;
2. Allow for special housing needs for various groups such as handicapped, single parents, elderly, mentally disabled, etc.;
3. Encourage "infill" development to promote better utilization of existing neighborhoods;
4. Deal with problem of dilapidated housing and encourage the rehabilitation of housing;
5. Promote reasonably located seasonal housing; and
6. Encourage "clustering" of housing units based on benefits to the developer, owner, and environment.

K. Transportation-Zoning laws based upon comprehensive plans encourage the creation and maintenance of adequate transportation systems:

1. Support road design that protects visual resources of community;
2. Promote transportation that strengthens existing community centers and fosters an orderly pattern of growth;
3. Encourage the full utilization of existing highways and bridges and discourage the need for new highways and bridges;
4. Promote highway safety by utilizing setbacks and other visibility tools;
5. Promote adequate commercial loading and unloading so as to avoid unsafe conditions;
6. Require adequate offstreet and street parking to meet needs of various uses;
7. Encourage the use of air, rail and bus service;
8. Insure that snow removal can be accomplished adequately;
9. Encourage development in a manner that encourages the use of major transportation;
10. Promote alternate transportation means such as bike routes and walking paths; and
11. Insure that uses involving large numbers of vehicles (e.g. drive-ins, concerts, etc.) provide for parking and safety.

L. Utilities and Infrastructure-Zoning laws based upon comprehensive plans encourage reasonable land use such that existing infrastructure is fully utilized and the need for new infrastructure is minimized:

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

M. Regional Needs-Zoning laws based upon comprehensive plans should look beyond municipal boundaries:

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

N. Implementation-Zoning laws based upon comprehensive plans can be implemented in a multitude of ways and should be relatively consistent with the plan:

1. A comprehensive capital budgeting program should be encouraged as a primary means of implementing goals and objectives;

2. Progress in implementing a comprehensive plan should be monitored;
3. Zoning and subdivision laws should be adopted as the major implementation tools for a comprehensive plan;
4. Other related rules and regulations (e.g. flood plains, sewer and water, etc.) should be coordinated with implementation tools;
5. The training of all individuals associated with implemented land use laws should be encouraged;
6. Insure that laws are understandable and usable by officials, developers, and the general public;
7. Protect preexisting uses from laws that were written for new development only; and
8. Promote flexible laws that provide latitude for developers to be in compliance.

SECTION 104 Application of Regulations

A. Compliance Responsibility - It shall be the responsibility of all property owners, developers, lessors or others involved with the temporary or permanent use of land or structures to comply with the regulations of this Zoning Law.

B. Regulation Applicability - The regulations of this Law shall apply and shall require a Zoning Permit (Except as specifically exempted. See section on Zoning Permits) for the following situations:

1. To occupy a structure or land;
2. To erect, alter, enlarge, move or demolish a structure;
3. To change one use to another use to include the increasing of families utilizing land or structures.

C. Other Related Regulations - The following regulations shall, as applicable, be complied with prior to occupancy or where specifically stated prior to issuance of a Zoning Permit:

1. Subdivision Laws - State and existing local subdivision laws must be complied with in addition to this Zoning Law.
2. National Flood Insurance Program - It shall be the responsibility of the applicant for a Zoning Permit to insure that the National Flood Insurance Regulations shall be complied with for those parcels located within the flood plain as shown on official Flood Insurance Administration maps.
3. Health Department Rules - The regulations of the State and County Health Departments with respect to water supply and sewage disposal facilities will apply. The applicant for a Zoning Permit must obtain a copy of the required health department permits for attachment to his application before the issuance of local approval by the Zoning Officer.
4. Multiple Residence Law - For all dwellings with 3 or more dwelling units or any dwelling two or more stories in height with 5 or more roomers, the "Multiple Residence Law," Chapter 61B of the Consolidated Laws sets forth certain requirements with regard to fire safety, size of rooms and other minimum health and safety

specifications.

5. Uniform Fire and Building Code - As required by the New York State Uniform Fire and Building Code. All new construction must comply.

D. County Environmental Health Department-Before a final decision is made on applications for Zoning Permits, Special Use Permits or Variances, written proof must be provided documenting that the applicant has notified the County Environmental Health Department of the zoning request and that the applicant has applied for and received the appropriate sewerage permit.

ARTICLE II

DEFINITIONS

SECTION 201 Language and Interpretations

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

SECTION 202 Definitions

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

ACCESSORY APARTMENT - A secondary apartment developed in an existing single family dwelling which meets the following conditions: No more than 1 unit shall be created per dwelling unit in districts where multiple units are allowed; the apartment shall be between 600 and 800 square feet in floor space with the resultant primary dwelling meeting all area requirements such as minimum floor space; sufficient off street parking shall be provided; no visible signs of an apartment shall be present; and finally, accessory buildings existing at the time of enactment of this Law may be utilized.

ACCESSORY BUILDING OR USE - An accessory building or use is one which:

A. Is subordinate to and serves a principal building or principal use.

B. Is subordinate in area, extent or purpose to the principal building or principal use served.

C. Contributes to the comfort, convenience, or necessity of occupants of the principal or principal use served.

D. Is located on the same lot as the principal building or principal use served.

ACCESSORY DWELLING UNIT - Includes but is not limited to a travel trailer, motor home, truck camper, or tent occupied by persons other than those generally residing in the primary dwelling unit and located on the same parcel as the primary unit.

AGRICULTURE - Land, including necessary buildings and structures that has as its principal use the raising or keeping of livestock or the growing of crops in the open.

AGRICULTURE (LIMITED) - The commercial production of crops, plants, vines and trees.

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

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

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

ANIMAL FARM - See Farm Animal.

APARTMENT HOUSE - A building arrangement intended or designed to be occupied by 3 or more families living independently of each other. Condominiums and apartments shall be considered to be apartments.

AREA OF SPECIAL FLOOD HAZARD - Means the land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD - Means the flood having a 1% chance of being equaled or exceeded in any given year.

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

BUFFER - A strip of land, fence or border of trees, etc., between one use and another which may or may not have trees and shrubs planted for screening purposes designed to set apart one use area from another. An appropriate buffer may vary depending on: uses, districts, size, etc., and shall be determined by the Zoning Board of Appeals where a buffer is a necessary condition to a special use permit or variance.

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

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

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

BUILDING PERMIT - See Zoning Permit.

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

BUSINESS/INDUSTRY LIMITED - Any commercial operations dealing in retail sales or services in which the following conditions are met: Maximum of 200 square feet floor space utilized, no nuisance created, a maximum of 1 employee and a maximum of 3 clients at any one time.

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

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

CLUSTER DEVELOPMENT - A development of 5 acres or more where a developer may elect after Board approval to cluster or group his development in return for the permanent creation of common areas. Overall, the density of development remains approximately the same as required by the district area requirements.

CONVENTIONAL DWELLING UNIT - See Dwelling Unit.

CUSTOMARY ACCESSORY BUILDING - See Accessory Building.

DAY CARE CENTER - A structure, together with its lot operated on a regular basis for the purpose of providing daytime care and instruction for 5 or more children up to 5 years in age. Similar uses going under names such as Day Nurseries shall for the purpose of this Law be considered to be Day Care Centers.

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

DEVELOPMENT - Means any man made change to improved or unimproved real estate, including but not limited to: buildings or other

structures, mining, dredged, filling, paving, excavation or drilling operations.

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

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

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

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

A. Conventional - A permanent single or multiple family dwelling unit which is built on site using conventional "stick" construction techniques among others.

B. Modular - A permanent single or multiple family dwelling unit which is brought to the building site as one or more units on a transport trailer. Modular dwelling units have no support frames but instead are placed on a separate foundation. Modular dwelling units contain the same utility systems as conventional dwelling units. Modular dwelling units are not designed to be moved after they have been lifted onto a foundation.

C. Prefabricated - A permanent single or multiple family dwelling unit which is built on site from pre-cut and partially constructed building members. Prefabricated dwelling units are usually based on the same construction techniques as conventional dwelling units but are generally purchased as a pre-designed and pre-cut package for assembly on site.

D. Mobile Home - A transportable, fully assembled single family dwelling unit suitable for year round occupancy. Mobile dwelling units contain the same utility systems (water, waste, electricity) as found in conventional dwelling units. Mobile dwelling units are supported by a chassis which is an integral part of the unit. Mobile dwelling units are not designed to be lived in except when set up on a lot with proper utilities. This includes double wide mobile dwelling units but does not include travel trailers which are self-contained.

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

ENFORCEMENT OFFICER - Shall mean the Zoning Officer of the municipality.

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

FAMILY - A householder (individual residing in and in legal possession of a dwelling unit) plus 1 or more persons related by blood, marriage or adoption and limited to the spouse, parents, grandparents, children, grandchildren, brothers or sisters of the householder, or of the householder's spouse living together as a single, not-for-profit housekeeping unit sharing kitchen facilities of a group of persons headed by a householder caring for a reasonable number of children in a family-like living arrangement, which to all outward appearances is the functional and factual equivalent of a family of related persons or a maximum of 2 persons not sharing a relationship as described above.

FAMILY DAY CARE HOME - In accordance with Sections 390 of the Social Security Law, an individual's home used to care for 3 to 6 children away from their homes for less than 24 hours per day for compensation for more than 5 hours per week. The provider's own children under 6 years old shall be counted toward the maximum number allowed. An annual permit from the Social Services Department is required with the applicant required to verify fitness to care for children, sound health, sufficient finances, an adequate physical plant, etc.

FARM - Any parcel of land containing at least 10 acres which is used for gain in the raising of agricultural products, livestock, poultry, and/or dairy products. It includes necessary farm structures and the storage of equipment used.

FARM ANIMAL - Any domestic animal customarily found on a farm which if not adequately controlled may cause nuisances.

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

FENCE (AGRICULTURAL) - A fence used for agricultural purposes such as the retention of livestock. Such a fence shall be constructed in such a manner and from materials which have traditionally been used for farm fencing in the past; e.g., barbed wire or rail fence.

FENCE (BARRIER) - Any fence which is located near the perimeter of the property for which it is intended to provide privacy.

FENCE (NON-BARRIER) - Any fence located a distance from the property line which provides privacy to a portion of land such as a patio or swimming pool.

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

FLAMMABLE - Capable of igniting within 5 seconds when exposed to

flame and continuing to burn.

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

FLOOD OR FLOODING - Means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or run-off of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) - Means the official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A.

FLOOD PLAIN - A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation or any area subject to the unusual and rapid accumulation or run-off of surface waters from any source.

FLOOD PROTECTION ELEVATION - Means the level and elevation above which a particular use will be considered safe from flooding. Such estimates are updated with the 100 year flood evaluation. Such elevations will be designated at various points on the official map.

FLOODWAY - The designated area of a flood plain required to carry and discharge waters of a given magnitude.

FLOODWAY FRINGE AREA - The designated area of a flood plain adjacent to the floodway and within the 100 year special flood area.

FLOOR SPACE - The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conducting of business. Said areas shall be measured between the outside face of exterior walls or from the center line of walls separating 2 uses. Said areas shall not include areas below the average level of the adjoining ground, garage space, or accessory building space.

FROST-FREE FOUNDATION--either:

a. a continuous masonry substructure consisting of stone, poured concrete, or concrete block, eight inches (8") thick placed on a concrete footer, such footer being equal to the thickness of the wall in depth by twice the width of the wall in width, a minimum of thirty-six inches (36") below grade or below frost line, whichever is deeper: or

b. cast-in-place piers, with minimum dimensions of twenty-four inches by twenty-four inches by twelve inches (24"x 24"x 12"), placed a minimum of thirty-six inches (36") below grade or

below frost line, whichever is greater, with New York State Building Code complying tie-downs and a poured, pre-cast or Masonry curtain wall which is a minimum of six inches (6") thick and thirty-six inches (36") below grade or frost line, whichever is deeper.

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

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

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

GENERAL INDUSTRIAL BUSINESS - See Industry, General.

GENERAL RETAIL BUSINESS - See Retail Business.

GENERAL SERVICE BUSINESS - See Service Business.

GENERAL WHOLESALE BUSINESS - See Wholesale Business.

GRAVEL PIT (Quarry, Sand Pit) - A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or top soil for sale as an industrial operation and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

HEAVY VEHICLE - See Supplemental Section on Heavy Vehicles.

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

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

HOME OCCUPATION - A use conducted within a dwelling and carried on principally by the inhabitants thereof which is clearly secondary to the use of the dwelling for dwelling purposes and does not substantially change the character thereof.

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

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

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

INDUSTRY (HEAVY) - A heavy industry is defined as any processing of goods or articles by hand or machine in such a manner that 1 or more of the following may carry beyond the boundary of the property upon which the industry is located: fire hazard, radioactivity, electrical disturbance, noise, vibration, dust, smoke, odor, air pollution or glare may be detected beyond the boundary lines of the property upon which a light industrial plant is located. The storage of raw material, component parts, finished products and waste material is within an enclosed building.

JUNK CAR - A motor vehicle (excluding farm equipment on a farm) which is not intended for, or in condition for legal use on public highways or which is in the process of being dismantled.

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

LOT - A parcel of land occupied or designed to be occupied by 1 building and the accessory buildings or uses customarily incidental to it, including such open space as required by this Zoning Law.

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

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

LOT (LINE) - Any line dividing one lot from another.

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

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

MOBILE HOME PARK - A plot or parcel of ground which is manifestly arranged and furnished to provide the space, facilities and access for mobile homes as required herein.

MODULAR DWELLING UNIT - See Dwelling Unit.

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

MOTOR VEHICLE SERVICE STATION - Any area of land including structures therein that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories and which may or

may not include facilities for lubricating, washing or otherwise servicing motor vehicles but not including the painting thereof by any means, body and fender work or the dismantling or replacing of engines.

MULTIPLE DWELLING - See Residence.

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

NON-CONFORMING USE - That use of a building, structure or land legally existing at the time of enactment of this Zoning Law and which is not one of those permitted in the district in which it is situated.

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

NURSERY (FOR CHILDREN) - See Day Care Center.

NURSING OR CONVALESCENT HOME - Nursing Home means a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants but not including a hospital or mental health center.

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

ONE HUNDRED YEAR FLOOD - The waters of a flood that on the average is likely to occur once every 100 years.

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

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

PERCOLATION RATE - The number of minutes it takes for water to drop 1 inch for 2 successive percolation tests giving approximately equal results.

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

PORCH - A roofed open structure projecting from an outside wall of a structure without any form of enclosure.

PRE-EXISTING USE - Any use, either conforming or non-conforming with this Law that is legally existing at the enactment of this Law.

PRE-FABRICATED DWELLING UNIT - See Dwelling Unit.

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

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

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

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

PUBLIC (QUASI) - An organization which serves a governmental function but is not a governmental use per se. A volunteer fire department is an example.

PUBLIC UTILITY - Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public electricity, gas, steam, telephone, transportation or water.

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

REFORESTATION - Conservation activities aimed at the management of large tracts of land with the express purpose of optimally utilizing timber.

REGULAR FLOOD INSURANCE OR REGULAR PROGRAM - The permanent program which is entered only after detailed flood information is provided by the Federal Insurance Administration; e.g., Floodway/Floodway Fringe Area, Flood Insurance Rate Map.

RESIDENCE (SINGLE-FAMILY DETACHED) - A detached building designed to contain 1 dwelling unit.

RESIDENCE (TWO-FAMILY) - Either of the following:

A. A building having 2 side yards and accommodating but 2 dwelling units;
B. A detached building containing 2 dwelling units separated by a party wall, each having 1 side yard.

RESIDENCE (MULTI-FAMILY) - A building used or designed for 3 or

more dwelling units, including apartment houses, townhouses and condominiums.

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

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

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

RIDING ACADEMY - Any establishment where horses are kept for riding for compensation. Riding academies shall be situated on a minimum of 10 acres of land and only in districts where allowed.

ROADSIDE STAND - A wholly or partially enclosed shed generally for the sale of products produced on the land where they are to be sold, where stand shall be located so as to permit customers to drive completely off the highway while dealing.

SAWMILL - Commercial facility containing sawing and planing equipment utilized for the preparation of dimensional lumber used for construction.

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

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

SEMI-PUBLIC - Places of worship, institutions for the aged and children, nurseries, non-profit colleges, hospitals, libraries,

cemeteries and institutions of the philanthropic nature (also, Open Space).

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

SETBACK - Distance measured from the middle of the street to a structure, sign, etc.

SHOOTING RANGE (COMMERCIAL) - The parcel(s) of land used for discharging of firearms with the intent to hit any object (moving or stationary) other than live game by any person who pays a fee (e.g., membership fees, shooting fees, etc.) to use said facilities. Commercial shooting ranges include but are not limited to non-profit clubs (skeet club, etc.) and profit motivated business.

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

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

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

SIGN (BILLBOARD) - Any large sign which directs attention on an idea, product, business activity, service or entertainment which is conducted, sold or offered elsewhere than upon the lot where such sign is located.

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

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

SIGN (FLASHING) - Any sign that flashes by giving off or reflecting light,or moves, or revolves in any way,or has flowing or moving lights or parts of the sign, or alternates in any way its color, shape, or intensity or illumination.

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

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

SIGN (NAME PLATE) - Any sign indicating the name, occupation and/or address of the occupant. A name plate shall be not over 2 square feet in size.

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

SIGN (TEMPORARY) - A sign which offers premises for sale, rent or development, or announces special events or calls attention to new construction or alteration, or offers a sale of seasonal garden produce, garage, household, porch items or signs of a similar nature, or political signs.

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

SPECIAL FLOOD HAZARD AREA - Means that maximum area of the flood years (i.e., that has a 1% chance of being flooded each year - "100 year flood").

SPECIAL USE PERMIT - A special use permit deals with special permission, granted only by the Zoning Board of Appeals to occupy land for specific purposes when such use is not permitted by right but is listed as permitted by special use permit.

STORAGE STRUCTURE - Any constructed combination of materials located or attached to the ground utilized for non-inhabited storage purposes. Used trucks and similar motor vehicles shall not be utilized as storage structures.

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

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

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

STRUCTURE - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

SUBSTANTIAL IMPROVEMENT - Means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not

that alteration effects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state of local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

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

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

TOWER - A structure generally of a commercial nature the purpose of which is to better enable the transmission or receiving of signals by achieving more height. For the purposes of this Law, a tower shall be capable of being climbed without utilizing special equipment and shall not include TV towers unless they are over 60 feet in height as measured from the base.

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

TRACT - A large piece of land under single ownership.

TRASH - Glass, scrap metals, salvaged metals, rags, refuse, garbage, waste paper, salvaged machines, appliances or similar materials, etc., but not to include wood piles, lumber, building materials, compost, used farm machinery stored on a farm, etc.

TRAVEL TRAILER (CAMPER) - A relatively small temporary living quarter designed to be hauled behind a vehicle. Travel trailers are not designed as permanent living quarters and generally are used on a seasonal basis. They are supported at all times primarily by their own wheels. Travel trailers generally have self-contained independent utility systems (see Definition of Accessory Dwelling Unit).

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

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

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

VEHICLE DISMANTLING YARD - Any place of storage or deposit where 4 or more unregistered, old or second hand vehicles no longer intended for or in condition for legal use on public highways are held, whether for resale of parts or materials or used parts and waste materials, which when taken together equal in bulk 4 or more vehicles, shall constitute a vehicle dismantling yard. This excludes farm vehicles and facilities for processing iron, steel and/or nonferrous materials for scrap.

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

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

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

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

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

YARD (FRONT) - The area extending across the entire width of the lot between the building line or front main wall of a building and the middle of the road into which space there shall be no extension of building partitions in any district, or parking space(s), including any enveloping wall, fence or hedge around the parking area in any non-commercial districts.

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

YARD (SIDE) - That open area of a lot situated between the side lines of the building and the adjacent side lines of the lot.

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

ZONING PERMIT - Written permission issued by the appropriate Municipal Board/Officer authorizing the use of lots or structures. Zoning Permits are issued for uses which are permitted by the Zoning Law where all conditions required by the Law can be met for the district where the lot/structure is located. The relocation,

enlargement, alteration or other change of use shall require the issuing of a Zoning Permit. The 2 types of permits include: By Right and Special Use Permit.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

SECTION 301 Creation and Enumeration of Districts

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

Agriculture and Residential	(ARI)
Transition	(T)
Industrial Park (Floating)	(IP)

SECTION 302 Zoning Map

The boundaries of the aforesaid zoning districts are hereby established shown on the map entitled, "Zoning District Map of the Town of Villenova, New York; dated, _____, 1997," which map accompanies and is made a part of this Local Law and shall have the same force and effect as if the zoning map, together with all notations, references and other information shown thereon, were fully set forth and described therein.

SECTION 303 Interpretation of District Boundaries

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

A. General Rules

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines,or highway right of way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines; such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines, or street lines of streets, or the center lines or right of way lines of highways;such district boundaries shall be construed as being parallel thereto and at such distance as given; such dimension shall be determined by the use of the scale shown on said Zoning Map.
4. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of jurisdiction of the municipality unless otherwise indicated.

B. Appeals - Any party aggrieved by an interpretation may appeal to the Zoning Board of Appeals whose decision will be final. However, all decisions of the Zoning Board of Appeals are subject to court reviews in accordance with applicable Laws of the State of New York. The Burden of Proof shall be on the Appellant.

ARTICLE IV

DISTRICT REGULATIONS

SECTION 401 Agricultural/Residential (ARI) District

A. Purpose - ARI Districts are established to promote maintenance of agricultural lands as well as to allow large lot residential development. The providing of municipal sewage or water systems is not recommended or encouraged. Any uses not listed are prohibited.

B. Uses by Right (Permit Required)
Single Family Dwelling - Detached (conventional, prefab., modular)
Mobile Homes, in accordance with Section 625
Duplex - Attached
Agricultural Land Use, in accordance with Section 513
Agricultural Buildings
General Agricultural Business
Animal Farms (mink, etc.)
Sawmill - Commercial
Horticulture - Private
Mobile Homes for Storage
Nursery/Greenhouse - Commercial
Blacksmith Shop
Utilities - Public (e.g., water)
Municipal Office
Tennis Court - Private
Swimming Pool - Private, in accordance with Section 611
Riding Academy/Stable
Garage - Accessory
Customary Accessory Use (over 150 sq. ft.)
Customary Accessory Use (150 sq. ft., or less)
Storage Structure (over 150 sq. ft.)
Storage Structure (150 sq. ft., or less)
Signs, in accordance with Section 614
Open Porch or Deck (100 sq. ft., or more)

C. Uses by Special Use Permit (Hearing Required)
Boarding Homes/Bed and Breakfast
Homes for the Aged
Nursing Home/Rest Home
Multiple Dwellings - attached
Mobile Home Parks, in accordance with Section 627
Cluster Residential Development,in accordance with Section 602
Roadside Stand - General, in accordance with Section 607
Antique Shop
Bakery Shop
Catalog Store
Drug Store
Shopping Center/Mall
Florist Shop
Food Supermarket
Corner Grocery Store
Newsstand
Building Materials Store
Mobile Home/Trailer Sales
Vehicle Service Station, in accordance with Section 609
Auto Sales/Used Car Lot
Farm Machinery/Implements Store
Department/Variety Store
Feed and Seed Shop
Furniture/Appliance Store
Hardware/Glass/Paint Store
Pet Store
Plumbing/Heating Shop
Rental Store
General Service Shop, in accordance with Section 601
Limited Wholesale Business - Warehouse
Home Occupation - General, in accordance with Section 603

Laboratory and Research - Commercial
Gravel and Sand Operations, in accordance with Section 616
Gas Compressor
School - Public/Private
Airport/Airstrip/Heliport
Day Care Center
Library/Museum/Gallery
Church/Rectory
Fraternal Meeting Facility
Large Group Gathering, in accordance with Section 624
Cemetery/Crematory
Hospitals
Public Uses
Public Park
Golf Course - Private/Public
Tennis Court - Public
Commercial Recreation
Swimming Pool - Public
Recreation Camp - Private
Hunting Camp, in accordance with Section 604
Travel Trailer Park - Commercial, in accordance with Section 629
Theater
Carnival/Circus - Temporary
Rifle Range/Skeet/Gun Club, in accordance with Section 605
Game Farm/Fish Hatchery/Preserve
Windmills - Private, in accordance with Section 617
Solar System, in accordance with Section 618
Parking - Commercial Lot, in accordance with Section 612
Temporary Dwelling Units, in accordance with Section 626
Signs, in accordance with Section 614
Load/Unload Facility, in accordance with Section 613
Fences/Walls, in accordance with Section 615
Heavy Vehicle Parking, in accordance with Section 623
Temporary Mobile Home, in accordance with Section 626
Commercial Tower - , in accordance with Section 617

D. Uses Requiring No Permit (Requires Compliance with Law)
Roadside Stand Limited - Limited, in accordance with Section 607
Household Sale/Garage Sale
Gas/Oil Well
Wildlife Habitat
Forestry/Lumbering/Reforestation
Topsoil Removal, in accordance with Section 508
Outdoor Storage - Recreational Vehicle
Parking - Private, in accordance with Section 612
Customary Accessory Use (150 sq. ft., or less)
Storage Structures (150 sq. ft., or less)
Signs, in accordance with Section 614
Junk Cars - Private Property, in accordance with Section 620
Open Porch/Deck (less than 100 sq. ft.)
Trash - Private Property, in accordance with Section 622
Fences/Walls, in accordance with Section 615
Heavy Vehicle Parking, in accordance with Section 623
TV Dish Antenna

E. Area Standards - See Section 505 for substandard sized lots. Note that State Health Laws may require more area than below.

1. Single family dwellings and other allowed uses (excluding structures which house or are intended to house more than 1 family unit) shall meet the following standards:

Minimum Lot Size (sq. ft.)	87,120
Minimum Lot Width (ft.)	150
Minimum Front Yard (measured from middle of road in ft.)	100
Minimum Rear Yard (ft.)	20
Minimum Side Yard (ft.)	20
Minimum Floor Space (sq. ft.)	750

2. Attached multi-family units shall meet the following standards:

Minimum Lot Size (base)	75,000
+ square feet per unit	10,000
Minimum Lot Width (base)	150
+ feet per unit	15
Maximum Lot Coverage (% of lot area)	40
Minimum Front Yard (measured from middle of road in ft.)	100
Minimum Rear Yard (ft.)	20
Minimum Side Yard (ft.)	20
Maximum Stories	3 1/2
Minimum Floor Space (each unit)	600
Minimum Mobile Home Size (utilize manufacturer's advertised size)	600

NOTE: Refer to Articles V and VI for other requirements.

SECTION 402 Transition District

A. Purpose - T. Districts are established to provide for the maintenance of rural acreage primarily for large lot residential development as well as agricultural uses. Municipal sewage or water systems may become necessary in some instances but are not to be encouraged. Some commercial uses are allowable.

B. Uses by Right (Permit Required)
Single Family Dwelling - detached (conventional, prefab., modular)
Mobile Homes, in accordance with Section 625
Duplex - Attached
Agricultural Land Use, in accordance with Section 513
Agricultural Buildings
Agricultural Business - General
Animal Farms (mink, etc.)
Sawmill - Commercial
Horticulture - Private
Nursery/Greenhouse - Commercial
Blacksmith Shop
Laboratory and Research - Commercial
Utilities - Public (e.g., water)
Municipal Office
Tennis Court - Private
Swimming Pool - Private, in accordance with Section 611
Riding Academy/Stable

Garage - Accessory
Customary Accessory Use (over 150 sq. ft.)
Storage Structure (over 150 sq. ft.)
Signs, in accordance with Section 614
Open Porch/Deck (100 sq. ft., or more)

C. Uses by Special Use Permit (Hearing Required)
Boarding Homes/Bed and Breakfast
Homes for the Aged
Nursing Home/Rest Home
Multiple Dwellings - Attached
Mobile Home Parks, in accordance with Section 627
Cluster Residential Development, in accordance with Section 602
Roadside Stand - General, in accordance with Section 607
Antique Shop
Bakery Shop
Catalog Store
General Retail Stores, in accordance with Section 601
General Service Shop, in accordance with Section 601
Shopping Center/Mall
Florist Shop
Food Supermarket
Corner Grocery Store
Newsstand
Building Materials Store
Mobile Home/Trailer Sales
Vehicle Service Station, in accordance with Section 609
Auto Sales/Used Car Lot
Farm Machinery/Implements Store
Department/Variety Store
Feed and Seed Shop
Furniture/Appliance Store
Hardware/Glass/Paint Store
Pet Store
Plumbing/Heating Shop
Rental Store
Professional/Business Office
Bank
Truck Terminal
Drive-in Business, in accordance with Section 608
Bar
Hotel/Motel
Auto body Repair Shop, in accordance with Section 610
Vehicle Repair Shop
Building Contractor Business
Kennel Business, in accordance with Section 606
Animal Shelter
Animal Hospital
Wholesale Business - Warehouse, in accordance with Section 601
Storage of Materials/Fuel - Wholesale
Home Occupation - General, in accordance with Section 603
General Limited Industry
Gravel and Sand Operation, in accordance with Section 616
Gas Compressor
General Heavy Industry
Manufacturing - General
Manufacturing of Food Products
Vehicle Dismantling Yard, in accordance with Section 621

Machine Shop
Junk/Scrap Yard, in accordance with section 621
Mill Structure
School - Public/Private
Airport/Airstrip/Heliport
Day Care Center
Library/Museum/Gallery
Church/Rectory
Fraternal Meeting Facility
Large Group Gathering, in accordance with Section 624
Cemetery/Crematory
Hospitals
Public Uses
Public Park
Golf Course - Private/Public
Tennis Court - Public
Commercial Recreation
Swimming Pool - Public
Recreation Camp - Private
Recreation Camp - Public/Quasi-Public
Hunting Camp, in accordance with Section 604
Travel Trailer Park - Commercial, in accordance with Section 629
Theater
Carnival/Circus - Temporary
Rifle Range/Skeet/Gun Club, in accordance with Section 605
Game Farm/Fish Hatchery/Preserve
Windmills - Private, in accordance with Section 617
Solar System, in accordance with Section 618
Parking - Commercial Lot, in accordance with Section 612
Temporary Dwelling Units, in accordance with Section 626
Signs, in accordance with Section 614
Load/Unload, in accordance with Section 613
Fences/Walls, in accordance with Section 615
Heavy Vehicle Parking, in accordance with Section 623
Temporary Mobile Home, in accordance with Section 626
Commercial Tower - in accordance with Section 617

D. Uses Requiring No Permit (Requires Compliance with Law)
Roadside Stand - Limited, in accordance with Section 607
Household Sale/Garage Sale
Gas/Oil Well
Wildlife Habitat
Forestry/Lumbering/Reforestation
Topsoil Removal, in accordance with Section 508
Outdoor Storage - Recreational Vehicle
Customary Accessory Use (150 sq. ft., or less)
Parking - Private, in accordance with Section 612
Storage Structures (150 sq. ft., or less)
Signs, in accordance with Section 614
Junk Cars - Private Property, in accordance with Section 620
Open Porch/Deck (less than 100 sq. ft.)
Trash - Private Property, in accordance with Section 622
Fences/Walls, in accordance with Section 615
Heavy Vehicle Parking, in accordance with Section 623
TV Dish Antenna

E. Area Standards - See Section 505 for substandard sized lots. Note that State Health Laws may require more area than below.

1. Single family dwellings and other allowed uses (excluding structures which house or are intended to house more than 1 family unit) shall meet the following standards:

Minimum Lot Size (sq. ft.)	43,560
Minimum Lot Width (ft.)	150
Minimum Front Yard (measured from middle of road in ft.)	100
Minimum Rear Yard (ft.)	75
Minimum Side Yard (ft.)	50
Minimum Floor Space (sq. ft.)	750

2. Attached multiple family units shall meet the following standards:

Minimum Lot Size (base	40,000
+ sq. ft., per unit)	10,000
Minimum Lot Width (base	150
+ ft., per unit)	15
Maximum Lot Coverage (% of Lot Area)	40
Minimum Front Yard (measured from middle of road in ft.)	100
Minimum Rear Yard (ft.)	
Side Yard (ft.)	50
Maximum Stories	3 1/2
Minimum Floor Space (each unit)	600
Minimum Mobile Home Size (utilize manufacturer's advertised size)	600

Note: Refer to Articles V and VI for other requirements.

SECTION 403 Industrial Park (IP) "Floating" District

A. Purpose - This district is formulated exclusively for Industrial Uses with Recreational Uses also allowed. This district is not located on the map initially but instead is ready to be formed when an appropriate site is proposed by a developer.

B. Uses Permitted by Right (Permit Required)
Agricultural Buildings, in accordance with Section 513
Home Occupation, in accordance with Section 603
General Limited Industry
Electronics and Small Parts Manufacturer
Laboratory and Research - Commercial
Machine Shop
Utilities - Quasi-Public (e.g., telephone)
Public Park
Golf Course - Private/Public
Riding Academy/Stable
Ski Area - Commercial
Tent Meeting
Pond
Garage - Accessory
Customary Accessory Use
Parking - Commercial Lot, in accordance with Section 612
Parking - Private, in accordance with Section 612
Signs, in accordance with Section 614
Open Porch/Deck

Fences/Walls, in accordance with Section 615
TV Dish Antenna, (over 4' diameter)
Demolition

C. Uses by Special Use Permit (Hearing Required)
Home Occupation, in accordance with Section 603
Gravel and Sand Operation
Gas Compressor
General Heavy Industry
Vehicle Dismantling Yard, in accordance with Section 621
Junk/Scrap Yard, in accordance with Section 621
Airport/Airstrip/Heliport
Library/Museum/Gallery - Public
Large Group Gathering, in accordance with Section 624
Tennis Court - Private
Amusement Park
Swimming Pool - Private
Swimming Pool - Public
Cabins/Cottages - Commercial
Carnival/Circus - Temporary
Windmills - Private, in accordance with Section 617
Solar System, in accordance with Section 618
Temporary Dwelling Units, in accordance with Section 626
Signs, in accordance with Section 614
Load/Unload Facility, in accordance with Section 613
Fences/Walls, in accordance with Section 615

Temporary Mobile Home, in accordance with Section 626
Commercial Tower - in accordance with Section 617

D. Uses Requiring No Permit (Requires Compliance with Law)
Agricultural Land Use, in accordance with Section 513
Limited Agriculture, in accordance with Section 513
Household Sale/Garage Sale
Home Occupation, in accordance with Section 603
Gas/Oil Well
Utilities - Public (e.g., water)
Carnival/Circus - Temporary - Public-Quasi - Public Sponsor
Solar System, in accordance with Section 618
Topsoil Removal
Outdoor Storage
Parking - Private, in accordance with Section 612
Storage Structure (over 140 sq. ft.)
Temporary Dwelling Units, in accordance with Section 626
Signs, in accordance with Section 614
Farm Animals - Non-Commercial
Junk Cars - Private Property, in accordance with Section 620
Fences/Walls, in accordance with Section 615
Heavy Vehicle Parking, in accordance with Section 623
Heating Fuel Tank - Oil/Propane
Gasoline/Volatile Fuel Tank
TV Dish Antenna (4' diameter and under)

E. Area Standards - See the following sections: Substandard Sized Lots, Established Front Yards and Municipal/County Utility Systems.

Non-Residential Uses

	Primary Use	Accessory Use
Minimum Lot Size (square feet)		
Minimum Lot Width (feet)		
Maximum Lot Cover (% of Lot Area)	30%	
Minimum Front Yard (feet from street edge)	50	50
Minimum Side Yard (feet)	25	25
Minimum Rear Yard (feet)	50	50
Maximum Height (stories or feet)	2 1/2	2 1/2
Minimum Floor Space (square feet)		

ARTICLE V

GENERAL PROVISIONS

SECTION 501 Access to Public Street

For the purpose of discouraging the need for new public roadways, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street. However, for those parcels which do not abut a public highway a permanent easement to a public street shall be required upon which a PRIVATE road may be located. The municipality shall not be responsible for assuming any private road as a municipal road.

SECTION 502 Contiguous Parcels

A. New Construction - When 2 or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use in districts in which they are located, are contiguous and are held in one ownership, they shall be used as one lot for new construction.

B. Demolition - If a structure is demolished or destroyed it shall be permitted to rebuild a structure without utilizing contiguous parcels.

C. Pre-Existing Uses - Pre-existing dwellings can be transferred to other owners without adjacent parcels owned by the seller being transferred.

SECTION 503 Corner Lots

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

SECTION 504 Height

A. The height limitation of this Law shall not apply to church spires, belfries, cupolas, silos, penthouses and domes not used for human occupancy; not to chimneys, ventilators, skylights, windmills, water tanks, bulkheads, similar features and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

B. The provisions of this Law shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet.

SECTION 505 Existing Substandard Sized Lots

The minimum area requirements specified for each type of allowed use shall not prevent the construction of an allowable use on a substandard sized lot which existed and was officially recorded at the time of enactment of this Zoning Law if the following conditions are met:

A. Reasonable attempts have been made by owners of substandard sized lots to acquire available adjacent lands in order to make the substandard lot more in conformance with the area requirements of this Law.

B. The substandard lot is not less than 75% of all of the applicable standards, and;

C. The County Health Department approves the lot.

D. If (A) and (B) cannot be met but (C) has been accomplished then the applicant can request an Area Variance from the Zoning Board of Appeals (see Variances in the Article on Zoning Board of Appeals).

SECTION 506 Visibility at Intersections

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

SECTION 507 Interpretation of Permitted Uses

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

SECTION 508 Topsoil/Excavation

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

A. Topsoil - Topsoil is replenished or left with sufficient amounts to support future development needs.

B. Steep Slopes - Steep slopes shall not be created.

C. Ground Water Runoff - Runoff will not be caused to flow into neighboring properties, to pool or cause erosion.

D. Time requirement - All of the above conditions shall be met within 6 months from the time the project is completed.

SECTION 509 Preserving Yards, Courts & Open Space (Lot Coverage)

A. Preservation of Yards, Courts and Open Space - Yards, courts and other open space shall be kept undeveloped in order to meet setback and coverage requirements of this Law except as specified in (B) below.

B. Permitted Obstructions - The following shall not be considered to be obstructions when located in the preserved yards, courts and open space:

1. Open terraces, patios, open porches, awnings and canopies, chimneys, trellises, flag poles, open fire escapes, decks, balconies and other similar uses which do not extend more than 40% of the required setback nor come closer to a lot boundary line by more than 40% of the required setback;
2. Bay windows, steps, chimneys, overhanging eaves and gutters and other similar uses shall not extend more than 3 feet from the principal structure nor come within 2 feet of any property lines,and;
3. Off street parking spaces.

C. Location - All yards, courts and open space shall be located on the same lot as the structure for which the setback and area requirements are required.

Section 510 Established Front Yards

In an existing neighborhood where structures are not set back from the edge of the road the distance specified by this Law it shall be determined by the Zoning Officer what appropriate setback will be permitted by new construction or by alterations to existing structures. The varied setback shall be based on the setback of one adjacent structure but shall not be less than 40 feet from the middle of the road. Any variation requested which is in greater variation than that permitted by this rule will require an Area Variance.

SECTION 511 Number of Buildings on Lot (Lot Division)

A. Number of Buildings on a Lot - No more than one principal

residential dwelling shall be located on a zoning lot. However, this shall not preclude the placement of an additional number of dwelling units on the same lot if required area and setbacks are available for each additional dwelling unit. Upon sale of the additional dwelling units the lots created must conform to part (B) of this section (Division of Zoning Lots).

B. Division of Zoning Lots - No zoning lot improved with a building or buildings shall hereafter be divided into 2 or more zoning lots, and no portion of any zoning lot which is improved with a building or buildings shall be sold unless all zoning lots resulting from each such division or sale, and improved with a building or buildings, shall not be less conforming to all the bulk regulations of the zoning district in which the property is located.

SECTION 512 Driveways Within Right-of-Ways

When property to be developed fronts on a State, County or Town highway and access to the highway is desired, an approved permit from the applicable Highway Superintendent for the development of such highway access shall be obtained.

SECTION 513 Agriculture

A. Agricultural Preservation - In order to promote, preserve and protect agricultural businesses any portion of this Law that would reduce operational capability of an agricultural business shall be declared void in that one instance. However, where a documented health or safety problem exists or would be created if sections of this Law were not adhered to, then, and only then, will these sections be enforced but even only to the minimum necessary.

B. Interpretation - It shall be the duty of the Zoning Board of Appeals to interpret when a "loss of operational capability" exists due to a particular section of the Zoning Law.

C. State Law - Note that State Agriculture and Markets Laws may also apply where a State Agricultural District exists and that State Law could supersede this Local Law.

ARTICLE VI

SUPPLEMENTAL REGULATIONS

SECTION 601 Development Conditions

A. Purpose - The checklist which follows shall be considered by appropriate administrators/boards in their review of requests for Building Permits, Special Use Permits and Variances. Conditions which deal with these areas of concern may be attached to Permits/Variances in order to reduce or eliminate problem areas, conflicts between incompatible uses and generally to reduce health, safety or general welfare related problems. This checklist is not all inclusive and other related conditions may be imposed where reasonable and

necessary and in accordance with this Zoning Law.

B. Areas of Concern

1. Traffic Safety - Ingress/egress from roadway, building setbacks, corner visibility, offstreet parking, offstreet loading.
2. Safety - Trash disposal, steep slopes, open pits, toxic or flammable fluids.
3. Health - Sewers/water, sunlight, air movement, junk vehicles and trash storage.
4. Character of Neighborhood - Development density, traffic volume,lot sizes, compatible uses, buffers.
5. Public Costs - Road damage, need for new roads, need for new utilities.
6. Environmental Protection - Flood plain, wetlands, erosion, natural features.
7. Nuisances - Noise, odor, dust, lights, hours of operation, lot size, buffers, nuisance location.
8. Land Use Preservation - Open space unique features.
9. Aesthetics - Restoration, appearance, scenic views, buffers.

SECTION 602 Cluster Development and Subdivision of Land

A. Purpose - The purpose of this section is to provide developers of residential subdivisions with the option of clustering by permitting reductions in bulk and area requirements of this Law. In return the developer would compensate for the increased density by guaranteeing that selected natural features (woods, stream, open area, etc.) would be maintained for common use.

B. Procedure

1. Application Procedures - Developers requesting decreased densities for subdivisions should submit an application to the Zoning Officer who should refer the application to the Planning Board for their review and recommendation. A copy of the application shall also be presented to the Municipal Board at a regular meeting. The Planning Board shall make their recommendation in writing to the Municipal Board within 30 days of receipt of the complete application.
2. Contents of Application - The application shall include but not be limited to the following:

a. Overall development plans drawn to scale showing: exact size, shape and location of lot to be built upon. Kind, location, occupancy capacity of structures, bulk and uses; general floor plan of buildings, location and definition of open spaces,streets and all other means for pedestrian and vehicular circulation, parks, recreational areas and other non-building sites; provisions for automobile parking and loading, including size, arrangement and number of spaces and placement of lighting standards; general landscape plan, general location and nature of public and private utilities (including underground utilities) and other community facilities and services (including maintenance

facilities). Additional information related to water run off control, slope, contour, type of building, etc.; area to be utilized for storage of materials and type of architectural screen to be used shall be provided.

b. Area Requirements - Requests for area concessions shall include facts concerning the suitability of the site, the proposed density, the location and proposed uses and facilities for development, in accordance with the provision of this Law.

c. The applicant shall include such other pertinent information as the Planning Board shall prescribe.

3. Decisions - The Municipal Board shall approve, approve with conditions or disapprove such applications. The decision of the Board shall be accomplished within 60 days from when all necessary information has been supplied by the applicant.

C. Standards

1. Area Alterations - The regulations of the district in which the Cluster Residential Development is proposed for, shall be observed and maintained with the following exceptions: all area and bulk requirements may be reduced by up to 30% as determined by the Municipal Board as long as County Health Regulations are met.
2. Open Space - Open space land shall be set aside for the common use and enjoyment of all residents in the Cluster Residential Development. In general, the land set aside for permanent open space shall be the area differential between the regulations and requirements of the district and the requested requirements. Access to the open space lands must be convenient to all residents.

SECTION 603 Home Occupations

A. Conditions for Home Occupations - To be allowed in any district, Customary Home Occupation must be listed under uses allowed for the district in question and additionally, the following special standards must be met:

1. Floor Space - Not more than 40% of the first floor of the principal dwelling structure may be used and the total floor space to be utilized (including accessory buildings) shall not exceed 500 square feet.
2. Non-Resident Employment - No more than 1 non-resident shall be employed.
3. Parking - Sufficient off street parking shall be provided to handle peak volumes.
4. Signs - A sign no more than 20 square feet shall be allowed.
5. Nuisances - No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced which would be detrimental to neighboring properties.
6. Lot Size - The minimum lot size shall be 25% greater than the specified area.

7. Uses Allowed - Allowed uses shall include but not be limited to:antique shops, gift shops and blacksmith shops.
8. Prohibited Uses - Shall include but not be limited to: auto body repair shops.
9. Character of Neighborhood - The presence of a Customary Home Occupation shall have a minimal effect on the character of the neighborhood.

B. Eligibility - Uses not eligible for Home Occupation status possibly may be eligible for a Business Use Permit.

C. Pre-existing Home Occupations - Home occupations legally existing at the time of enactment of this Law shall not be required to comply with any of the above conditions.

SECTION 604 Seasonal Hunting Camps

For the purpose of preserving rural character and providing protection for existing uses, seasonal recreation camp shall be subject to the following:

A. Conditions

1. Lot Size - A minimum lot size between of 10 acres shall be required.
2. Structure Location - A minimum setback of 200 feet shall be required.
3. Construction - The type, size and method of construction shall be considered. If a mobile home is to be used it must meet floor space requirement of the district.
4. Buffer Zones - Existing natural buffers should be retained to the greatest degree possible and new buffers should be considered where it is apparent that they are necessary.
5. Year round Conversion - The conversion of seasonal camps to year round housing or any other allowed uses shall be allowed only by Special Use Permit.
6. Access to Public Roads - Seasonal camps must have access to public streets in accordance with the Section on "Access to Public Streets" or a 50 foot public right-of-way shall be required.
7. Other Requirements - Other reasonable conditions may be required as deemed necessary.

B. Pre-existing Parcels - This section shall only apply to parcels of land which are purchased after the effective date of this Law.

SECTION 605 Shooting Ranges - Commercial

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

B. Conditions - The operation of a commercial range such as a shooting club shall be subject to the following conditions:

1. Safety Considerations - All ranges shall be so located and directed so as to present the safest situation possible with respect to the existing neighborhood.
2. Time of Day - Ranges shall only be utilized for Target practice for the period specified in the permit.
3. Character of Neighborhood - The density, types of structures, etc., shall be considered.
4. Other Conditions - Unlisted conditions deemed necessary.

SECTION 606 Kennels

A. Permit - The application shall include a diagram drawn to scale which displays the kennel building(s) and all other inhabited dwellings in the vicinity, information on buffers, number and type of animals, and any other information deemed necessary.

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

C. Conditions to be Considered

1. Closeness to adjacent properties (minimum 500 feet);
2. Maximum number of animals to be maintained;
3. Effect on character of neighborhood, and;
4. Existing or proposed natural or man made buffers.

D. Pre-existing Kennels - Kennels in existence prior to the passage of this Law shall not be subject to regulations under this section, generally. However, if an existing kennel becomes a nuisance any of the above conditions can be imposed after public hearing.

SECTION 607 Roadside Stand

A. Definition - For the purpose of this Law, roadside stands shall be made up of 2 types; General Roadside Stand and Limited Roadside Stand.

1. General Roadside Stand - Produce and products sold are not necessarily grown or produced on premises where stand is located.
2. Limited Roadside Stand - All produce and products are grown or produced on the premises (lots) where the stand is located and are sold only by the owner(s) of said premises.

B. Regulations

1. General Roadside Stand - Permitted, in accordance with appropriate portions of Section 601 (Business Use Condition).
2. Limited Roadside Stand - Permitted with no permit as long as safe entry and exit and off street parking are provided.

C. Pre-existing Uses - All pre-existing roadside stands are exempt from this Law.

SECTION 608 Drive-in Establishment

A. Definition - Drive-in establishments shall include those businesses designed to either wholly or partially provide services to customers while in their automobiles parked on the premises. Example: Included but are not limited to: drive-in theaters, restaurants, film shops, etc.

B. Regulations - Drive-in establishments shall be allowed by Special Use Permits in districts where they are listed and the following conditions shall be considered prior to granting the permit:

1. Section 601, Business Use Conditions;
2. Provisions for traffic to "back-up" off of streets shall be made;
3. Locational considerations will be analyzed to insure that the character of the neighborhood will not be significantly diminished;
4. Hours of operation, and;
5. The need for buffers especially when situated near residential structures.

SECTION 609 Service Stations

A. Entrance/Exit - No public garage, or motor vehicle service station, or private garage for more than 5 vehicles shall have a vehicular entrance closer than 200 feet to an entrance to a church, school, theater, hospital, public park, playground or fire station. Such measurement shall be taken as the shortest distance between such entrances across the street and along the street frontage if both entrances are on the same side of the street or within the same square block.

B. Location of Pumps - All motor vehicle service stations shall be so arranged and all gasoline pumps shall be so placed as to require all servicing on the premises and outside the public way, and; no gasoline pump shall be placed closer to any side property line than 50 feet.

C. Inoperative Vehicles - No inoperative motor vehicle awaiting repair shall be kept on the premises of motor vehicle service stations for longer than 2 weeks.

D. Waste Materials - All waste material, motor and motor parts will be stored within the structure or enclosed within fencing so as not to be visible from off the property.

E. Pre-existing Uses - All service stations existing at the effective date of this Law shall comply with the following regulations of this Section (C) and (D). Compliance shall take place within one year. All expansions or enlargements shall be subject to all regulations in this Section which are determined to be reasonable during Special Use Permit proceedings.

SECTION 610 Auto Body Repair Shops

Commercial Auto Body Repair Shops shall be allowed in any

Districts when specifically listed as an allowed use under the following conditions:

A. Vehicle Storage - When more than 3 vehicles are stored outside they shall be enclosed within an appropriate fence which shall make it impossible to view the vehicles.

B. Hours of Operation - The hours of operation shall be derived so as to limit the noise during non-business hours.

C. Area Requirement - The lot on which the shop is to be located shall be a minimum of 3 acres.

D. Location - The shop shall be allowed only if it is to be located at least 400 feet from existing residential structures on adjacent parcels.

E. Other Conditions - Other conditions as deemed necessary by the Zoning Board of Appeals (see Section 601, Development Conditions).

SECTION 611 Private Swimming Pools

A private swimming pool installed as an accessory to a residential use shall meet the following requirements:

A. Fence - Any such pool which is installed in-ground shall be completely enclosed by a security fence not less than 4 feet in height and for all pools there shall be gates or doors equipped with self-closing and self-latching devices designed to keep and capable of keeping such gates or doors securely closed at all times when not in actual use.

B. Filtration System/Noise - Pools which are equipped with an integral filtration system and filter pumps or other mechanical devices shall be so located and constructed as not to interfere with the peace, comfort and repose of the occupant of any adjoining property.

C. Maintenance - Both in-ground and above-ground pools, accessory buildings, fences, etc., shall be properly maintained.

D. Draining - The Zoning Officer shall be insured that provisions for the drainage of such pools are adequate and will not interfere with adjacent properties.

E. Area Requirements - Pool shall be installed, in accordance with the area requirements of the appropriate district.

SECTION 612 OffStreet Parking

A. Purpose - Offstreet parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district. Any application for a Zoning Permit for a new or enlarged building structure or change in use shall include with it a sketch fully dimensioned showing any parking in compliance with the regulations of this Law.

B. Size Requirements - A required off street parking space shall be an area of not less than 162 square feet, not less than 8 1/2 feet wide by 19 feet long, exclusive of access drivers or aisles, ramps, columns or office and work areas, accessible from streets or alleys, or from private driveways, or storage or parking of passenger automobiles or commercial vehicles under 1 1/2 ton capacity. Aisles between vehicular parking spaces shall not be less than 12 feet in width when serving automobiles parked at a 45 degree angle in one direction not less than 20 feet in width when serving automobiles parked perpendicular to the aisles and accommodating two-way traffic.

C. Street Access - Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will at least interfere with the movement of traffic.

D. Location - It is recommended but not mandatory that no parking space not portion thereof established on the same zoning lot with a building shall be located within a required front yard and no parking spaces nor portion thereof established on a lot without a building shall be located closer to any street line than the front yard setback requirements of this Law in the same manner as a building or structure. The aforementioned required setbacks shall not be applicable to Residential Driveways which may be used for parking.

E. Material Composition - All open offstreet parking space, except those accessory to single family dwellings, duplexes and farm operations shall be surfaced with some all weather dustless materials.

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

Uses	Minimum of 1 Space Per
One Family Residence & Mobile Home	1/2 Dwelling Unit
Two Family Residence	1/2 Dwelling Unit
Multi-Family Residence	1/2 Dwelling Unit
Church	5 Fixed Seats
Home for Aged	3 Residents
Elementary School	20 Students
High School & College	12 Students
Library	100 Sq. Ft.
Places of Assembly Inc., Convention Hall & Dance Hall	100 Sq. Ft.
Club, Lodge (w/out Sleeping Accommodations)	4 Members
Places Providing Sleeping Accommodations, Inc., Hotels, Motels & Tourist Homes	Sleeping Unit
Mortuaries or Funeral Parlors	1/8 Viewing Room, plus 1

Offices & Banks	for Every Employee 100 Sq. Ft., Floor Area
Food Market	200 Sq. Ft., Floor Area
Eating & Drinking Establishments	4 Seats or 1 for each 200 Sq. Ft., Floor Area, Whichever is More
Bowling Alley	1/2 Alley
Other Commercial	300 Sq. Ft., Sales Area
Industrial	Employee (max. Work Shift)
Other Uses not Listed Above	500 Sq. Ft., Floor Area
Farm Operations	Exempt

SECTION 613 Loading & Unloading

A. Need - Offstreet loading and/or unloading spaces for non-farm commercial vehicles while loading and/or unloading shall be provided for new uses where it is deemed that such facilities are necessary to serve the use or uses on the lot. At least 1 off street loading and/or unloading space shall be provided for all non-farm commercial establishments in excess of 3,500 square feet of floor area.

B. Size - Each loading and/or unloading space shall be at least 14 feet wide, 60 feet long and shall have at least a 15 foot vertical clearance and shall have a 60 foot maneuvering area. Refer to Variance Section where this requirement cannot be met.

C. Use of Parking Spaces - Parking space shall not be used for loading and/or unloading purposes except during hours when business operations are suspended or if pedestrian and vehicle traffic will not be obstructed.

D. Design - Loading and/or unloading facilities shall be designed so that trucks need not back in or out or park in any public right of way. No truck shall be allowed to stand in a traveled cartway or pedestrian walkway or in any way block the effective flow of persons or vehicles. The loading and/or unloading area shall have an all weather surface to provide safe and convenient access during all seasons.

E. Pre-existing Uses - Any use existing as of the effective date of this Law shall not be subject to this section.

SECTION 614 Signs

A. Purpose - The intent of this section is to preserve and enhance the Commercial and Industrial Districts by encouraging signs in character and scale with individual buildings and with the municipality to avoid a chaotic, unsafe or unattractive clutter of signs by prohibiting signs or advertising devices which are inappropriate in size or type to municipal character, and to protect the character of

the Residential Districts by strictly limiting signs within them.

B. Administration

1. Permits Required - Except as listed in paragraphs (B2) and (B3), a Zoning Permit shall be required before an outdoor sign is created, altered, relocated or enlarged. A permit shall not be issued until all applicable sign regulations are met. All requests for permits must be accompanied by a plan drawn to scale showing the exact size, shape, location and type of sign.
2. Exempt Signs - The following signs shall be exempt from all regulations of this section: public signs such as directional, street, traffic and personal identification signs not more than 2 square feet in size.
3. Signs Requiring No Permit - The following signs shall be subject to all regulations of this section but shall be exempt from obtaining a permit as required above:
   a. Temporary signs to include contractor signs, political signs and fruit stand signs (see C3e below);
   b. Non-illuminated indoor signs;
   c. Realty signs, and;
   d. Household sale signs (see C3d below).

C. Specific Regulations by Sign Type - Specific regulations shall take precedence over the more general sign regulations.

1. Signs Attached to Buildings
   a. No sign shall project more than 12 inches from the building wall on which it is attached;
   b. No sign shall project higher than the roof line;
   c. No sign shall be permitted to be mounted on the roof of a building above the roof line;
   d. No sign shall extend higher than 18 feet in height as measured from the ground, and;
   e. No sign shall be so located as to overhang above a walkway or a right of way.
2. Freestanding Signs - Freestanding signs where allowed shall be in accordance with the following:
   a. Height - A maximum height of 18 feet from the ground to the top of the sign shall be allowed;
   b. Setback - Freestanding signs shall be set back a minimum of 25 feet from the road edge.

3. Temporary Sign Regulations - The following specific regulations shall apply to temporary signs:
   a. Contractor signs shall be allowed during periods from when the job commences and is completed. The sign must be removed if substantial progress on the job is not taking place. The maximum size shall be 10 square feet.
   b. Political signs up to 10 square feet in size shall be allowed 4 weeks before and 1 week after the election and it shall be the responsibility of the candidate to comply with this regulation. Permission from the property owner must be received prior to sign placement.
   c. Sandwich signs in Business Districts shall be

allowed when located on premise when located within 3 feet of the building and when there is at least 9 feet of clearance between the sign and the edge of the street curb. The size of the sign shall not exceed 3' x 5' in size. However, sandwich signs shall not be allowed from November 1 through March 31.

d. Household sale signs shall be permitted, in accordance with the following regulations:
   1. Maximum Size - No more than 4 feet high by 4 feet wide;
   2. Maximum Number - No more than 2 signs shall be used and permission must be received from property owners where off premise signs are located;
   3. Location - Signs shall not be placed on "off premise" trees or utility poles;
   4. Illumination - Signs shall not be illuminated, and;
   5. Time - Household signs may be erected on the day the sale starts and must be removed on the last day of the sale.

e. Seasonal On Premise Roadside Stand Signs shall be allowed, in accordance with the following conditions:
   1. Maximum Size - No more than 4 feet high by 4 feet wide;
   2. Maximum Number - No more than 2 signs shall be used per property with more signs requiring a permit;
   3. Location - Signs shall not be placed on off premise trees or utility poles;
   4. Illumination - Signs shall not be illuminated;
   5. Time - Roadside stand signs shall only be permitted during the season in which the agricultural product being sold is available, and;
   6. Permits - No permit shall be required for seasonal on premise roadside stand signs.

f. Real Estate Signs up to 10 square feet in size shall be allowed until 1 month after the sale is finalized.

g. Signs for Quasi-public uses to include: churches schools, libraries, hospitals and nursing homes shall be a maximum of 25 square feet in size and shall require a Special Use Permit. If the sign is to be freestanding it shall be set back 15 feet from the street edge.

4. Billboards shall only be allowed under the following conditions:

a. Off Premise Billboards

   1. Advertises tourist oriented businesses located within the township;
   2. A maximum of 4 signs for each business;
   3. A maximum size of 600 square feet for each sign, and;

4. Maximum height of 100 feet.

b. On Premise Billboards

1. Advertises tourist oriented businesses located with the township;
2. A maximum of 4 signs for each business;
3. A maximum cumulative sign size of 800 square feet or 1,500 square feet for a "Multiple Use Business" and;
4. Maximum height of 100 feet.

5. Interior Illuminated Window Signs - Inside illuminated signs shall be a maximum of 2 square feet each and no more than 5% of the front window area can contain such signs. No permit is required. More than these maximum limits would require a Special Use Permit.

6. Residential Development Signs - Any sign allowed for a subdivision or multiple family development shall be allowed by Special Use Permit. A maximum size of 50 square feet shall be permitted and said signs may be illuminated lightly.

7. Home Occupation Signs - See supplemental section on Home Occupations.

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

Permit Type For Business Signs			Size of Signs-(max.Sq.Ft.)	
Business Districts	On Prem.	Off Prem.	On Prem.	Off Prem.
ARI,T,IP	R-3/	N/A	50-2/	N/A

LEGEND: R - By Right Permit
N/A - Not Allowed

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

Signs	Maximum Number	
District	Primary	Secondary
ARI,T,IP	2	2

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

E. General Regulations
1. Condition
   a. Every permitted sign must be constructed of durable materials and kept in good condition and repair.
   b. Any sign which is allowed to become dilapidated may be removed by the municipality at the expense of the owner or lessee of the property on which it is located.
2. Location
   a. Traffic
      1. No sign shall be so located that the sign might interfere with traffic, be confused with or obstruct the view or effectiveness of any official traffic sign,signal or marking.
      2. No sign shall be stapled, pasted or otherwise attached to utility poles or trees within a road or street right of way.
   b. Ingress/Egress
      1. No sign shall be located which shall prevent free ingress or egress from any window, door or fire escape.
      2. No sign shall be so placed that it will obscure light and/or air movement from a building.
3. Illumination
   a. No off premise neon signs are permitted. Any existing off premise neon signs must be removed within 6 months from the date of this ordinance.
   b. Illuminating arrangements for signs shall be such that the light is concentrated on the sign with a minimal spillover cast on the street, sidewalk or adjacent properties.
   c. Signs which contain, include or are illuminated by any flashing, intermittent or moving lights are prohibited.
4. Moving Parts
   a. No signs shall utilize moving parts.
   b. Pennants, banners, flags, bunting whirligigs or other similar attention getting devices shall not be permitted where its purpose is to advertise or bring attention to a commercial business operation. This provision does not apply to the displaying of a national, state or other flags not intended for advertising.

F. Cessation
1. If a use ceases for a period of 1 year all detached signs must be removed.
2. Such signs may be removed by the municipality at the expense of the owner or lessee of the property on which the sign is located if the sign has not been removed after 30 days notice.

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

H. Pre-existing Signs
1. General Regulations Covered - Legally existing non-conforming signs shall be required to comply with the following general paragraphs:

a. Part E1b, Dilapidation, and;
b. Part F, Cessation.

2. Compliance - Sign owners notified of a violation shall respond within 30 days of receipt on how they intend to comply. Compliance shall take place within 3 months of notification.

SECTION 615 Fences

For the purpose of protecting properties adjacent to fences and walls from indiscriminate placement, unsightliness, related health and safety problems, etc., the following rules and standards shall apply:

A. Definition - Fences shall for the purpose of this Law include hedges and walls and are further defined in Section 202.

B. Administration (Permit Requirements)

1. Boundary Fences - If a boundary fence is to be located more than 150 feet from structures on adjacent parcels NO PERMIT is required. If the distance is 150 feet or less then a Special Use Permit shall be required. Fences less than 4 feet high require no permit.
2. Non-Boundary Fences - If a Non-boundary fence is to be located more than 50 feet from a property boundary then NO PERMIT shall be required. If the distance is 50 feet or less a Special Use Permit shall be required. Fences less than 4 feet high require no permit.
3. Fire Hazard - Any fence which is flammable or positioned in such a manner so as to be excessively disruptive to extinguishing a fire shall be prohibited.
4. Finished Sides - The finished sides of all fences must face adjacent properties. This rule can be waived if agreed to in writing by adjacent property owners.
5. Maintenance - All fences shall be maintained structurally and visually.

C. Pre-existing Fences - Fences in existence at the time of enactment of this Law shall only be subject to the maintenance provisions of this section. Compliance shall take place within 1 year of enactment of this Law.

SECTION 616 Gravel Operations

A. Purpose - Gravel pits not regulated by the NYSDEC shall be regulated by this section; the purpose being to limit the nuisances associated with gravel pits and to insure that residential neighborhoods are protected.

B. Conditions

1. Equipment Location - No excavation, power activated sorting machinery or equipment, blasting or stockpiling shall be allowed with 300 feet of any residential structures located on adjacent parcels unless permission to waive this requirement is received in writing from adjacent property owners. No power activated sorting machinery or equipment shall be located within 100 feet of any public road or other property line unless permission to waive this requirement is received in writing from adjacent property owners.

LOCAL LAW
NO. 1 OF 2013
OF THE TOWN OF VILLENOVA

A LOCAL LAW TO REPEAL AND REPLACE SUBSECTIONS (1) AND (2) OF VILLENOVA ZONING LOCAL LAW SECTION 615(B) CONCERNING FENCES AND TO ADD SUBSECTIONS (6), (7) AND (8); AND TO AMEND CERTAIN DEFINITIONS

Be it enacted by the Town Board of the Town of Villenova as follows:

Section 1. Repeal of Zoning Local Law Section 615(B)(1) and (2)
Subsections (1) and (2) of subdivision (B) entitled "Administration (Permit Requirements)" of Section 615 of the Town of Villenova Zoning Law of 1997 are hereby repealed in full.

Section 2. Enactment of replacement Zoning Local Law Section 615(B)(1) and (2)
The following subsections of subdivision (B) of Section 615 of the Town of Villenova Zoning Law of 1997 are enacted to read as follows:

1. Except as otherwise provided in this ordinance, fences or walls shall be permitted in any district, but not to exceed the following heights: seven (7) feet where located in the back of the front wall of the principal building and three (3) feet in front of the front wall, subject to conformance with the "visibility" provision (Section 501).

2. Any fence or wall which may cause a fire hazard or a dangerous condition shall be prohibited.

Section 3. Enactment of Zoning Local Law Section 615(B)(6), (7) and (8)
The following subsections are added to subdivision (B) of Section 615 of the Town of Villenova Zoning Law of 1997 and are enacted to read as follows:

6. All fences and all supports shall be located fully on the property of the owner of the fence.

7. Except as follows, the following fence structures are exempt from the regulations of this section: agricultural fences, decorative garden fences and trellises that are not considered to be barrier or non-barrier fences under Article I Section 2; however (a) any such fence or wall which may cause a fire hazard or a dangerous condition shall be prohibited, and (b) all such fences and walls are subject to conformance with the "visibility" provision (Section 501).

8. Except as otherwise provided in this ordinance, fences or walls in any district, shall require a permit in accordance with the following:

(a) Application for a fence shall be made on a form or forms provided by this town. An application shall be accompanied by a plan or sketch clearly showing the location and height of the proposed fence and it shall state the material of which it shall be constructed, all of which shall be in conformity with this chapter and accompanied by the appropriate fee. The Building Inspector may require the submission of an as-built survey to confirm the location of the fence.

(b) A permit to construct a fence shall be in effect for six (6) months from issuance.

(c) The fee for issuance of a permit shall be set by resolution of the Villenova Town Board.

Section 4. Amendment of Zoning Local Law Section 202.
The following definitions are amended to read as follows:

FENCE (BARRIER) – Any fence which is located near the perimeter of the property.

FENCE (NONBARRIER) - Any fence located a distance from the property line which encloses or partially encloses a portion of land such as a patio or swimming pool.

Section 5. Effective Date
This local law shall take effect upon its filing with the Office of the New York Secretary of State.

2. Fencing - Fencing of all pits, excavations, etc., during and following cessation of operations until such time as reclamation is completed per state approved reclamation plan may be required if an unsafe condition warrants such a fence as determined by the Zoning Officer. The owner of the operation may appeal the Zoning Officer's decision to the Zoning Board of Appeals. When considering the appropriateness of fencing the following shall be taken into consideration: Neighborhood character, type of operation, size of lot, population in surrounding area,topography, traffic volume, etc.
3. State Requirements - In addition, all New York State Department of Environmental Conservation Regulations on Mined Land Reclamation shall apply covering the following areas:
   a. State Permit;
   b. Mining Plan - Affected land, procedures, disposition of materials, haulage ways, pollution prevention (dust, noise control, drainage and water control) screening;
   c. Reclamation Plan - Specific land use objective for reclaimed land, disposition of materials, treatment of haulage ways, drainage, water impoundments, grading and slopes, screening, revegetation, schedule of implementation;
   d. Reclamation Bond - Posted as determined by NYSDEC.

SECTION 617 Commercial Towers/Windmills

Commercial Towers and windmills in districts where allowed shall be subject to the following conditions:

A. Location - Towers and windmills shall be removed from surrounding residential structures sufficiently so as to not cause a nuisance due to appearance or other factors. As a minimum the base of a tower shall be at least 100 feet or 30% of the tower height, whichever is greater, from all property lines. (Mount on buildings/towers,etc.)

B. Buffer - The placement or retention of buffers shall be required where they would improve the compatibility of the use with surrounding areas. The retention of existing vegetation shall be addressed.

C. Safety-The base of a tower shall be sufficiently protected from entry either by tower design or by protective fences, etc.. Where guy wires are utilized, the anchor points shall be sufficiently protected to minimize the possibility of hitting the guy wires with recreational vehicles. Additionally, a sign shall be conspicuously placed near the base of a communications tower and it shall generally state that DANGER exists and that no access is permitted.

D. Lighting-The MINIMAL amount of lighting necessary to meet state and federal regulations shall be considered for all towers. The FAA has various lighting options and they must all be considered. Light pollution or light spillover shall be minimized to the greatest degree possible. The applicant shall fully disclose methods and plans for protecting nearby and distant properties from light spillover.

E. Aesthetic Impact-The base of the tower and any accessory buildings shall be appropriately screened. Consideration will be given to the type and design of uses found in the area of the tower. Landscaping and materials used for accessory buildings shall be specified. The entire facility must be reasonably compatible with the surrounding environment. Maintenance of existing vegetation shall be considered as will the color, material and design of the tower so as to minimize the negative aesthetic impact.

F. Co-location-In order to minimize tower proliferations, applicants must show proof that they have exhausted all reasonable alternatives for sharing space on existing towers. (Space on tower, structural capacity, frequency interference, service area, comparable cost).

G. Inspections-Periodic inspections of towers may be required to ensure structural integrity. The frequency of inspections shall be specified with five year intervals recommended. Inspections shall be conducted by a licensed engineer. Based on the results of an inspection, repair or removal may be required.

H. Abandonment-Tower owners shall notify the municipality in writing when a tower is no longer in use and shall remove all towers that have not been used for a twelve month period. Removal shall be within six months of written notification. Owners may request a Special Use Permit hearing to ask for an extension for just cause.

I. State Environmental Quality Review Act-In complying with SEQR, the "visual addendum" should be utilized to assist in the review of the tower proposals.

J. Other Regulations-State and Federal regulations covering towers must be complied with and documented.

K. Required Notification-Property owners within 100 feet, airport operators and other potentially affected landowners shall be notified.

L. Non-Inteference-A certified statement that the operation of the tower will not interfere with usual and customary transmission of radio and television service enjoyed by nearby residential and non-residential properties. Pre-tower testing may be required in order to gauge post-tower interference.

M. Pre-existing Towers-All towers which exist at the time of enactment of this section may be required as necessary to comply with B, C, D, E, G, H and I of this section. At a Special Use Permit hearing, the conditions to be met will be specified along with a reasonable time period for implementation.

SECTION 618 Solar Systems

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

A. Solar Permit and Placement - The placement of structures which are to contain solar systems shall be by Special Use Permit IF protection is to be sought under Part (B) of this section. If no protection is sought for a solar system then no permit shall be required for the installation unless the floor space is increased. Consideration will be given to locating the solar structure the furthest distance from adjoining properties on the southern exposure which is reasonably possible. This distance shall be a minimum of 100 feet and may be required to be more if the slope so dictates.

B. Adjacent Property Control - The placement of structures, trees, towers, etc., which have the potential of blocking the sun from adjacent solar systems established by Special Use Permit under Part (A) of this section shall also only be allowed by Special Use Permit. The placement of said potential obstruction shall be such that it least interferes with the adjacent solar collectors while still allowing reasonable use of the land.

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

SECTION 619 Unsafe Structures

A. Purpose and Definition - The purpose of this section is to identify obvious unsafe structures and through a series of district steps eliminate the safety problem in an equitable manner. An unsafe structure shall be defined as any structure which due to inadequate maintenance, dilapidation, obsolescence, fire/wind or other similar types of damage becomes structurally unsafe, unsanitary or in any other way is dangerous to human life. Such unsafe structures shall for the purpose of this Law be declared illegal.

B. Initial Identification - When a potentially unsafe structure is brought to the attention of the Zoning Officer, the Zoning Officer shall inspect the structure within a five day period.

C. Written Request - A written report of the findings shall be submitted to the Municipal Board and if applicable the County Health Department shall receive a report also.

D. Notification of Owners - If the report indicates that remedial actions are necessary the owner(s) of the property shall be notified in writing with the defects listed, the corrective actions necessary and a time schedule for completing the work. The time allowed shall be reasonably set in accordance with the amount of work involved in correcting the problem. The owner may appeal to the Zoning Board of Appeals if he believes the work to be accomplished or the time frame is not appropriate. A public hearing shall be scheduled to hear the variance/interpretation request with a written decision resulting.

E. Prohibition of Occupancy - If at any time the Municipal Board upon reviewing all reports determines that there is actual and immediate danger of failure or collapse, health or other serious safety problems which endanger life they may order the property vacated forthwith and that it not be reoccupied until the specified repairs and improvements are completed, inspected and approved by the Zoning Officer. The Zoning Officer shall post a notice at each entrance stating: THIS BUILDING UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE ZONING OFFICER. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or their agents, or other servants to remove such notice without written permission of the Zoning Officer or for any person to enter the building except for the purpose of making the required repairs or of demolition of the same.

F. Non-Compliance - In case the owner, agents or person in control cannot be found within a reasonable period of time or if such owner, agent, or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate, or demolish such building or structure or portion thereof, the Municipal Board shall be advised of all the facts in the case and shall institute an appropriate action to remedy the situation and the cost thereof shall be added to the taxes on that parcel of property.

SECTION 620 Junk Cars - Private Property

A. Number of Junk Vehicles Allowed - A maximum of two (2) junk vehicles shall be allowed to be maintained outdoors on any premises in the Town of Villenova by the Landowner(s). More than two (2) junk vehicles shall constitute a vehicle dismantling yard and be subject to regulations in the dismantling/scrap yard section.

B. Location - Any additional junk vehicles other than the permitted two (2) set forth in paragraph (A) above shall be stored inside a building or in a place on the premises out of sight so as not to be visible from any public highway and/or adjoining parcels of property.

C. The Definition of Landowner - For the purpose of this section shall include the record title owner(s) of the premises, a life tenant, a tenant under a written or unwritten lease, a month to month tenant, squatters, a tenant by sufferance or any other person who occupies the premises with or without the owner's permission. Any such person described herein who drives, carries or places directly or indirectly, a junk vehicle on any premise located in the Town of Villenova knowing that two (2) other junk vehicles are already located out-of-doors on the premises shall be in violation of this section.

D. Pre-existing Junk Cars - All junk vehicles existing at the effective date of this Law shall be brought into compliance with this section within thirty (30) days from the date of adoption and filing of this Zoning Law.

SECTION 621 Vehicle Dismantling-Scrap Yards

A. Conditions - Prior to the granting of a Special Use Permit assurances will be received that the following conditions, where appropriate, will be met:

1. Fences
   a. Vehicle dismantling and scrap yards shall be completely surrounded with a fence for screening and security purposes of at least 8 feet in height.
   b. There shall be located a gate in the fence which shall be kept locked at all times except when the vehicle dismantling or scrap yard is in operation.
   c. The fence shall be located a minimum of 125 feet from adjacent public highways.
   d. All dismantling and work on the vehicles or scrap shall take place within the fenced area.
2. Location Considerations
   a. Vehicle dismantling and scrap yards shall be allowed where there will be a minimum negative effect on the character of existing neighborhoods.
   b. No vehicle dismantling or scrap yard shall be permitted within 500 feet of a church, school, public building or other place of public assembly.
   c. Vehicle dismantling and scrap yards shall not be permitted to be located upon sloped areas where an 8 foot fence will not reasonably screen the contents.
3. Off Street Parking - Sufficient off street parking shall be provided for customers.
4. Fire Safety
   a. The Fire Inspector shall be notified prior to the granting of a Special Use Permit for a vehicle dismantling or scrap yard and be given 30 days within which to make recommendations.
   b. Inside, adjacent to and contiguous with the fence, a strip of land at least 10 feet wide shall be kept clear of all dry grass or other growth or combustible material so as to provide a fire lane around the whole area.
   c. There shall be maintained at least one (1) fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and visible.
   d. All vehicles and scrap shall be disassembled or dismantled by means other than burning. It shall be arranged in neat rows so as to permit easy, clear passage through the area.
5. Visual Considerations
   a. There shall be no stacking of vehicles of scrap above 8 feet in height from the ground.
   b. An appropriate buffer shall be established between adjacent properties.

6. Minimum Lot Size
   a. Adequate acreage shall be available to handle present and future needs of proposed vehicle dismantling or scrap yards.
7. Other Considerations
   a. Suitable sanitary facilities shall be provided in accordance with State Health Laws.
   b. Inspection of vehicle dismantling and scrap yards shall be allowed at any reasonable time to insure compliance with this and other Laws.
   c. Reasonable hours of operation may be specified.
   d. Other reasonable conditions may be imposed as is deemed necessary.

B. Pre-existing Vehicle Dismantling and Scrap Yards - Vehicle dismantling and scrap yards in existence before the enactment of this Law shall be subject to the following: (A1) Fences, (A4) Fire Safety and (A7) Other Conditions. Compliance shall take place within a reasonable period of time as determined by the Planning Board. In addition, any expansion of enlargement of any pre-existing yards shall be subject to all of the regulations of this Law when they can be reasonably enforced as determined by the permitting board.

SECTION 622 Trash Storage on Private Property

A. Quantity Allowed (New Trash)
   1. Trash originating from the parcel on which it is placed shall be allowed temporarily up to 500 cubic feet. However, if it is determined by the Zoning Board of Appeals without a doubt that a health and/or safety problem exists then the landowner has thirty (30) days, weather permitting, from the notification in which to remove the trash in violation.
   2. Trash originated from outside of the township shall not be allowed to be dumped on any parcel within the township.

B. Definition of Trash - Glass, scrap metals, salvaged metals, rags, refuse, garbage, wastepaper, salvaged machines, appliances, or similar materials, etc., but not to include: wood piles, lumber, building materials, compost, used farm machinery, etc., which shall be stored in compliance with residence setback lines.

C. Buffers (Locations)
   1. All new accumulations of trash created after the enactment of this Law shall be out of sight of highways and adjacent properties to the greatest degree possible. Additionally, new accumulations of trash shall be placed a minimum of 200 feet from any parcel boundary or public roadways.
   2. Pre-existing accumulations of trash which are clearly visible from reasonable locations on adjacent properties or pose a safety or health problem shall be removed, covered or screened within ninety (90) days (weather permitting) from the date of enactment of this Law.

SECTION 623 Heavy Vehicles

A. Purpose - This section has as its main purpose the

preservation of developed neighborhoods and particularly the elimination of noise from diesel engines and air conditioning units caused by large commercial truck parking. Visual intrusion into residential neighborhoods is also a primary concern.

B. Regulations - Heavy vehicles shall comply with the following regulations:

1. Location - Heavy vehicles shall be allowed to park in any district under the following conditions:
   a. The vehicle is not parked on a road or in a public road right-of-way.

   b. The vehicle is located such that a nuisance is not created. If the Zoning Board of Appeals determines a nuisance exists the owner of the vehicle shall be required to get a Special Use Permit.

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

SECTION 624 Large Group Gatherings

A. Purpose - In order to promote a safe and healthy gathering of large groups of people as defined in the Definition section, certain conditions shall be complied with as defined below.

B. Conditions - Prior to the granting of a Special Use Permit the following will be taken into consideration:
1. Traffic safety, parking, access;
2. Noise;
3. Health and sanitation;
4. Character of neighborhood development density;
5. Beverages to be served;
6. Security and traffic control;
7. Clean-up and restoration of land, and;
8. Other appropriate considerations.

C. Sponsor Responsibility - The sponsor of any large group gathering shall be responsible for compliance with any conditions which are specifically imposed as well as the overall conduct of the gathering.

D. Exempt Gatherings - Non-profit and local civic group sponsored gatherings shall be exempt from permit requirements.

E. Pre-existing Uses - All gatherings held after the effective date of this Law shall be subject to this section.

SECTION 625 Mobile Home Conditions

A. Conditions - Prior to the granting of a permit for the placement of a mobile home on a private lot it shall be insured that all regulations (except floor area requirements) required of single family structures shall be complied with in addition to the following:

1. Placement of the mobile home on the lot shall be such that the character of the neighborhood is best considered.
2. Adequate parking is available.
3. Adequate storage areas will be available.
4. Frost-free foundation--a continuous masonry perimeter installed at a frost-free depth. Such perimeter requires adequate ventilation and the manufacturer's recommended vapor barrier installed according to the manufacturer's recommendations, and is necessary prior to the issuance of a certificate of occupancy.
5. The minimum mobile home allowed to be placed on a lot after the enactment date of this Law shall be 12 x 50 feet (manufacturer's advertised size).

B. Replacement of Mobile Homes - Where a mobile home is to be replaced with another mobile home or any other dwelling unit, a permit shall be required (see section on "Non-conforming Mobile Homes").

C. Pre-existing Mobile Homes - Existing mobile homes not skirted at the time of enactment of this Law shall comply with the skirting requirement (A4) above within 1 year from the date of enactment of this Law.

SECTION 626 Temporary Permits for Mobile Home

The temporary placement of a mobile home (intended for occupation or not) on a lot shall be permitted in accordance with the following:

A. Location on Lot - The temporary placement of mobile homes on a lot shall be in conformance with area standards of the district UNLESS it is determined that such placement would not be practical in which case the conditions for placement shall be specified.

B. Skirting - The installation of skirting on temporary mobile homes shall be optional as determined by the owner of the mobile home. If skirting is installed it shall be constructed of a fire resistant material.

C. Length of Time - Length of time that a mobile home may temporarily remain on a lot may be specified.

D. Other Conditions - Conditions which must be met in granting a Special Use Permit may be specified.

SECTION 627 Mobile Home Parks

Mobile Home Parks shall consist of 2 or more mobile homes located on a single lot. Each mobile home requires a separate permit. In the development of new parks as well as the expansion of existing parks the following conditions shall be maintained.

A. Area and Setback Requirements
1. Size of Park - Parks shall be created on a parcel(s) of land totaling at least 5 acres.
2. Buffer - An appropriate vegetation or open space buffer shall be located around the perimeter of the park. The

type and size of the buffer shall be determined by the density and type of adjacent uses and the need for separating the uses. As a minimum, a 25 foot buffer (open space or vegetation) shall be required with the Zoning Board of Appeals determining the need for a greater buffer.

3. Lot Size - Each mobile home lot shall consist of a lot of a minimum of 11,000 square feet and a minimum of 70 feet at the narrowest point. The park shall average no more than 4 mobile homes per acre.

B. Drainage - The park shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.

C. Streets/Walkways/Parking
1. Parking - Space for parking of 2 automobiles must be provided for each mobile home lot adjacent to it.
2. Park Roadways - Park roadways shall be a minimum of 20 feet in width and shall all have unobstructed access to a public street or highway.
3. Walkways - Walkways of not less than 2 feet in width shall be provided to the service buildings.
4. Grade & Surface Composition - All driveways and walkways within the park shall be of suitable grade and shall be surfaced with gravel as a minimum.

D. Skirting - Mobile homes shall be skirted with an attractive fire resistant material within thirty (30) days from the time of setup.

E. Lighting & Utilities - All driveways and walkways within the park shall be lighted at night with electric lamps of such candle power and so situation as may be directed by the Zoning Board of Appeals. It is recommended that consideration in each instance be given to the construction of all utilities underground. It shall be required that all lines between the meter and lot be underground.

F. Patios - All lots may have a patio convenient to the entrance of each mobile home.

G. Park Design - It is recommended that the design of the park not be barracks-like in nature and not designed on the gridiron pattern with identical rectangular spaces. The angling of spaces and the clustering of mobile homes around cul-de-sacs could be considered. Should this latter type of design be hampered by the minimum space size of 11,000 feet and space width of 70 feet the Municipal Board upon recommendation of the Zoning Board of Appeals shall have the authority to wave those 2 requirements.

SECTION 628 Travel Trailer - Accessory Use

A. Length of Occupancy - Travel trailers may be lived in on a seasonal basis but shall not be used as a permanent year round home.

B. Utility Hookups - When a travel trailer is inhabited for an

extended period of time and it is possible that a health violation could exist the Chautauqua County Health Department shall be notified in writing and requested to investigate.

C. Location - Whether inhabited or not, travel trailers shall be placed a minimum of 25 feet from any property line. Travel trailers may be stored as long as it does not create a nuisance.

SECTION 629 Travel Trailer Campgrounds (Commercial)
Travel Trailer Campgrounds shall be allowed in (ARI) and (T) Districts by Special Use Permit in accordance with the following conditions:

A. Area and Setback Requirements
   1. All lots (pads) shall be a minimum of 75 feet from any public highway.
   2. A 20 foot wide buffer zone of appropriate vegetation shall be provided around the circumference of the park where adjacent property use is of such a nature that there could be conflicts.
   3. Minimum lot sizes shall be 2,500 square feet for a vacation camp and 1,500 square feet for overnight camps as required by State Law.

B. Streets and Walkways
   1. Access to the park must be designed to assure safe and convenient movement of traffic into and out of the park with a minimum disruption of traffic on adjacent streets. This shall include a minimum clear view of 150 feet while pulling out onto the adjacent street.
   2. Walkways shall be provided to service buildings.

C. Parking - Off street parking, loading and maneuvering space shall be provided.

D. Occupancy - Travel trailers shall be used for seasonal occupancy only. Trailers shall not be utilized as a permanent residence.

E. Accessory Uses - Accessory uses such as snack bars, recreational facilities, showers, laundromats, etc., customarily associated with travel trailer campgrounds shall be permitted. However, the land utilized in this manner should not account for more than 10% of the total area of the park and the services shall be directed towards the occupants of the park. Finally, no commercial character shall be visible from outside the park and such services shall only be allowed when the number of sites is sufficient to support these services.

F. Location - Parks shall not be located so as to cause heavy traffic to be directed through residential areas no accustomed to or capable of supporting heavy traffic.

G. Pre-existing Camps - Travel trailer camps in existence before the enactment of this Law shall be subject to all of the regulations in this Law within reason as determined by the permitting board. Compliance shall occur within 3 months or a longer specified time period if it is determined in a written

decision to be necessary.

ARTICLE VII

ADMINISTRATION BY ENFORCEMENT OFFICER

SECTION 701 Enforcement

This Law shall be enforced by the Zoning Officer who shall be appointed by the municipality. No Zoning Permit shall be issued by him except where there is compliance with all provisions of this Law.

SECTION 702 Duties

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

A. Permits - Issue Zoning Permits or refuse to issue the same and give the reasons for such refusal to the applicant in writing.

B. Records - Keep a record of all applications for permits and record of all permits issued with a notation of all special conditions involved.

C. Fees - Receive all required fees and deposit them with the Municipal Clerk.

D. Coordination - Keep the Municipal Board and the Zoning Board of Appeals and Planning Board informed and advised of all matters other than routine matters in connection with this Law.

E. Reports - Submit such reports as may be deemed necessary.

F. Assist Applicants - Whenever possible to advise and assist persons applying for Zoning Permits with the preparation of their applications.

G. Violations - Assist in securing warrants and prosecution of violators of the provisions of this Law.

H. Notices - Serve all notices that may be required to be served in connection with this Law.

I. Fire Inspector - Notify Fire Inspector of all permits issued.

J. Amendment Recommendations - Make recommendations for keeping the Zoning Law and accompanying map up-to-date.

K. Inspections - Inspect new construction or changes of use during and/or after construction or change in use to insure conformity with the provisions of this Law and other applicable Laws.

L. Preparation and service of appearance tickets for Court

enforcement of the Zoning Law and prosecution of violations.

SECTION 703 Zoning Permits

A. No building, structure or lot shall be erected, added to, structurally enlarged or changed to another use until a Zoning Permit has been issued by the Zoning Officer. Excluded, however, from these Zoning Permit requirements are:
   1. Interior modifications unless additional dwelling units or different types of uses are created.
   2. Home repairs or improvements not involving additions or enlargements of floor space.
   3. Uses listed in the district regulations as allowed with no permit. When a project is excluded from the Zoning Permit requirement it is still subject to all applicable regulations of this Law such as yard setbacks, etc.

B. Permit Contents - The application for a Zoning Permit shall be made on a form obtained from the Zoning Officer. The form shall as a minimum contain the following:
   1. Applicant Information - Name, address, etc.
   2. Property Identification - Street address and Section/Block/Lot.
   3. Project Description Including Purpose - Proposed use.
   4. Construction Type - Height, family units, lot dimension, setbacks, accessory buildings, etc.
   5. Other Information - Copy of Health Department permit, offstreet parking, location of wetlands, floodplains, need for curb cut.
   6. Signature of Applicant.
   7. Sketch drawn to approximate scale showing the lot size, setback, and highways.

C. Commercial Permit Requirements - All applications for Zoning Permits for commercial buildings must contain information detailing drainage and landscaping plans, off street parking, off street loading and any other data the Zoning Board of Appeals deems necessary.

D. Validity - Zoning Permits shall be valid for a 1 year period only. However, they may be extended for an additional 6 month period with the approval of the Zoning Officer. Within 1 year from the date that the Zoning Permit is granted the exterior of the structure shall be completed, backfilling and rough grading will be accomplished and no new building materials will be stored outside. Upon expiration of the 1 year period a new Zoning Permit will be required in order not to be in violation of the Zoning Law.

E. Notification of Adjacent Property Owners - The Zoning Officer may attempt to notify adjacent property owners when requests are filed for Zoning Permits on adjoining property if, in the opinion of the Zoning Officer the proposed project is of such a nature to be controversial. Failure of such adjacent property owners to receive such notice, however, shall not be a basis for invalidating such a Zoning Permit nor of contesting the actions of the Zoning Officer, Board of Appeals, Planning Board or the Municipal Board in regard to the issuance or withholding of such permit.

F. Decisions - All decisions by the Zoning Officer to grant or deny a Zoning Permit shall be made in writing within 10 days from the time that the completed Zoning Permit form is submitted along with full payment of the required fee. The decision form shall as a minimum include a project description, location information, reference to section of the Zoning Law which would not be complied with and a description of alternatives open to applicants who are turned down.

SECTION 704 Schedule of Fees

Dwelling Units (Per Unit)	
Up to 1,500 Sq. Ft.	$10.00
Over 1,500 Sq. Ft.	$20.00
Accessory Uses	$ 5.00
Business (Non-Agricultural)	
Up to 1,500 Sq. Ft.	$20.00
Over 1,500 Sq. Ft.	$40.00
Agricultural Use	$10.00
All Other Uses	$10.00
Hearing Fee in Addition to Above Fees	$10.00

ARTICLE VIII

NON-CONFORMING USES

SECTION 801 Continuation

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

SECTION 802 Alteration of Structures

A. Unsafe Structures - Conforming and non-conforming buildings damaged by fire, wind and other catastrophic causes as well as structures declared to be unsafe due to general dilapidation may be restored or rebuilt for the non-conforming use it was used for last. Unsafe structures cannot be restored or rebuilt if it would result in a use which is more non-conforming than the structure was prior to becoming unsafe. When the unsafe condition was caused by fire, wind or any catastrophic causes the permit must be applied for within 6 months from the date of the fire, etc. Otherwise, the Zoning Permit need not be granted. If property owner fails to do so within 3 months of notification by the Town, the Town can have the structure demolished and the cost thereof assessed to the taxes or parcel.

B. Alterations of Structures - A non-conforming structure may be added to or altered during its life to an extent of up to 50% of the market value of the building as long as the

alterations do not cause the structure to be more non-conforming. If the alterations are made to bring the building into conformity with all provisions of this Law then the 50% rules does not apply. Alterations above 50% shall be allowed if all conditions of this Law are met.

SECTION 803 Prior Approved Construction

Nothing herein contained shall require any change in plan, construction or designated use of a building for which a Zoning Permit has been heretofore issued and the construction of which

shall have been diligently carried on within 3 months of the date of such permit.

SECTION 804 Abandonment

Whenever a non-conforming use has been voluntarily discontinued for a period of 1 year such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Law.

SECTION 805 Displacement

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

SECTION 806 District Changes

Whenever the boundaries of a district or zone shall be changed so as to transfer an area from one district or zone to another district or zone of a different classification the provisions of this article shall also apply to any non-conforming uses existing therein.

SECTION 807 Non-conforming Yards Changes

An allowed use which is not in conformance with yard requirements (e.g., setbacks, etc.) may be removed and replaced with another structure (same use) which is more in compliance with the yard requirements without going through area variance procedures. The Zoning Officer shall determine the applicability of this section to specific areas.

SECTION 808 Use Changes

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

A legal non-conforming use may be changed to another non-conforming use which is of such a character so as to be less of a nuisance and more in conformance with the Zoning Law requirements. Once changed the use would not be allowed to return to the original use. The Zoning Board of Appeals would make all determinations as to what new non-conforming uses would be allowable through the normal use variance procedures (see section on Variances).

SECTION 809 Non-conforming Mobile Homes

Mobile homes legally existing at the time this Law goes into effect shall continue to be allowed even in districts where they are presently not to be allowed. All conforming mobile homes may be replaced with more conforming mobile homes (e.g., floor space requirements).

ARTICLE IX

ZONING BOARD OF APPEALS

SECTION 901 Creation

A Zoning Board of Appeals is hereby created. Said Board shall be appointed and function in accordance with the enabling Law. Said Board shall consist of 3 members. The Board may prescribe for its affairs.

SECTION 902 General Procedures (Duties)

A. Duties - The Zoning Board of Appeals shall act in strict accordance with procedures specified by Law and by this Zoning Law. The major duties of the Board shall be to hear and decide on variance requests as well as to interpret the meaning of the Zoning Law as requested. Additionally, they shall hear requests for selected Special Use Permits when a Variance (Use of Area) is also required.

B. Format for Requests - All requests shall be in writing on forms prescribed by the Zoning Board of Appeals. Specific provisions of the Zoning Law shall be referred to and as a minimum, the following information shall be provided by the person requesting the variance/interpretation:
   1. Property identification;
   2. Project description;
   3. Drawing of sufficient detail to provide needed information sufficient to decide on the request;
   4. Reasons for permit denial;
   5. Proof of unnecessary hardship or practical difficulties, and;
   6. Hearing information.

C. Referral to Planning Board - On an optional basis the Zoning Board of Appeals may request in writing a recommendation by the Planning Board. The failure of the Planning Board to submit said report shall be deemed to be an approval of the appeal or interpretation in favor of the applicant.

D. Hearings - All hearing procedures shall be in accordance with appropriate Laws with respect to notices, timeliness, etc.

E. Decisions - Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings. Decisions shall be made in a timely manner in accordance with State Law. As per State Law a majority of the membership are needed to pass or reject any request.

F. Time Requirements - All appeals to the Zoning Board of Appeals for interpretations or variances shall be submitted to the Zoning Board of Appeals within 30 days of the date of denial of the application.

SECTION 903 Interpretation

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

SECTION 904 Use & Area Variances

A. Reasons for Variances - The Zoning Board of Appeals has the authority to vary or modify the strict letter of the Zoning Law where a literal interpretation would cause practical difficulties (Area Variances) or unnecessary hardships (Use Variances).

B. Applicability & Limitations
   1. The Zoning Board of Appeals can decide appeals from a person who feels aggrieved by a decision of the Enforcement Officer.
   2. The Zoning Board of Appeals may reverse, affirm or modify the decision made by the Municipal Board.
   3. The Zoning Board of Appeals has absolutely no power to amend the Zoning Law and must exercise great care to insure that its rulings do not, in effect, amend the Zoning Law.

C. Basis for Granting Area Variances
   1. Area Variances provide relief of a dimensional nature (e.g., lot shape or grade) and must be based on practical difficulty. The Burden of Proof is on the applicant and if relief is warranted it should be the minimum necessary.
   2. The following 5 determinations must be considered in order to decide if "Practical Difficulty" is present:
      a. How substantial the variation is in relation to the requirements of the Zoning Law;
      b. The effect of the proposal on increased population density and governmental facilities (e.g., fire, water, etc.);
      c. Whether a substantial change in the character of the neighborhood or a detrimental effect on adjoining properties would take place;
      d. Whether the difficulty can be eliminated by some other reasonable alternative other than a variance (e.g., add room to other side of house), and;
      e. Will justice be served in allowing the variance.
   3. The fact that the practical difficulty was self-imposed does not disqualify the applicant from being granted an Area Variance.
   4. If a property owner will suffer significant economic

injury by strict interpretation of the area standards and practical difficulties are present, then the Area Variance can only be denied based on health, safety or general welfare reasons.

D. Basis for Granting Use Variances

1. Use Variances provide relief to an applicant who is denied through application of the Zoning Law by the Municipal Board the right to use land or structures in a certain manner since the use is not listed as an allowable use in the Zoning Law. In order to be granted the Use Variance the applicant must prove that "Unnecessary Hardship" exists and this is accomplished by showing all of the following:
   a. The land in question cannot yield a reasonable return if used only for a purpose allowed in the district. This does not mean that profits will necessarily be maximized.
   b. The use requested by the variance will not alter the essential character of the neighborhood and be detrimental to properties in the vicinity.
   c. The plight of the applicant is due to unique circumstances and not to the general conditions in the neighborhood.
3. In the case of a Use Variance, if the hardship is self-imposed then the variance should, generally speaking, be denied. An example of this would be the purchase of property which is not appropriate for the proposed use.

E. In granting any variance the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable and are in compliance with the intent of the Zoning Law. The decisions must be written in the form of a resolution and must state in detail the reasons for granting or denying the variance and the conditions imposed.

F. Temporary Variances - The Zoning Board of Appeals may issue for uses which are of a temporary nature, a Variance. Said Variance shall clearly state the conditions of the variance to include when it shall terminate, the possibility of renewal and other conditions deemed necessary.

SECTION 905 Special Use Permits

A. Applicability - Whenever a Variance (Use or Area) is required before a Special Use Permit can be reviewed the Zoning Board of Appeals shall be the authorized Board for dealing with both the Variance and the Special Use Permit. This Special Use Permit review is only authorized by the Zoning Board of Appeals for commercial projects involving 5,000 or less square feet of floor space or residential projects involving 5 or less residential units.

B. Basis for Granting Special Use Permits - See article on Planning Board section on Special Use Permit.

C. Referral to Municipal Board & Planning Board

1. Prior to action on Special Use Permits the Zoning Board of Appeals shall advise the Municipal Board and Planning Board of the proposed actions.

2. The Municipal Board and Planning Board shall have 15 days in which to review the proposed action and return their recommendation to the Zoning Board of Appeals. After the 15 days have expired the Zoning Board of Appeals may act without receipt of a response.

SECTION 906 Mandatory Referral (General Municipal Law 239 l & m)

A. Applicability - In accordance with General Municipal Law 239 1 & m, before issuing a Special Use Permit or granting a variance affecting any real property lying within a distance of 500 feet of the boundary of this Municipality or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated the matter shall be referred to the Chautauqua County Planning Board.

B. Response Time - Within 30 days after receipt of a full statement of such referred matter the Chautauqua County Planning Board to which referral is made or an authorized agent of said agency shall report its recommendations thereon to the Board of Appeals, accompanied by a full statement of the reasons for such recommendations. If the Chautauqua County Planning Board fails to report within such period of 30 days the Board of Appeals may act without such report. If the Chautauqua County Planning Board disapproved the proposal or recommends modification thereof, the Board of Appeals shall not act contrary to such disapproval or recommendation except by a vote of a majority plus 1 of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

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

ARTICLE X

MUNICIPAL PLANNING BOARD

SECTION 1001 Creation

The Municipal Board shall appoint a Planning Board consisting of 3 members as prescribed by Law.

SECTION 1002 Duties: Special Use Permit & Recommendations

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

A. Special Use Permit

1. Applicability - The Planning Board shall hear all requests for Special Use Permits for commercial projects involving 5,000 or less square feet of floor space and for residential projects involving 5 or less residential units. However, the aforementioned projects which also require an Area or Use Variance shall not be handled by the Planning Board (see article in Zoning Board of Appeals).
2. General Provisions - The special uses listed in this Zoning Law for which conformance to additional standards are required, shall be deemed to be permitted uses in their respective districts subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Zoning Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
3. Standards - The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings; walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations or lights than would be the operations of any permitted use.
4. Conditions
   a. In the granting of Special Use Permits the Permitting Board shall attach such conditions and safeguards as it deems appropriate under this Law.
   b. The supplemental section of this Law entitled, Development Conditions will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested and this section is not all inclusive.
   c. A plan for the proposed development of a site for designated special use shall be submitted with an application for a Special Use Permit and plan shall show the location of all buildings, lots, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that the Permitting Board deems necessary.
5. Administrator
   a. Procedures - The Permitting Board shall act in strict accordance with procedures specified by Law and by the Zoning Law with regard to public hearings, notices, publications, etc.
   b. Expiration - A Special Use Permit shall be deemed to authorize only one particular use and shall expire if the special use shall cease for more than 1 year for any reason.
   c. Existing Violations - No Special Use Permit shall

be issued for a property where there is an existing violation of this Law.

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

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

SECTION 1003 Mandatory Referral

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

ARTICLE XI

MUNICIPAL BOARD

SECTION 1101 Duties: Amendments & Special Use/Site Plan

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

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

B. Special Use Permit/Site Plan Review
   1. Applicability - The Municipal Board shall hear all requests for Special Use Permits/Site Plan Reviews for

commercial projects involving over 5,000 square feet of floor space and for residential projects involving more than 5 residential units.

2. Special Use Permit Provisions
   a. General Provisions - The special uses listed in this Zoning Law for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts subject to the satisfaction of the requirements and standards set forth herein in addition to all other requirements of this Zoning Law. All such uses are hereby declared to possess characteristics of such unique and special form that each specific use shall be considered as an individual case.
   b. Standards - The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access to it shall be such that it will be in harmony with the orderly development of the district and location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations or lights than would be the operations of any permitted use.
   c. Conditions
      1. In the granting of Special Use Permits the Permitting Board shall attach such conditions and safeguards as it deems appropriate under this Law.
      2. The supplemental section of this Law entitled Development Conditions will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested. It should not be assumed that this section is all inclusive.
      3. A plan for the proposed development of a site for designated special use shall be submitted with an application for a Special Use Permit and plan shall show the location of all buildings, lots, parking areas, traffic access and circulation drives and any other pertinent information that the Permitting Board deems necessary.
   d. Procedures - The Permitting Board shall act in strict accordance with procedures specified by Law and by the Zoning Law with regard to public hearings, notices, publications, etc.
   e. Expiration - A Special Use Permit shall be deemed to authorize only one particular use and shall expire if the special use shall cease for more than 1 year.
   f. Existing Violations - No Special Use Permit shall be issued for a property where there is an existing violation of this Law.
3. Site Plan Review Requirements

a. Purpose - Site Plan Review has the purpose of specifying for all involved parties what the intended design, arrangement and uses of the land shall consist of so as to optimize the physical, social and economic effects on the community for specified types of development.

b. Administration

1. Permits - The Permitting Board shall be responsible for a site plan review of all commercial development with over 5,000 square feet of floor space or residential development involving more than 5 dwelling units. In these instances the Permitting Board shall also be responsible for administering the Special Use Permit requirements with both processes taking place simultaneously.
2. Expiration - A Site Plan Review shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than 1 year.
3. Hearings - An attempt shall be made to integrate where appropriate the Site Plan Review requirements into the required Special Use Permit Hearing. Thus, eliminating the need for two hearings.
4. Referral - The Permitting Board shall within 7 days of receipt of the complete application submit to the Planning Board a request for an opinion on any proposed project. The Permitting Board shall wait 14 days for a response prior to acting on the matter.
5. Decision Requirements - Within 45 days of receipt of the complete application the Permitting Board shall render a decision to the Zoning Officer. If no decision is made within the 45 day period the site plan shall be considered approved. The applicant shall be notified in writing of its decision with the reasons for the decision specified.

c. Information Required - Sketches drawn to approximate scale will be prepared by the applicant where feasible to display the following information:

1. Administration, Legal and Other Miscellaneous Information
   a. Project title and date;
   b. Name, address and telephone number of applicant, owner (if different), contractor, architect and other major involved parties;
   c. Construction schedule to include phasing and the completion date;
   d. Performance bond to include amount, public improvements covered and bond approval;
   e. Location, width and purpose of all easements, public land holdings, leases, covenants, deed restrictions or any other unique land restriction, and;
   f. Record of all applications for permits from the Federal, State or County governments to include approval status.

2. Existing Man Made Features to be Shown
   a. Boundary lines of project site as well as adjacent properties, and;
   b. Ownership pattern of all adjacent parcels.
   c. Existing structures on project site and adjacent property to include location, dimensions, height and use. Decks and accessory structures should also be shown as well as historic structures.
   d. Roadways to include: public roads, private roads or driveways on the site, on and off street parking, load/unload zones, access and egress, pedestrian pathways or sidewalks. Width and elevations should be included.
   e. Utilities shall be identified to include: location and size of water, sewer, drainage pipes, telephone, electric, gas and TV cable. Additionally, any solar systems should be identified.
   f. Miscellaneous features to include: fences, signs, outside lighting, public address systems, storage areas and retaining walls shall be shown.
   g. Fire lanes and fire hydrants if any exist should be displayed.
   h. Recreational areas both on the site and adjacent should be displayed to include public and private facilities.
   i. Trash or garbage collection areas shall be identified.
   j. Services such as banks, schools, retail or service districts should be identified.
   k. Zoning district boundaries shall be identified.
   l. Other information deemed necessary by Permitting Board.
3. Existing Natural Features to be Shown
   a. Topographic features with a minimum interval of 10 feet but preferably 2 feet. Areas of steep slope should be delineated.
   b. Geographic features such as depth to bedrock and load bearing capacity for large development proposals.
   c. Hydro-geological features including: drainage and run off patterns, flood hazard areas, wetlands, depth of ground water and drainage capacity of soil.
   d. Landscaping and vegetative cover including: wooded areas, significant isolated trees, ground cover, shrubs and other similar features. Buffers should be identified.
   e. Water courses to include: lakes, streams or ponds.
   f. Archaeologically significant areas.
   g. Significant viewscapes should be identified.
   h. Other information deemed necessary by Permitting Board.
4. New Proposal Features
   a. Referring to the EXISTING man made and natural features above provide a description/sketch of any changes that are being proposed.
   b. Include construction materials proposed for use.
   c. Provide design features.
   d. List the positive and negative effects for each

existing feature listed above (e.g., traffic to be generated and the effects it will have on specific roadways).

SECTION 1102 Referral to Municipal Planning Board

A. Prior to action on Special Use Permits or Zoning Amendments, Special Use Permits/Site Plan Review Permits, the Municipal Board shall advise the Planning Board of the proposed action.

B. The Planning Board shall have 30 days in which to review the proposed action and return their recommendation to the Municipal Board. After the 30 days has expired the Municipal Board may act without receipt of a recommendation from the Planning Board.

SECTION 1103 Mandatory Referral

General Municipal Law 239 l & m, must be followed when amending a Zoning Law. The Mandatory Referral section found in the Zoning Board of Appeals Article should be consulted for the procedure to be followed.

ARTICLE XII

VIOLATIONS AND PENALTIES

SECTION 1201 Violations

Whenever a violation of this Law occurs any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer who shall properly record such complaint and immediately investigate.

SECTION 1202 Penalties

Any violation of any provision of this Law shall be punishable by fine not to exceed $250.00. Each week's continued violation shall constitute a separate additional violation.

ARTICLE XIII

LEGALITY

SECTION 1301 Conflicts

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

SECTION 1302 Separability

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

SECTION 1303 Repealer

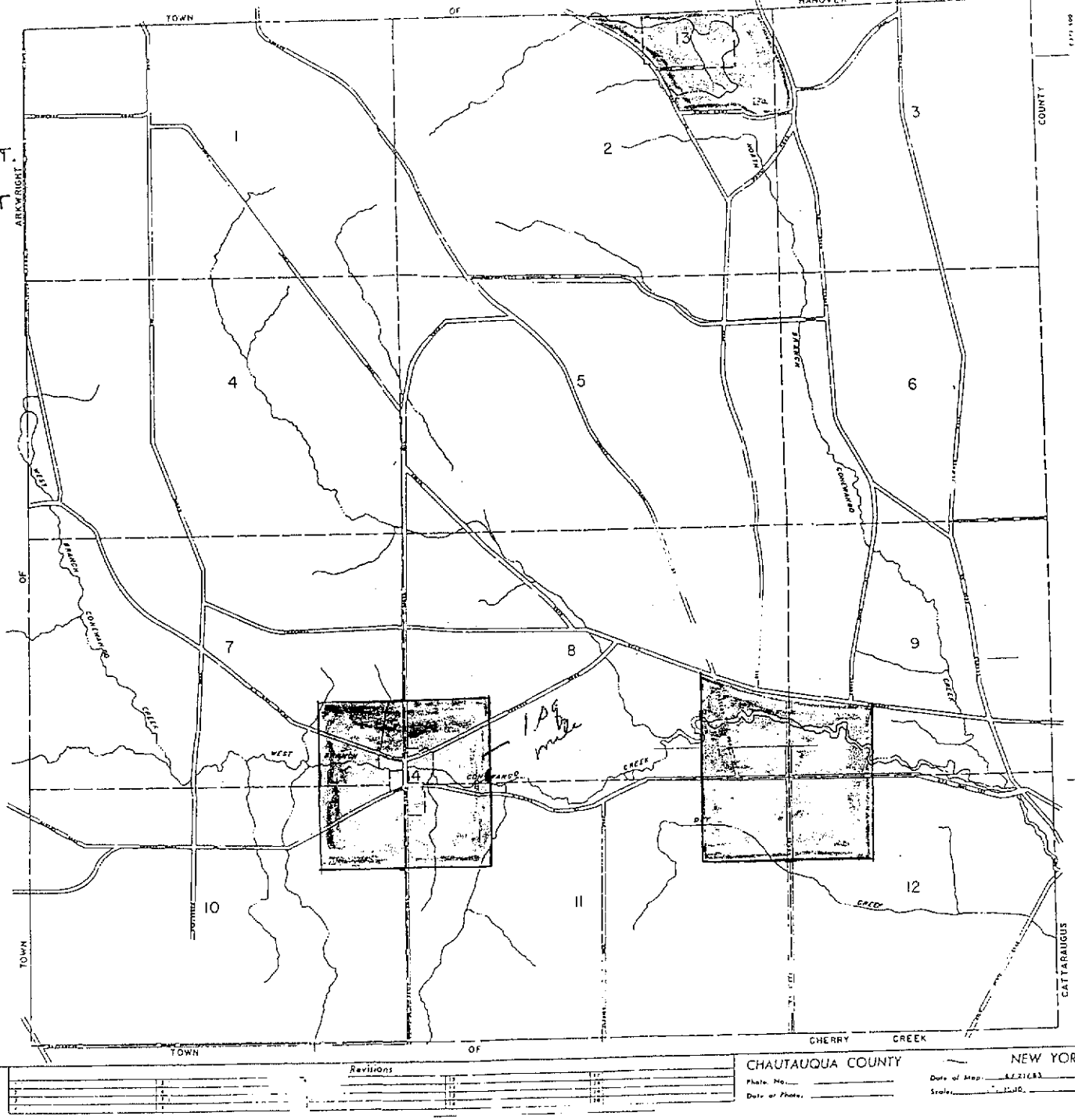
Any previously adopted regulations of the Municipality dealing with issues covered in the Zoning Law together with all changes and amendments thereto, is hereby repealed and declared to be of no effect.

SECTION 1304 Effect

This Local Law shall take effect 10 days after the date of its publication and posting as required by Law.

401 ARI DIST.

402 T DIST



LEGEND

Revisions

CHAUTAUQUA COUNTY — NEW YORK

Photo. No.

Date of Photo.

Date of Map: 12/21/83

Scale: 1" = 1500'

TOWN OF VILLENOVA
City - Town - Village

Section No. KEY MA

Prepared by AERO SERVICE CORPORATION

1" = 1500 feet

74