



ZONING LAW UPDATE

At-a-Glance

Draft August 2026

The Village’s Zoning Law has been digitized and restructured into four parts. This new format and organization will allow for a more user-friendly experience, grouping similar topic areas for ease of reference. Below is the proposed Draft Zoning Law outline with existing zoning sections and key revisions or considerations noted, as applicable.

PART 1. INTRODUCTORY PROVISIONS

DRAFT ARTICLE	Revisions & Considerations
Article 10. Establishment & Applicability	
<i>EXISTING SECTIONS:</i> Article I. Title, Enacting Clause & Purpose Article XIII. Legality	<ul style="list-style-type: none">- Update to follow new format- Update purpose and intent statements to include planning guidance from existing plans and studies, as appropriate- Provide transitional provisions
Article 11. Zoning Map	
<i>EXISTING SECTIONS:</i> Article III. Establishment of Districts	<ul style="list-style-type: none">- Revise to fit new code format and references
Article 12. Review Bodies	
<i>EXISTING SECTIONS:</i> Article IX. Zoning Board of Appeals Article X. Planning Board Article XI. Municipal Board	<ul style="list-style-type: none">- Update to reflect all roles/powers of ZBA- Remove Planning Board by name (powers with ZBA)- Ensure consistency with NYS Law
Article 13. Nonconformities	
<i>EXISTING SECTIONS:</i> Article VIII. Nonconformities	<ul style="list-style-type: none">- Update to clarify treatment of use and structure nonconformities
Article 14. Enforcement, Penalties, & Fees	
<i>EXISTING SECTIONS:</i> Article XII. Violations & Penalties 618 - Unsafe Buildings	<ul style="list-style-type: none">- Clarify violation and penalty provisions- Incorporate use of a Village Fee Schedule
Article 15. Terminology	
<i>EXISTING SECTIONS:</i> Article II. Interpretation & Definitions	<ul style="list-style-type: none">- Clarify interpretations- Update definitions and add new based on proposed code revisions- Remove obsolete and outdated terms

*Part 1 in progress

WHAT DOES ZONING DO?

- **Guide Land Use & Development:** Zoning laws help villages regulate where residential, commercial, and other land uses can occur, ensuring growth is orderly and compatible with community goals.
- **Protect Public Health, Safety, & Welfare:** Zoning establishes standards for building placement, density, setbacks, height, parking, and other development requirements to reduce conflicts and support safe, livable neighborhoods.
- **Preserve Community Character & Resources:** Zoning laws help villages maintain neighborhood character, protect environmental and historic resources, and implement long-term planning objectives outlined in the village's comprehensive plan.

PART 2. DISTRICT & USE REGULATIONS

DRAFT ARTICLE	Revisions & Considerations
Article 20. Residential Districts	
<i>EXISTING SECTIONS:</i> 401 - R1 District 402 - R2 District 403 - R3 District	<ul style="list-style-type: none">- Updated purpose statements to reflect overall use and development pattern characteristics- Updated use, bulk, and dimensional requirements fit the existing and desired development patterns; reduced nonconformities- Increased housing choice options in R2 & R3- Removed minimum floor space requirements
Article 21. Mixed Use Districts	
<i>EXISTING SECTIONS:</i> 404 - B1 District *406 - B2 District	<ul style="list-style-type: none">- Updated purpose statements to reflect overall use and development pattern characteristics- Updated use, bulk, and dimensional requirements fit the existing and desired development patterns; reduced nonconformities- Removed minimum floor space requirements- Increased opportunities for mixing of uses in downtown and extended B-2 areas- Implemented a maximum setback/build-to line for infill development
Article 22. Parks & Open Space (P) District	
<i>EXISTING SECTIONS:</i> 405 - P District *407 - REC District	<ul style="list-style-type: none">- Combined P & REC District- Create a Local Waterfront Overlay District to align with LWRP boundary, serving as trigger for Waterfront Consistency Review
Article 23. Local Waterfront Revitalization Overlay (LWRO) District	
<i>EXISTING SECTIONS:</i> 604 - Lakeshore Regulations Chautauqua Lake Local Waterfront Revitalization Program (LWRP)	<ul style="list-style-type: none">- Created an overlay to align with LWRP boundary, serving as trigger for Waterfront Consistency Review- Updated lakeshore regulations and expanded shoreline protections
Article 24. Flood Damage Prevention Overlay (FO) District	
<i>EXISTING SECTIONS:</i> *408 (406) - FP District Local Law #1 of 1987	<ul style="list-style-type: none">- Updated to clarify boundaries and applicability- *need to review for consistency with the latest FEMA and NFIP requirements
Article 25. Additional Use Regulations	
<i>EXISTING SECTIONS:</i> 603 - Accessory Apartments 605 - Home Occupations 606 - Household Goods Sales 607 - Drive-in Business 608 - Restaurants 609 - Motor Vehicles Service Stations 610 - Private Swimming Pools 611 - Storage Structure 615 - Fences/Walls 617 - Solar Systems 619 - Junk Vehicles 620 - Trash 621 - Heavy Vehicles 622 - Large Group Gatherings 623 - Animals in Residential Districts 624 - Temporary Dwelling Units (Mobile) 625 - Recreational Vehicle & Trailer Storage 2011 - Transient/Commercial Use of Dwelling Units	<ul style="list-style-type: none">- Moved all special use regulations into one article- Created clear listing of accessory uses and structures and their associated regulations- Removed outdated and undesirable uses and updated terminology as needed- Updated additional standards and regulations and ensured they are narrowly tailored to the concerns of each use
Article 26. Supplemental Lot & Yard Regulations	
<i>EXISTING SECTIONS:</i> 501 - Access to Public Street 502 - Contiguous Parcels 503 - Corner Lots 504 - Height 505 - Existing Substandard Size Lots 506 - Visibility at Intersections 507 - Interpretation of Permitted Uses 508 - Top Soil - Excavation 509 - Preserving Yards/Open Space 510 - Established Front Yards 511 - Number of Buildings on a Lot 601 - General Development Conditions 602 - Cluster Residential Development 616 - Towers/Windmills/TV Dish Antennas	<ul style="list-style-type: none">- Removed irrelevant/outdated provisions- Revised lot and yard regulations based on any issues identified by code enforcement

PART 3. DESIGN & DEVELOPMENT STANDARDS

DRAFT ARTICLE	Revisions & Considerations
Article 30. MU-G District Design Standards	
<i>EXISTING SECTIONS:</i> None	<ul style="list-style-type: none">- Established building and site design criteria in alignment with community preferences (façade treatments, transparency, materials, etc.)- Encouraged sustainable building design
Article 31. MU-VC District Design Standards	
<i>EXISTING SECTIONS:</i> None	<ul style="list-style-type: none">- Added regulations that address treatment of historic buildings and facades- Applied basics of MU-G District standards to MU-VC
Article 32. Residential Design Standards	
<i>EXISTING SECTIONS:</i> B-2 District REC District	<ul style="list-style-type: none">- Expanded upon existing design/placement provisions for multi-family dwellings to address specific elements of compatibility- Included guidance for infill and mixed density contexts
Article 33. Circulation, Access, & Parking	
<i>EXISTING SECTIONS:</i> 612 - Off-street Parking 613 - Loading & Unloading	<ul style="list-style-type: none">- Reduced minimum parking requirements to avoid auto-dominate land use patterns- Followed NYSEDA recommendations for regulating parking and paved areas- Added alternative parking arrangement provisions, eg. shared and joint parking facilities- Implemented parking lot design standards- Added bicycle parking considerations- Included provisions for better access management- Added pedestrian connectivity requirements both internally & externally to development sites
Article 34. Landscaping & Screening	
<i>EXISTING SECTIONS:</i> 512 - Buffer Zones	<ul style="list-style-type: none">- Applied to nonresidential and mixed-use development- Specified certain landscaping & screening treatments, including area, perimeter, & building foundation plantings- Established landscape plan requirements- Incorporated use of green infrastructure
Article 35. Signs	
<i>EXISTING SECTIONS:</i> 614 - Signs	<ul style="list-style-type: none">- Updated to follow a more content neutral approach- Utilized revised district framework to regulate signage by location, size, design, & type- Updated permitted and prohibited sign types- Implemented sign design guidelines or standards
Article 36. Outdoor Lighting	
<i>EXISTING SECTIONS:</i> None	<ul style="list-style-type: none">- Established nonresidential & mixed-use exterior lighting design standards- Implemented provisions aligned with the recommended practices of the International Dark Sky Association

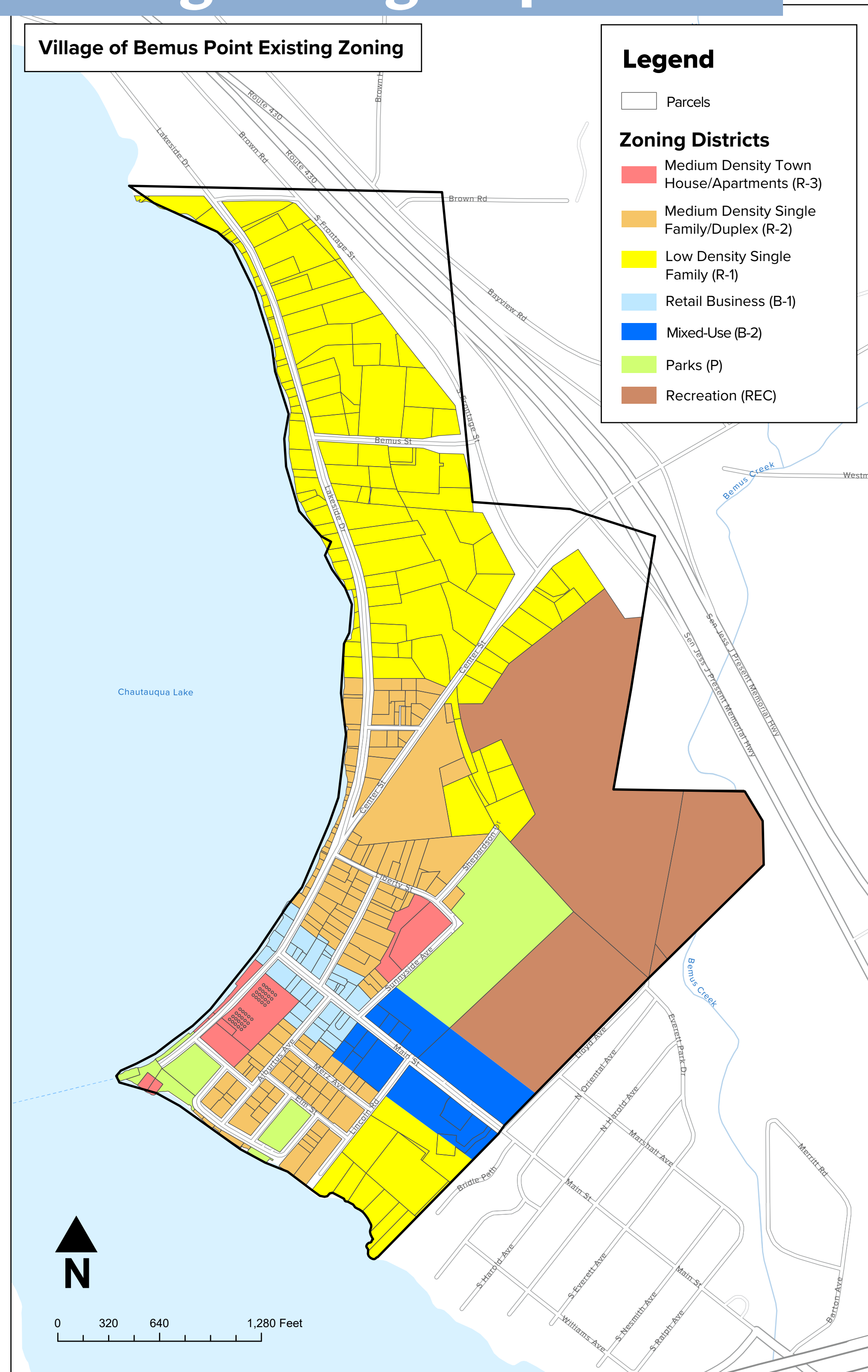
PART 4. APPLICATION & REVIEW PROCEDURES

DRAFT ARTICLE	Revisions & Considerations
Article 40. General Application & Review Procedures	
<i>EXISTING SECTIONS:</i> None	<ul style="list-style-type: none">- Establish clear, consistent steps for the processing of applications- Incorporate pre-application conference and/or sketch plan review options- Ensure public hearing, notice, and referral procedures are consistent with NYS Law
Article 41. Building & Zoning Permits	
<i>EXISTING SECTIONS:</i> 703 - Building Permits (*amended as Zoning Permits)	<ul style="list-style-type: none">- Clarify need/use of building and zoning permits- Update as necessary to align with revised application requirements and procedures
Article 42. Site Plan Review	
<i>EXISTING SECTIONS:</i> 1004 - Site Plan Review	<ul style="list-style-type: none">- Review triggers for site plan; create table for ease of reference- Incorporate design review practices in site plan review process- Consider major/minor approach to remove unnecessary burdens on small applications- Establish clear review procedures and criteria- Update application requirements
Article 43. Special Use Permits	
<i>EXISTING SECTIONS:</i> 1003 - Special Use Permits	<ul style="list-style-type: none">- Ensure process is sound for applications where site plan review may not be relevant- Establish clear review procedures & criteria- Update application requirements
Article 44. Variances & Appeals	
<i>EXISTING SECTIONS:</i> 903 - Interpretations 904 - Use and Area Variances	<ul style="list-style-type: none">- Ensure consistency with NYS Law- Defer to state regulation as applicable
Article 45. Amendments	
<i>EXISTING SECTIONS:</i> None	<ul style="list-style-type: none">- Add for consistency with NYS Law- Defer to state regulation as applicable

*Part 4 in progress

Map Comparison

Existing Zoning Map



Existing Zoning Districts

RESIDENTIAL

Low Density Residential (R-1)

Medium Density Residential (R-2)

Multi-Family Residential (R-3)

COMMERCIAL

Retail Business (B-1)

Mixed Use (B-2)

SPECIAL PURPOSE

Parks (P)

Recreation (REC)

-

Flood Plain (FP)*

Proposed Zoning Districts

Low Density Residential (R-1)

Traditional Village Residential (R-2)

Mixed Density Residential (R-3)

Mixed Use - Village Center (MU-VC)

Mixed Use - Gateway (MU-G)

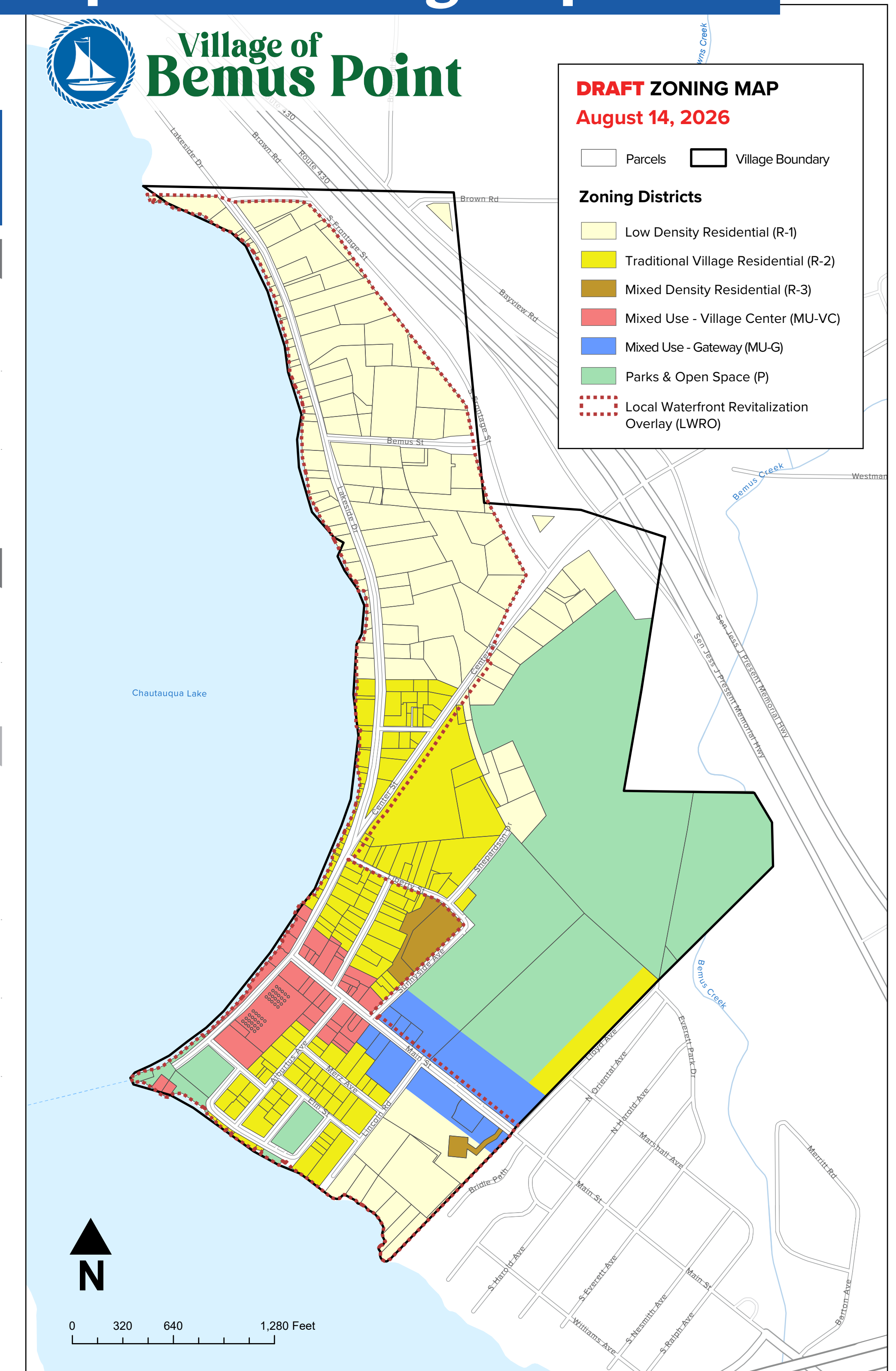
Parks & Open Space (P)

Local Waterfront Revitalization Overlay (LWRO)

Flood Damage Prevention Overlay (FO)*

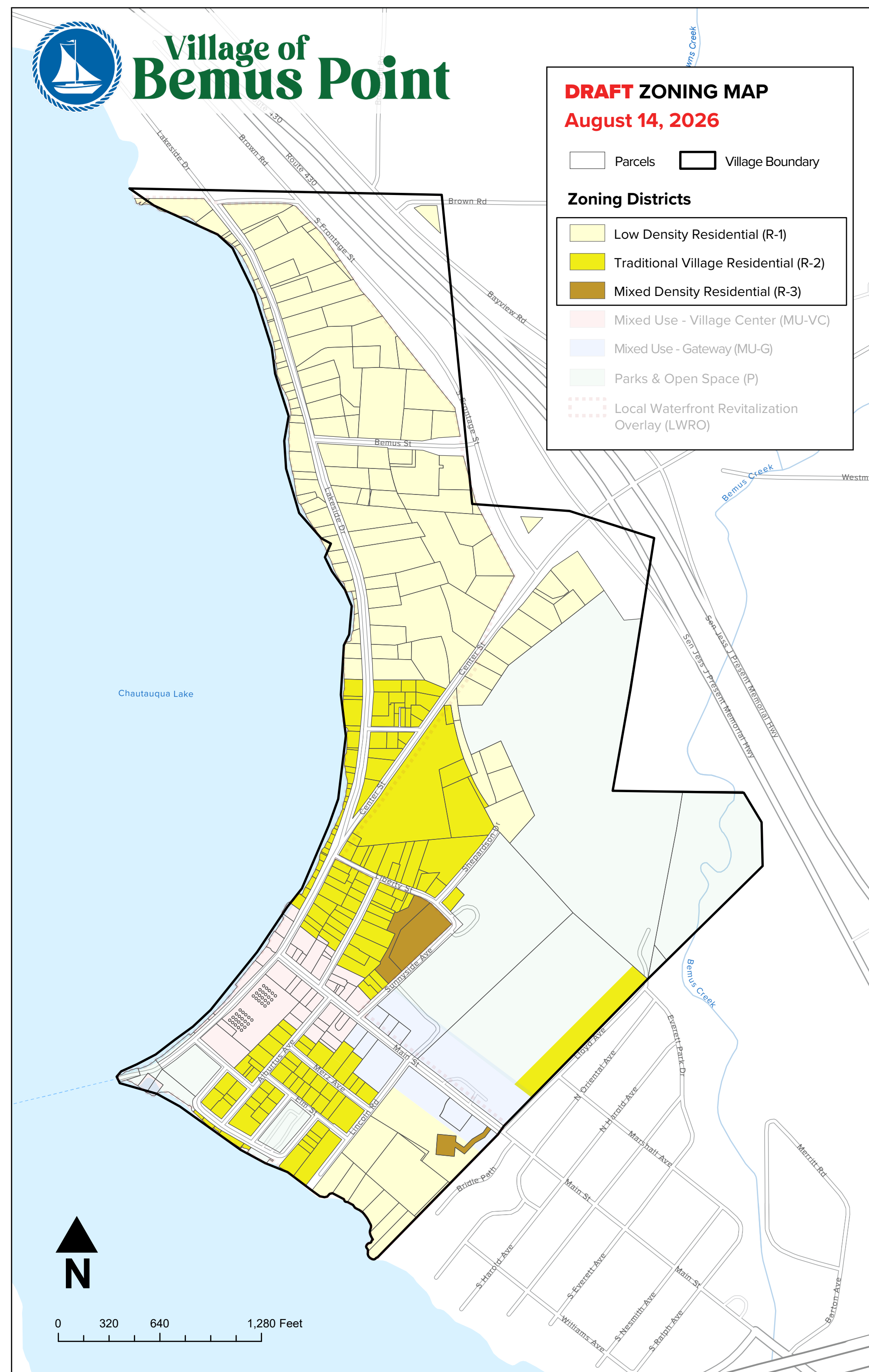
*Note: The FP and FO Districts are not shown on the respective maps as they are based on the Special Flood Hazard Area boundaries managed by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program (NFIP).

Proposed Zoning Map



Residential Districts

Zoning Map: Focused on Residential Districts



Purpose of the Districts

Each of the three residential districts have a specific zoning purpose, which is introduced below and detailed in the Purpose Statements of the Zoning Law Update (§20.2).

Low Density Residential (R-1)

The purpose of the R-1 District is to preserve and enhance the Village's lowest density neighborhoods.

Traditional Village Residential (R-2)

The purpose of the R-2 District is to preserve and enhance the Village's traditional walkable neighborhoods that form the residential fabric surrounding the Village center.

Mixed Density Residential (R-3)

The purpose of the R-3 District is to accommodate the broadest range of housing types and the highest residential densities within the Village, while maintaining the essential character and walkable nature of Bemus Point's traditional neighborhoods.

Permitted and Special Permit Uses by District

	R-1	R-2	R-3
RESIDENTIAL USES			
Single-Family Dwelling	P	P	P
Two-Family Dwelling	-	P	P
Multi-Family Dwelling*	-	-	P
COMMERCIAL USES			
Marina or Boathouse	SP	-	-
Bed and Breakfast (B&B)*	SP	SP	SP
Short-Term Rental (STR)*	SP	SP	SP
OTHER USES			
Municipal Use	P	P	P
School, Public or Private	P	P	P
Wireless Communications Facility*	SP	SP	SP
ALTERNATE DEVELOPMENT CONFIGURATIONS			
Cluster Residential	P	P	P
Retirement Community or Life Care Facility*	-	-	P
ACCESSORY / INCIDENTAL USES			
Accessory Uses or Structures*	P	P	P
Accessory Apartment*	SP	SP	SP
Home Occupation*	P	P	P
Solar Energy System, roof-mounted*	P	P	P
Temporary Uses or Structures*	P	P	P

P: Permitted Use.
SP: Special Use Permit Required.
-: Not Allowed.

* Additional Use Regulations Applicable.

Bulk & Dimensional Requirements by District

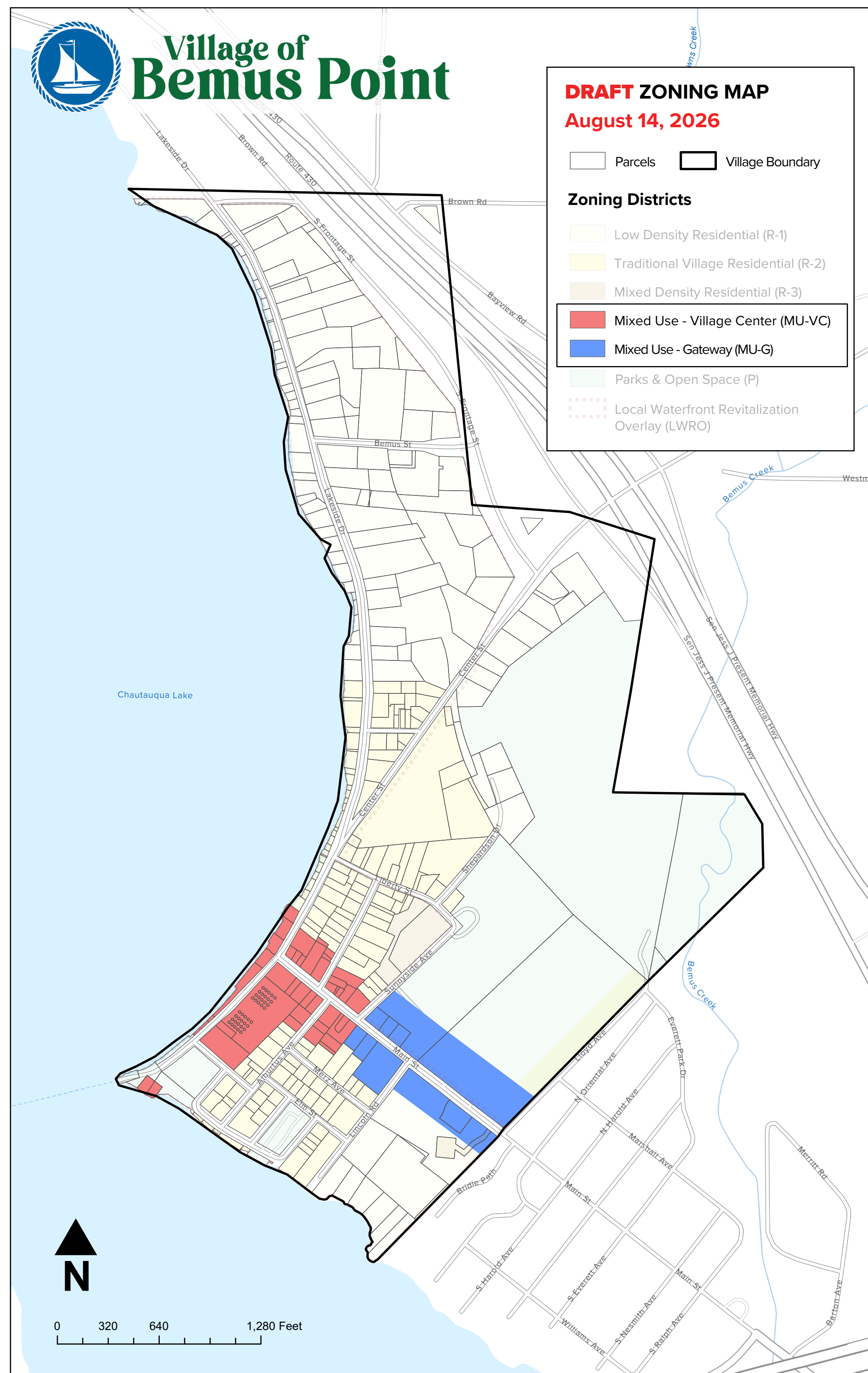
	R-1	R-2	R-3
MIN Lot Area			
Single- or Two-Family Dwelling	16,000 sf / 20,000 sf ¹	7,500 sf	5,000 sf
Multi-Family Dwelling	-	2,500 sf / du ²	2,500 sf / du ²
Nonresidential Use	16,000 sf	10,000 sf	10,000 sf
MIN Lot Width			
Single- or Two-Family Dwelling	120 ft / 140 ft ¹	50 ft	50 ft
Multi-Family Dwelling	-	60 ft	60 ft
Nonresidential Use	-	65 ft	65 ft
MIN Front Yard ³			
	50 ft	15 ft	20 ft
MIN Side Yard			
Primary Use or Structure	20 ft	10 ft	10 ft
Nonresidential Use, abutting residential	20 ft	15 ft	15 ft
Accessory Use or Structure	10 ft	5 ft	5 ft
MIN Rear Yard			
Primary Use or Structure	40 ft	30 ft	30 ft
Accessory Use or Structure	10 ft	5 ft	5 ft
MAX Building Height ⁴			
Primary Use or Structure	35 ft 2.5 stories	35 ft 2.5 stories	40 ft 3 stories
Accessory Use or Structure	20 ft ⁵ 1.5 stories	20 ft ⁵ 1.5 stories	20 ft ⁵ 1.5 stories
MAX Lot Coverage (gross impervious surface)			
Single- or Two-Family Dwelling	35% / 30% ¹	40%	40%
Multi-Family Dwelling	-	45%	45%
Nonresidential Use	30% / 25% ¹	35%	35%

NOTES:

- The larger shall apply to lots without sewer access.
- The notation "sf / du" indicates square feet per dwelling unit.
- The front yard area shall be measured from the edge of the roadway.
- Building height shall be measured in feet, while the visual scale or appearance in height of the building shall be determined in stories.
- No accessory use or structure may exceed the height of the primary use or structure on the lot.

Mixed Use Districts

Zoning Map: Focused on Mixed Use Districts



Purpose of the Districts

The Village's two mixed use districts each have a specific zoning purpose, which is introduced below and detailed in the Purpose Statements of the Zoning Law Update (§21.2).

Mixed Use - Village Center (MU-VC)

The purpose of the MU-VC District is to preserve, enhance, and revitalize the Village's historic core, encompassing the traditional Main Street commercial corridor and the distinctive lakefront mixed-use area that together serve as the social, economic, and cultural heart of Bemus Point.

Mixed Use - Gateway (MU-G)

The purpose of the MU-G District is to guide the transformation and redevelopment of the southeastern portion of Main Street, from Sunnyside Avenue to Lloyd Avenue at the Village border, creating a welcoming entry corridor that announces arrival in Bemus Point while supporting the community's long-term economic vitality and residential growth.

Bulk & Dimensional Requirements by District

	MU-VC	MU-G
MIN Lot Area		
Residential Use	2,500 sf / du ¹	3,000 sf / du ¹
Nonresidential Use	8,000 sf	10,000 sf
MIN Lot Width		
Residential Use	35 ft	45 ft
Nonresidential Use	40 ft	50 ft
Front Yard ²		
MINIMUM	0 ft	25 ft
MINIMUM, where fronting Lakeside Drive	15 ft	-
MAXIMUM, nonresidential only	30 ft	40 ft
MIN Side Yard		
Primary Use or Structure	0 ft / 10 ft ³	15 ft
Accessory Use or Structure	5 ft	5 ft
MIN Rear Yard		
Primary Use or Structure	25 ft	40 ft
Accessory Use or Structure	5 ft	5 ft
Building Height ⁴		
MAXIMUM	36 ft (3 stories)	40 ft (3 stories)
MINIMUM, nonresidential only	-	30 ft (2 stories)
MAXIMUM, Accessory Use or Structure	20 ft (1.5 stories)	20 ft (1.5 stories)
MAX Building Footprint		
Nonresidential Use, new construction	8,000 sf	15,000 sf
MAX Lot Coverage (gross impervious surface)		
Residential Use	60%	65%
Nonresidential Use	100%	85%

NOTES:

1. The notation "sf / du" indicates square feet per dwelling unit.
2. The front yard area shall be measured from the edge of the roadway.
3. The larger shall apply where a nonresidential property abuts a residential use or district.
4. Building height shall be measured in feet, while the visual scale or appearance in height of the building shall be determined in stories.

Permitted and Special Permit Uses by District

	MU-VC	MU-G
RESIDENTIAL		
Single-Family Dwelling	P	P
Two-Family Dwelling	P	P
Multi-Family Dwelling	P	P
Upper Floor Dwelling Units	P	P
Live/Work Unit*	P	P
COMMERCIAL		
Retail Sales or Service Shop	P	P
Restaurant or Bar*	P	P
Brewpub	P	P
Brewery, Winery, or Distillery*	-	P
Office, Administrative or Professional	P	P
Medical Office or Clinic	-	P
Arts Studio or Shop	P	P
Health and/or Fitness Center	-	P
Social Club or Event Center	-	P
Animal Care Service*	-	SP
Day Care	-	P
Funeral Home	P	P
Hotel or Inn	P	P
Marina or Boathouse	P	-
Bed and Breakfast (B&B)*	P	P
Short-Term Rental (STR)*	P	P
Vehicle Fuel Station or Wash	-	SP
Adult Use*	-	SP
OTHER		
Institutional Use	P	P
Municipal Use	P	P
Recreation/Entertainment, Indoor	P	P
Recreation/Entertainment, Outdoor*	SP	P
Wireless Communications Facility*	SP	SP
Parking Lot or Garage, primary use	SP	P
ALTERNATE DEVELOPMENT CONFIGURATIONS		
Mix of Uses (single-structure or lot)	P	P
Retirement Community or Life Care Facility	-	P
ACCESSORY / INCIDENTAL		
Accessory Uses or Structures*	P	P
Accessory Apartment*	SP	SP
Home Occupation*	P	P
Outdoor Seating, Sales, or Display*	P	P
Outdoor Storage, nonresidential*	-	SP
Solar Energy System, roof-mounted*	P	P
Temporary Uses or Structures*	P	P

P: Permitted Use.
SP: Special Use Permit Required.
-: Not Allowed.

* Additional Use Regulations Applicable.

Special Districts

Parks & Open Space (P) District

The Parks and Open Space (P) District is established to protect and enhance the Village's network of public and semi-public lands dedicated to recreational, educational, civic, and institutional purposes that serve the health, welfare, and quality of life of residents and visitors. This district recognizes the essential role that parks, open spaces, and community facilities play in providing gathering places, services, and amenities that strengthen community bonds. It is further the intent of this district to:

1. Preserve and enhance recreational opportunities
2. Support community services and institutional uses
3. Promote low-impact development patterns
4. Enhance public access and connectivity
5. Protect environmental quality and community character

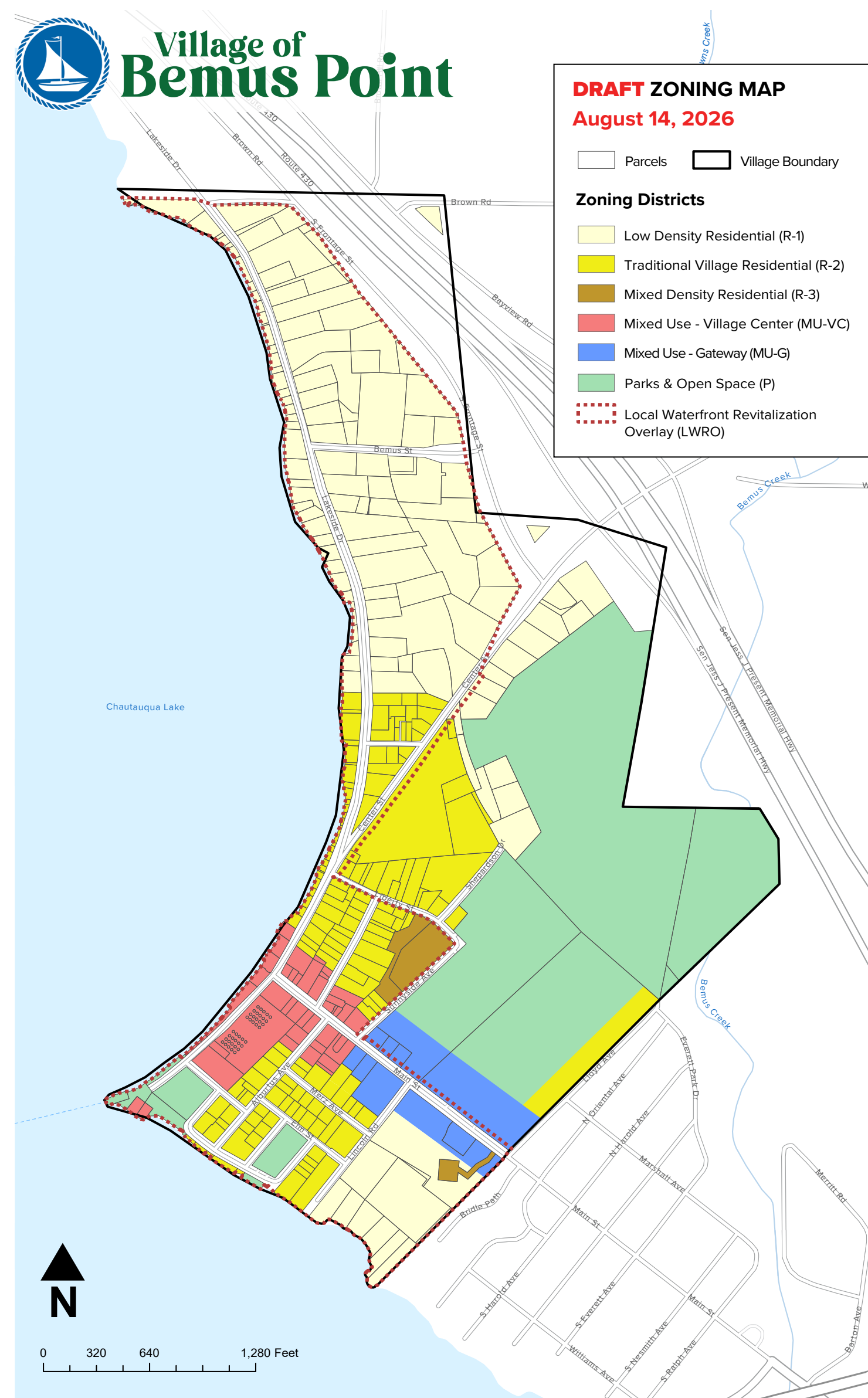
Bulk & Dimensional Requirements

	P
MIN Lot Area	
MIN Width	
MIN Front Yard	30 ft
MIN Side Yard	
MIN Rear Yard	
MIN Building Height	
MIN Lot Coverage	30%

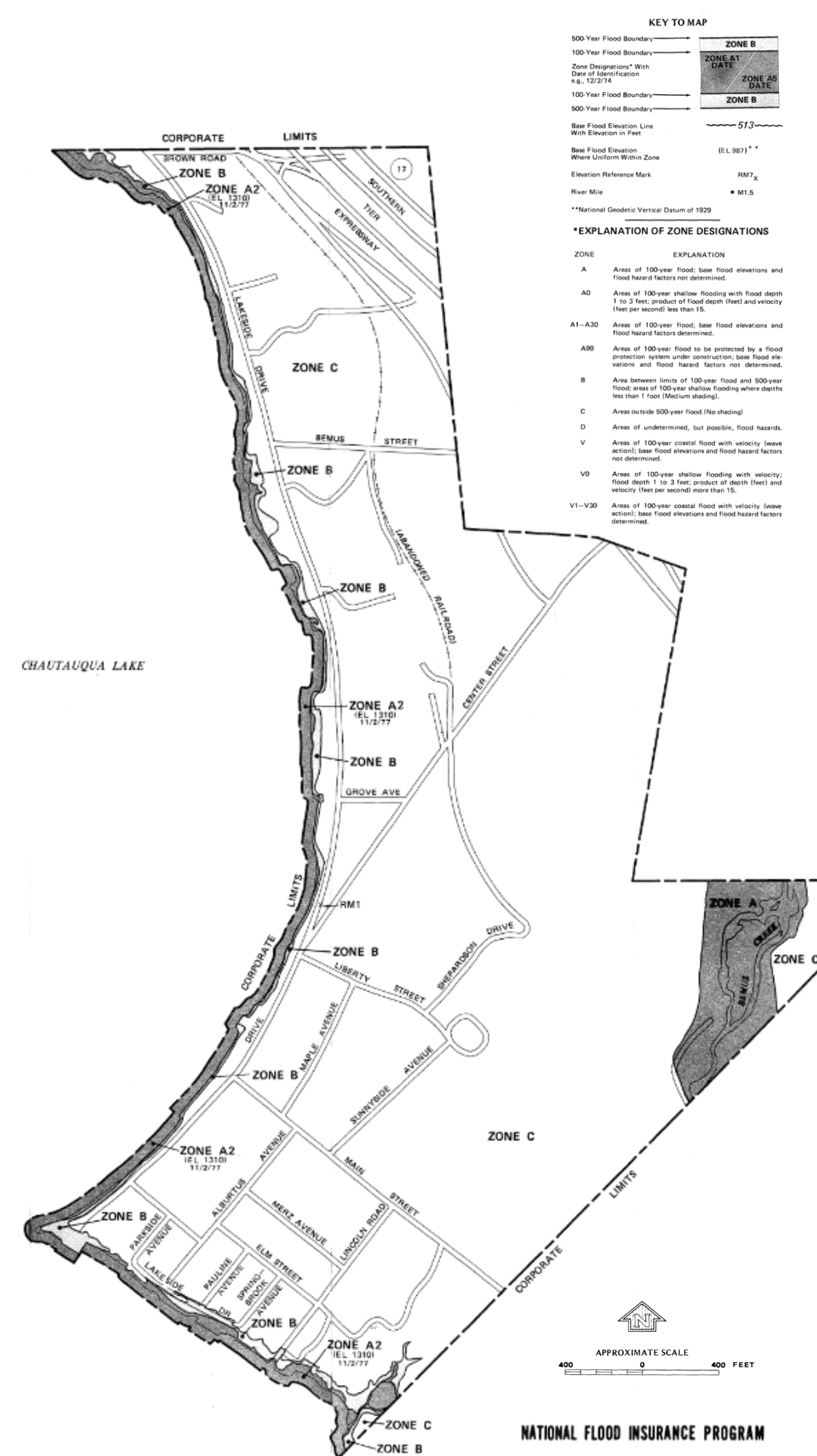
Use Table

Land Use	P
RESIDENTIAL	
Single-Family Dwelling	-
Two-Family Dwelling	-
Multi-Family Dwelling	-
Upper Floor Dwelling Units	-
Live/Work Unit	-
COMMERCIAL	
Retail Sales or Service Shop	-
Restaurant or Bar	-
Brewpub	-
Brewery, Winery, or Distillery	-
Office, Administrative or Professional	-
Medical Office or Clinic	-
Arts Studio or Shop	-
Health and/or Fitness Center	-
Social Club or Event Center	-
Animal Care Service	-
Day Care	-
Funeral Home	-
Hotel or Inn	-
Marina or Boathouse	SP
Bed and Breakfast (B&B)	-
Short-Term Rental (STR)	-
Vehicle Fuel Station or Wash	-
Vehicle Sales or Repair	-
Adult Use	-
OTHER	
Institutional Use	P
Municipal Use	P
Recreation/Entertainment, Indoor	P
Recreation/Entertainment, Outdoor	P
School, Public or Private	P
Battery Energy Storage System	-
Solar Energy System, primary use	-
Wireless Communications Facility	SP
Parking Lot or Garage, primary use	P
ALTERNATE DEVELOPMENT CONFIGURATIONS	
Mix of Uses (single-structure or lot)	P
Cluster Residential	-
Retirement Community or Life Care Facility	-
ACCESSORY / INCIDENTAL	
Accessory Uses or Structures	P
Accessory Apartment	-
Drive-Through	-
Home Occupation	P
Outdoor Seating, Sales, or Display	-
Outdoor Storage, nonresidential	SP
Solar Energy System, roof-mounted	P
Temporary Uses or Structures	P

P District



FO District



Flood Damage Prevention Overlay (FO) District

Note: Intended to be established with an updated Flood Damage Prevention Local Law consistent with current National Flood Insurance Program (NFIP) participation standards. Existing Flood Damage Prevention regulations are established via Village of Bemus Point Local Law #1 of 1987.

The Village of Bemus Point recognizes that the potential and/or actual damages from flooding and erosion may cause physical, financial, and environmental harm to property owners. Such damage may include, but is not limited to; destruction or loss of private and public housing, damage to public facilities, and injury to or loss of human life. The Flood Damage Prevention Overlay (FO) District is hereby established to minimize the threat of such damage by aligning this Zoning Law with the purposes and objectives of the Village of Bemus Point Flood Damage Prevention Local Law and supporting the administration thereof.

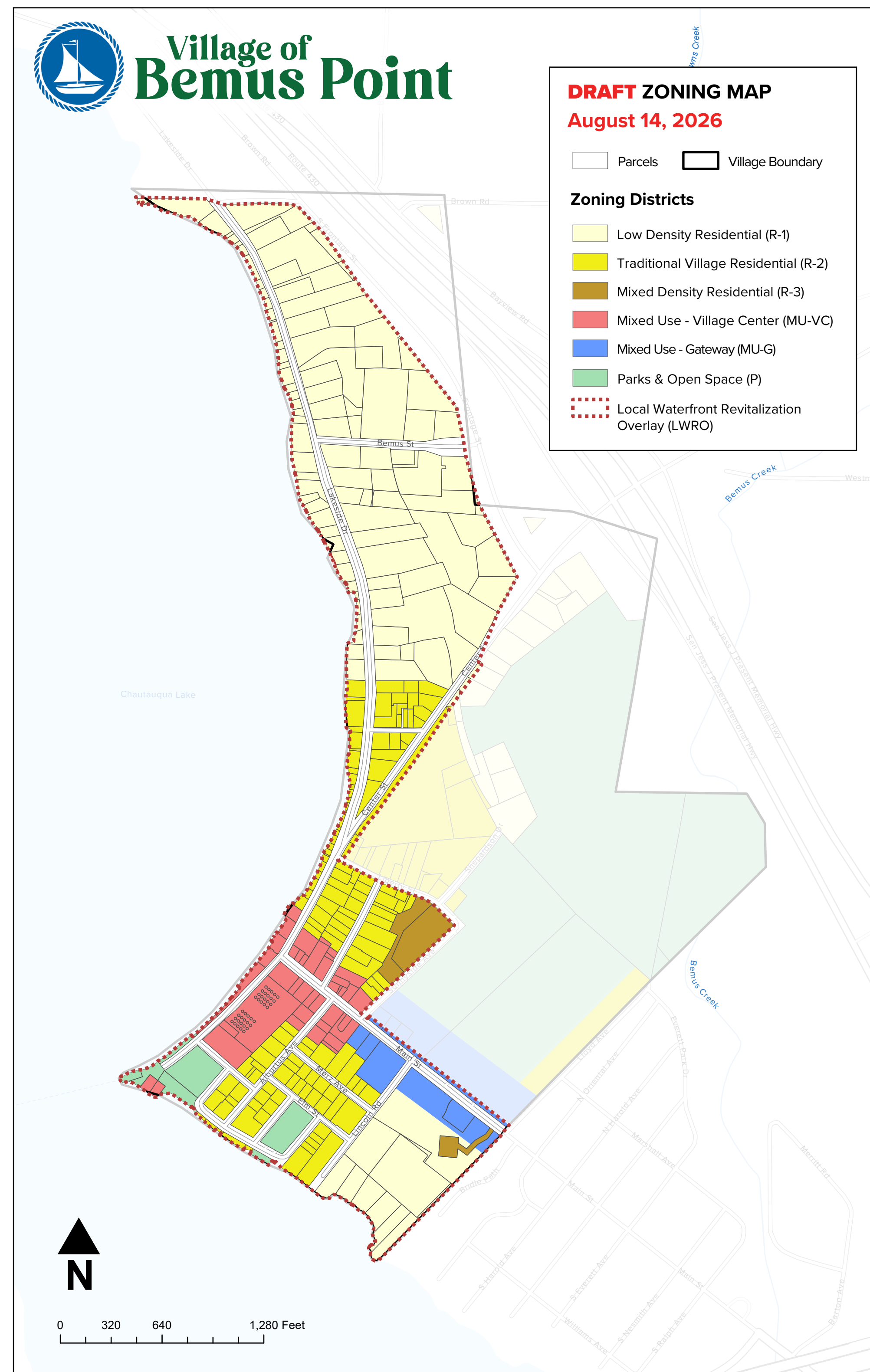
It is further the intent to ensure all applicants and property owners are aware of the Special Flood Hazard Areas and activities regulated by the Village of Bemus Point Flood Damage Prevention Local Law, and the additional development review procedures and/or permit requirements contained therein.

Applicability

- A. District Boundaries.** The FO District shall be comprised of all Special Flood Hazard Areas in the Village of Bemus Point as identified by the most recent Flood Insurance Rate Maps created and maintained by the Federal Emergency Management Agency.
- B. Use, Dimensional, and Bulk Requirements.** All use, dimensional, and bulk requirements of the underlying zoning districts shall apply, except where otherwise provided by the Village of Bemus Point Flood Damage Prevention Local Law.
- C. Relationships to Local, State, County, or Federal Regulations.** In case of conflict with other local, state, county, or federal regulations, the more restrictive shall apply.

Local Waterfront Revitalization Overlay (LWRO) District

Zoning Map: Focused on LWRO District



Purpose of the District

A Chautauqua Lake community, the Local Waterfront Revitalization Overlay (LWRO) District serves an important purpose with detailed objectives to achieve. This intent is summarized below and described in detail in the Zoning Law Update (§23.1).

Rationale for the District:

Chautauqua Lake is a sensitive and finite natural resource that warrants special land use regulations to protect water quality, ecological integrity, scenic character, and the safety of those who live on and recreate upon the lake.

General Purpose:

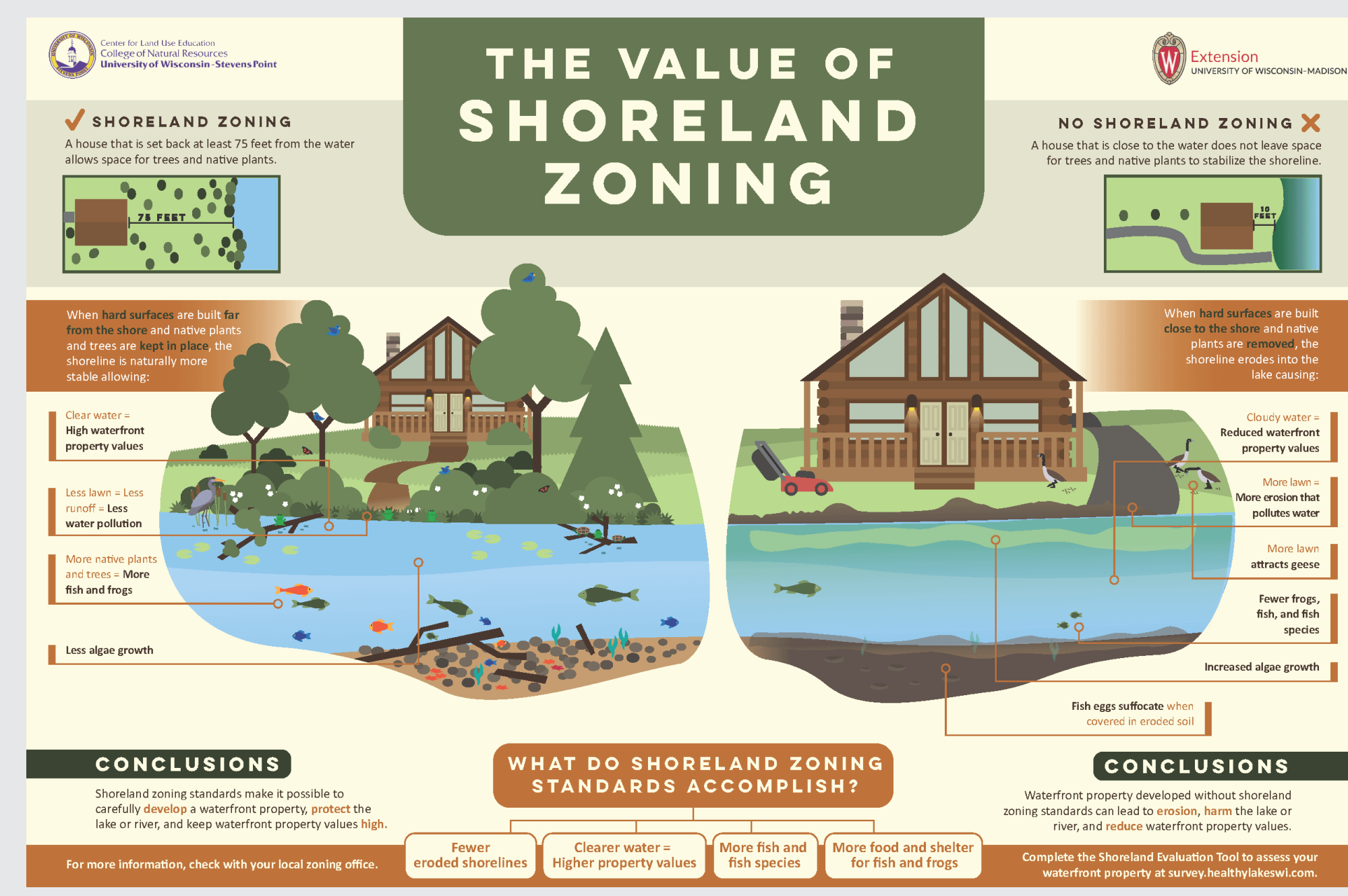
To ensure that development and activities within the waterfront area are planned and regulated in a manner that protects, enhances, and appropriately utilizes the Village's most valuable and vulnerable natural resource, Chautauqua Lake.

Alignment with Planning Initiatives:

The LWRO District established serves to implement the policies and objectives of the Chautauqua Lake Local Waterfront Revitalization Program (LWRP) and the recommendations of the Chautauqua Lake Watershed Management Plan, coordinating village zoning with regional initiatives.

Why the LWRO District Regulations Matter

Detailed in the diagram below from the University of Wisconsin - Stevens Point and the University of Wisconsin - Madison Extension, zoning that directs development with tools like setbacks and hard surface regulations along the shore, can support a variety of benefits.



Key LWRO Requirements:

LAKEFRONT CHECKLIST. Before issuing any permit, certificate of occupancy, or site plan approval, the Zoning Officer shall require the applicant to complete and sign a Lakefront Checklist certifying compliance with the LWRO District and to submit any required state or federal permit or exemption statement.

WATERFRONT CONSISTENCY REVIEW. All land use and development actions in the LWRO District shall be subject to the required Local Waterfront Consistency Review as required by Waterfront Consistency Review Law of the Chautauqua Lake LWRP.

Key Use, Dimensional, and Bulk Regulations:

UNDERLYING DISTRICTS. Existing zoning district regulations (use, dimensional, and bulk) remain in effect, except where more specific standards apply.

SETBACKS. No principal structure shall be located within 50 feet of the shoreline.

MINIMUM LAKE FRONTAGE. No lot subject to this section shall be created with lake frontage of less than 50 feet, measured at the Mean High Water Mark (MHW).

LOT COVERAGE. Total impervious coverage on a parcel shall not exceed 15% of the parcel area lying within 50 feet of the shoreline.

Other Key Regulations:

ACCESSORY STRUCTURE SETBACK. 25 foot no-build zone for accessory structures, with special use permit allowance between twenty five and fifty feet.

RESIDENTIAL DOCKING FACILITIES. Limit of 5 boats and 4,000 sf per docking facility, and one facility permitted per 50 ft of lake frontage.

VEGETATED SHORELINE BUFFER. A required 25 foot buffer measured landward from the water, with limits on clearing and one allowed access corridor per parcel.

STORMWATER AND EROSION CONTROL. On site stormwater management required for larger land disturbances, with no direct untreated discharge to the lake.

VIEW CORRIDOR PROTECTION. Public street ends and parks are protected as view corridors, with limits on the cumulative width of lakeward structures and on building height near the shoreline.

RESTRICTION OF FUNNELING. Extending lake access or dockage from a lakefront lot to non-lakefront owners is generally prohibited, with limited exceptions for existing rights and common association parcels.

Additional Use Regulations

The Village’s code provides additional regulations for uses that are generally considered to have a higher potential for incompatibility with residential or low impact commercial uses without proper mitigation measures. The purpose of these regulations is to provide clear, consistent, and context-sensitive standards for specific land uses that, by their nature, may require tailored controls beyond those applied within base zoning districts. These regulations are intended to ensure that such uses are designed, located, and operated in a manner that is compatible with surrounding development and reflective of the Village’s desired character. Uses listed in the table below include the section in the code that is applicable to additional regulations. Currently, the proposed regulations are compiled in Draft Article 25 (Additional Use Regulations).

Permitted Use Table

Land Use	R-1	R-2	R-3	MU-VC	MU-G	P	Additional Regulations
RESIDENTIAL							
Single-Family Dwelling	P	P	P	P	P	-	-
Two-Family Dwelling	-	P	P	P	P	-	-
Multi-Family Dwelling	-	-	P	P	P	-	Article 32
Upper Floor Dwelling Units	-	-	-	P	P	-	-
Live/Work Unit	-	-	-	P	P	-	§25.11
COMMERCIAL							
Retail Sales or Service Shop	-	-	-	P	P	-	-
Restaurant or Bar	-	-	-	P	P	-	§25.15
Brewpub	-	-	-	P	P	-	-
Brewery, Winery, or Distillery	-	-	-	-	P	-	§25.9
Office, Administrative or Professional	-	-	-	P	P	-	-
Medical Office or Clinic	-	-	-	-	P	-	-
Arts Studio or Shop	-	-	-	P	P	-	-
Health and/or Fitness Center	-	-	-	-	P	-	-
Social Club or Event Center	-	-	-	-	P	-	-
Animal Care Service	-	-	-	-	P	-	§25.7
Day Care	-	-	-	-	P	-	-
Funeral Home	-	-	-	P	P	-	-
Hotel or Inn	-	-	-	P	P	-	-
Marina or Boathouse	SP	-	-	P	-	SP	-
Bed and Breakfast (B&B)	SP	SP	SP	P	P	-	§25.8
Short-Term Rental (STR)	SP	SP	SP	P	P	-	§25.16
Vehicle Fuel Station or Wash	-	-	-	-	SP	-	-
Vehicle Sales or Repair	-	-	-	-	-	-	-
Adult Use	-	-	-	-	SP	-	§25.6
OTHER							
Institutional Use	-	-	-	P	P	P	-
Municipal Use	P	P	P	P	P	P	-
Recreation/Entertainment, Indoor	-	-	-	P	P	P	-
Recreation/Entertainment, Outdoor	-	-	-	SP	P	P	§25.14
School, Public or Private	P	P	P	-	-	P	-
Battery Energy Storage System	-	-	-	-	-	-	-
Solar Energy System, primary use	-	-	-	-	-	-	-
Wireless Communications Facility	SP	SP	SP	SP	SP	SP	§25.17
Parking Lot or Garage, primary use	-	-	-	SP	P	P	Article 32
ALTERNATE DEVELOPMENT CONFIGURATIONS							
Mix of Uses (single-structure or lot)	-	-	-	P	P	P	See Individual Uses
Cluster Residential	P	P	P	-	-	-	§26.5
Retirement Community or Life Care Facility	-	-	P	-	P	-	-
ACCESSORY / INCIDENTAL							
Accessory Uses or Structures	P	P	P	P	P	P	§25.3
Accessory Apartment	SP	SP	SP	SP	SP	-	§25.5
Drive-Through	-	-	-	-	-	-	-
Home Occupation	P	P	P	P	P	P	§25.10
Outdoor Seating, Sales, or Display	-	-	-	P	P	-	§25.12
Outdoor Storage, nonresidential	-	-	-	-	SP	SP	§25.13
Solar Energy System, roof-mounted	P	P	P	P	P	P	§25.3
Temporary Uses or Structures	P	P	P	P	P	P	§25.4

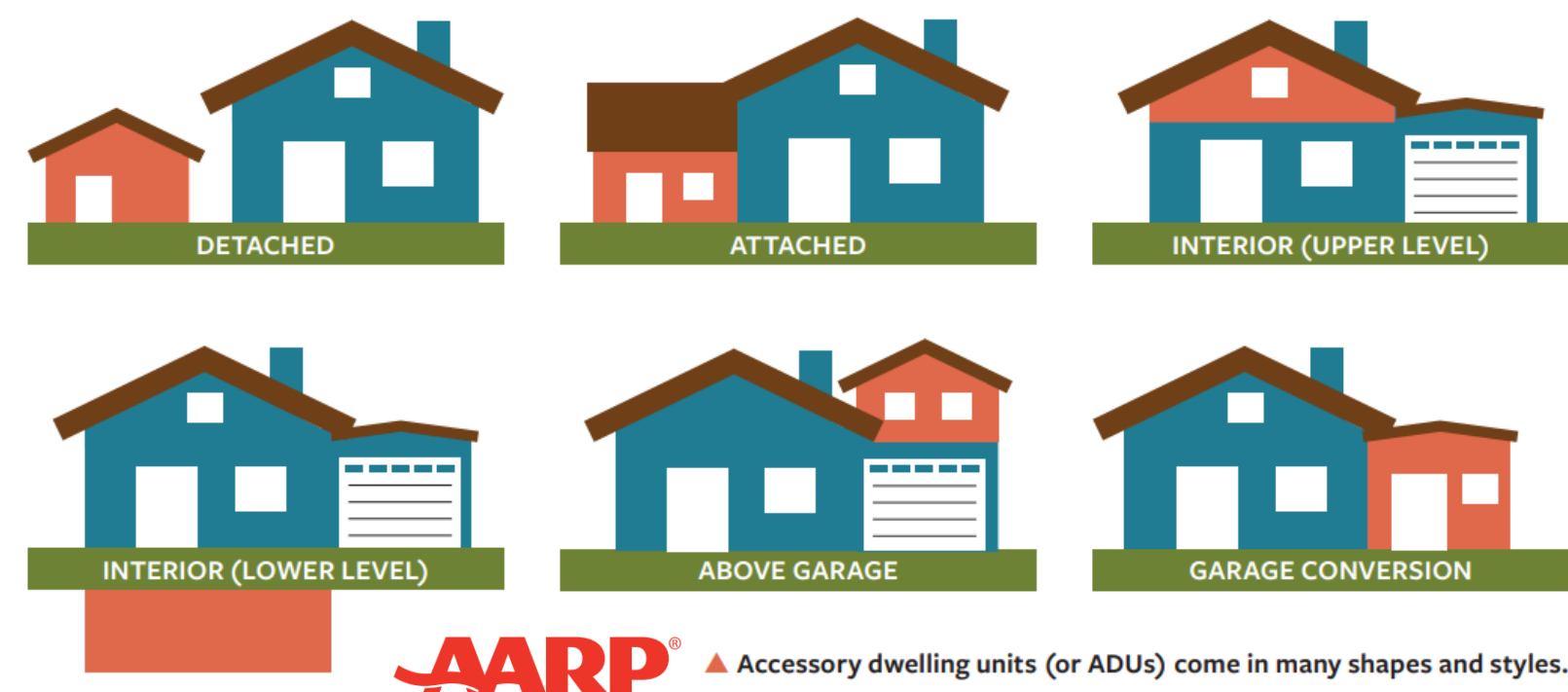
Applicability

- These additional regulations are applicable to all uses, Permitted (P) and Specially Permitted (SP), as noted in the Permitted Use Table - See “Additional Regulations” note to right.
- Specially permitted uses must obtain a special use permit and site plan review.
- Permitted uses do not require a special use permit. However, uses permitted by-right must conform to the requirements of this Article, where applicable, and obtain site plan review approval.

Accessory Apartment

Key regulatory considerations related to Accessory Apartments are summarized below:

- Accessory apartments may be permitted accessory to a single-family residence only. There shall be no more than one (1) accessory apartment per property.
- The individual sale or subdivision of an accessory apartment from the primary dwelling or lot is strictly prohibited.
- Accessory apartments may be located within the primary structure or an accessory structure, provided all lot area, bulk, and dimensional requirements may be met. Detached accessory apartments shall be setback at least 10 feet from the side and rear property line.
- The maximum floor area of an accessory apartment shall not exceed 30% of the primary residence gross habitable floor area or 1,000 square feet, whichever is less.
- An accessory apartment shall include no more than one (1) bedroom.
- Accessory apartment properties must provide the minimum number of off-street parking spaces for a single-family dwelling plus one (1) space.
- The owner(s) of the single-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units on the premises at least six (6) months of the year.



Accessory Uses & Structures

Below is a summary of key requirements for accessory uses and structures:

- Accessory structures under 150 square feet shall be permitted in all districts by-right. Those exceeding 150 square feet shall be subject to site plan review and approval.
- No more than two (2) accessory structures may be permitted on a single lot.
- All accessory uses and structures shall conform to the bulk and dimensional requirements of the district in which they are located. Projection and lot coverage allowances of certain accessory structures may be found in §26.4 (Yards, Courts, and Open Spaces).
- No accessory structure or use may be erected in any required front yard area
- Accessory structures must be finished with materials and/or finishes that are consistent and compatible with the existing character of the principal structure and surrounding neighborhood.
- The floor area of a garage or carport shall not exceed 30% of the primary structure or 1,000 square feet, whichever is less.
- Solar energy systems are permitted provided they are located on the roof of the structure and do not cause the structure to exceed maximum building height requirements. Ground mounted solar panels are not permitted.
- Lakefront Lot Requirements. See Article 23, LWRO District.

Short-Term Rentals (STRs)

Key regulatory considerations related to STRs are summarized below:

- It is presumed a property is being used as an STR if all or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of less than 30 days; and/or all or a part of the property is offered for lease for a period of 30 days or less through any form of advertising.
- An STR permit shall be required of all STRs, whether permitted or specially permitted by this Zoning Law
- One permit per dwelling unit. For example, a three-family home where all three dwelling units are proposed to operate as STRs shall require the issuance of three separate STR permits.
- STR permits shall be valid for a period of 12 months from the date of issuance and must be renewed to continue operation.
- No permit shall be issued for any owners that have had an STR permit revoked within the last 36 months.
- STR permits are not transferable to a new property owner. The new owner of an STR property must file for a new permit in accordance with this Section.
- In residential districts**, there shall be no more than 20 STR permits issued annually. The Village shall establish a waiting list for STR permits for instances where the number of applications exceeds that of the number of STR permits available.
- In nonresidential districts**, there shall be no limit on the number of STR permits.
- STRs must have a local contact person available to respond to any and all complaints within 12 hours after said complaint is filed with the Village of Bemus Point.
- Permissible STR occupancy shall be limited to no more than two (2) adults per bedroom. In no case shall an STR be permitted to have an occupancy over 10 adults.
- The minimum number of off-street parking spaces shall be 1 per bedroom.

Building & Site Design Standards

For Mixed Use Districts

The Zoning Law Update establishes design standards for two mixed use districts, Mixed Use Gateway (MU-G) and Mixed Use Village Center (MU-VC), to enhance the Village's character and foster high-quality investment. In the Village Center, these standards also guide the rehabilitation and reuse of existing buildings to maintain Bemus Point's historic character.

APPLICABILITY:

MU-G (Gateway): New construction, and modifications to buildings built after this law, for nonresidential, mixed use, and multi-family (5+ unit) buildings

MU-VC (Village Center): Modification, alterations, rehab, reuse, and construction of existing nonresidential, mixed use, civic, and multi-family buildings (5+ units)

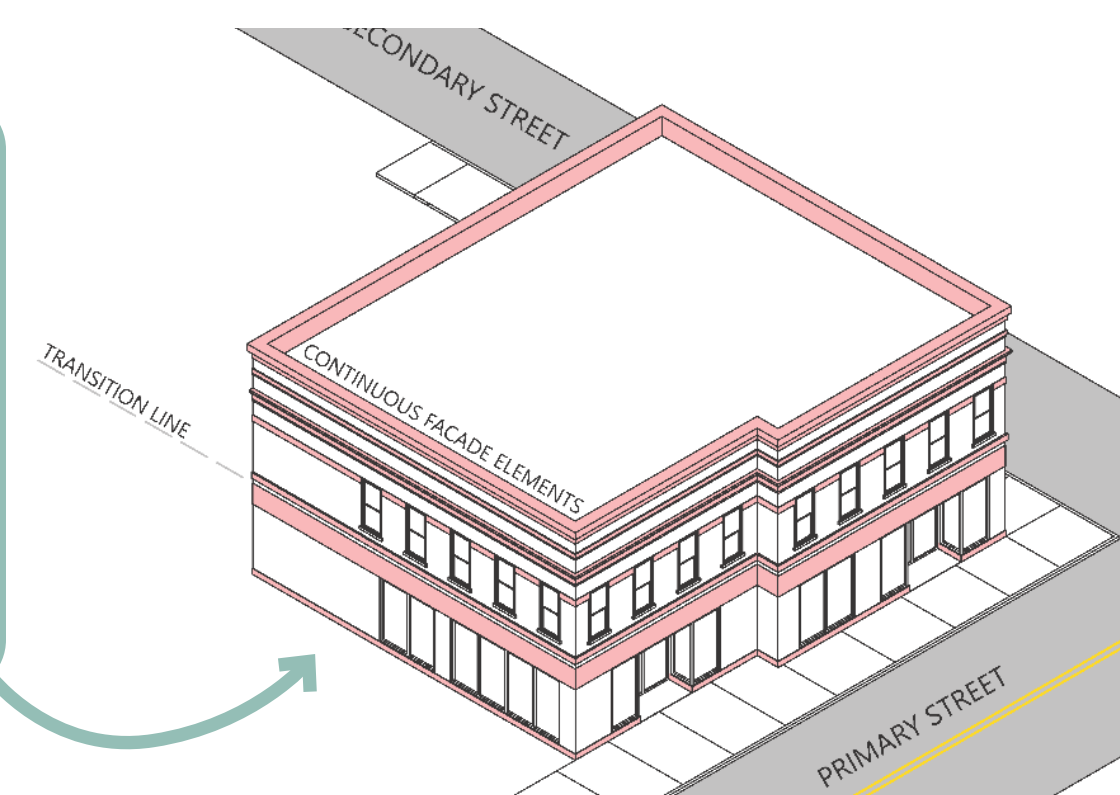
Note: New construction in MU-VC follows MU-G standards

Mixed Use Design Standards Address:

- **Building form and facades:** placement, massing, roof lines, windows, storefronts, and materials
- **Site design:** gateways, focal points, pedestrian and bicycle connections, and utilities
- **Transitions to residential areas:** compatible height, setbacks, roof form, and materials near homes
- **Historic preservation:** rehabilitation of existing structures, window and door openings, and masonry (MU-VC only)

MIXED USE DESIGN STANDARD EXAMPLES (WITHIN § 30.3 and § 30.4)

Building situated at street corners should "wrap" the corner by continuing certain facade design elements on all street elevations.



All buildings should exhibit a clearly defined base, mid-section, and crown.



Buildings of two or more stories shall have a transition line that creates distinction between the first and second stories.



No facade shall have a blank, uninterrupted width exceeding 40 feet without including architectural features that subdivides the wall into pedestrian-scaled portions.

MAX 40 ft

TRANSITION LINE

For Residential Uses

The Zoning Law Update establishes design standards for residential buildings across the Village to preserve the character of traditional neighborhoods while allowing new homes that meet modern living needs. These standards also encourage Universal Design practices to increase the availability of accessible homes.

APPLICABILITY:

Single, two, and multi-family dwellings, in any zoning district, for:

- Modification, alteration, or expansion of existing residential buildings
- Conversions of residential structures to nonresidential use, where permitted
- New construction of buildings designed exclusively for residential use

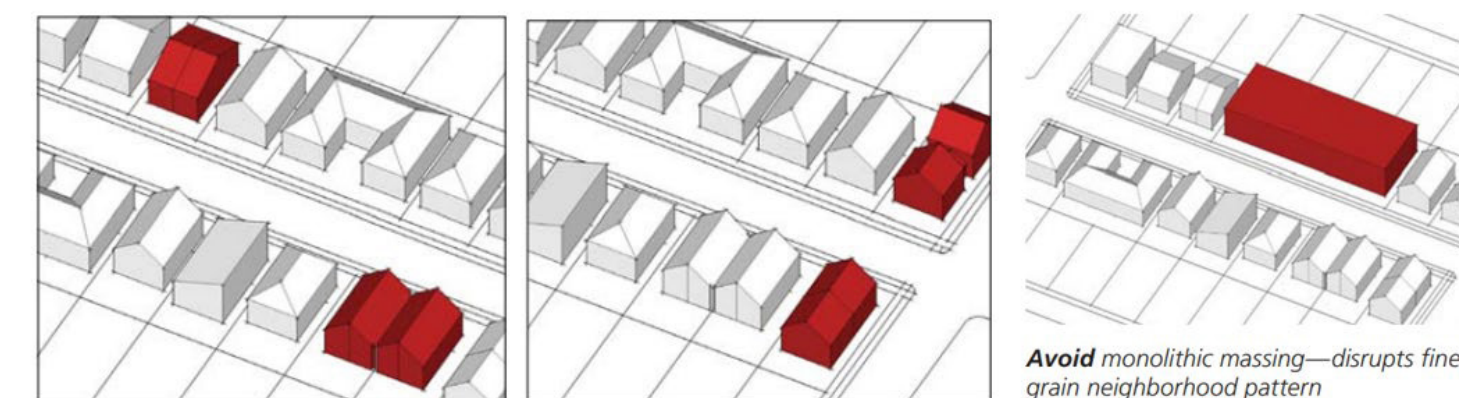
Residential Design Standards Address:

- **Site context and building design:** setbacks, height, orientation, and architectural variety
- **Facades and entrances:** windows, transparency, and pedestrian connections to sidewalks
- **Garages:** placement behind the front of the main building
- **Multi-family and infill transitions:** density, lot width, and buffers near single-family homes

DESIGN STANDARD EXAMPLE: INFILL RESIDENTIAL DEVELOPMENT (WITHIN § 32.4)

STREET FRONTAGE: The street frontage characteristics of the infill development shall be compatible with that of abutting properties, including:

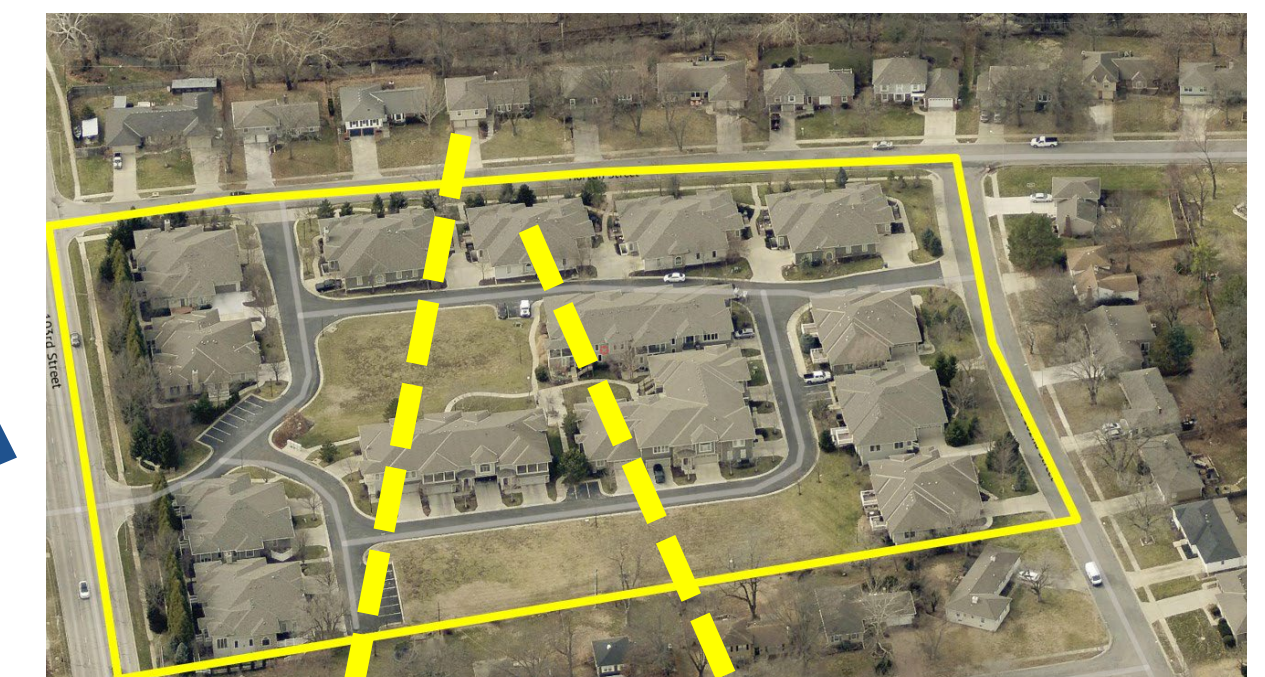
- A similar setback, which is no more than five (5) feet in front of or behind the front building line of the abutting properties.
- A similar building rhythm to the block on which it is located. This includes consistent spacing between buildings of adjacent existing properties as well as similar building widths.
- Use of greenery and landscaping in the lawn area and provision of street trees, where applicable.
- Strong connections between main entrances and sidewalks, including connectivity to the existing sidewalk network, where applicable.



SOURCE: Infill Design Toolkit – Portland, OR

DESIGN STANDARD EXAMPLE: MIXED RESIDENTIAL DEVELOPMENT TRANSITION OPTIONS (WITHIN § 32.3)

COMPATIBLE DEVELOPMENT: Match density to single-family or two-family scale, with compatible lot sizing and streetscape features.



LANDSCAPED BUFFER: Provide a vegetated buffer of natural vegetation, permanently maintained, separating the new development from existing single-family homes.



Circulation, Access & Parking | Landscaping & Screening

Purpose of Regulations

The purpose of these regulations is to guide the design of streets, parking, and site landscaping to support safe, functional development while protecting the Village's character and environment. They are intended to:

- ✓ Provide safe and logical circulation for vehicles, pedestrians, bicyclists, and emergency and maintenance equipment
- ✓ Avoid and mitigate traffic congestion, hazards, and conflicts between vehicles and pedestrians
- ✓ Protect users of adjacent properties from noise, fumes, and headlight glare caused by vehicle operation
- ✓ Protect Village character and property value from visual intrusion by incompatible development
- ✓ Minimize impervious surfaces and reduce loss of green space
- ✓ Support a healthy environment through shade, stormwater management, and erosion control
- ✓ Preserve existing trees, vegetation, and green space
- ✓ Support sustainable design and green infrastructure to improve the Village's resiliency to climate change
- ✓ Encourage multi-modal transportation and enhanced pedestrian safety

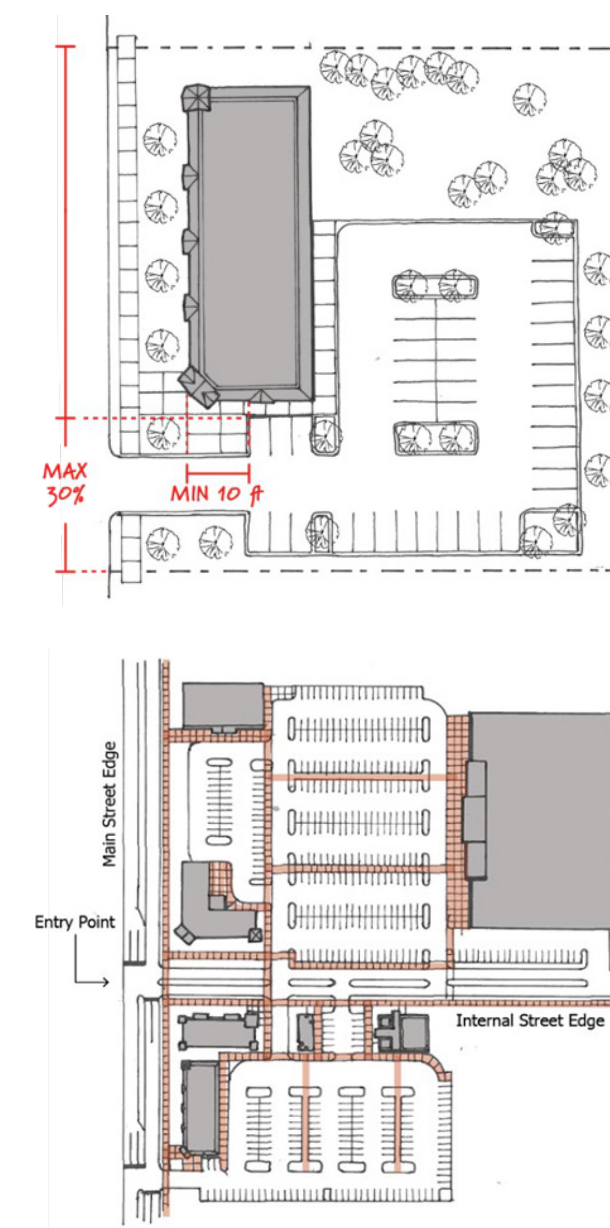
CIRCULATION, ACCESS & PARKING REGULATIONS ADDRESS:

- **Off-street parking requirements:** minimums, shared and joint parking, and alternative arrangements
- **Parking location and design:** yard restrictions, surfacing, dimensions, and stormwater
- **Bicycle and pedestrian access:** bike parking, sidewalks, and pedestrian connections
- **Driveways and access management:** spacing, width, sight distance, and intersection setbacks
- **Storage of vehicles:** rules for junk, heavy, and recreational vehicles or trailers

CIRCULATION, ACCESS & PARKING REGULATION EXAMPLES (Within §33.6 and § 33.8)

SIDE YARD PARKING IN THE MU-G DISTRICT: The parking area covers no more than 30% of the lot's frontage, is set back at least 10 feet behind the front of the building, and is screened from the street with landscaping or another visual buffer between three and five feet in height.

BICYCLE & PEDESTRIAN ACCOMMODATIONS: Parking areas of five or more spaces must include a clear pedestrian path connecting parking to building entrances and, where applicable, the public sidewalk. Sidewalks are required along the full length of street frontage, and crosswalks should highlight potential conflict points between vehicles, pedestrians, and bicyclists.



OFF-STREET PARKING MINIMUMS (§ 33.4)

MIXED USE - VILLAGE CENTER (MU-VC): There shall be no minimum parking requirements for existing development within the VC District. New development shall provide off-street parking spaces in accordance with the following table:

LAND USE	MINIMUM SPACES (MU-VC DISTRICT)
Residential	1 per dwelling unit
Lodging	1 per room
Other	3 per 1,000 square feet of gross floor area

ALL OTHER DISTRICTS: Off-street parking spaces shall be provided in all districts, except in the MU-VC District, in accordance with the following table:

LAND USE	MINIMUM SPACES
RESIDENTIAL	
Single- or Two-Family Dwelling	2 per dwelling unit
Multi-Family Dwelling	1 per dwelling unit
Upper Floor Dwelling Unit	1 per unit
Bed & Breakfast / Short-Term Rental	1 per bedroom
COMMERCIAL	
Retail Operation	3 per 1,000 square feet ²
Service Operation	2 per 1,000 square feet ²
Restaurant, Bar, or Tavern	4 per 1,000 square feet ²
Office, Administrative or Professional	2 per 1,000 square feet ²
Office or Clinic, Medical	3 per 1,000 square feet ²
Lodging	1 per guest room + 0.5 per employee ¹
Other Commercial Use	3 per 1,000 square feet ²
OTHER	
School / Daycare	1 per classroom + 1 per employee ¹
Public Use / Place of Public Assembly	0.5 per occupant, based on max occupancy
Home Occupation	As required for dwelling ⁴

- NOTES:
1. Based on the maximum shift.
 2. As measured by the gross floor area of the primary structure of the proposed use.
 3. 18 linear inches of pews, benches, or other similar seating shall be counted as one seat.
 4. No more than 2 additional spaces shall be allowed.

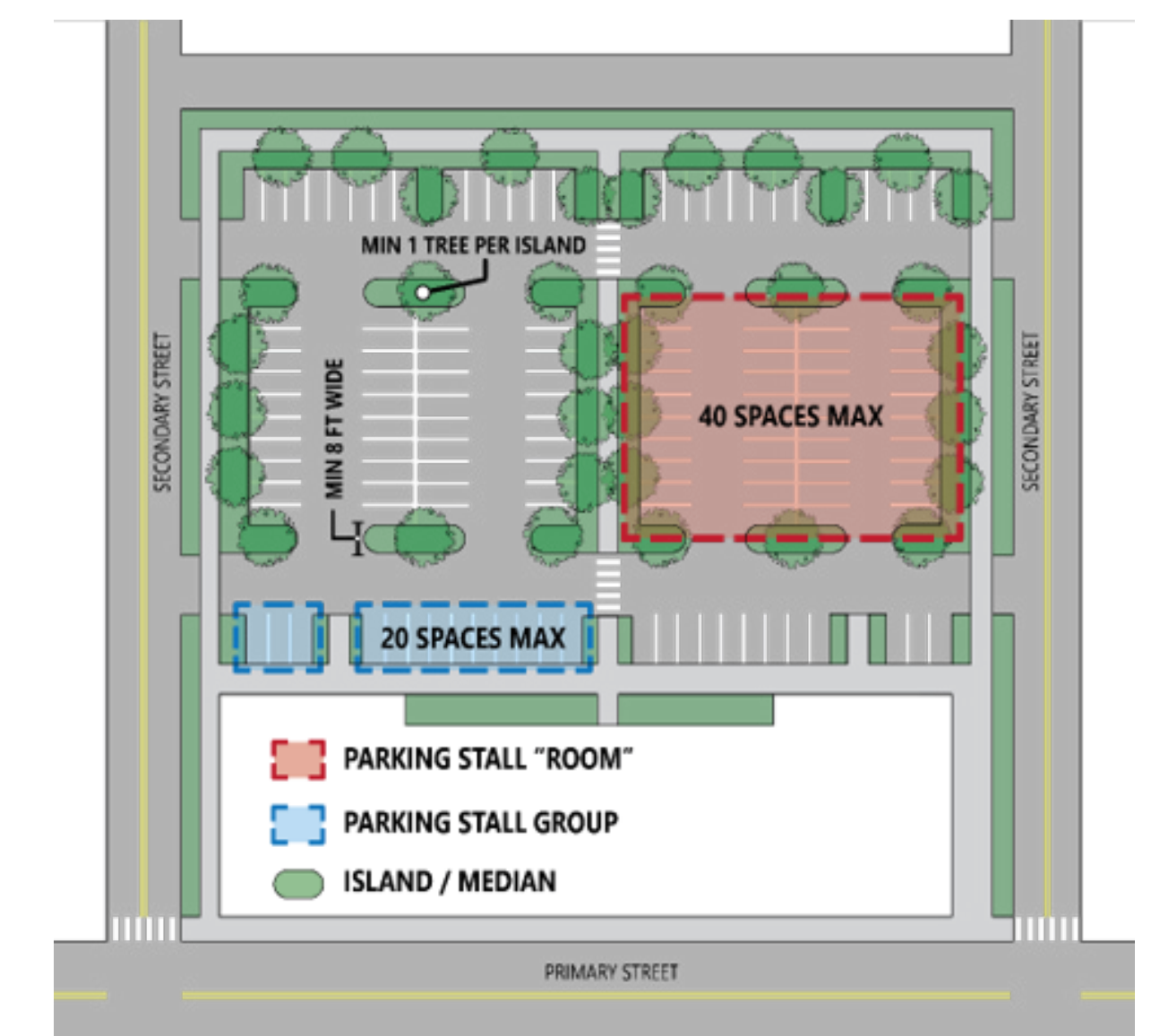
LANDSCAPING & SCREENING REGULATIONS ADDRESS:

- **Landscape plans:** required plans, plant specifications, native and existing vegetation
- **Site landscaping:** foundation plantings, street trees, and lawn areas
- **Parking lot landscaping:** shade trees, landscaped islands, and stormwater integration
- **Buffers and screening:** separation from residential uses, and screening for parking, dumpsters, and mechanical equipment
- **Maintenance:** ongoing care, replacement, and repair of required landscaping

LANDSCAPING & SCREENING REGULATION EXAMPLES FOR LANDSCAPING AREAS (Within §34.6)

OFF STREET PARKING:

Parking lots with 10 or more spaces require at least one shade tree per eight spaces to break up pavement and guide circulation. Larger lots are typically divided into smaller sections, or "rooms," using landscaped islands at least eight feet wide.



OFF STREET PARKING:

Green infrastructure for on-site stormwater management shall be integral to parking lot landscaping.



Signs & Outdoor Lighting

Signs

The purpose of this Article is to permit the use of signage within the Village of Bemus Point, while also promoting and protecting the health, welfare, and safety of the public. The intent of this Article is to achieve the following objectives:

1. Ensure right to free speech as protected under the United States Constitution;
2. Establish a clear and impartial process for those seeking to install signs;
3. Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
4. Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
5. Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way; and
6. Reduce the adverse effects of signage on the desirable aesthetic of the Village and on the general environment of the community.

Applicability

1. The regulations of this Article shall govern and control the erection, enlargement, expansion, renovation, operation, maintenance, relocation and removal of all signs within the Village visible from any street, sidewalk, public right-of-way, or public space.
2. The provisions of this Article shall not apply to safety signs, road signs, historical markers, highway directional signs, trail markers and wayfinding, or signs erected by governmental agencies or public service entities.
3. This Article shall not prohibit the customary holiday decoration of premises in any district.

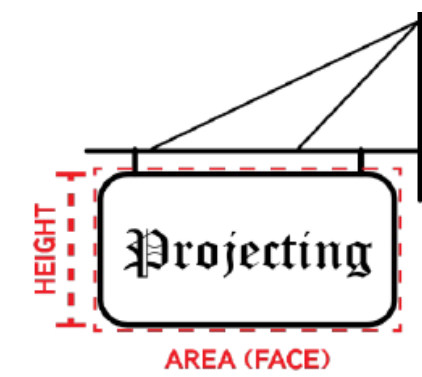
Ground Sign Regulations

	R-1, R-2, R-3	MU-VC	MU-G	P
Max Number	1 per lot	1 per lot	1 per lot	1 per lot
Max Area	10 sf	24 sf	32 sf	24 sf
Max Height	3 ft	4 ft	6 ft	4 ft



Projecting Sign Regulations

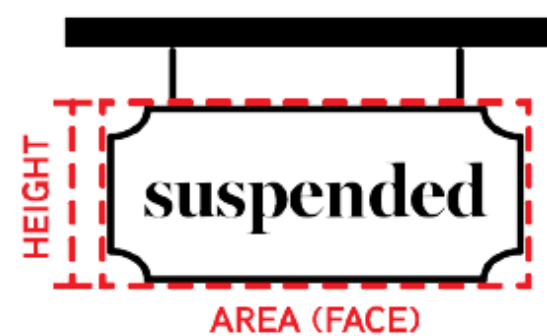
	R-1, R-2, R-3	MU-VC	MU-G	P
Max Number	-	1 per use	1 per use	-
Max Area	-	6 sf	8 sf	-
Max Height	-	2 ft	3 ft	-
Min Ground Clearance¹	-	9 ft	9 ft	-



NOTE: 1. Measured from the elevation of the ground directly beneath the center of the sign to the bottommost edge of the sign area.

Suspended Sign Regulations

	R-1, R-2, R-3	MU-VC	MU-G	P
Max Number	-	1 per use	1 per use	-
Max Area	-	6 sf	8 sf	-
Max Height	-	2 ft	3 ft	-
Min Ground Clearance¹	-	9 ft	9 ft	-



NOTE: 1. Measured from the elevation of the ground directly beneath the center of the sign to the bottommost edge of the sign area.

Awning Sign Regulations

	R-1, R-2, R-3	MU-VC	MU-G	P
Max Number	-	1 per awning	1 per awning	-
Max Area	-	50% of valence area	50% of valence area	-
Max Height	-	-	-	-
Min Ground Clearance¹	-	9 ft	9 ft	-

NOTE: 1. Measured from the elevation of the ground directly beneath the center of the awning to the bottommost edge of the awning.

Temporary Sign Regulations

	R-1, R-2, R-3	MU-VC	MU-G	P
Max Number	1 per use	1 per use	1 per use	1 per use
Max Area	10 sf	24 sf	32 sf	24 sf
Max Height	3 ft	4 ft	6 ft	4 ft

Allowable Signs Per District

ZONING DISTRICT	R-1, R-2, R-3	MU-VC	MU-G	P
Signs Not Requiring a Permit¹				
A-frame	-	○	○	○
Directional	○	○	●	○
Incidental	○	○	○	○
Lawn	○	○	○	○
Neon	-	●	●	-
Temporary Window	○	○	○	○
Signs Requiring a Permit				
Maximum # of Sign Types¹	1 per use	2 per use	2 per use	1 per use
A-frame, in public right-of-way¹	-	○	○	-
Awning	-	○	○	-
Ground	○	●	●	●
Projecting	-	●	●	-
Suspended	-	●	●	-
Wall	○	●	●	●

NOTE: 1. Signs not requiring a permit shall not count towards the maximum number of signs per use.

- = sign type is permitted and may be illuminated
- = sign type is permitted and may not be illuminated
- = sign type is not permitted

Sign Area Regulations



Single Sign Face



Individual Letter Sign



Free-Standing Sign

Wall Sign Regulations

	R-1, R-2, R-3	MU-VC	MU-G	P
Max Number	1 per building	2 per façade	2 per façade	1 per building
Max Sign Area	6 sf	24 sf	32 sf	24 sf
Max Area, Total	-	32 sf	50 sf	-
Max Height	3 ft	6 ft	6 ft	6 ft

Outdoor Lighting

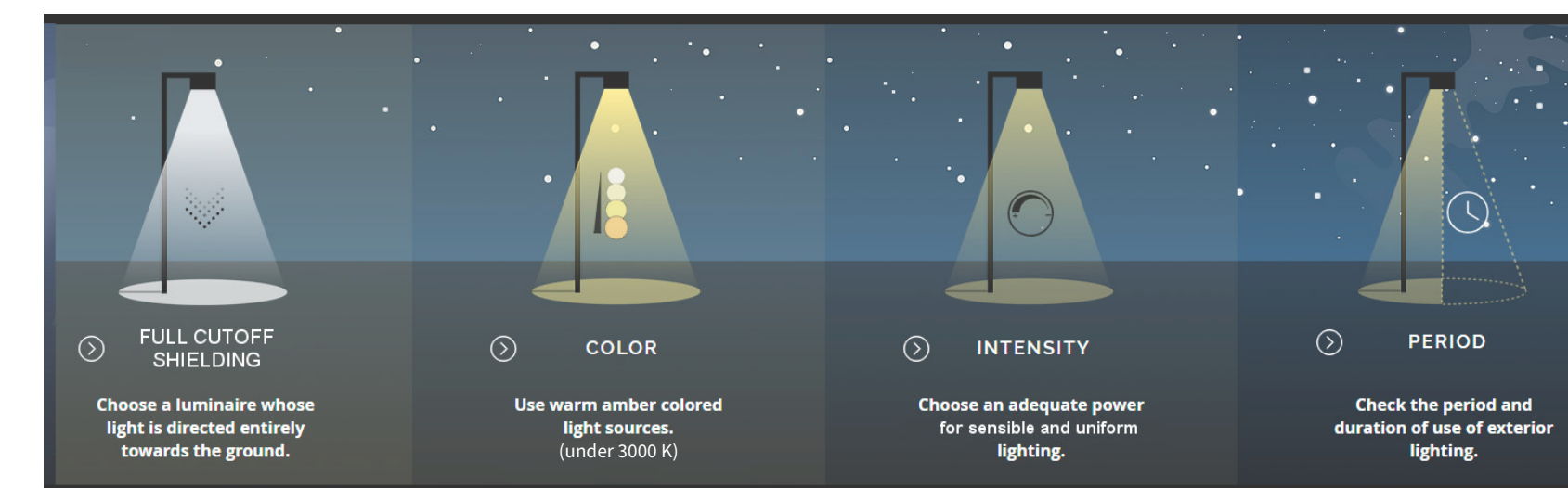
The purpose of this Article is to provide regulations for exterior lighting to achieve the following objectives:

1. Allow for the provision of exterior lighting as needed for visibility, security and as an accent to architectural and/or landscape features.
2. Permit the use of exterior lighting that does not exceed the minimum levels specified in the International Dark Sky Association and the Illuminating Engineering Society of North America recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.
3. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
4. Curtail light pollution, reduce skyglow and improve the nighttime environment.
5. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
6. Conserve energy and resources to the greatest extent possible.

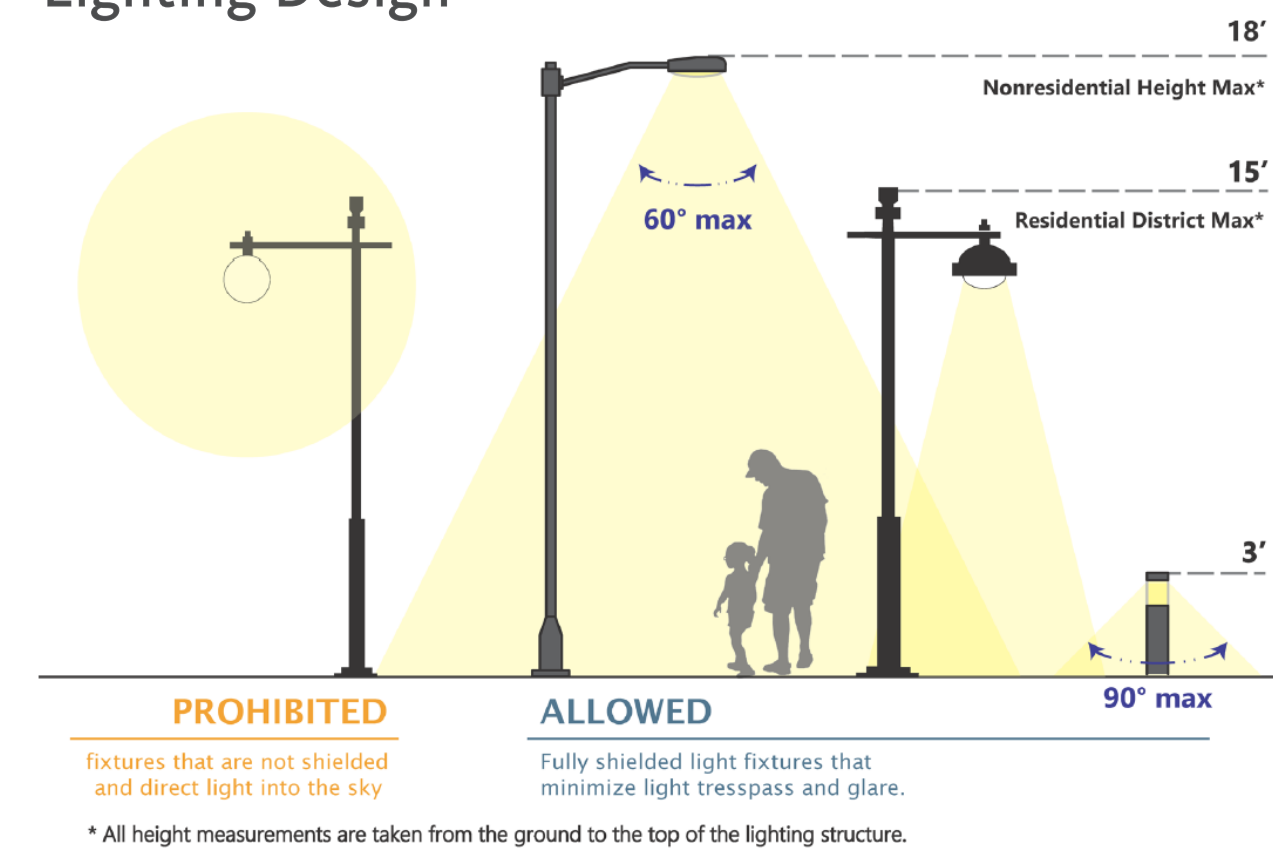
Applicability

- A. **Uses Subject to Regulation.** These regulations shall apply to all exterior lighting on any nonresidential or mixed use property.
- B. **Residential Property Compliance Encouraged.** Although exempt, exterior lighting on residential properties is strongly encouraged to be directed away from neighboring properties and follow the International Dark Sky Association guidelines, particularly with respect to shielding and light temperature, to reduce nuisances such as glare and light trespass.

Recommended “Dark Sky” Practices



Lighting Design



ILLUSTRATIONS BY BOB CRELIN. RENDERED FOR THE TOWN OF SOUTHAMPTON, NY. COURTESY OF INTERNATIONAL DARK-SKY ASSOCIATION.