

LOCAL LAW FILING

NEW YORK STATE DEPARTMENT STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State).

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**FILED
STATE RECORDS**

APR 08 2011

DEPARTMENT OF STATE

Village of Fleischmanns, Delaware County, New York

Local Law No. 1 of the year 2011.

A Local Law Repealing the Village Of Fleischmanns' Ordinance No. 57 of 1937 (Signs), Local Law No. 1 of 2003 (Off-street parking) and the existing Zoning Law and replacing these Laws in their entirety with a new Chapter 100 "Zoning" of the Code of the Village of Fleischmanns, New York (the "Village Code").

BE IT ENACTED by the Village Board of the Village of Fleischmanns, Delaware County, New York as follows:

Section 1. The *Zoning Law* of Village of Fleischmanns is hereby repealed and replaced in its entirety with *Chapter 100-Zoning* [attached as Exhibit A] of the Village Code of the Village of Fleischmanns, New York:

- A. *A. Authority.* Pursuant to the authority granted by Municipal Home Rule Law and Article 7, §7-708 of the State of New York of the Village Law, for the purpose of promoting the health, safety, morals and the general welfare of the community, the Village Board, by local law, is empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence and other purposes. As part of the comprehensive plan and design, the Village Board is empowered, by local law, to regulate and restrict certain areas as special historic places for the purpose of conservation, protection, enhancement and perpetuation of these places of local heritage. The New York State Municipal Home Rule Law also expressly authorizes a village to enact local laws relating to the "*protection and enhancement of its physical and visual environment*" (i.e. the authority to adopt Design Guidelines).
- B. *Design Guidelines Appended.* To encourage high quality and aesthetically pleasing design of commercial, residential and mixed-use properties within the Village's new MX-Mixed Use District, the Village of Fleischmanns hereby appends the document entitled "Design Guidelines," dated September 30, 2010 to this Chapter 100 as Schedule III. This document shall provide general guidelines and principles appropriate to the site design of commercial, residential and mixed-use properties as well as the architectural features of such buildings, along with visual examples of attractive and effective application of such design principles for use in the development of site plan applications, building elevations and as a basis for the Planning Board's review of such applications."

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

Section 2. *Ordinance No. 57 of 1937 (Signs)* and Local Law No. 1 of 2003 (Off-street parking) of the Village of Fleischmanns are hereby repealed and replaced in their entirety with *Article X –Signs of Chapter 100-Zoning* and *Article IX – Supplementary Off-street Parking and Loading Requirements of Chapter 100-Zoning* of the Village Code of the Village of Fleischmanns, NY [attached as Exhibit A]:

A. Authority. Pursuant to the authority granted by Article 7 of the State of New York of the Village Law, the Village Board is adopting new Sign Regulations within the new Zoning Law in order to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space, and curb the deterioration of the community's appearance and attractiveness.

Section 3. ENABLING LEGISLATION.

This Local Law is adopted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law of the State of New York and Article VI, §7-708 of the State of New York of the Village Law.

Section 4. SEVERABILITY.

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

Section 5. EFFECTIVE DATE.

This Local Law shall take effect upon its filing with the Secretary of State.

ZONING

Chapter 100

Village

of

FLEISCHMANN'S, NEW YORK

Adopted by:

Fleischmann's Village Board

February 10, 1997

Amended:

March 21, 2011

Original Law Prepared by:

Delaware County Planning Department

Revised Law Prepared by:



Planit Main Street, Inc.

March 21, 2011

ZONING

Table of Contents

ARTICLE I General Provisions

- §100-1. Authority.**
- §100-2. Enactment and title.**
- §100-3. Declaration of purpose.**
- §100-4. Separability.**
- §100-5. Effective date.**

ARTICLE II Definitions

- §100-6. General.**
- §100-7. Specific terms.**

ARTICLE III Application of Regulations

- §100-8. Applicability.**

ARTICLE IV Zoning Districts Established; Zoning Map

- §100-9. Establishment of districts.**
- §100-10. Boundaries.**

ARTICLE V Use Regulations

- §100-11. Permitted uses in all districts; Table of Use Regulations.**
- §100-12. R - Residential District.**
- §100-13. GV- General Village District.**
- §100-14. C - Commercial District.**
- §100-15. I - Industrial District.**
- §100-16. MX - Mixed Use District.**
- §100-17. H - Historic District (overlay).**
- §100-18. FH - Flood Hazard District (overlay).**

ARTICLE VI Supplementary Yard Regulations

- §100-19. Height restrictions.**
- §100-20. Required yards and yard maintenance.**
- §100-21. Projections into required yards.**
- §100-22. Corner lots.**
- §100-23. Corner clearance.**
- §100-24. Through lots.**
- §100-25. Lighting.**

ZONING

ARTICLE VII

Supplementary Regulations For Accessory Structures

- §100-26. Dumpster enclosures.**
- §100-27. Permit for temporary uses and structures.**
- §100-28. Swimming pools.**
- §100-29. Walls, fences and hedges.**

ARTICLE VIII

Supplementary Regulations For Accessory Uses

- §100-30. Home occupation, minor.**
- §100-31. Home occupation, major.**
- §100-32. Garage sales.**
- §100-33. Miscellaneous regulations.**

ARTICLE IX

Supplementary Off-Street Parking and Loading Requirements

- §100-34. General provisions**
- §100-35. Design standards**
- §100-36. Schedule of off-street parking requirements.**
- §100-37. Off-street loading areas.**

ARTICLE X

Signs

- §100-38. Requirements for permits.**
- §100-39. Exempt signs.**
- §100-40. Prohibited signs.**
- §100-41. Signs allowed for business uses in all districts.**
- §100-42. Design and construction standards.**
- §100-43. Sign permit.**
- §100-44. Computation of sign area.**
- §100-45. Pre-existing and non-conforming signs.**
- §100-46. Penalties for offenses and removal of signs.**

ARTICLE XI

Site Plan Review and Special Permits

- §100-47. Site plan review.**

ZONING

§100-48. Special permits.

§100-49. Special conditions and safeguards for certain uses.

§100-50. Retention of experts.

ARTICLE XII

Nonconforming Buildings, Uses and Lots

§100-51. Non-conforming buildings and uses.

ARTICLE XIII

Administration and Enforcement

§100-52. Enforcement officer.

§100-53. Building permits.

§100-54. Building permit applications.

§100-55. Certificate of occupancy.

ARTICLE XIV

Planning Board

§100-56. Creation, appointment and organization.

§100-57. Powers and duties.

§100-58. Actions subject to SEQRA

ARTICLE XV

Zoning Board of Appeals

§100-59. Zoning Board of Appeals.

§100-60. Powers and duties of Zoning Board of Appeals.

ARTICLE XVI

Violations and Penalties

§100-61. Violations and penalties.

ARTICLE XVII

Amendments

§100-62. Amendments.

APPENDICES

Schedule I - Table of Use Regulations

Schedule II - Table of Lot and Bulk Requirements

Schedule III – Design Guidelines

Zoning District Map

Historic District Overlay Map

Flood Hazard Overlay Map

ZONING

ARTICLE I General Provisions

§100-1. Authority.

Pursuant to the authority conferred by Municipal Home Rule Law and by Article 7 of Village Law of the State of New York, the Board of Trustees of the Village of Fleischmanns, New York, hereby adopts and enacts as follows.

§100-2. Enactment & title.

A comprehensive zoning plan for the Village of Fleischmanns is established and set forth in the text, map and schedules that constitute this Law. This Law shall be known and cited in the long and short form below:

- A. Long title: "A law regulating and restricting the location, construction and use of buildings and structures and, the use of land in the Village of Fleischmanns, County of Delaware, State of New York."
- B Short title: the "Zoning Law of the Village of Fleischmanns."

§100-3. Declaration of purpose.

This Law is enacted in accordance with a comprehensive plan and is designed to lessen congestion in the streets; to secure from fire, panic, floods, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of the land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The regulations contained in this Law are made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of the buildings and encouraging the most appropriate use of land throughout the Village.

§100-4. Separability.

If any section, subsection, or phrase of this Law is declared to be invalid, such invalidity shall not affect any other portion of this Law.

§100-5. Effective date.

This Law, and any amendment thereto shall be in effect on the day of its publication following adoption and filing with the Secretary of State's Office.

ZONING

ARTICLE II Definitions

§100-6. General.

For the purpose of this Law, certain terms or words used herein shall be interpreted as follows:

- A. Unless the context clearly indicates otherwise, words used in present tense include future tense; words used as singular include plural; and words used in plural include singular.
- B. The words "herein" and "requirement" mean "in and of this Law." "Person" includes a corporation, partnership, association, club or any other group; "shall" and "must" are always mandatory; "building" includes a structure or any part thereof, "used" or "occupied" as applied to land or building is construed to include the words "intended, arranged for or designed to be used or occupied." The word "lot" includes the words "plot" or "parcel." The word "village" is the Village of Fleischmanns in Delaware County in New York State.

§100-7. Specific terms.

As used in this Law, unless the context or subject matter otherwise requires, the following words shall have the following meanings:

ACCESSORY - "Accessory use or structure" means a use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use of structure and may include alternative energy systems.

AGRICULTURE - The use of the land for the raising of crops, horticulture, gardening and the necessary accessory uses for packing, treating and storing the produce.

ALTERATIONS - As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

ALTERNATIVE ENERGY SYSTEMS - Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached or separate from the principal structure.

AUTOMOBILE REPAIR SHOP - A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

AUTOMOBILE SALES AND SERVICE - The use of any building, land area, or other premise principally for the display, sale, rental, or lease of new or used automobiles and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

AUTOMOBILE SERVICE STATION - Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories or the operation of a convenience store.

BED & BREAKFAST - Owner occupied one-family dwelling used for providing overnight accommodations that may include a morning meal to transient lodgers, containing not more than five bedrooms for such lodgers.

ZONING

BOARDING OR LODGING HOUSE - Is a building other than a hotel or motel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons. Individual cooking facilities are not provided.

BUFFER ZONE - An area of specified dimension extending between the property line and a permitted structure or use which shall remain in a natural state or be improved with landscape materials and fences as may be required under site plan or special permit approval. It shall not be used or encroached upon by any activities, and it shall provide adequate separation and protection from inharmonious or incompatible uses.

BUILDING - Any structure, which is permanently affixed to the land, has one or more floors and a roof, and is intended for shelter, housing or enclosure of persons, animals or chattel.

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

BUILDING HEIGHT - The vertical distance measured from the mean level of the finished grade to the top of the highest roof beams on a flat roof, to the deck level on a mansard roof, or the average distance between the eaves and ridge level for gable, hip and gambrel roofs. Chimneys, spires, mechanical penthouses and similar appurtenances are exempt from height restrictions.

BUILDING LINE - A line parallel with the front, side, and rear property lines, respectively, beyond which a structure may not extend as determined by this Law.

BUILDING PERMIT - Means the written authorization issued by the Village Code Enforcement Officer to an applicant to perform certain work after complying with this and other laws as required.

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

CAMPSITE - Any one or more of the following: a parcel of land designed to accommodate two or more camps, recreational vehicles or transitory living arrangements, or buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as "day camp" purposes, or for overnight, weekend or longer periods of camping by organized groups.

CARPORT - A roofed structure used for the storage of one or more automobiles and will be considered an accessory building.

CLUB - Any organization catering to members and their quests, or premises and buildings for recreational or athletic purposes and not open to the general public; which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising, or commercial activities except as required for the membership and purposes of such club. For the purpose of this Law, clubs shall include lodges, fraternal organizations, mutual benefit societies, and other like organizations.

CLUBHOUSE - A building to house a club or social organization not conducted for private profit that is not operated by or in connection with a public tavern, cafe or other public place.

CODE ENFORCEMENT OFFICER - The person authorized and empowered by the governing body to administer the requirements of this Law.

COMMUNITY SERVICES - A building or portion of a building owned or operated by an individual(s) or a governmental agency to provide religious, fraternal, governmental, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

ZONING

COMPREHENSIVE PLAN - The Village of Fleischmanns Comprehensive Plan, prepared pursuant to §7-722(2)(a) of the NYS Village Law and adopted by the Village Board on December, 14 2009 including any amendment thereto hereafter adopted.

CONDOMINIUM - A single dwelling unit under individual ownership together with other purchasers of the common elements of the structure, land and appurtenances, within a two-family or multiple dwelling unit structure.

CONVENIENCE STORE - Establishments that deal in retail sales of convenience goods primarily food products, household items, newspapers and magazines, candy and beverages, and a limited amount of freshly prepared foods for on or off-premises consumption.

CULTURAL FACILITIES - Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include art galleries, botanical gardens, historic and educational interests, libraries, museums or cultural interest.

DAYCARE, CENTER – A facility licensed or authorized and regulated by the State of New York Department of Social Services or other state agency having a jurisdiction where care is provided, for more than five hours per week, for three or more children away from their own homes for less than 24 hours per day in a facility which is operated for such purposes.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or structures, commercial tree harvesting/clearing, drilling operations, dredging, excavation, filling, grading, mining, paving, or placement of material or movable structures in FEMA designated flood zone, but excluding normal maintenance to roads.

DWELLING, MULTI-FAMILY - A residential building designed for year-round occupancy by three or more families with the number of families in residence not exceeding the number of dwelling units.

DWELLING, RESIDENCE-ABOVE-THE-STORE - A dwelling unit situated above a non-residential use that is situated on the first floor of a multi-story building.

DWELLING, SINGLE-FAMILY - A detached residential dwelling designed for year-round occupancy and occupied by one family, other than a manufactured home, camp or recreational vehicle.

DWELLING, TWO-FAMILY - A detached residential building on a single lot designed for year-round occupancy containing two dwelling units, designed for occupancy by not more than two families living independently of each other.

DWELLING UNIT - Any building or portion thereof designed, occupied, or intended for year-round occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single person or family maintaining a household.

ESSENTIAL SERVICE - Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone switching centers, electrical or gas substations, water treatment or storage facilities, pumping stations, sewerage treatment and similar facilities.

EXCAVATION (quarry, sand pit, top soil stripping) - A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or top soil for sale, as an industrial or commercial operation, but does not include the process of grading a lot preparatory to the construction of a building which has an approved building permit.

ZONING

FAMILY - One or more persons related to each other by blood, marriage, legal adoption or guardianship; or a group of individuals not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability and functioning as a family unit.

FENCE - An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

FLOODWAY - The channel of a natural waterway and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the flood flow of a natural waterway.

FLOOR AREA, GROSS – The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches.

FLOOR AREA, NET - The sum of the horizontal area of a structure proposed to be used as a floor, and not including basements or attics, measured from the inner faces of exterior walls.

FOOT-CANDLE – A foot-candle is a quantitative unit measuring the amount of light falling on a surface, all points of which are one foot from a uniform point source of one candle.

GARAGE, PRIVATE - Any accessory building not operated for gain and used in conjunction with a residential building, which provides for the storage of motor vehicles and/or other household items.

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

GAS & FUEL DISTRIBUTOR – An establishment for the on-site containment in bulk of fuel and subsequent distribution of same to retail suppliers or homeowners and businesses, including but not limited to heating oil, diesel fuel, kerosene, or propane.

HOME OCCUPATION - An activity carried out for gain by a resident conducted entirely within the residence in which the resident resides, or within an accessory building, that is clearly incidental and secondary to the primary use of the premises for residential purposes.

HOME OCCUPATION, MAJOR - A home occupation as defined in this Law that meets all the criteria as provided in Section 100-31 of this Law.

HOME OCCUPATION, MINOR - A home occupation as defined in this Law that meets all the criteria as provided in Section 100-30 of this Law.

HOTEL or MOTEL – A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services and recreational facilities. In a hotel rooms are accessed from an interior hallway wherein rooms in motels have access to an exterior sidewalk or balcony.

HOUSE OF WORSHIP - A church, synagogue, temple, mosque, or other facility designed for the primary use of conducting formal religious services and that is used for prayer by persons of similar beliefs.

ZONING

JUNKYARD - Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefore, for the purpose of reclaiming for use some or all of the materials therein, whether glass, fabric or otherwise, for the purpose of disposing of the same or for any such purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles (General Municipal Law §136).

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

LOT - A designated parcel, tract or area of land established by a filed plat or subdivision or as otherwise permitted by law.

LOT, CORNER - A lot at the junction of and fronting on two or more intersecting streets.

LOT, THROUGH - An interior lot having frontage on two parallel or approximately parallel streets.

LOT COVERAGE - The portion of a lot that is covered by buildings or accessory structures.

LOT DEPTH - The mean distance from the centerline of the street to its opposite rear line measured in the general direction the sidelines of the lot.

LOT FRONTAGE - The front of a lot shall be construed to be the portion nearest the roadway. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to roadways shall be considered frontage, and yards shall be provided as indicated under "Yards" in these definitions.

LOT LINE - Any boundary line of a lot.

LOT WIDTH - The horizontal distance between side lot lines, measured at the required front setback line.

MANUFACTURED HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit when affixed to a permanent foundation or placed on a concrete slab and connected to the required utilities. Manufactured homes are built to the U.S. Department of Housing & Urban Development standards.

MANUFACTURED HOME PARK- Any site, lot, field, plot, parcel or tract of land on which two (2) or more manufactured homes are parked or located and for which use said premises are offered to the public or to any person for a fee of any type, including cost sharing.

MODULAR HOME – A home that is constructed to New York State Building Code standards, partially assembled in a factory and transported to a home site in a minimum of two sections, each of which are transported to building site separately, with installation of heating system and application of siding coming after erection of the home, and which is indistinguishable in appearance from conventionally built homes.

NON-COMPLYING BULK - That part of a structure or land use that does not comply with one (1) or more of the bulk requirements herein.

NON-CONFORMING LOT - Any lot, which legally existed at the time this Law, was enacted and which is deficient in depth, width, frontage, area or other dimensional requirement when compared to the present requirements of the zoning district.

ZONING

NON-CONFORMING STRUCTURE - Any structure, building, or sign, which legally existed at the time of enactment of this Law or any amendment thereto which does not conform to the bulk regulations of the zoning district in which it is situated and which was legally constructed, altered, or enlarged under any prior zoning law or was in existence before any zoning law was enacted by the Village Board.

NON-CONFORMING USE - Any use of structures or land, which legally existed at the time of enactment of this Law or any amendment thereto, which is not a permitted use, permitted accessory use or special permit use as specified in the regulations applicable to the zoning district in which such use is located.

OFFICE - A building or a portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

PARKING SPACE, OFF-STREET - An off-street area or berth with an appropriate means of vehicular access to a street, intended for temporary storage of vehicles.

PERMITTED USE (or use of right) - A land use allowed under the regulations of this Law.

PERSONAL SERVICES - Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

PHOTOMETRIC PLOT - A photometric plot is a diagram depicting the location of all light poles and building mounted lighting fixtures that contribute to area lighting, and numeric foot-candle values for maintained lighting levels which may be represented in a point-by-point grid or an iso-lumen plot depicting contour lines of equal light level.

PORCH, OPEN - Means a porch open on one or more sides, except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash.

PRINCIPAL USE OR STRUCTURE - The primary use of land, as distinguished from a secondary or accessory use, and the building or structures in which such use is conducted.

RESIDENTIAL CARE FACILITY - A facility licensed or supervised by an appropriate Local, State, or Federal agency to provide resident services and minimum supervision. Such a facility is headed by an agency-approved staff and functions as a single housekeeping unit. The term Residential Care Facility shall include family care homes, foster homes, and group homes serving elderly, physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons not constituting a family.

RESTAURANT – Any establishment primarily offering sit-down dining for sale and consumption of food and drink on-premises.

RESTAURANT, TAKE OUT – Any establishment primarily offering, for sale, take-out food and drink for consumption off-premises including commercial food stands. Such businesses may include a drive-thru window where orders are placed and food items picked up by patrons for off-premises consumption.

RETAIL STORE – An establishment engaged in the selling or rental of goods or merchandise to consumers and in rendering services incidental to the sale of such goods.

RIGHT-OF-WAY - Land set aside for use as a street, alley, or other means of travel.

SELF-STORAGE FACILITY – A public facility for storage of personal, household or business property which is serviced by the owner of the stored property or an agent of the owner for periods of at least 30 days or greater. The term "self-storage facility" includes all similar uses and terms but shall not be construed to mean warehouse.

SETBACK - The minimum distance between a principal structure or use and the edge of the traveled right-of-way (e.g. edge of pavement or outside curb) that abuts the front yard of a lot.

ZONING

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

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

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

SIGN - Any device, structure, or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

SIGN AREA - The area defined by the edge of a sign. Where there is no geometric edge of the sign, the area shall be defined by the projected, enclosed four-sided (straight sides) geometric shape, which most closely outlines the sign.

SIGN, AWNING - A roof-like covering of canvass, fiberglass or other material attached to a metal or other frame and supported entirely by a building or structure.

SIGN, DIRECTIONAL - Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and exit.

SIGN, FREESTANDING - Those signs that are affixed to the ground and not attached to the building.

SIGN, MONUMENT - A freestanding sign either affixed to a base on the ground or mounted on short poles no greater than two (2) feet high.

SIGN, PERMANENT - Any sign intended and installed to be permanently in place at a given location by means of suitable fastening to a building or to a structure specifically erected to hold such sign (s) or to the ground.

SIGN, PROJECTING - A sign which is affixed to an exterior wall of a structure extending perpendicular or at an angle of more than 30' to the wall plane.

SIGN, TEMPORARY - A sign or advertising display constructed of cloth, canvas, fabric, plywood or other lightweight material and designed or intended to be displayed for a short period of time.

SIGN, WALL - A sign, which is affixed to or painted on an exterior wall of a structure and in the same general plane as the wall.

SIGN, WINDOW - A sign permanently installed on a window for purposes of viewing from the outside of the premises. This term does not include merchandise located in the window.

SITE PLAN - A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, parking areas, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board in conformance with this Law.

SITE PLAN REVIEW - A review and approval process, conducted by the Planning Board, whereby Site Plans are reviewed utilizing criteria stated in this Law.

SOLAR ACCESS - A space open to the sun and clear of overhangs or shade.

SPECIAL PERMIT USE - Those particular uses that are specifically permitted in a given district only when criteria enumerated in this Law are met.

ZONING

STREET, CENTERLINE - The midpoint of the traveled road surface.

STRUCTURE - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, signs, billboards and poster panels.

SWIMMING POOL - Any body of water, or receptacle for water, having a capacity of (500) five hundred gallons or more, used or intended to be used for swimming, bathing, or wading and installed or constructed either above or below ground.

TAVERN - An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

THEATRE - A building or part of a building used to show motion pictures or for drama, dance, musical or other live performances.

TOURIST HOME - A private home that is not occupied by an owner or manager and is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis.

TRANSIENT GUEST - A guest for only a brief stay, such as the traveling public.

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

VARIANCE - The authorization by the Zoning Board of Appeals to vary or modify the application of any provisions of this Law relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of this Law is observed, public safety and welfare secured and substantial justice done.

YARD, FRONT - The space extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the front of the building setback.

YARD, REAR - The space extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the rear setback line. "Yard, side" means the space on the same lot with a principal building between that principal building and the side lot line, extending through from the front yard to the rear yard.

YARD, SIDE - The space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

VETERINARIAN CLINIC - A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to hospital use.

WAREHOUSE - A building used primarily for the storage of goods and materials other than self-storage as defined herein.

WHOLESALE - Establishments primarily engaged in the selling of merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, building contractors or other wholesalers.

ZONING BOARD OF APPEALS - Is that Board which has been created by the Village Board to hear and determine appeals and variances to zoning regulations.

ZONING DISTRICT - The area that is zoned as set forth on the Official Zoning Map.

ZONING

ARTICLE III

Application of Regulations

§100-8. Applicability.

Except as hereinafter provided:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used for any purpose or in any manner other than as permitted in the district in which such building or land is located.
- B. No Building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- C. No building shall be erected, no existing building shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.
- D. No yard or other open space provided around any building for the purpose of complying with the provisions of this Law shall be considered as providing a yard or open space on one lot shall be considered as providing a yard or open space for any building or any other lot.
- E. If a use of building is not specifically permitted, as a principal use or use by Special Permit, it shall be deemed prohibited.

ZONING

ARTICLE IV

Zoning Districts Established; Zoning Map

§100-9. Establishment of districts.

The Village of Fleischmanns is divided into the following zoning districts:

Symbol	Name
R	Residential
GV	General Village
C	Commercial
I	Industrial
MX	Mixed Use
H	Historic (overlay)
FH	Flood Hazard (overlay)

§100-10. Boundaries, Permitted Uses and Lot & Bulk Requirements.

- A. Zoning Map. The boundaries of each of the zoning districts listed in §100-9 above are hereby established as shown upon the duly adopted Zoning Map, which accompanies this Law, and which, with all notations, references, and other matters shown thereon, is hereby declared part of this Law.
- B. Interpretation.
- (1) Generally. The district boundary lines, unless shown otherwise, are intended generally to follow street centerlines, railroad right-of-way lines or their centerlines, other similar right-of-way lines, or lot lines or boundaries of subdivisions, or Village boundary lines, all as shown on the Zoning Map.
 - (2) Inaccurate street layouts. Where the street layout actually on the ground varies from the street layout as shown on the Zoning Map, the designation shown on the mapped streets shall be applied in such a way as to carry out the purpose and intent of the Zoning Map for the particular area in question.
 - (3) Scaling. When the location of a district boundary line cannot be otherwise determined, the determination thereof shall be made by scaling the distance on the Zoning Map from a line of known location to such district boundary line.
 - (4) Interpretation by the Zoning Board of Appeals (ZBA). In the case of uncertainty as to the true location of a district boundary line in a particular instance, an appeal may be taken to the ZBA, as provided in this Law.
 - (5) Division of lot. When a district boundary line divides a lot in a single ownership at the effective date of this Law or any subsequent amendment thereto, the Zoning Board of Appeals may permit extension into one district of a lawful conforming use existing in the other district, as herein after provided.

ZONING

- (6) Underwater lands. All lands within the Village that are underwater shall be considered to be zoned in accordance with those district regulations applied to the upland adjacent to them and as if any district boundary line shown on the Zoning Map as intersecting the water's edge was projected across such water body to its interception of the Village boundary line, or other district boundaries.
- C. Overlay Districts. In an overlay district, property is placed simultaneously in two districts, and the requirements of both districts apply. However, the requirements of the overlay zone modify those of the underlying zone.
- D. Annexed Areas.
 - (1) Prior to annexation of any area by the Village, Planning Board shall recommend to the Village Board the appropriate zoning designation. The procedure for such designation shall be the same as for a Zoning Amendment.
 - (2) The Village Board, after public hearing, shall determine the zoning designation, to be effective on the date of annexation.
- E. Permitted Uses. Permitted buildings and uses are as listed in Article V §100-11 - §100-18 and the corresponding Schedule I - Table of Use Regulations (which is hereby made a part of these regulations) as follows:
 - (1) Permitted-by-right, but not subject to Site Plan review of the Planning Board.
 - (2) Permitted-by-right and subject to Site Plan review of the Planning Board, in accordance with Article XI §100-47.
 - (3) Subject to Special Permit and Site Plan review of the Planning Board, in accordance with Article XI §100-48.
- F. Lot & Bulk Requirements. The minimum Lot Size and Bulk Requirements for each Zoning District are provided in §100-12 through §100-18 of this Law and the corresponding Schedule II - Table of Lot & Bulk Requirements located at the end of this Law.

ZONING

ARTICLE V Use Regulations

§100-11. Permitted uses in all districts; Schedule I - Table of Use Regulations.

Permitted uses in all districts shall be in accordance with §100-12 through §100-18 of this Law and the corresponding *Schedule I - Table of Use Regulations* located at the end of this Law.

§100-12. R - Residential District.

- A. Purpose. To designate those areas where predominantly low and medium density residential development has occurred or is likely to occur in accordance with the Village Comprehensive Plan.
- B. Permitted Principal Uses.
 - (1) One-family dwellings
 - (2) Home occupation, minor
 - (3) House of worship
 - (4) Public parks
 - (5) Schools
- C. Special Permit Uses.
 - (1) Two-family dwellings
 - (2) Bed & Breakfast
 - (3) Boarding or lodging house
 - (4) Essential services
 - (5) Home occupation, major
 - (6) Residential care facility
 - (7) Daycare center
 - (8) Offices
 - (9) Tourist home
- D. Permitted Accessory Uses.
 - (1) Customary accessory uses
 - (2) Private swimming pools and private tennis courts
- E. Area, Height, Density and Setback Requirements.
 - (1) Maximum building height: 35 feet¹
 - (2) Required setbacks:
 - (a) Front yard: 25 feet
 - (b) Rear yard: 25 feet
 - (c) Side yard: 10 feet

¹ **Editors Note:** See §100-19 Height Exceptions.

ZONING

§100-13. G - General Village District.

- A. Purpose. To designate those areas where predominantly mixed-use development has occurred or is likely to occur in accordance with the Village Comprehensive Plan.
- B. Permitted Principal Uses.
 - (1) Same as Residential District
 - (2) Two-family dwellings
 - (3) Essential services
 - (4) Residential care facility
 - (5) Daycare center
 - (6) Offices
- C. Special Permit Uses.
 - (1) Multi-family housing
 - (2) Bed & breakfasts
 - (3) Boarding and lodging house
 - (4) Home occupation, major
 - (5) Hotel or motel
 - (6) Restaurant
 - (7) Tavern
 - (8) Tourist Home
- D. Permitted Accessory Uses.
 - (1) Customary accessory uses
 - (2) Private swimming pools and private tennis courts
- E. Area, Height, Density and Setback Requirements.
 - (1) Maximum building height: 35 feet²
 - (2) Required setbacks:
 - (a) Front yard: 25 feet
 - (b) Rear yard: 25 feet
 - (c) Side yard: 10 feet

² **Editors Note:** See §100-19 Height Exceptions.

ZONING

§100-14. C - Commercial District.

- A. Purpose. To accommodate commercial development along Main Street while at the same time preserving the character of the neighborhood.
- B. Permitted Principal Uses.
 - (1) Same as General Village District
 - (2) Bank
 - (3) Bed & breakfast
 - (4) Boarding and lodging house
 - (5) Club, lodge of social order
 - (6) Convenience store
 - (7) Cultural facilities
 - (8) Funeral home
 - (9) Hotel or motel
 - (10) Laundromat
 - (11) Parking lot
 - (12) Personal service
 - (13) Restaurant
 - (14) Restaurant, take-out or drive-thru
 - (15) Retail store
 - (16) Tavern
 - (17) Theatre
 - (18) Tourist home
 - (19) Veterinary clinic
 - (20) Wholesale business
- C. Special Permit Uses.
 - (1) Automobile repair shop
 - (2) Automobile sales and service
 - (3) Automobile service station
 - (4) Home occupation, major
 - (5) Light manufacturing
- D. Permitted Accessory Uses.
 - (1) Customary accessory uses
 - (2) Private swimming pools and private tennis courts
- E. Area, Height, Density and Setback Requirements.
 - (1) Maximum building height: 40 feet³
 - (2) Required setbacks:
 - (a) Front yard: 20 feet
 - (b) Rear yard: 20 feet
 - (c) Side yard: 10 feet

³ **Editors Note:** See §100-19 Height Exceptions.

ZONING

§100-15. I - Industrial District.

- A. Purpose. To designate areas best suited for industrial uses because of location, topography, transportation, existing facilities, and relation to other land uses.
- B. Permitted Uses. Industrial uses are permitted by Special Permit only as listed below.
- C. Special Permit Uses.
 - (1) Gas and fuel distributors
 - (2) Light manufacturing
 - (3) Logging, sawmills, lumber yards
 - (4) Private recreation
 - (5) Retail store
 - (6) Self-storage facility
 - (7) Warehouse
 - (8) Wholesale business
- D. Permitted Accessory Uses.
 - (1) Accessory uses, including solar and other alternative energy systems and equipment.
- E. Area, Height, Density and Setback Requirements
 - (1) Maximum building height: 40 feet
 - (2) Required setbacks:
 - (a) Front yard: 25 feet
 - (b) Rear yard: 25 feet
 - (c) Side yard: 25 feet

ZONING

§100-16. MX - Mixed Use District.⁴

- A. Purpose. The Mixed Use Zoning District is established for the purpose of providing a compatible mixture of commercial, employment, residential, recreational, civic, and/or cultural uses on Main Street. Among the goals of the MX District are the following:
- (1) Encourage residential uses in conjunction with commercial activities in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic;
 - (2) Provide opportunities for vertical mixed-use developments by permitting infill development on vacant sites along Main Street;
 - (3) Stimulate reinvestment within the Main Street business district;
 - (4) Ensure that the appearance and effects of buildings and uses are harmonious with one another and the adjacent residentially zoned areas of the Village.
- B. Permitted Uses.
- (1) One-family dwellings
 - (2) Residence above-the-store
 - (3) Home occupation, minor
 - (4) Cultural facilities
 - (5) House of worship
 - (6) Parking lot
 - (7) Public park
 - (8) School
 - (9) Bank
 - (10) Bed & breakfast
 - (11) Boarding and lodging house
 - (12) Convenience store
 - (13) Hotel or motel
 - (14) Laundromat
 - (15) Office
 - (16) Personal service
 - (17) Restaurant
 - (18) Retail store
 - (19) Tavern
 - (20) Theatre
 - (21) Tourist home

⁴ Exterior alteration, restoration, reconstruction of historic buildings (including substantial alteration of existing non-historic buildings or structures) and the construction of new non-historic buildings or structures are subject to review in accordance with the Village's Design Guidelines.

ZONING

C. Special Permit Uses.

- (1) Artist live/work units
- (2) Two-family dwelling
- (3) Multi-family dwelling
- (4) Home occupation, major

D. Permitted Accessory Uses.

- (1) Customary accessory uses.

E. Area, Height, Density and Setback Requirements.

- (1) Maximum building height: 40 feet
- (2) Required setbacks:
 - (a) Front yard:
 - Residential building: 10 Feet.
 - Mixed-use building: None
 - (b) Rear yard:
 - Residential building: 10 Feet.
 - Mixed-use building: 10 feet
 - (c) Side yard:
 - Residential building: 10 Feet.
 - Mixed-use building: None

ZONING

§100-17. H - Historic District (overlay).

- A. Purpose. The Village of Fleischmanns recognizes that the preservation of the Village's historic character will promote pride in the heritage of the community and result in direct economic benefits to Fleischmanns by preserving its distinctive character. Accordingly, a historic overlay district is created to protect this important asset of the Village.
- B. Applicability. In this district, all uses of land that fall under the Regulated Activities Section, below, are subject to Site Plan Review, **§100-47**. Such activities shall be reviewed pursuant to all the General Site Plan Criteria as well as the Historic Criteria. All regulations of the underlying district shall apply unless the regulations of this district are more restrictive.
- C. Regulated Activities.
 - (1) Exterior alteration, restoration, reconstruction, demolition or relocation of historic buildings or structures.
 - (2) New non-historic buildings or structures (including relocation) or substantial alteration of existing non-historic buildings or structures.
 - (3) Other non-structural activities on or adjacent to historic properties including blasting, tunneling, trenching, excavation, filling, grading, paving, fencing, landscaping, lighting and signage which by their nature may threaten or detract from the value or character of the historic buildings, structures, sites or areas.
- D. Exempt Activities.

The following activities are exempt from the provisions of this section.

 - (1) Ordinary maintenance and repair of any exterior architectural feature of a historic structure which does not involve a change in design, material, or appearance.
 - (2) Minor non-structural activities on or adjacent to historic properties, which by their nature, will not threaten or detract from the character of the district.
 - (3) Repainting a structure not situated within the H-Historic District.

§100-18. FH - Flood Hazard District (overlay).

- A. Purpose. To designate those areas where construction controls may be imposed because of varying degrees of flood hazard.
- B. Jurisdiction. The flood area shall be an overlay zone as per **§100-10 (C)** and shall include the area specified as Zone A on the FEMA Flood Insurance Rate Map (FIRM) Map.
- C. Procedure and Standards. Buildings and uses shall be in accordance with the U.S. Flood Disaster Protection Act as well as with the requirements of the underlying district.

ZONING

ARTICLE VI

Supplementary Yard Regulations

§100-19. Height restrictions.

No building or structure shall hereafter be erected or altered to exceed in height the limit designated for the district in which it is located with the following exceptions:

- A. Spires, belfries, cupolas, turrets, water towers, monuments, and observation towers, transmission towers, chimneys, conveyors, flagpoles, radio & television towers, radio & television aerials. No tower shall be used as a place of human habitation. No television or radio aerial may be erected whose height is greater than the horizontal distance from such aerial or any part thereof to any overhead electric transmission line carrying more than 220 volts.
- B. Air-conditioning units or heating equipment, provided that such features shall not occupy, in the aggregate, more than 10% of the total roof area to which they are apart, and provided that the same do not exceed the building height limitations by more than ten (10) feet and are set back from the edge of the roof at least one foot for each one foot by which such features exceed the maximum height otherwise specified for the district in which they are located. All mechanical equipment located on the tops of buildings shall be visually screened.
- C. Solar energy systems. Solar energy systems provided that such systems shall be erected only to the height necessary to accomplish the purposes they are intended to serve.
- D. Notwithstanding the foregoing, the Planning Board, as part of its site plan review and approval, may limit the height of any of the above structures for the purpose of protecting the public health, safety and welfare.

§100-20. Required yards and yard maintenance.

- A. Every part of the required yard must be unobstructed except for plantings, permitted accessory buildings in rear or side yards and ordinary projections as noted in §100-21. Accessory structures shall not be located within the front yard.
- B. No large appliances (washing machines, stoves, refrigerators, etc.) or large machinery shall be stored on front or side yards for more than thirty (30) days.

§100-21. Projections into required yards.

- A. The following projections into required yards may be permitted:
 - (1) Open fire escape: four (4) feet into side or rear yards.
 - (2) Awnings or movable canopies: six (6) feet into any yard.
 - (3) Cornices, eaves and similar architectural features: three (3) feet into any yard.
- B. Any open or enclosed porch or carport shall be considered a part of the building in the determination of the size of the required yard. Unroofed paved terraces shall not be considered a part of the building.
- C. Accessory uses not enclosed in a building may be located in a rear yard.

ZONING

§100-22. Corner lots.

On a corner lot, front yard setbacks are required on both street frontages and one yard other than such front yard shall be deemed to be a rear yard and the other a side yard.

§100-23. Corner clearance.

No obstruction to view in excess of two (2) feet in width and four (4) feet in height (measured perpendicularly from the road grade), except existing buildings, shall be maintained on the premises in the angle formed by intersecting highways, so as to interfere with the view of traffic approaching the intersection within a distance of 75 feet, measured on the center line of the intersecting highway lines.

§100-24. Through lots.

Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the principal structure shall be erected to face the street on which those adjoining structures face.

§100-25. Lighting.

All outdoor lighting, including the fixture, pole, and other supporting elements, shall be designed to complement the overall design of the site and prevent excessive glare. The following additional standards shall be required.

- A. Spillover of light. All lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians and land uses in proximity to the light source.
- B. Lighting fixtures. All outdoor lighting shall be constructed with full shielding designed to direct the lighting downward below an imaginary horizontal plane passing through the lowest point on the fixtures from which light is emitted. Light that is mounted on the building shall also be down-lit and integrated as an architectural component of the building.
- D. Height of light poles. Light pole heights shall not exceed building heights and none shall exceed twenty (20) feet in height.
- E. Off-street parking areas. The average lighting level within an off-street parking area shall not exceed an average lighting level of two (2) foot-candles. When a off-street parking area is abutting residential properties, additional shielding shall be required to reduce glare so the *light source* is not visible from nearby residences.
- F. Timing mechanisms. Timing mechanisms and photo cells to reduce light levels and conserve energy during non-operational hours shall be required for non-residential developments abutting residential properties.

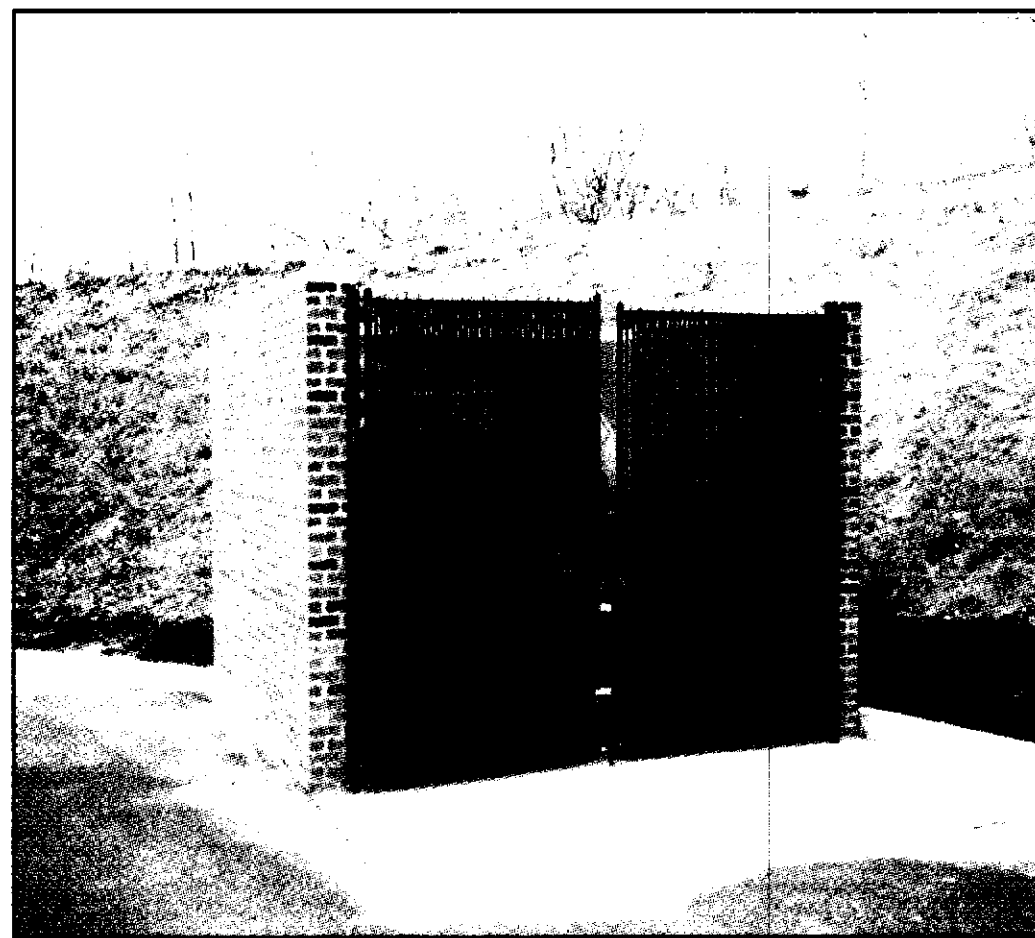
ZONING

ARTICLE VII

Supplementary Regulations For Accessory Structures

§100-26. Dumpster enclosures.

Refuse containers must be enclosed on four (4) sides. Three (3) walls shall consist of brick, block, or other masonry material; and/or stockade wood fence set upon a concrete slab. The opening shall be fully enclosed using chain link fence doors with a black mesh screening as depicted in the photo to the right. Such containers shall be prohibited within the front yard of any development and shall be located within a designated service area to the rear or side of the commercial or industrial establishment and out of view of public rights-of-way. All refuse and waste storage containers shall be screened from adjoining properties. Landscaping around the base of the walls that enclose the trash container is encouraged. Multi-family and townhouse developments exceeding four (4) dwelling units shall be required to provide centralized containers along with separate recycling containers.



Above: Appropriate dumpster enclosure

§100-27. Permit for temporary uses and structures.

The Planning Board may authorize by resolution the issuance of a temporary permit by the Code Enforcement Officer for incidental uses as follows:

- A. Temporary uses incidental to a construction project. Such uses and structures may include the storage of building materials and equipment.
- B. Temporary real estate sales office for the sale of property on the premises.
- C. Other similar temporary incidental uses.

Permit shall be conditioned upon agreement by owner to remove use on expiration of permit. Such permit shall be authorized for a period of one (1) year and may be extended for two similar periods when the Code Enforcement Officer finds such work has been diligently pursued.

§100-28. Swimming pools.

- A. Swimming Pools. Swimming pools, including permanent under or above-ground pools and portable pools more than three (3) feet in depth and fifteen feet in length or diameter, shall be permitted only in accordance with the following regulations:
 - (1) Such private pool shall be accessory to a principal residential use and shall be erected only on the same lot as the principal structure.

ZONING

- (2) Such pool shall not be located in any front yard nor within any required minimum side yard as required in that district.
- (3) Such pool shall be enclosed with a rigid wall or fence at least four (4) feet high and not greater than eight (8) feet high [excluding canvas or plastic tarps] equipped with a gate that must be secured at all times the swimming pool is not in use. As applied to above ground pools, this requirement shall mean that access to the pool at all points where the pool measures less than four (4) feet from the top side to the ground or base shall be controlled by such fence or enclosure. Fencing shall comply with the requirements of *New York State Uniform Fire and Building Code*.
- (4) Every gate or other opening in the fence enclosing such pool shall be kept securely locked at all time when the pool is not in use.
- (5) Such pool shall not be less than ten (10) feet from side and rear lot lines, within the rear yard. On lots with a width of fifty (50) feet or less, the pool shall be located midway between the side lot lines within the required rear yard.
- (6) Such pool shall not adversely affect the character of any residential neighborhood and all lighting or other appurtenances shall be so arranged as not to interfere with neighboring uses.
- (7) Such pool shall be constructed, operated and maintained in compliance with the applicable provisions of New York State Sanitary Code relating to public swimming pools.

§100-29. Walls, fences and hedges.

Walls, fences and hedges may be erected or planted where required for privacy, screening, separation, security, erosion control or to serve other necessary and reasonable functions as may be required by the Planning Board subject to the following standards.

- A. Design & placement. The design and materials used for walls and fences should be functional and compatible with existing and proposed site architecture. Chain link fences shall not be permitted in the front yard. The finished or ornamental side of the fence shall face out toward the abutting property. All walls, fences and hedges shall be placed within the owners property lines and not encroach on neighboring properties.
- B. Front yard fences. An open or solid fence, not exceeding three (3) feet in height, may be permitted within the front yard area. For purposes of this article, the front yard area is deemed to be bounded by the front property line and the front building line of the principal building and the side property lines enclosing such front yard. Any yard, which abuts a public street, shall be subject to regulations for front yard fences.
- C. Side yard fences. An open or solid fence not exceeding four (4) feet in height, measured from the natural grade along the line of installation, shall be permitted within the side yard areas. For the purposes of this article, the side yard areas shall

ZONING

be deemed to extend along a side property line to the nearest side of the principal building from the front building line of such principal building to the rear building line.

- D. Rear yard fences. An open or solid fence not exceeding six (6) feet in height, measured from the natural grade along the line of installation, shall be permitted in the rear yard area at any point where such rear yard abuts the rear yard of an adjoining property. For the purposes of this article, the rear yard area shall be deemed to be bounded by the rear building line of the principal building and the rear property line and the side property lines enclosing such rear yard. In all other cases, an open or solid fence not exceeding four feet in height shall be permitted in the rear yard area.
- E. Sight-clearance. All such walls and fences shall additionally conform to the requirements of **§100-23** as pertains to corner lot clearance considerations necessary to provide traffic safety.
- F. Emergency access. No solid fence shall be constructed or maintained in a manner, which would impede or otherwise obstruct access to the rear of the dwelling for emergency equipment such as fire-fighting equipment, etc.
- G. Construction and Maintenance. No material intended for temporary use shall be erected as a permanent fence. Fences shall be continually maintained and no fence, hedge or screen plantings shall be permitted to become unsightly or in a state of disrepair.
- H. Non-conforming fences. Fences existing at the time of the passage of this Law that do not comply with these standards shall be deemed a nonconforming appurtenance and shall be treated as are nonconforming uses under this Law. If replaced, they shall comply with the requirements of this Law.
- I. Historic District Overlay. The design and materials used for fencing within the H-Historic Overlay District must be compatible with the historic architecture of the subject property and not adversely affect abutting properties. Transparency of the perimeter should be stressed with wrought iron or comparable material preferred over opaque fencing. Dense barrier planting of hedges or solid fence should be considered only when required to mask unsightly elements.
- J. Waivers. A waiver may be granted where additional height is required for religious purposes. However, in no case shall the height of the front yard fence exceed four (4) feet in height.

ZONING

ARTICLE VIII Supplementary Regulations For Accessory Uses

§100-30. Home occupation, minor.

- A. The occupations or activities shall be carried on wholly within the principal building or within a building or accessory structure. An area equivalent to no more than 25 percent of the floor area of the dwelling unit shall be used for the occupations. Such area shall be within the dwelling or another accessory structure. No outdoor storage is permitted.
- B. The occupations shall be carried on by the occupant of the dwelling, and shall not employ any persons outside the resident household.
- C. There shall be no exterior display or sign except as permitted under Article X of this Law, no exterior storage of materials and no other exterior indication of the home occupations or variation from the residential character of the lot or the surrounding neighborhood.
- D. The occupations shall not produce any offensive odor, noise, smoke, dust, heat, electrical interference or glare detectable to normal sensory perception outside the structure.
- E. No more than one (1) commercial-type vehicle shall be used in connection with the occupations and/or be parked on the property.

§100-31. Home occupation, major.

Major home occupations shall adhere to the regulations for minor home occupations (Section 100-30) except that:

- A. They shall require a special permit to operate; and
- B. The total floor area designed for and allotted to the major home occupation shall not exceed 40 percent of total floor area of the dwelling unit; and
- C. No more than three (3) persons who are not residents of the dwelling unit shall be employed at the site of the major home occupation.

§100-32. Garage sales.

- A. Garage Sales. Garage sales, porch sales, lawn sales, etc. shall be limited to three (3) sales per calendar year per residence, each sale not to exceed three (3) days.

§100-33. Reserved.

ZONING

ARTICLE IX

Supplementary Off-Street Parking and Loading Requirements

§100-34. General provisions.

- A. Applicability. All structures and land uses hereafter erected, enlarged, moved, created, changed in intensity or substantially altered shall be provided with the amount of off-street parking and loading space required by the terms of this article to meet the needs of persons occupying or using such structures or land. If a use is approved for which no parking requirement is specified, the Planning Board shall prescribe such standards.
- B. Areas computed as parking spaces. Areas that may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for designated parking spaces, other than a street or driveway. A driveway within a required front yard for a single-family dwelling may count as parking spaces
- C. Location and Ownership. Required parking spaces, open or enclosed, shall be located upon the same lot as the use to which they are accessory or elsewhere, provided that no required spaces are more than five-hundred (500) feet walking distance of such lot. In all such cases, the parking shall conform to all the regulations of the district in which the parking spaces are located, and in no event shall such parking spaces be located in an Residential District unless either:
 - (1) The use to which spaces are accessory are permitted in such residential district, or
 - (2) Upon approval of the use to which they are accessory and shall be subject to deed restrictions, approved by the Planning Board, binding the owner and his heirs and assigns to maintain the required number of parking spaces available either:
 - (a) Throughout the existence of the use to which they are accessory, or
 - (b) Until such spaces are provided elsewhere, in a location and manner acceptable to the Planning Board.
- D. Permitted accessory parking. Off-street spaces, open or enclosed, are permitted accessory to any use, provided that not more than any combination of three (3) of the following may be stored on a residence lot solely for residence purposes: camping trailers, utility trailers, horse trailers, boat trailers, boats or recreational vehicles. There shall be no occupancy of any of these vehicles.

§100-35. Design standards.

- A. General. All parking spaces shall be marked so as to provide for safe and orderly parking. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

ZONING

- B. Dimensions. The minimum dimensions of stalls and aisles shall be as follows:

Table No. 1 Dimensions of Stalls and Aisles				
Angle of Parking	Parking Stall Width (feet)	Stall Depth (feet)	Aisle One-Way (feet)	Two-Way (feet)
90°	9.0	18	Not allowed	24
60°	9.5	20.2	18	21
45°	9.5	19.6	15	18
30°	9.5	16.5	12	18
Parallel	9.5	22	12	18
Note: Stall widths for employee parking may be reduced by one-half (1/2) foot when located in a separate area from the public parking.				

- C. Handicap Parking. Accessible parking spaces shall be provided for any place of public accommodation or any commercial facility, pursuant to the Americans with Disabilities Act of 1990; and shall be designed in accordance with the rules and regulations of the aforesaid Act, as amended, in accordance with the following table:

Table No. 2 Handicap Accessible Spaces Required	
Total Parking Spaces in Lot	Required Minimum Number Of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Note: All such spaces shall be posted with regulatory signs conforming to the Property Maintenance Code of NYS and NYS Building Code restricting their use to handicapped persons and shall be laid out so as to not compel handicapped individuals to wheel or walk behind parked vehicles.	

- D. Drainage and grade. All open parking areas shall be properly drained. Parking area grades should not exceed five percent (5%); parking drive grades should not exceed eight percent (8%).
- E. Access. In no case shall parking areas be designed to require or encourage cars to back into a public street in order to leave the lot. Entrances and exits to and from off-street parking areas shall be located so as to minimize interference with street traffic. Unobstructed access to and from a suitably improved street shall be provided for all uses. Such access shall consist of at least one (1) twelve-foot lane for parking for twenty (20) or less spaces and at least two (2) twelve-foot lanes for parking for over twenty (20) spaces. Entrance and exit signs may be required. Access drives shall be paved for a distance of at least fifty (50) feet from the public roadway.

ZONING

- F. Driveway separation from intersection. No entrance or exit for off-street parking area for more than four (4) spaces, nor any loading area, shall be located closer than seventy-five (75) feet from the intersection of two (2) designated streets. The minimum distance shall be increased to one hundred (100) feet from a signalized intersection or an intersection with a left-turn.
- G. Planting strips. The Planning Board may require landscaping in parking areas. The following are minimum provisions for landscaping in parking areas:
- (1) No more than 20 parking spaces shall be permitted in a continuous row and no dimension of any parking area may exceed 200 feet without being interrupted by a landscape island having a width of not less than five (5) feet.
 - (2) Parking spaces that are parallel to a building shall be separated from the building by a planter with at least five (5) feet interior width.
- H. Screening. No parking area shall be located within ten (10) feet of any side or rear property line. Non-residential parking areas shall be screened from any residence with a wall, fence, and compact evergreen hedge.
- I. Lighting requirements. The artificial average maintained light levels within the site not exceed two (2) foot-candles for an outdoors off-street parking area.
- (1) Lighting fixtures. All outdoor lighting shall be constructed with full shielding designed to direct the lighting downward below an imaginary horizontal plane passing through the lowest point on the fixtures from which light is emitted. When a non-residential off-street parking area is abutting residential properties, additional shielding shall be required to reduce glare so that the *light source* is not visible from nearby residences.
 - (2) Maximum permitted pole height: Total pole and fixture height should be a maximum of twenty (20) feet, measured from grade at the base.
 - (3) Parking lot lighting curfew: On all non-residentially developed lots, lighting levels for parking areas must be reduced by at least 50% of full operational levels within 30 minutes after all employees have left the premises.
- J. Joint facilities. Required parking spaces, open or enclosed, may be provided in an area designated to serve two (2) or more establishments whether or not on the same lot, provided that the total number of spaces is not less than the required number for all such establishments.
- K. Exemptions and Waivers.
- (1) Exemption of existing buildings and uses. The provisions of this article shall not apply to any building or structure lawfully in use at the effective date of this Law, whether continued as a permitted use or as a legal nonconforming use, or thereafter converted or changed without enlargement to a different lawful use having the same parking requirements.
 - (2) Waiver. Within an established municipal parking district, if the municipality as a matter of public policy decides to take the responsibility for providing adequate off-street parking facilities for all uses in the district, the off-street parking space requirement stipulated in this article shall be waived.

ZONING

§100-36. Schedule of off-street parking requirements.

Off street parking spaces shall be provided in accordance with the following schedule:

Table No. 3 Schedule of Off-Street Parking Regulations	
Land Use	Number of Parking Spaces Required
Automobile service station	1 space per 2 employees, plus spaces required for accessory retail
Automobile repair shop	1 space per 600 sf ² of GFA*, plus one per service bay
Automobile sales and service	1 space per 600 sf ² of GFA of sales and service building
Banks and lending institution	1 space per 300 sf ² of GFA
Bed & breakfast	1 space for every guest room, plus 2 spaces for resident dwelling
Barber shop, beauty parlor	1 space per 200 sf ² of GFA
Boarding or lodging house	1 space per room, plus 1 space for each 2 employees
Club, lodge or social center	1 space for every 3 seats
Convenience store	1 space per 250 sf ² GFA
Cultural facilities	1 space per employee, plus 1 space per 1,000 sf ² GFA
Daycare center	1 space per 4 persons of maximum licensed capacity
Dwelling, 1-family, 2-family, 3-family	2 spaces per dwelling unit
Dwelling, multi-family	1.5 spaces per dwelling unit
Funeral homes	10 spaces, plus 1 space per 2 employees
House of worship	1 space per the maximum permitted occupancy divided by 3
Home occupation, major	1 space per employee, plus 2 spaces for dwelling
Home occupation, minor	1 space for home occupation, plus 2 spaces for dwelling
Hospitals	1 space for every 2 beds
Hotels & motels	1 space per room, plus 1 space for each 2 employees
Laundromat	1 space per 2 washing machines
Libraries	1 space per employee, plus 1 space per 1,000 sf ² GFA
Light Manufacturing	1 space for each 500 sf ² of GFA or 2 per employee whichever is >
Museums and art galleries	1 space per employee, plus 1 space per 1,000 sf ² GFA
Office, medical or dentist	3 spaces per doctor or dentist, plus 1 for each 2 employees
Office, professional	1 space for each 500 sf ² GFA or 2 per employee whichever is >
Personal service	1 space per 200 sf ² of GFA
Places of assembly	1 space for every 3 seats
Restaurants	1 space for every 3 seats, plus 1 space for each 2 employees
Restaurant - drive thru	1 space per 250 sf ² of GFA, plus 5 stacking spaces in drive-thru lane
Retail Store	1 space per 250 sf ² of GFA
School	1 per teacher, employee and classroom, plus loading areas
Self-storage facility	1 space per 20 rental units, plus 2 for office
<i>Unspecified uses</i>	<i>As defined by Institute of Traffic Engineers - Parking Generation</i>
<i>Tavern</i>	1 space for every 3 seats, plus 1 space for each 2 employees
Theatre	1 space for every 10 seats
Tourist home	1 space per guestroom, plus 1 space for property manager
Veterinary clinic	1 space for each exam room, plus 1 space per employee
Warehouse	1 space for 700 sf ² of GFA, plus 1 space per employee
Wholesale	1 space for 700 sf ² of GFA, plus 1 space per employee
* GFA - Gross Floor Area - See Article II - Definitions. Note: Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than 1/2 shall be dropped and any fraction 1/2 or more shall require one space. Where circumstances require, the Planning Board may modify the parking requirements provided in this section. For other uses that are not specifically cited above, the Planning Board shall determine the number of off-street parking spaces required using the <i>Institute of Traffic Engineers - Parking Generation 3rd Edition</i> or most current edition available at the time the Site Plan or Special Permit Application.	

ZONING

§100-37. Off-street loading areas.

For any nonresidential use of a structure with four thousand (4,000) square feet or more of gross floor area, there shall be one (1) loading area reserved exclusively for that purpose. Up to 24 feet of common drive areas may constitute minimum loading area length. The minimum requirements may be reduced where necessary, provided there is proper circulation and traffic safety and where such change would not create future difficulties by way of use of structures for any other use permitted by right on the site.

- A. Location and access. Unobstructed access, at least fourteen (14) feet wide to and from a street shall be provided. Such access may be combined with access to parking areas. Loading areas shall be screened from residential districts.
- B. Joint facilities. Permitted or required loading areas, open or enclosed, may be provided in spaces designated to serve two (2) or more adjacent establishments, provided that the total number of required areas is not less than the aggregate of all such requirements.
- C. Access near street intersections. No entrance or exit from a loading area shall be closer than seventy-five (75) feet to where two (2) streets intersect or one hundred (100) feet if signalized or contains a left turn lane on the same street as the proposed loading area site entrance.

ZONING

ARTICLE X

Signs

§100-38. Requirements for permits.

- A. No sign shall hereafter be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged or altered except in conformity with and expressly authorized by the provisions of Article X of this Law. No sign (except those exempted by §100-39 herein) shall be erected, rebuilt, enlarged or altered except as shown on an approved site plan or sign plan. Signs permitted by this article shall not be placed, affixed or attached to any tree, except for signs commonly known as "no trespassing" signs.
- B. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of Article X.

§100-39. Exempt signs. The following are exempt from this article.

- A. Signs conforming to the Manual of Uniform Traffic Control Devices, New York State Department of Transportation, shown on an approved site plan, or posted pursuant to order of traffic control agencies.
- B. Historical markers, tablets, memorial signs and plaques; names of buildings and dates when cut into the masonry surface and emblems installed by governmental agencies; not exceeding six (6) square feet.
- C. Flags and insignia of any government.
- D. Non-illuminated warning, private drive, posted or no trespassing signs not exceeding two (2) square feet.
- E. One on-premise wall sign, in connection with any residential building in any zoning district, for permitted home occupation, not exceeding two (2) square feet in area.
- F. Lawn signs identifying residents, not exceeding one and one half (1 ½) square feet. Such signs are to be non-illuminated except by light, which is integral part of a lamppost if used for support.
- G. Private-owner merchandising sale signs for garage sales, not exceeding four (4) square feet for a period not exceeding seven (7) days.
- H. Temporary, non-illuminated "For Sale", "For Rent", real estate signs and signs of a similar nature, concerning the premises upon which the sign is located. One sign for each street frontage per property, not to exceed six (6) square feet per face in a residential district; twenty-four (24) square feet per face in the G-General Village or C-Commercial District and thirty-two (32) square feet in the I-Industrial District, set back at least 10 feet from the property line or edge of pavement.
- I. Temporary, non-illuminated window signs and posters not exceeding thirty (30) percent of the window surface.
- J. At automobile service stations a sign not exceeding two (2) square feet attached to the gas pumps, displaying the price of fuel.

ZONING

- K. One sign, not exceeding ten (10) square feet in all zoning districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress.
- L. Political posters, banners and signs, not exceeding four (4) square feet in the residential districts or sixteen (16) square feet in the non-residential districts, providing placement shall not exceed forty-five (45) days, and must be removed within fifteen (15) days after the election or political event.
- M. Temporary banners, pennants and related signs in conjunction with an open house or model home demonstration not to exceed a total period of 15 days.
- N. Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies, may be erected on the premises of such institutions. One (1) such sign or bulletin board not exceeding forty (40) square feet may be erected.

§100-40. Prohibited signs. The following type of signs are prohibited:

- A. No permanent or temporary sign shall be erected or placed within 150 feet of a signalized intersection or fifty (50) feet from an unsignalized intersection of any streets in such a manner as to cause a traffic safety hazard.
- B. No sign shall represent or depict to any degree official traffic signs or signals per the New York State Vehicle and Traffic Law.
- C. No sign shall project into the public right-of-way, except as approved by the Village Highway Superintendent.
- D. No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public street, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or public nuisance.
- E. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights. All luminous sign, indirectly illuminated sign, or lighting device shall employ only lights emitted at a constant intensity.
- F. No signs or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, balloons, spinner or other similar moving, fluttering, or revolving device. Such devices shall be prohibited even if they have no message or logo on them.
- G. Animated signs, whether by mechanical or electrical processes and signs that emit noise, sounds or smoke.
- H. No signs shall be placed, painted or drawn upon trees, man-made or natural features, excluding buildings, on the site, or on utility poles, bridges, culverts, towers and similar structures..
- I. Off-premises signs or billboards shall not be permitted in any district. All signs shall be located on the same site as they identify or advertise. Off-premises directional signs for community activities and major attractions may be permitted in the public right-of-way with approval from the Village Highway Superintendent.
- J. Signs may only be permitted on private property and shall not be placed on any utility pole, street sign pole, hydrant or tree within the right-of-way of a public street.

ZONING

§100-41. Signs allowed for business uses in all districts.

- A. Permitted Sign Area. The maximum cumulative sign area permitted (i.e. awning, projecting, wall and window signs) shall not exceed two (2) square feet for each lineal foot of building frontage, or 50 square feet, whichever is less.
- (1) Awning sign. One (1) awning sign per establishment shall be permitted for each window or door of the facade covered by the awning. The sign or logo shall not exceed eight (8) inches in height and may only be affixed to the portion of the awning that is parallel to the facade of the building on which the awning is fixed.
 - (2) Projecting sign. Projecting signs shall be permitted by the Village, provided the owner of such signs indemnifies the Village for injury to persons or property and insurance is provided to the Village as evidenced by a certificate of insurance in the amount of \$1,000,000. The Village, its officers, agents and employees shall be named as additional parties insured. Such liability insurance policy shall be maintained in force throughout the life of the permit.
 - (a) No more than one (1) projecting sign per building with a maximum sign area of nine (9) square feet per sign face.
 - (b) The Village reserves the right to remove projecting signs that are not kept in good repair.
 - (3) Wall sign. Only one (1) wall sign per establishment may be permitted unless the establishment has street frontage on more than one side.
 - (a) In such cases, one wall sign will be permitted for each side of the structure that the establishment has street frontage.
 - (b) The total area of letters, symbols or pictorial matter within the signs shall not exceed 60% of the total area of the sign face. In no case shall the total area of the sign exceed 50 square feet.
 - (c) For buildings with multiple tenants having storefronts only, the facade rented by the tenant shall be considered as a wall area for a sign.
 - (4) Window Sign. Permanent window graphics shall be permitted provided that such signs do not cover more than thirty (30) percent of the window area.
- B. Freestanding sign. Only one (1) freestanding sign shall be permitted on any parcel. The total area for a freestanding sign shall not exceed twelve (12) square feet per side. A single freestanding sign may be used to advertise more than one on-premise establishment.

ZONING

§100-42. Design and construction standards.

A. Design Guidelines. The following design guidelines are provided to encourage and direct appropriate and compatible graphic design, material, colors, illumination and placement of proposed signs. In general, sign design shall be consistent with the purpose and intent of this section.

- (1) Signs should be designed to be compatible with their surroundings and should be appropriate to the architectural character of the buildings on which they are located.
- (2) Sign panels and graphics should relate to and not cover architectural features or details and should be in proportion to them.
- (3) Signs should be appropriate to the types of activities they represent.
- (4) Layout should be orderly and graphics concise.
- (5) The sign content shall not hawk or peddle and must clearly provide only the information necessary to identify the use upon the lot.
- (6) No more than two typefaces should be used on any one sign or group of signs indicating one message.
- (7) The number of colors used should be the minimum consistent with the design.
- (8) Illumination should be appropriate to the character of the sign and its surroundings.
- (9) Groups of related signs or multiple signs located on the same premises should express uniformity and create a sense of harmonious appearance.

B. Construction standards.

- (1) All signs shall comply with applicable regulations of the New York State Uniform Fire Prevention and Building Code.⁵
- (2) All signs with electrical components shall be constructed in accordance with of the National Electric Code.
- (3) All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot or surface area.
- (4) All signs, including wall-mounted signs, shall be securely anchored and shall not swing or move in any manner.
- (5) All signs, finishes, supports and electric work shall be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring, and loose supports, braces, guys and anchors.
- (6) All freestanding or wall signs shall employ acceptable safety material.
- (7) All signs shall be painted and/or fabricated in accordance with generally accepted standards.

⁵ See Ch. 87, *Fire Prevention and Building Code Administration*, and the National Electrical Code, or their successor code for the year of latest revision, and the additional construction standards hereinafter set forth in this Subsection.

ZONING

C. Specific standards for sign types.

- (1) Free-standing signs.
 - (a) No freestanding sign shall be more than eight (8) feet in height above the finished grade. Such height shall be measured vertically from the established average grade directly below the sign to the highest point of the sign, including supporting structures.
 - (b) No freestanding sign shall extend over or into the public right-of-way, nor overhang the property lines.
 - (c) Freestanding signs under which a pedestrian walkway or driveway passes must have a ten (10) foot vertical clearance.
- (2) Wall signs.
 - (a) Wall signs shall not extend beyond the ends or over the top of walls to which attached and shall not extend above the level of the second floor of the building.
 - (b) Wall signs shall not extend more than six (6) inches from the face of the buildings to which they are attached.
 - (c) Wall signs shall be externally lit with down lit lighting fixtures.
- (3) Awning signs.
 - (a) No sign shall project from an awning.
 - (b) Awning graphics shall not exceed eight (8) inches in height and may only be affixed to the portion of the awning that is parallel to the facade of the building on which the awning is fixed.
- (4) Projecting signs.
 - (a) No more than one (1) projecting sign per building with a maximum sign area of nine (9) square feet per sign face.
 - (b) The distance between the faces of projecting signs shall not exceed fifteen (15) inches.
 - (c) The exterior edge of a projecting sign shall not extend over a public street or ingress of a lot. Any sign that overhangs a sidewalk shall be installed at least 8 feet from the sidewalk to the bottom of the sign.
 - (d) Projecting signs shall not extend above the second above the cornice [between the first and second floor] of a building not more than fifteen (15) feet above the ground if there is no second floor.
 - (e) Such signs shall be placed fifteen (15) feet back from the corner of a building located at a street intersection.
 - (f) Projecting signs shall be constructed of wood or composite material and hung from metal brackets and braces.
 - (g) Projecting signs must be pinned away from the wall at least six (6) inches and must project from the wall at an angle of ninety (90) degrees.
- (5) Window signs.
 - (a) No window sign shall be affixed to the exterior of the window.
 - (b) The area of a window sign shall not exceed thirty percent (30) of the area of the window.

ZONING

§100-43. Sign permit.

- A. General. Except as otherwise provided in this Law, no person shall erect any sign without first obtaining a sign permit from the Code Enforcement Officer.
- B. Application for sign permit. Application for a sign permit shall be made in writing, in duplicate, upon forms prescribed and provided by the Code Enforcement Officer, to the Code Enforcement Officer, and shall contain the following information:
 - (1) Name, address and telephone number of the applicant.
 - (2) Name, address and telephone number of the owner, if not the applicant.
 - (3) Location of building, structure or land to which or upon which the sign is to be erected.
 - (4) A detailed drawing or blueprint showing a description of the construction details of the sign, including a front elevation drawing, and showing the lettering and pictorial matter composing the sign, and the position and method of lighting and other extraneous devices, and a location plan showing the position of the sign on any building or land and its position in relation to nearby buildings or structures and to any private or public street or highway.
 - (5) Written consent of the owner of the building, structure or land to which or on which the sign is to be erected, if the applicant is not the owner thereof.
 - (6) A copy of any required or necessary electrical permit issued for said sign or a copy of a submitted application.
- C. Issuance of sign permit. It shall be the duty of the Code Enforcement Officer, upon filing of an application for a sign permit, to examine such plans, specifications and other data submitted to him with the application and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If it shall appear that the proposed sign is in compliance with all the requirements of this Law and other laws and ordinances of the Village he shall then, within five days, issue a sign permit for the erection of the proposed sign. If the sign authorized under any such permit has not been completed within six months from the date of the issuance of such permit, the permit shall become null and void but may be renewed once, within 10 days from the expiration thereof, for good cause shown upon payment of an additional fee as established by the Board of Trustees. Permits issued relate solely to the property for which the application is made. Permits may not be assigned to others and may not be transferred to a property other than that identified in the permit.
- D. Appeals. If the proposed sign does not comply with regulations or provisions of this Law, the Code Enforcement Officer shall reject the application. A decision of the Code Enforcement Officer may be appealed to the Zoning Board of Appeals.
- E. Revocation of sign permit. In the event of a violation of any of the provisions of this Law, the Code Enforcement Officer shall give written notice, specifying the violation, to the named owner of the sign and the named owner of the land upon which the sign is erected, sent to the addresses as stated in the application for the sign permit, to conform or remove such sign. The sign shall thereupon be conformed by the owner of the sign and the owner of the land within 30 days from the date of said notice. In the event such sign shall not be so conformed

ZONING

within 30 days, the Code Enforcement Officer shall thereupon revoke the sign permit, and the named owner of the sign or the named owner of the land shall remove such sign.

§100-44. Computation of sign area.

- A. The area defined by the edge of a sign. The area of a sign shall be computed from the algebraic sum of the actual sign configuration, be it square, rectangle, circle, oval or other polygon shape. The area shall be measured from the outer dimensions of the frame, trim or molding by which the sign is enclosed, where they exist, or from the outer edge of the signboard where they do not exist.
- B. Where there is no geometric edge of the sign, the area shall be defined by the projected, enclosed four-sided (straight sides) geometric shape, which most closely outlines the sign.
- C. When a sign consists of two or more faces, only one side of the face shall be used in computing the sign area if the faces are parallel to and within eighteen (18) inches of each other. Otherwise, all faces of the sign shall be used to compute sign area.

§100-45. Pre-existing and non-conforming signs.

Any existing sign that was legally in place prior to date of adoption of this Law is subject to the following:

- A. Pre-existing conforming. Where a sign was constructed prior to the effective date of this section and was conforming to the then existing regulations or was granted a variance and where the existing sign is in good condition, posing no safety hazards, it shall be construed to be a conforming sign.
- B. Non-conforming signs. All signs that do not meet the provisions of §100-44 (A) above or were not in compliance, upon the effective date specified herein, shall be deemed nonconforming.
 - (1) A nonconforming sign related to an existing use shall be removed or brought into conformity with the requirements of this Law upon a change in use.
 - (2) A nonconforming sign related to an existing use shall be removed or made conforming prior to the issuance of any subsequent sign permit for such use.

§100-46. Penalties for offenses and removal of signs.

- A. Notification. Where the Building Inspector or Code Enforcement Officer determines that a sign is dangerous or unlawful, he or she shall prepare a notice which shall describe the sign and specify the violation and shall state that if the sign is not removed or the violation is not corrected within 30 days, the sign may be removed by the Town in accordance with this subsection. All notices mailed by the Building Inspector shall be sent by certified mail, return receipt requested. Any time periods provided in this section shall be deemed to commence on the date of the mailing of the certified mail. The notice shall be mailed to the owner of the property on which the sign is located as the ownership is shown on the latest assessment roll of the Town.

ZONING

- B. Penalties. Any person, firm or corporation, whether as owner or lessee, agent, or employee, who violates any of the provisions of this section, or who fails to comply with any order or regulation made hereunder, or who erects, moves, or alters any sign in violation of any detailed statement or plans submitted by him and approved under the provisions of this section, shall be guilty of a violation as the same is defined in the Penal Law and shall be fined not more than **\$100** for each violation. Each day that such violation is permitted to exist shall constitute a separate violation.
- C. Removal of signs. The Code Enforcement Officer in accordance with the following may remove any sign that is obsolete or unsafe:
- (1) Obsolete signs. Any sign existing on or after the effective date of this article, which no longer advertises an existing business, conducted or product sold on the premises shall be removed by the owner of the premises upon which such sign is located after written notice as provided herein. The Code Enforcement Officer, upon determining that any such sign exists, shall notify the owner of the premises in writing to remove said sign within 30 days from the date of such notice.
 - (2) Unsafe signs. If the Code Enforcement Officer shall find that any sign regulated by this Law is unsafe or insecure or is a menace to the public, he shall give written notice to the named owner of the sign and the named owner of the land upon which the sign is erected, who shall remove or repair said sign within 30 days from the date of said notice. If said sign is not removed or repaired, the Code Enforcement Officer shall revoke the sign permit issued for such sign, as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located. The Code Enforcement Officer may cause any sign, which is a source of immediate peril to persons or property to be removed summarily and without notice and charge such costs against the owner, or land on which the sign is located.

ZONING

ARTICLE XI

Site Plan Review and Special Permits

§100-47. Site plan review.

- A. Purpose. The intent of this section is to set forth additional general standards applying to certain land uses and activities. The nature of these uses and activities require special consideration of their impact upon surrounding properties, the environment, community character and the ability to accommodate development consistent with the objectives of this Law and the Village's Comprehensive Plan.
- B. Exemptions. The provisions of this article shall not apply to an "Order to Remedy" issued by the Code Enforcement Officer. The provisions of this article shall also not apply to single-family and two-family dwellings and their permitted accessory uses; any addition to a single-family or two-family dwelling; or the repair and maintenance of any building or structure lawfully existing at the effective date of this Law - unless such buildings or structures are situated within the H-Historic District.
- C. Applicability. Proposed exterior alterations, restoration, reconstruction, demolition or relocation of historic buildings or structures, or new non-historic buildings or structures within the H-Historic district are subject to Site Plan Review. Matters requiring site plan approval or special permit use authorization (*as provided in the Table of Use Regulations*) shall be referred to the Planning Board for investigation, consideration and final decision. No building permit or certificate of occupancy shall be issued, except in conformity with such authorization and approved site plan or special permit for the lot, and no certificate of occupancy for such use or structure shall be issued until all the requirements of such plan and any conditions attached thereto have been met.
- D. Procedure.
 - (1) Each application for a site plan approval shall be referred to the Village Planning Board. The application shall be made to the Planning Board by filing it with the Village Clerk. The Code Enforcement Officer shall present it to the Planning Board at its next regularly scheduled meeting. The applicant or a designated representative will attend the Planning Board meeting to answer questions concerning the application.
 - (2) Within sixty-two (62) days of receipt of the application or, if held, a Public Hearing, the Planning Board shall render a decision to approve with conditions, or deny, and forward the decision to the Code Enforcement Officer. For a site plan review without a Public Hearing, an extension of the sixty-two (62) day period may be granted upon consent of both the applicant and the Planning Board.

If the Planning Board fails to act within sixty-two (62) days of the receipt of the application or extension that has been granted or, if held, a public hearing, the site plan shall be considered approved. Notwithstanding the above, the time frame for a site plan review for a special permit will run concurrently with the special permit.

ZONING

- (3) A full written record of the Planning Board minutes and decisions together with all documents pertaining to the case shall be filed in the Office of the Village Clerk and shall be mailed to the applicant.
- E. Pre-application Conference. A pre-application conference may be held between the Planning Board and applicant to review the basic site design concept and generally determine the information to be required on the site plan.
- F. Application for Site Plan Approval. An application for site plan approval shall be made in writing to the Code Enforcement Officer and filed with the Village Clerk, and shall be accompanied by information drawn from the following checklist. The Planning Board may require additional information if necessary, to complete its review.
- (1) Plan checklist for all site plans:
- (a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
 - (b) North arrow, scale and date;
 - (c) Boundaries of the property plotted to scale;
 - (d) Existing watercourses and bodies of water;
 - (e) Location of any slopes of 5% or greater;
 - (f) Proposed grading and drainage;
 - (g) Location, proposed use and height of all buildings and site improvements including culverts, drains, retaining walls and fences;
 - (h) Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from site;
 - (i) Location of outdoor storage, if any;
 - (j) Description of the method of sewage and location of facilities;
 - (k) Identification of water sources, if well located on site;
 - (l) Location, size and design and construction materials of proposed signs;
 - (m) Location and proposed development of all buffer areas including existing vegetative cover;
 - (n) Location and design of outdoor lighting facilities;
 - (o) General landscaping plan.
- (2) As necessary, the Planning Board may require the following:
- (a) Provision for pedestrian access;
 - (b) Location of fire lanes and hydrants;
 - (c) Designation of the amount of building area proposed for retail sales or similar commercial activity;
 - (d) Other elements integral to the proposed development.

ZONING

G. Planning Board Review of Site Plan. The Planning Board's review of the site plan shall include, as appropriate, the following:

(1) General considerations:

- (a) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls;
- (b) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience;
- (c) Location, arrangement, appearance and sufficiency of off-street parking and loading;
- (d) Location, arrangement, size, and design and general site compatibility of buildings, lighting and signs;
- (e) Adequacy of storm water and drainage facilities;
- (f) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including retention of existing vegetation;
- (g) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation;
- (h) Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances;
- (i) Protection of solar access on adjacent or neighboring properties;
- (j) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;
- (k) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

(2) Public Hearing. The Planning Board may conduct a public hearing on the site plan. A quorum of the Planning Board is required to set a public hearing. If a public hearing is considered desirable by a majority of the members of the Planning Board, such public hearing shall be conducted within sixty-two (62) days of the receipt of the application and shall be advertised in the official newspaper of the Village at least five (5) days before the public hearing. If review of the application is required under General Municipal Law, the County Planning Board must be notified ten (10) days before such hearing. Applicant shall notify adjoining lot owners. Decision shall be rendered within sixty-two (62) days of the public hearing.

(3) Consultation with Other Agencies.

- (a) The Planning Board may consult with the Code Enforcement Officer, County Planning Department and other local and county officials, including but not limited to, the Soil Conservation Service, the NYSDOT and the State Department of Environmental Conservation.

ZONING

§100-48. Special permits.

- A. Purpose. It is the intent of this Law to use special permits to control the impact of certain uses upon areas where they will be incompatible unless conditioned in a manner suitable to a particular location. Special permits bring needed flexibility and individuality to the otherwise rigid controls of zoning regulations.
- B. Scope. A special use permit shall authorize only one particular special use, and shall expire if the special use ceases for more than one (1) year for any reason. A special use permit shall be transferable with the change of ownership of the lot the special use exists upon for that particular special use permitted. Village Planning Board approval shall be obtained for any addition, alteration or enlargement to uses and buildings authorized by the special use permit.
- C. Administration. The Village Board hereby authorizes the Village Planning Board to review and approve the granting of special permits.
- D. Procedure.
 - (1) The Code Enforcement Officer shall refer the completed special permit application to the Planning Board at its next regularly scheduled meeting.
 - (2) Each application for a special permit shall be accompanied by a site plan, in accordance with §100-47. The site plan shall be a part of the special permit application and the approval process and time frame shall be in conjunction with the special permit approval process and time frame.
 - (3) Each special permit application must also receive site plan approval before the special permit may be granted.
 - (4) The Planning Board shall refer the application to the County Planning Board as required by General Municipal Law, 239-L and 239-M.
 - (5) At its next regular or special meeting, the Planning Board shall designate a public hearing date within sixty-two (62) days from the date application was received by the Planning Board.
 - (6) The Planning Board shall send a notice of the public hearing to the County Planning Board as required by General Municipal Law, 239-L and 239-M, which requires public hearing notice ten (10) days before the hearing.
 - (7) The Planning Board shall publish a notice of the public hearing in the official newspaper. The notice of the public hearing shall be published at least (5) calendar days prior to the date of the public hearing giving sufficient information so as to identify the property involved and the nature of the proposed action.
 - (8) The applicant shall to serve notice of the date, time, place and substance of the hearing by certified mail, return receipt requested, on all property owners within 300 feet of any lot line of the property which is the subject of the application and provide proof of compliance with this notification.
 - (9) The Planning Board shall make a factual record of all its proceedings involving the granting of a special permit. The decision of the Planning Board shall contain the reasons for its decision.

ZONING

- (10) The Planning Board shall render its decision, either approving, approving with conditions, or denying, within sixty-two (62) days after the hearing, unless an extension is mutually agreed upon.

E. Findings.

- (1) The Planning Board may grant a special permit for special permit uses enumerated in this Law provided that all requirements and conditions set forth in this Law are complied with.
- (2) The Planning Board shall make written findings for each special permit decision. Findings shall state the reasoning behind, the basis for, and the evidence relied upon to reach the decision. Compliance with all requirements of this Law shall be substantiated.

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

- (1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
- (2) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout, and its relations to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connections with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying these standards, the Village Planning Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of development of the neighborhood.
- (3) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair value thereof.
- (4) Adequate off-street parking facilities are available or will be provided.
- (5) The proposed development will not adversely affect community appearance.
- (6) The proposed development can be served by necessary community facilities and will not overtax such facilities. This includes providing adequate access for emergency vehicles.
- (7) Operation of any special permit use shall not be more objectionable to nearby properties by reason of dust, odor, noise, fumes, vibration, excessive lighting, or water pollution than would the operation of any permitted use.
- (8) Special permit uses shall not conflict with the Comprehensive Plan.
- (9) Solar access of adjacent properties is not obstructed by said development.
- (10) All State Environmental Quality Review requirements have been met.

ZONING

(11) No special permit shall be issued for a property where there is a violation of this Law or other Village Law or regulation.

(12) The proposed development will conform with the provisions of the Local Laws of the Village, the Village Law of New York State, and all-applicable rules and regulations of State and Federal Agencies.

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

Conditions may include, but are not limited to, the following:

- (1) The hours of operation;
- (2) Access to the subject property;
- (3) Protection of surface and ground water;
- (4) Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners;
- (5) Adequate sewage disposal and water supplies;
- (6) Sound limitations as needed to ensure peaceful enjoyment by neighbors;
- (7) The location, size, height, design of building, walls, fences, landscaping and buffer yards;
- (8) Covenants, easements, and/or homeowners' association for maintenance of applicable restrictions;
- (9) Timing or phasing of the development;
- (10) Underground utilities;
- (11) Control of dust, smoke, odor and soil erosion;
- (12) Bonding as required to ensure standards are met and plans are implemented.

ZONING

§100-49. Special conditions and safeguards for certain uses.

A permit for any of the following special permit uses shall only be granted subject to complying with the special conditions and safeguards required by this section:

A. Automotive repair shop.

- (1) All work to be performed on vehicles shall be conducted inside the building.
- (2) Pumps, air compressors and other devices shall be located at least 25 feet from the edge of existing street rights-of-way.
- (3) Tanks for fuel, oil, or similar substances shall be stored in accordance with state, county and federal requirements.
- (4) A trash and recycling dumpster that is enclosed on all four sides and situated on a concrete pad must be constructed for outdoor dumpster storage.
- (5) No more than two dismantled or partly dismantled vehicles may be stored on the site. Such storage shall be within an opaque fenced area and shall not be visible from ground level on adjacent lots or a public street. No unlicensed, unregistered, inoperable, or damaged vehicles shall be stored outside.

B. Automobile sales and service.

- (1) The applicant shall be allowed one vehicle per one hundred and eighty square feet of paved surface. Four inches of compacted gravel may be substituted for the paved surface.
- (2) All vehicles shall be placed no closer than four feet from all property lines, including street right-of-ways.
- (3) If neighboring a residential use, owner shall install a buffer zone as defined herein as directed by the Village Planning Board.

C. Bed-and-breakfasts, boarding and lodging houses.

- (1) The operator of such establishments shall be an owner of the property and an occupant of the residential dwelling to which the guest rooms are accessory.
- (2) One sign shall be permitted with an area not to exceed four (4) square feet per face, except in non-residential areas where the standards of **Article X** shall apply.
- (3) The operation of such establishment shall not alter the appearance of the residence structure as a residential dwelling.
- (4) Not more than five (5) bedrooms in a single-family dwelling may be used for rental purposes. Upon conversion of any portion of floor area in the single-family residential dwelling to a bed-and-breakfast, boarding or lodging house, the dwelling shall retain at least one (1) bedroom for the exclusive use for the owner of the dwelling to which such use is accessory.
- (5) Room rental shall be for transient usage only. There shall be a limit of not more than 14 consecutive days for the length of stay by any guest.
- (6) Parking shall be provided to meet the residence requirement, together with one additional space for each guest room.

ZONING

- (7) Hard-surfaced walkways equipped with low-level lighting shall be provided from the parking spaces to the building entrance.
- (8) Food service shall be limited to those guests renting rooms at the bed-and-breakfast, boarding or lodging house.

D. Tourist home.

- (1) The tourist home building and equipment shall comply with all relevant health, housing, and building rules, standards and permit requirements.
- (2) The tourist home shall be maintained and operated, at all times, in a manner that does not create a health, safety, or fire hazard or other nuisance to the neighboring properties, uses, or residents.
- (3) The number of guests occupying the tourist home shall not exceed one guest per fifty (50) square feet of guest area; four (4) guests per room regardless of room size, and ten (10) guests regardless of tourist home size. A guest is an individual of any age.
- (4) Tourist homes may not be occupied if substandard conditions of maintenance are found to exist. Without limitation, substandard conditions of maintenance result from a failure to comply with any of the following minimum tourist home standards: adequate smoke detectors and fire rated extinguishers; safe heating systems; intact window and door glass; structural soundness; hot and cold running water; functional washing and bathing facilities; and safe water supply.
- (5) A description of the tourist home boundary lines shall be clearly identified and shall be available to the occupants of the tourist home.
- (6) Tourist homes shall be provided with a working telephone and list of emergency telephone numbers.
- (7) Each tourist home shall have a local manager who possesses the authority and ability to promptly address and correct any violations of the conditions, use requirements, and/or limitations applicable to the tourist home. The name, address, and telephone number of the local manager shall be registered with the Village Clerk and Code Enforcement Officer and shall be placed in a conspicuous area of the tourist home.
- (8) Off street parking spaces shall be arranged so that guests and/or occupants of the tourist home will not be required to back onto or off of any public road or alley in order to access property.
- (9) Tourist homes shall be subject to residential sign standards.
- (10) Tourist homes shall have one (1) off-street parking space per guestroom, plus one (1) space for the local property manager.

ZONING

§100-50. Retention of experts.

- A. The Planning Board and the Zoning Board of Appeals are hereby authorized to retain engineering consultants and/or such other expert consultants as are determined to be necessary to enable the full performance of the duties of the respective Boards relative to any matters before either Board.
- B. Payment for the services of such consultants is to be made from funds deposited by the applicant with the Village in escrow accounts for such purposes.
- C. It shall be the responsibility of the applicant to submit to the Village, prior to the commencement of any work associated with said application before the Board or at such other time as directed by the Board, certified check(s) in amounts equal to the estimate of the expert consultant for the cost of services to be rendered. This sum shall be released by the Village to said consultant or engineer in payment for the services rendered to it upon acceptance by the Village of such services.

ZONING

ARTICLE XII

Nonconforming Buildings, Uses and Lots

§100-51. Non-conforming buildings and uses.

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 to the provisions of this Law. A further exception of the area requirements of this Law shall be allowed if the damaged building is rebuilt on the pre-existing foundation.

- A. Prior approvals. Any building for which a permit has been lawfully granted, and on which the construction has been started and diligently pursued before the effective date of this Law, may be completed.
- B. District Changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.
- C. Non-conforming lots. Notwithstanding the limitations imposed by any other provision of this Law, any lot held in single and separate ownership prior to the adoption of this Law that is located in a zoning district that allows residential uses and whose area or width is less than the specified minimum lot requirement for the district in which it is located may be used by right provided:
 - (1) Such lot does not adjoin any lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.
 - (2) Such lot has an area of at least **5,000 square feet**.
 - (3) The following minimum yard dimensions shall be maintained for residences:

For Lots With Width (ft)	Minimum Side Yard (feet)	Total Both Side Yards (feet)	Required Front Yard	Required Rear Yard
100 to 149	20	50	30% of average lot depth, but no greater than required in zone	20% of average lot depth, but no greater than required in zone
80 to 99	12	30		
50 to 79	10	25		

- (4) The maximum development coverage permitted on a non-conforming lot shall be 35%.
 - (5) All other bulk requirements for that district are complied with including building height.
- D. Noncomplying structures.
 - (1) Any structure possessing noncomplying bulk may be continued, repaired, structurally altered, moved, reconstructed or enlarged, provided that such action does not increase the degree of or create any new nonconformity to district bulk regulations.

ZONING

- (2) If a building possessing noncomplying bulk is damaged for any reason to an extent of 50% or less of the replacement cost of the building or structure, exclusive of land and foundation, it may be repaired, restored, reconstructed or used as before but not enlarged. The floor area of such use, building or structure shall not exceed the floor area that existed prior to such damage. All repairs shall be completed within two (2) years after damages occur or such use shall not be rebuilt except as a conforming use.
 - (3) Any non-residential structure possessing noncomplying bulk that is damaged to an extent greater than greater than 50% % of the replacement cost of the building or structure, exclusive of land and foundation, shall be constructed in compliance with the regulations contained in this Law in accordance with the use and bulk requirements applicable to the district in which it is located.
 - (4) Any single-family residence possessing noncomplying bulk that is damaged to an extent greater than greater than 50% of the replacement cost, may be repaired, restored or reconstructed on the same footprint, but not enlarged.
- E. Nonconforming residential uses. Any residential use, existing at the time of the enactment of this Law or any amendment thereto, that is located in a district in which such use is nonconforming may continue as a use permitted by right. A building containing a nonconforming residential use may be altered in any way to improve interior livability; however, no structural alterations shall be made that would increase the number of bedrooms or dwelling units.
- F. Nonconforming *non-residential* uses. Nonconforming uses, other than junkyards, of buildings or open land may be continued indefinitely but:
- (1) Shall not be enlarged, altered, extended, reconstructed, restored or placed on a different portion of the lot or parcel of land occupied by such uses on the effective date of this Law, nor shall any external evidence of such uses be increased by any means whatsoever.
 - (2) Shall not be moved to another location within the corporate boundaries of the Village where such use would be nonconforming.
 - (3) Shall not be enlarged to displace a conforming use.
 - (4) Shall not be changed to another nonconforming use without approval by the Zoning Board of Appeals, subject to a public hearing.
 - (5) Damage to building.
 - (i) If a building that contains a nonconforming use is damaged for any reason to an extent of 50% or less of the *replacement cost* of the building or structure, exclusive of land and foundation, it may be repaired, restored, reconstructed or used as before but not enlarged. The gross floor area of such use, building or structure shall not exceed the floor area that existed prior to such damage. All repairs shall be completed within two years after damages occur or such use shall not be rebuilt except as a conforming use.
 - (ii) Any building that contains a nonconforming use that is damaged to an extent greater than 50% of the *replacement cost* of the building or structure, exclusive of land and foundation, shall be used and constructed in compliance with the regulations contained in this Law in accordance with the use and bulk requirements applicable to the district in which it is located.

ZONING

G. Junkyards. Any junkyard as defined herein, whether legally existing at the time of the enactment of this Law or not, shall be deemed to be a non-conforming use that is required to cease operations within seven (7) years of the effective date of this Law. In the interim, such use may be continued but:

- (1) Shall not be enlarged, altered, extended, reconstructed, restored or placed on a different portion of the lot or parcel of land occupied by such uses on the effective date of this Law, nor shall any external evidence of such uses be increased by any means whatsoever.
- (2) Shall not be moved to another location within the corporate boundaries of the Village where such use would be nonconforming.
- (3) Shall not be enlarged to displace a conforming use.

Editors Note: Village Board adopted a Village of Fleischmanns' Junk Yard Ordinance on November 5, 1973. The Ordinance required a license to operate a junkyard in the Village of Fleischmanns. With the enactment of the Village Zoning Law on February 10, 1997, junkyards became non-conforming uses since the Zoning Law did not list junkyards as a permitted or special permit uses. In accordance with Article III (E) of the existing Zoning Law, "If a use of building is not specifically permitted, as a principal use or use by Special Permit, it shall be deemed prohibited." While NYS regulates junkyards, the Village's current local Zoning Law dictates if, and where a junkyard is a permissible use, even with a regulatory program at the state level.

ZONING

ARTICLE XIII

Administration and Enforcement

§100-52. Enforcement officer.

The duty of administering and enforcing the provisions of this Law shall be the responsibility of the Code Enforcement Officer.

- A. Administration of Zoning Law. The Code Enforcement Officer shall receive all applications and issue building permits provided the minimum requirements of this Law are met together with the minimum requirements of the New York State Fire Prevention and Building Code, and laws, rules and regulations governing building construction. The Code Enforcement Officer does not have discretionary powers. If the application meets all minimum requirements, he or she must grant a permit but if it does not, he or she must deny the permit.
- B. Referral to Zoning Board of Appeals. An applicant or any aggrieved party may appeal the denial of a building permit by the Code Enforcement Officer to the Zoning Board of Appeals either on the grounds that the Code Enforcement Officer made an erroneous order, requirement, decision or determination or that a variance is required. The Code Enforcement Officer shall notify the Zoning Board of Appeals and transmit all necessary supporting information.
- C. Referral to Planning Board. Any application requiring special permit, site plan review or zoning change shall be referred by the Code Enforcement Officer to the Village Planning Board as provided in the following sections, together with all supporting information.
- D. Stop work orders. When any work is being continued in violation of any provisions of this Law, the Code Enforcement Officer shall issue a stop work order.
- E. Records and reports. Activities conducted by the Code Enforcement Officer under this Law shall be recorded and reports filed with the Village Clerk.

§100-53. Building permits.

No building or structure shall be erected, added to or structurally altered until the Code Enforcement Officer therefore has issued a permit. Except upon order by the Zoning Board of Appeals, no such permit shall be issued for any construction or alteration or use thereof where it would be in violation of any provisions of this Law.

§100-54. Building permit applications.

There shall be submitted with all applications for building permits a copy of a layout or site plan, if required pursuant to §100-47, in ink or blueprint, showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot and any accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this Law.

ZONING

§100-55. Certificate of occupancy.

No land or structure shall be used or occupied except as in the manner existing at the date of enactment of this Law, unless a certificate of compliance shall have been obtained from the Code Enforcement Officer showing that the premises comply with all applicable provisions of this Law. Such certificate shall be issued within ten business (10) days after notice to the Code Enforcement Officer that the structure has been completed, if the requirements of the Village of Fleischmanns Zoning Law are fulfilled. Such certificate shall be displayed in a public place in a conspicuous manner.

ZONING

ARTICLE XIV

Planning Board

§100-56. Creation, appointment and organization.

- A. Creation. There shall be a Planning Board of five (5) members pursuant to the provisions of §7-718 of the Village Law.
- B. Residency. Every member of the Planning Board, at the time of his/her appointment and throughout his/her term of office, shall be a resident of the Delaware County and at least three (3) members shall be residents of the Village of Fleischmanns. Each member shall serve a term of five (5) years.
- C. Vacancies. Vacancies shall be filled by appointment by the Village Board of Trustees for the unexpired term. For other vacancies, the Village Board shall interview candidates and act upon said candidate/vacancy.
- D. Chairperson. The Village Board of Trustees shall designate a member of the Planning Board to act as Chairperson pursuant to the provisions of § 7-720 of the Village Law.
- E. Retention of experts. The Planning Board shall have the power and authority to employ legal counsel and such other experts and staff, including a secretary or clerk (who is not a member of the Board and whose salary is to be fixed by the Village Board of Trustees), to serve the Planning Board (upon the request and recommendation of that Board), and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such Board by the Village Board.
- F. Quorum. No hearing or meeting of the Planning Board shall be scheduled, held nor any action taken in the absence of a quorum. A quorum shall consist of at least three (3) members of the Planning Board.
- G. Voting. All matters before the Planning Board shall be decided by a roll-call vote. Decisions on any matter before the Board shall require the affirmative vote of a majority of the entire membership. A tie vote, or a favorable vote by a lesser number than the required majority, shall be considered a rejection of the matter under consideration.
- H. Conflict of interest. No member of the Planning Board shall sit in a hearing or vote on any matter in which he/she possesses a conflict of interest. Said member shall not be counted by the Board in establishing the quorum for such matters.
- I. Meeting requirements. Each member must attend in a calendar year 3/4 of scheduled meetings. In the event that a member misses the number of required meetings, the Chairman shall report such absence to the Village Board of Trustees, who in turn shall review the appointment.

ZONING

§100-57. Powers and duties.

- A. Annexation of territory. Preliminary questions relating to annexation of territory, including the size, location and boundaries thereof and generally the acceptability of any such territory, shall be and hereby are referred to the Planning Board for investigation and consideration by it and for report and recommendation to the Village Board.
- B. Special use authorization; site plan approval. Matters requiring special permit use authorization or site plan approval, shall be referred to the Planning Board for investigation, consideration and final decision. No building permit or certificate of occupancy shall be issued, except in conformity with such authorization and approved special permit or site plan for the lot, and no certificate of occupancy for such use or structure shall be issued until all the requirements of such plan and any conditions attached thereto have been met.
- C. Gifts of land. All matters pertaining to offers of gifts of land to the Village for park, recreational or other public purpose shall be and hereby are referred to said Planning Board for investigation and consideration by it and for report and recommendation to the Village Board.
- D. Map changes. Matters pertaining to changes or additions to the Official Map, if and when the Village Board establishes such map, shall be and hereby are referred to said Planning Board for investigation and consideration by it and for report and recommendation to the Village Board.
- E. Comprehensive Plan. Matters pertaining to changes or additions to the Comprehensive Plan, shall be and hereby are referred to said Planning Board for investigation and consideration by it and for report and recommendation to the Village Board.
- F. Planning and zoning. All matters pertaining to planning and zoning, whether said matters directly or indirectly involve policies, procedures, rules, regulations, laws or ordinances pertaining or related to planning or zoning, shall be and hereby are referred to said Planning Board for investigation and consideration by it and for report and recommendation to the Village Board.

§100-58. Actions subject to SEQRA.

Actions of the Planning Board shall be subject to the procedures under the State Environmental Quality Review Act (SEQRA). The Planning Board shall coordinate such procedures and shall include a summary of all pertinent data in its findings, upon which a determination is made.

ZONING

ARTICLE XV

Zoning Board of Appeals

§100-59. Zoning Board of Appeals.

There is hereby established a Zoning Board of Appeals to consist of three members that shall function in the manner prescribed by law. The members of the Zoning Board of Appeals shall be residents of the Village of Fleischmanns and shall be appointed to serve for terms as prescribed by law. The Board of Trustees shall designate the chairperson. Vacancies occurring on the Board by expiration of term or otherwise shall be filled in the manner as provided by law. The Zoning Board of Appeals shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this Law and all its resolutions and orders shall be in accordance therewith.

A. Appeals for variance. The Code Enforcement Officer, after denial of a Building Permit, shall send all requests for variances to the Zoning Board of Appeals.

B. Procedures for appeals.

(1) All applicants for variances shall be in writing on forms established by the Zoning Board of Appeals (ZBA). They are available from the Code Enforcement Officer or the Village Clerk.

(2) Every application shall refer to the specific provision(s) of this Law and establish the details of why the appeal should be granted.

(3) Upon receipt of the completed application, the ZBA shall:

(a) Schedule public hearing.

(b) Arrange publication of notice of the public hearing in the official newspaper. The notice of the public hearing shall be published at least (5) calendar days prior to the date of the public hearing.

(c) Require the applicant to serve notice of the date, time, place and substance of the hearing by certified mail, return receipt requested, on all owners of property within 300 feet of any lot line of the property for which relief is sought and to such other owners as the Zoning Board of Appeals may deem advisable. The applicant shall also provide proof of compliance with this notification.

(d) Refer the application to the County Planning Board if required by NYS General Municipal Law, 239-l and 239-m; at least ten (10) days prior to the public hearing.

(e) Determine whether a Draft Environmental Impact Statement is required.

(4) Within sixty-two (62) days of the Public Hearing, the Zoning Board of Appeals shall render a decision. If the matter was referred to the County Planning Board, a copy of the Board of Appeal's findings and decision shall be sent to the County Planning Board.

C. Hearing on appeal. The Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals, from the date of receipt of referral.

ZONING

- D. Meetings. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine. Meetings of the Board shall be open to the public. No hearing or meeting of the Zoning Board of Appeals shall be scheduled, held, nor any action taken in the absence of a quorum. A quorum shall consist of at least three (3) members of the Zoning Board of Appeals. Such Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall also keep records of its examinations and other official actions.
- E. Records. All decisions of the Board shall be by resolution and a copy of each shall be sent to the applicant, to the Village Planning Board, to the Village Clerk, and to the Code Enforcement Officer. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall be filed in the office of the Board within five (5) business days and shall be a public record. Each decision shall set forth fully the reasons for the decision of the Board and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards pertaining thereto where the appeal concerns a variance.
- F. Appeals. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department or board of the Village.
- G. Stay. An appeal stays all proceedings in furtherance of the action appealed from, unless the Code Enforcement Officer, from whom the appeal is taken, certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause eminent peril to life or property.
- H. Hearing and determination. The Zoning Board of Appeals shall, within a reasonable time, set the hearing of the appeal and give due notice thereof to the parties, including the County Planning Board as required by Section 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration. Upon the hearing, any party may appear in person or by agent or by attorney. The Zoning Board of Appeals shall decide on the matter within sixty-two (62) days of the hearing.

§100-60. Powers and duties of Zoning Board of Appeals.

The Zoning Board of Appeals shall have the following powers and duties prescribed by law and by this Law.

- A. Interpretation. On appeal from a determination of the Code Enforcement Officer, to hear and decide on question where it is alleged there is an error in any order, requirement, decision or determination made by the Code Enforcement Officer involving the interpretation of any provision of this Law.
- B. Appeals for variance. On appeal from a determination of the Code Enforcement Officer and in conformity with the law, to vary the requirements as they apply to a particular lot where the property owner can show that his or her property was acquired in good faith. No application for a variance shall be acted on until the required public hearing has been held.

ZONING

C. Area variances.

- (1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of this Law, to grant area variances as defined herein.
- (2) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - (a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (b) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - (c) whether the requested area variance is substantial;
 - (d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - (e) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (3) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (4) Area variances shall be guided by the procedure established in §100-59 (B), Procedures for Appeals.

D. Use variances.

- (1) The Zoning Board of Appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of this Law, shall have the power to grant use variances, as defined herein.
- (2) No such use variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that:
 - (a) under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
 - (b) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

ZONING

- (c) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (d) that the alleged hardship has not been self-created.
- (3) The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (4) Use variances shall be guided only by the procedure established in §100-59(B), Procedures for Appeals.
- E. Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and/or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

ZONING

ARTICLE XVI Violations and Penalties

§100-61. Violations and penalties.

- A. Authority. In case any building or structure is erected, constructed, reconstructed, altered, converted, located or maintained, or any building, structure, land or premises is used in violation of this Law or any regulation or requirement made pursuant thereto, or under authority conferred thereby, in addition to other lawful remedies, the Board of Trustees or, with their approval, the Code Enforcement Officer may, pursuant to §7-714 of the Village Law, institute any appropriate action or proceedings to prevent such unlawful erection, construction, alteration, conversion, repair, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about such premises.
- B. Discovery of violations. The Code Enforcement Officer shall determine the existence of violations of the provisions of this Law through such investigations as he or she shall conducted pursuant to the issuance of building permits and certificates of occupancy and through the prompt investigation of such signed written complaints as are filed with him or her by persons having reason to believe that such violations exist. The Code Enforcement Officer may also determine the existence of such violations by means of investigations conducted at his or her initiative.
- C. Procedure for abatement of violations.
 - (1) Notice of violation. Upon finding violations of the provisions of this Law the Code Enforcement Officer shall serve written notice either by personal service or certified mail, addressed to the premises of such violation, on the person committing or permitting such violation or on the owner of the property. Such notice shall specify the nature of such violations as exist and specify a reasonable time limit, of not less than five (5) days, in which compliance shall be achieved.
 - (2) Legal action. The Code Enforcement Officer shall, upon failure of the responsible party to comply with a violation order within the specified time, refer the matter to the Board of Trustees may, by resolution, direct the Village Attorney to undertake appropriate legal action against such party.
- D. Penalty on violation.
 - (1) Any person or corporation whether as owner, lessee, architect, building contractor or the agent or employee of any of them who violates or is accessory to the violation of any provision of this Law or who shall erect, construct, alter, enlarge, convert or move any building or structure without a building permit or in violation of any statement or plans submitted and approved under the provisions of this Law, or who shall use any building, structure or land in violation of this Law or any regulation made under the authority conferred by this Law or in violation of the provisions of any building permit or certificate of occupancy or without a building permit or certificate of occupancy where one is required by this Law shall be liable to a fine not exceeding in the case of one violation Two Hundred Fifty Dollars

ZONING

(\$250) or imprisonment not exceeding fifteen (15) days or by both such fine and imprisonment.

- (2) Any person violating this Law shall also be subject to a civil penalty enforceable and collectable by the Village in the amount of fifty dollars (\$50) for each week that such violation shall continue not to exceed Two Hundred Fifty Dollars (\$250).
- (3) In addition to the above provided penalties and punishment, the Board of Trustees may also initiate an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Law.

ARTICLE XVII

Amendments

§100-62. Amendments.

Amendments to the Law shall be done in accordance with §7-708 of NYS Village Law.

ZONING

Schedule I

Table of Use Regulations

2/18/11

X - Use permitted-by-right (site plan approval NOT required) *See §100-17 for Regulated Activities within the H-Historic District
R - Use permitted-by-right (site plan approval required)
S - Use requiring a special use permit and site plan approval
Editors Note: Pre-existing nonconforming uses may be continued in accordance with Article XII-Nonconforming Buildings, Uses and Lots.

ZONING

Schedule II

Table of Lot & Bulk Requirements

ZONING

Village of Fleischmanns, New York

Schedule II - Table of Lot and Bulk Requirements

2/18/11

Zoning District	Minimum Lot Requirements			Minimum Setback Requirements			Max. Bldg. Height (feet)	Max. Lot Coverage (percent)	Minimum Green Space (percent)
	Minimum Area (square feet)	Minimum Width (feet)	Area Per Dwelling (square feet)	Front (feet)	Side (feet)	Rear (feet)			
<i>R-Residential</i>	15,000	75	15,000	25	10	25	35	30	25
<i>G-General Village</i>									
	10,000	50	10,000	25	10	25	35	30	25
<i>C-Commercial</i>									
- Residential	10,000	50	10,000	20	10	20	40	30	25
- Non-residential	15,000	75	N.A.	20	15	20	40	30	20
<i>I-Industrial</i>									
	40,000	200	N.A.	25	25	25	40	50	25
<i>H-Historic</i>									
- Residential	15,000	75	15,000	25	10	25	35	30	25
- Non-residential	15,000	75	N.A.	25	15	25	35	30	20
<i>FH-Flood Hazard</i>									
	N.A.	N.A.	N.A.	25	15	25	35	20	50
<i>MX-Mixed Use</i>									
- Residential	N.A.	N.A.	N.A.	10	10	10	40	85	5
- Mixed Use	N.A.	N.A.	N.A.	N.A.	N.A.	10	40	85	5

Notes: N.A. = not applicable

ZONING

Schedule III

Design Guidelines MX-Mixed Use District

Design Guidelines

Main Street Business District - Fleischmanns, New York



Village of Fleischmanns, New York

September 30, 2010

Design Guidelines

Main Street Business District - Fleischmanns, New York

ACKNOWLEDGEMENTS

VILLAGE BOARD	PLANNING BOARD	ZONING BOARD
Hon. David Morell, Mayor	Larry Reilly, Chairman	Faith Cherry, Chairperson
Todd Pascarella, Deputy Mayor	Don Kearney, Member	Bill Birns, Member
Harriet L. Grossman, Trustee	Bill Innella, Member	Yvonne Reuter, Member
Ben Fenton, Trustee	R. Patel, Member	
Fred Woller, Trustee	Bud Sife, Member	

ZONING LAW & DESIGN GUIDELINES REVIEW COMMITTEE

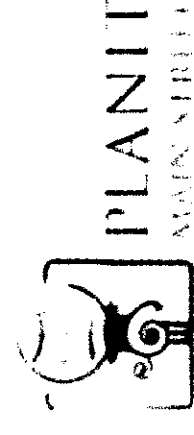
Bill Burns
Peg Ellsworth
Harriet L. Grossman
Larry Reilly
Fred Woller

Kent Manuel, Senior Planner - Delaware County Department of Planning

CONSULTANTS

PLANIT MAIN STREET, INC.
Alan J. Sorensen, AICP – Author

All photos and illustrations unless noted otherwise © Planit Main Street, Inc., all rights reserved.
This publication is produced for the sole use of the Village of Fleischmanns and may not be made available to other parties without the written permission of Planit Main Street, Inc.



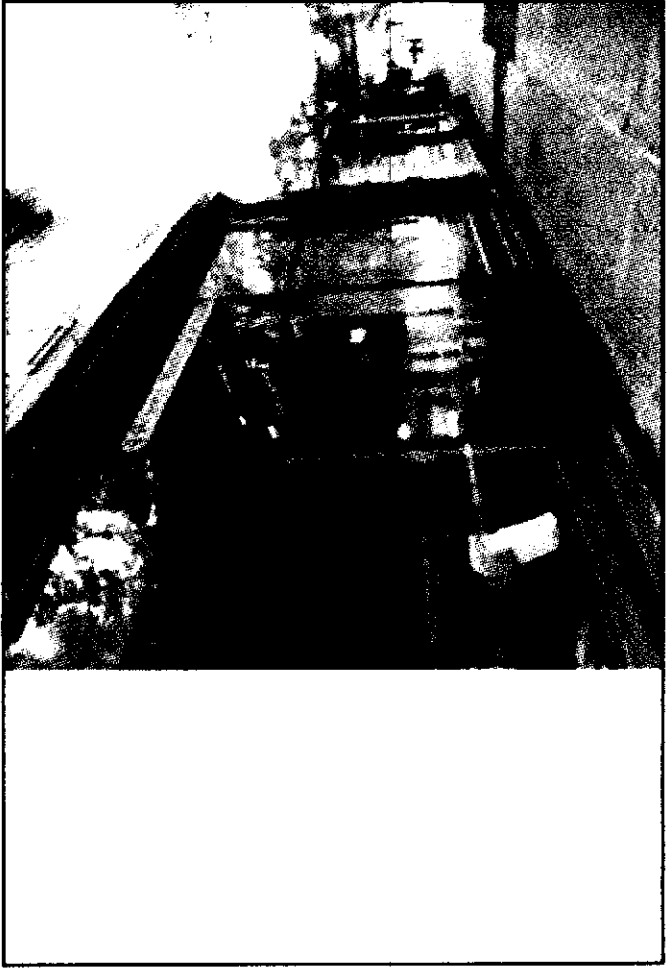
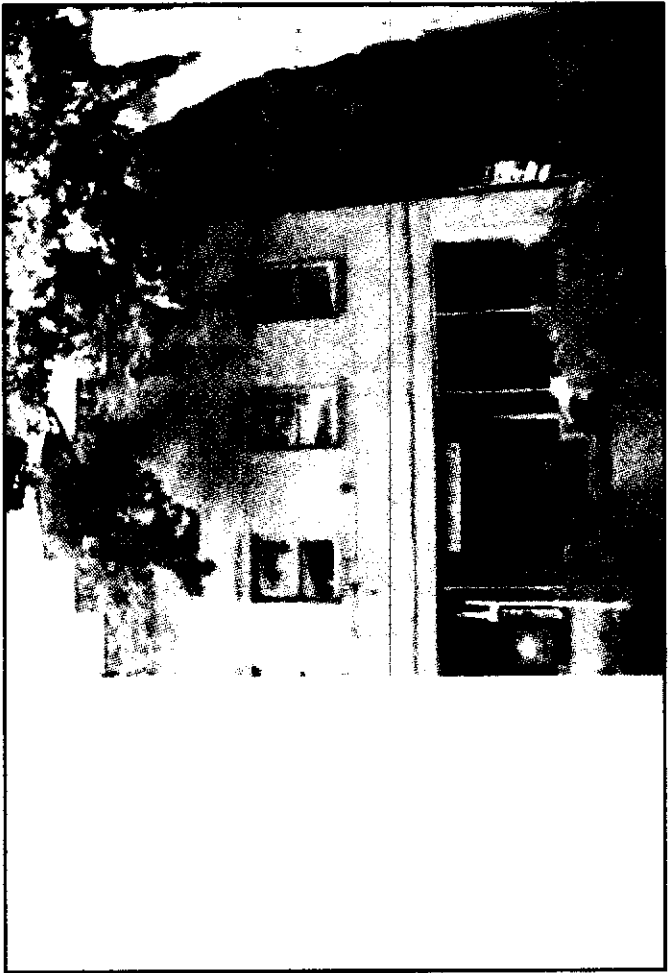
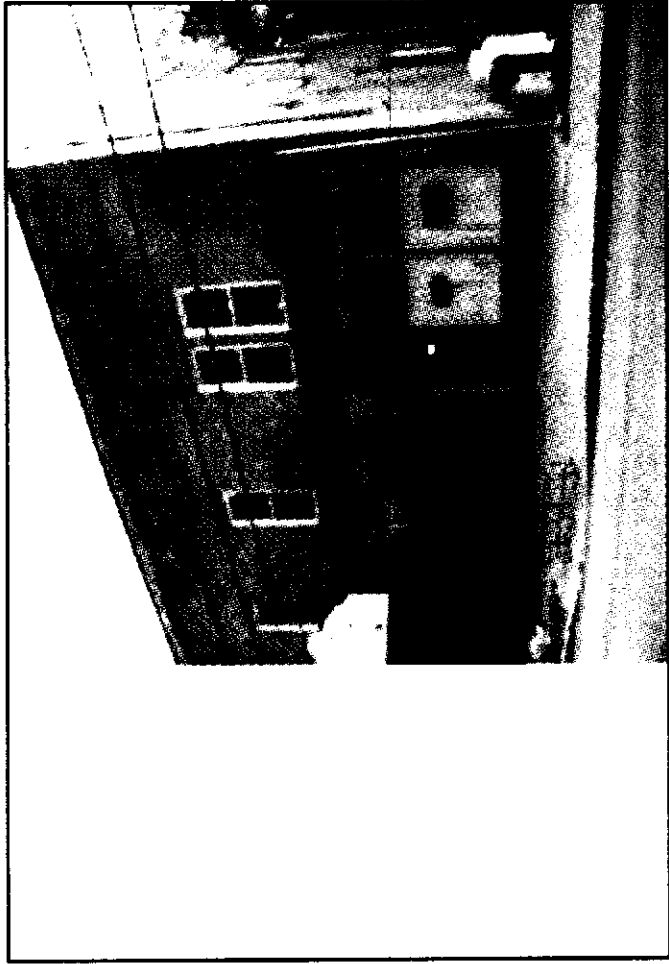
Design Guidelines: Introduction

Table of Contents

Introduction	1
Overview	2
Site Design for Mixed-Use	3
Building Mass & Scale	4
Form & Roofline	5
Building Entrances	6
Architectural Features	7
Materials & Colors	10
Lighting, Signs & Awnings	13
Application of Principles	17
Service Areas	19
Other Guiding Principles	20
Definitions	21

The Village of Fleischmanns' Central Business District (CBD) is situated along Main Street and is locally referred to as "Main Street." There are many mixed-use buildings along Main Street and most of these buildings are eligible for listing on the State or National Register of Historic Places. These historic mixed-use buildings contribute to the Village of Fleischmanns' unique sense of place. In a few instances, the renovation of these mixed-use buildings was done in a manner, which compromised the architectural integrity of the building. Fortunately, however, in most instances the original architectural elements of these mixed-use buildings is preserved, though in need of repair.

The Village Board wants to encourage reinvestment along Main Street, but understands that renovations must respect the original architecture of these historic mixed-use buildings. The purpose of these Design Guidelines is to provide a framework in which to guide building renovations, new infill development and public investments in a manner that protects these historic resources while strengthening the fabric of Main Street. These guidelines shall apply to all properties within the Village of Fleischmanns' MX-Mixed Use Zoning District. They are meant to supplement existing Site Plan Review and Sign Regulations by illustrating how building design can enhance the built environment.



Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Outdoor Spaces

Design Guidelines for MX-Mixed Use District:

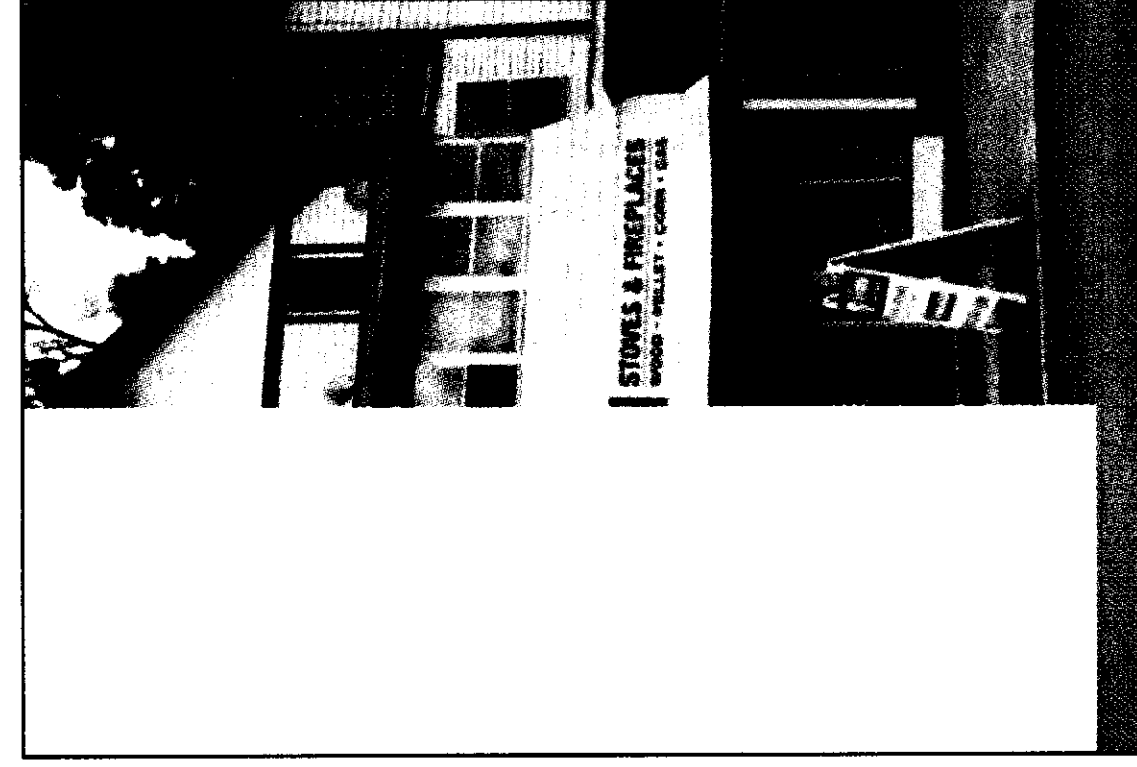
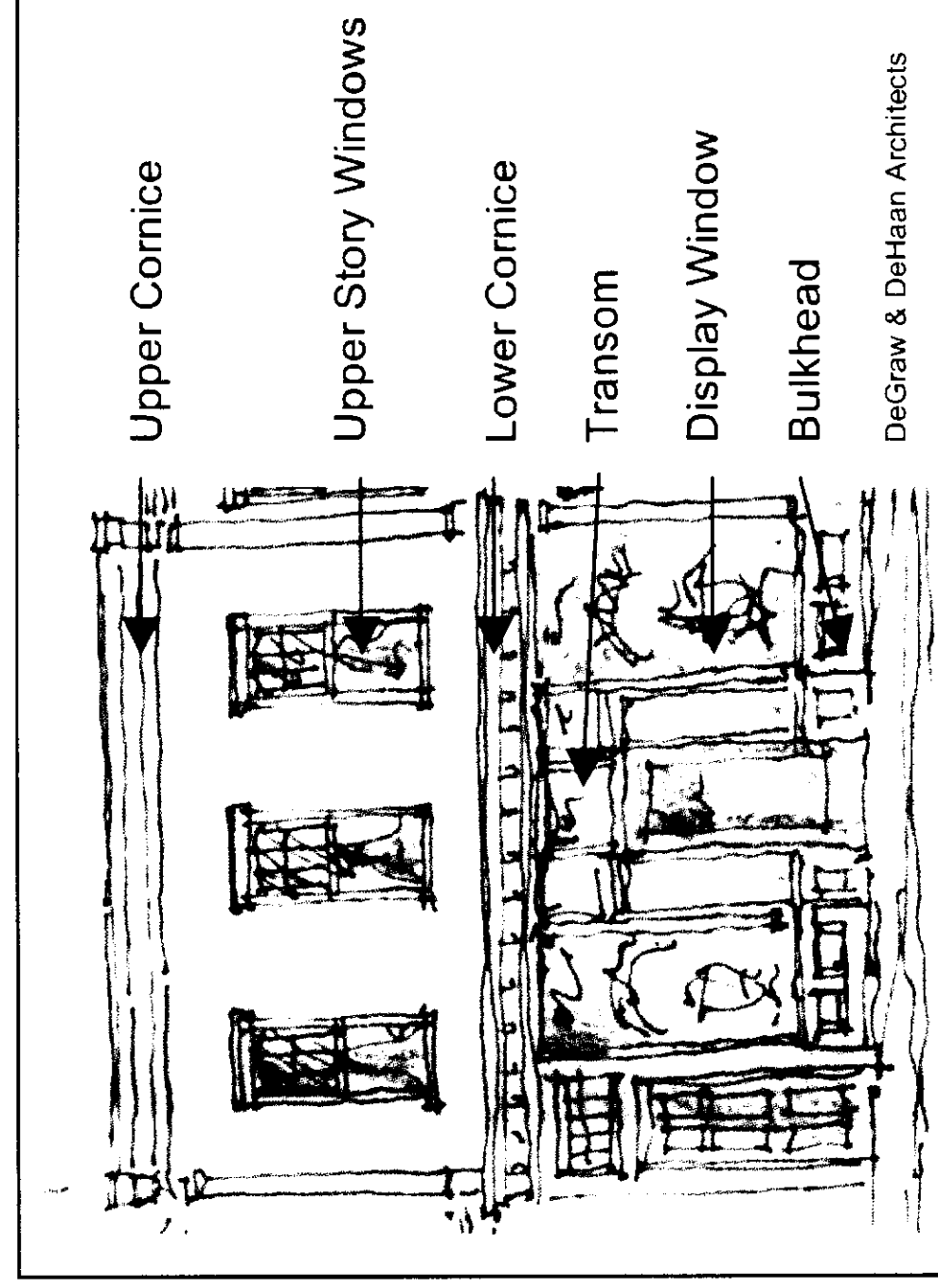
Overview

Buildings within the *MX-Mixed Use Zoning District* shall incorporate the basic features of a pedestrian-oriented mixed-use business district. Retail storefronts shall be provided on the first floor of two or three-story buildings. Storefronts shall be oriented to Main Street. The following architectural features should be incorporated into all storefronts within the MX – Mixed Use Zoning District:

- Recessed entry for storefront (where an original architectural feature);
- Bulkhead;
- Display windows;
- Transom (where original to building architecture);
- Upper and Lower Cornices;
- Upper-story windows in proportion with building and in scale with traditional patterns on Main Street; and
- Quality construction and materials.

Renovation of building facades should preserve as much of the original building fabric as possible. For example, original windows, doors, cornices and building materials should be retained and repaired. If replaced, new windows should fit window openings and be designed to look like original windows. The use of vinyl or aluminum siding and/or renovations, which mask the architectural features of a building shall be prohibited.

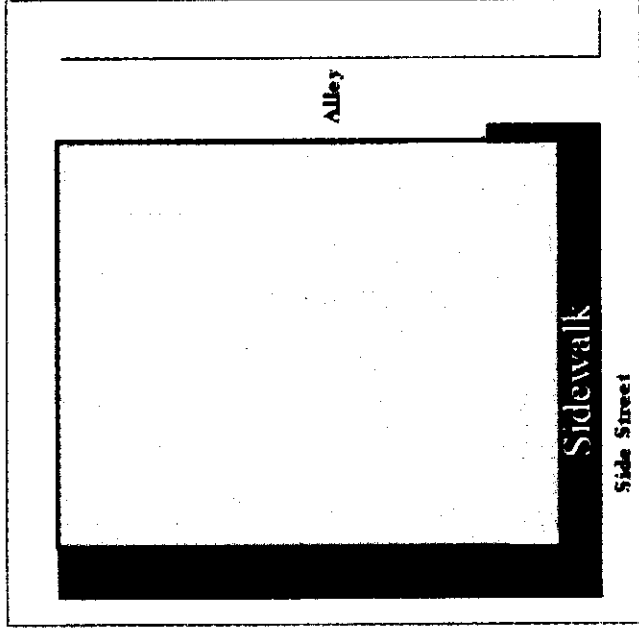
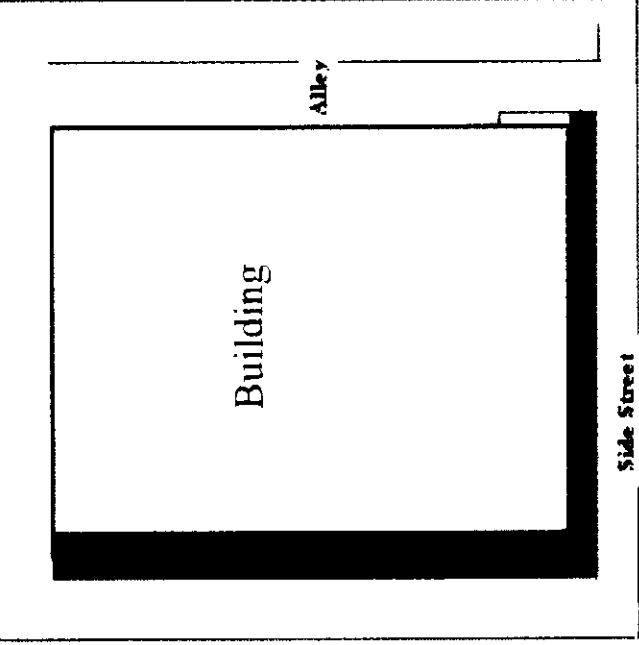
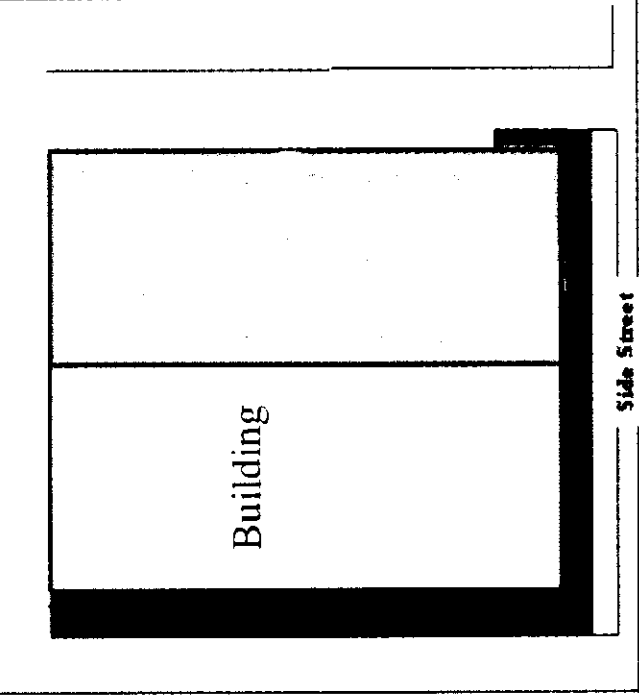
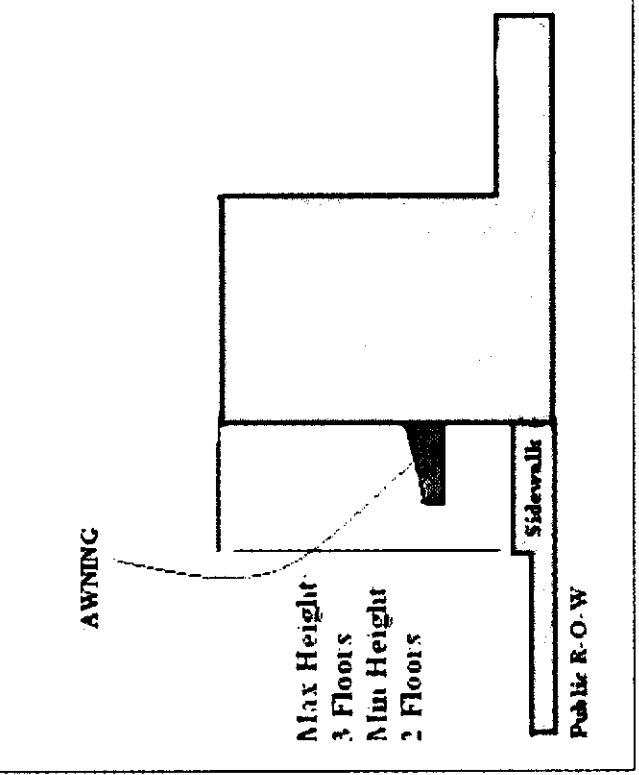
New mixed-use buildings should generally align to the edge of the sidewalk in order to maintain a building line along Main Street. Where there is room to provide off-street parking, it should be provided to the side or rear of buildings. Rear storefront entrances are encouraged, where feasible. Additional criteria for the placement of buildings are provided under Site Design.



The Tinderbox Building:

This building is located at 1109 Main Street. The owners retained many of the original elements of the storefront including bulkhead, large display windows and recessed entry. Most of the front facade also remains intact - however, the second-floor porch was enclosed. Renovations to the front facade might include the removal of the porch enclosure and restoration of the second floor porch to re-expose the columns and restore the baluster & balustrade.

Design Guidelines for MX-Mixed Use District: Site Design for Mixed Use Buildings

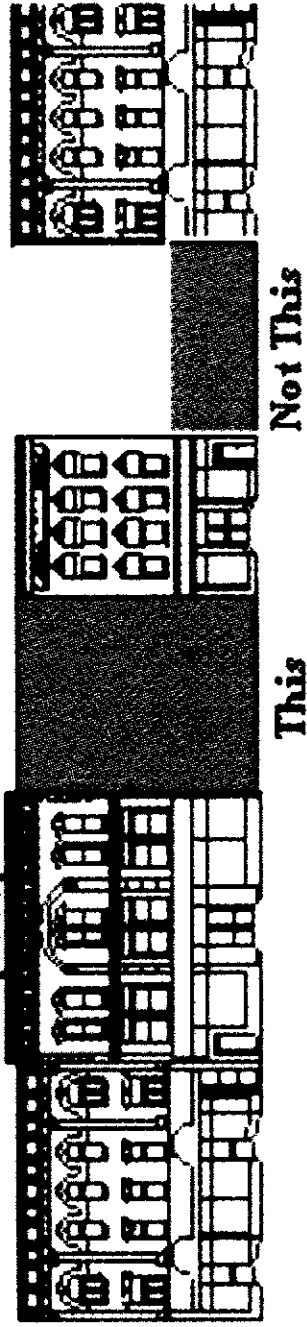
Building Placement	Building Frontage	Parking Placement	Building Height and Profile	Overview
				
Setbacks: Buildings should be located within the grey shaded area as shown in the above diagram. Building footprints for mixed-use buildings should be built to the sidewalk or set back no more than five (5) feet along Main Street. A zero setback on the front and side yards is allowed; however, a 10-foot rear yard setback is required. A sight distance will be required for buildings located on a corner lot. Front Setback: 0' Min. Side Yard: 0' Min. to 12' Max. Corner Side: 0' Min. to 12' Max. Rear Setback: 10' Min.	Encroachments Allowed: Balconies, colonnades, and porches on the second floor may encroach over the sidewalk a maximum of five (5) feet. Projecting signs may encroach over the sidewalk provided a eight (8) foot high clear walkway is maintained in all instances and public access is unobstructed. The design standards for the placement of projecting signs is provided in Section 100-42 (C) (4) of the Village Zoning Law. Outdoor cafes may be permitted as an accessory use on Main Street provided sufficient aisle width is maintained for ADA compliance.	Parking Requirements: Within the MX-Mixed Use District, off-street parking should only be permitted in the side of rear yards. Off-street parking spaces shall not be required for existing buildings or new infill buildings within the MX-Mixed Use District. However, if a municipal parking district is created, a special district tax to pay for municipal parking lots will be required. Alleys: Where feasible, access to off-street loading should be provided from designated alleys that are at least 15 feet in width.	Maximum Height & Profile: Within the MX-Mixed Use District, the maximum building height shall be forty (40) feet. Minimum: 2 stories Maximum: 3 stories Rooflines: Infill buildings shall incorporate horizontal or sloping rooflines. Parapet walls rising above the roofline of flat roofs should be used to conceal rooftop HVAC equipment. Infill Buildings: Shall respect adjacent buildings in terms of height, materials and building placement.	Site Design
				Mass & Scale
				Form & Roofline
				Building Entrances
				Architectural Features
				Materials & Colors
				Signs & Lighting
				Outdoor Spaces

Design Guidelines for MX-Mixed Use District: Building Mass & Scale

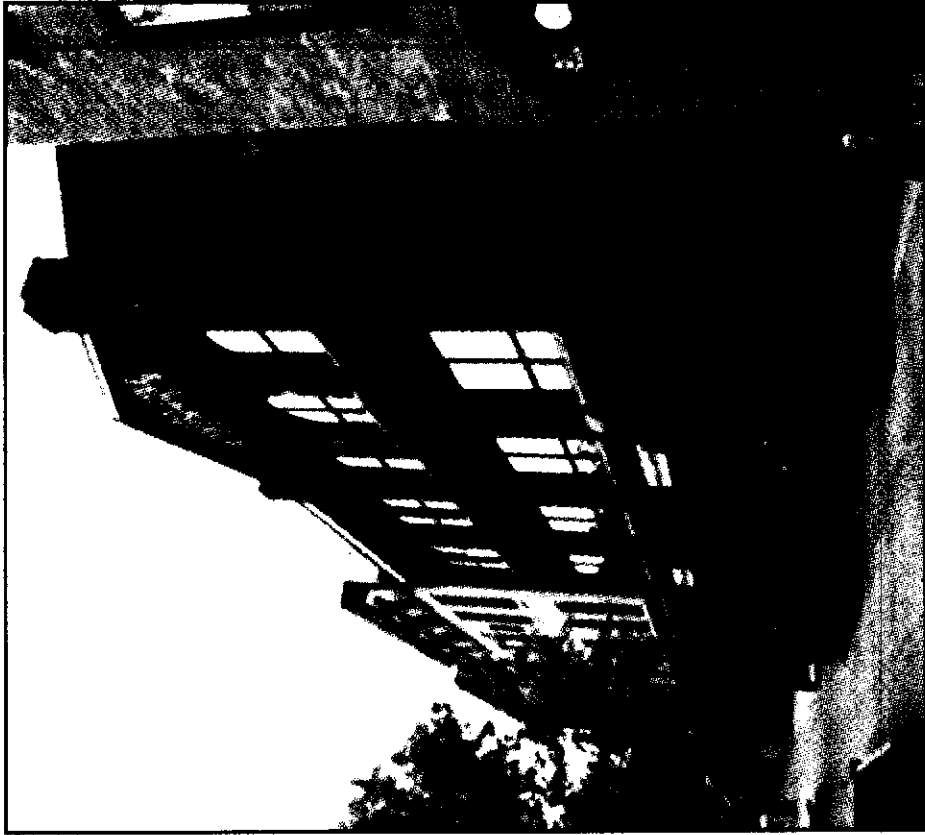
New infill buildings should respect the mass & scale of the traditional building stock within the Main Street Business District. The vertical and horizontal delineation of new structures should match that of traditional structures so they fit within the context of the existing building stock. In this respect, the mass & scale of new buildings is as important to fitting in as is the placement of new buildings on a site.

The following design principles should be followed when designing new infill buildings:

1. Building height: The height of new buildings should not appear excessively higher or lower than surrounding properties [see illustration upper right corner of page].
2. Floor-to-floor heights: It is critical that the floor heights of new infill buildings are in keeping with the floor heights of adjacent structures. Furthermore, upper floor windows must be divided into individual window units that are similar in scale to adjacent structures.
3. Break up the mass of the building elevation: For large infill buildings, the façade shall be divided into modules to give the appearance of several buildings. This is needed to maintain the traditional building pattern of mixed-use hamlet centers. This can be achieved through the use of colors and change in materials to provide a clear distinction between the modules. Recesses may also be used. Building facades should also provide a clear distinction between the first floor and the upper floors of the structure through the use of awnings, a lower cornice and change in materials.



New infill buildings shall be designed in a manner that ensures that they are compatible in scale to the existing building stock within the MX-Mixed Use Zoning District. Such buildings shall also provide for a visual transition from commercial buildings and nearby single-family homes when abutting surrounding residential districts.



Infill building: The infill building in the center of the photo to the right complements the mass and scale of adjacent buildings. This example is from the City of Saratoga, New York. Note how the new building incorporates similar building materials, decorative brick patterns, is built to the sidewalk, etc.

As new buildings are proposed in the MX-Mixed Use District along Main Street, it is important that the building placement, materials, scale and height complement surrounding buildings. Doing so will strengthen the fabric of Fleischmanns' Main Street Business District.

Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Outdoor Spaces

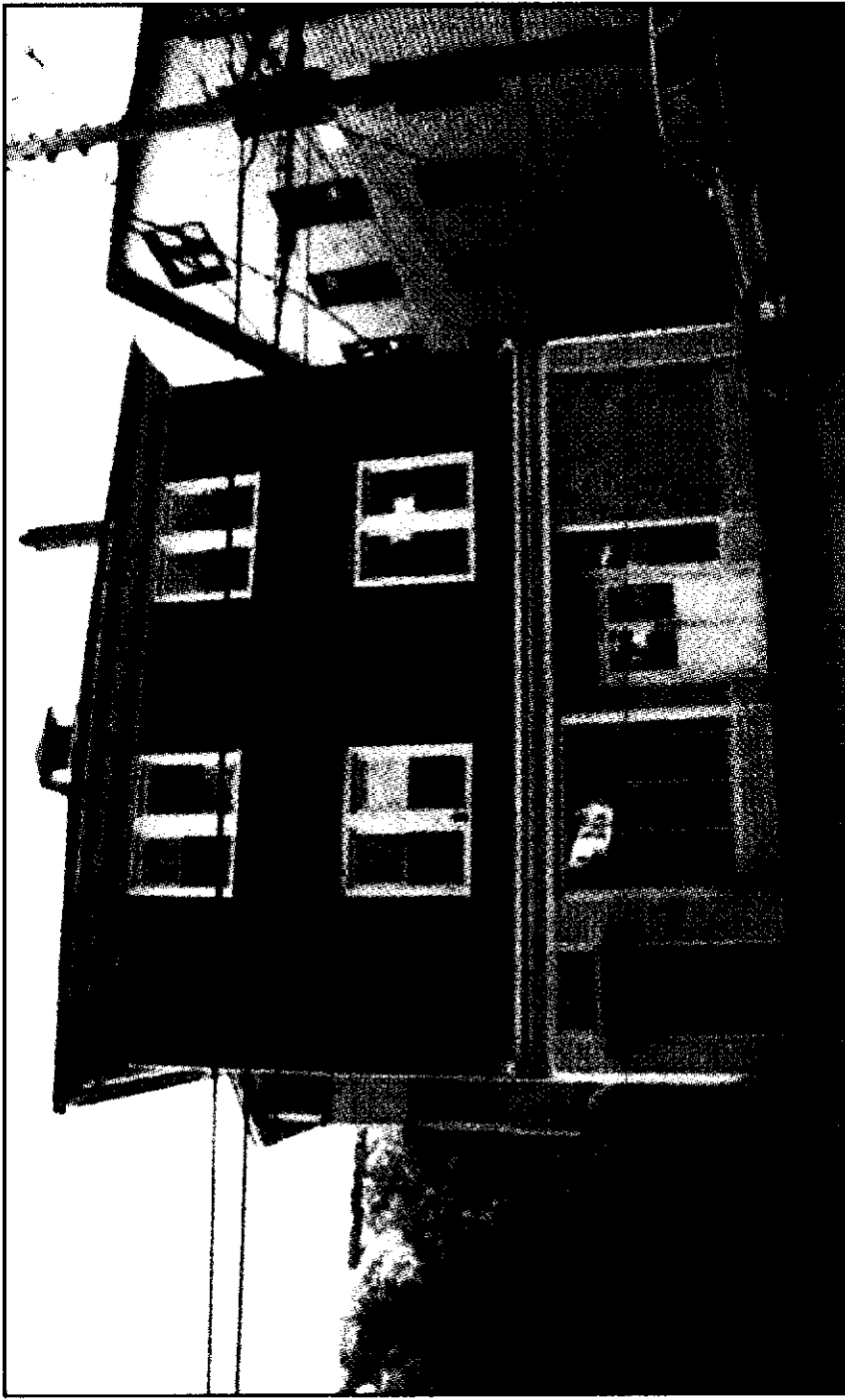
Design Guidelines for MX-Mixed Use District:

Form & Roofline

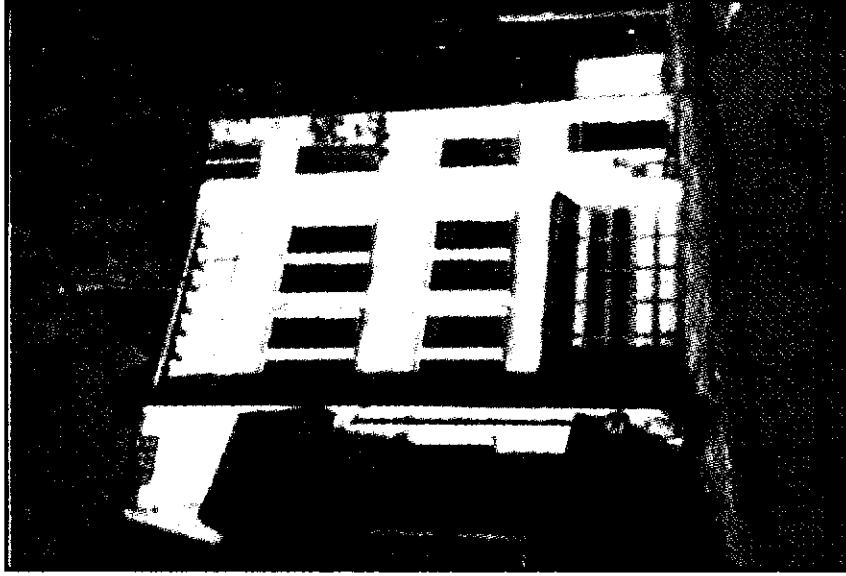
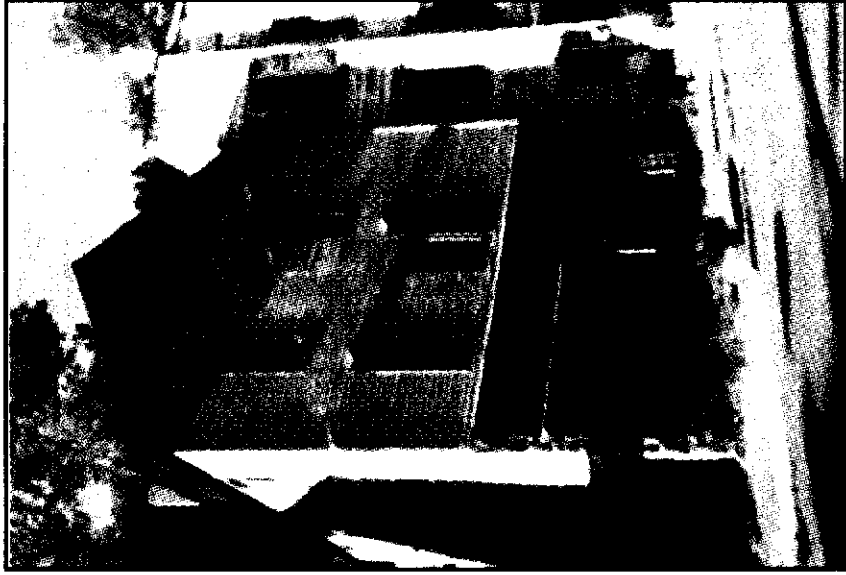
Main Street Business District

The predominant mixed-use building stock along Main Street consists of structures with flat roofs, hipped roofs or gable roofs. In some instances pitched roofs are concealed from the street view by a *parapet* wall. Along Main Street, rooflines vary allowing for flexibility in new building design. Still, general roof design standards are needed so that new structures complement adjacent historic buildings. Buildings with flat roofs should incorporate a decorative upper cornice and/or parapet. Buildings with gable and hipped roofs should overhang the front building facade and include decorative eaves or brackets to add visual interest to the facade (photo below right illustrates this point).

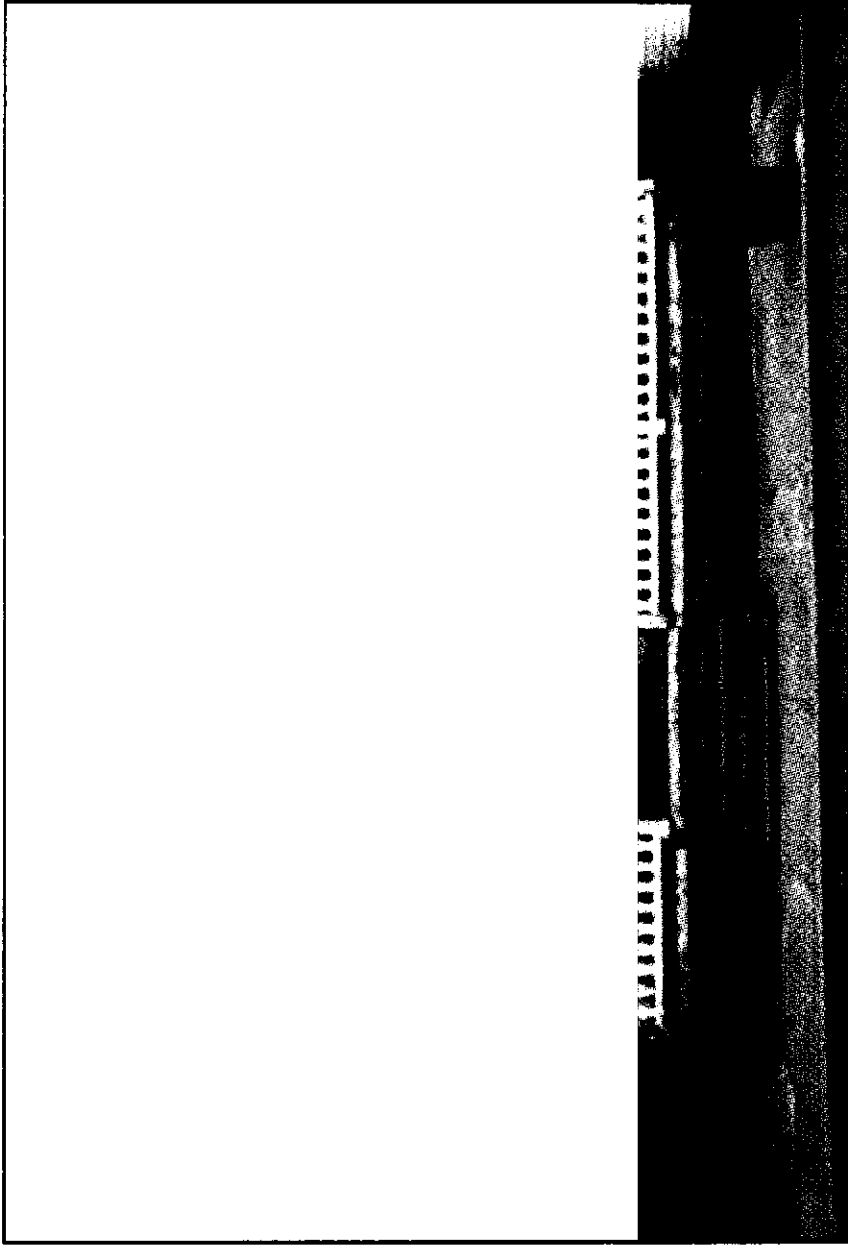
- Roof mounted mechanicals shall be concealed with parapet walls that incorporate a cornice, and
- Cornices shall be required on new buildings.



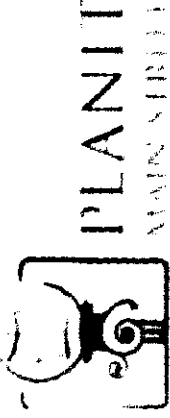
Above: This mixed-use building at 1130 Main Street has a hipped roof, decorative lower cornice above the storefront, recessed entry and large display windows. The renovation of this storefront should be limited to needed repairs, painting and replacement of the storefront glass.



Above (left to right): Traditional mixed use building on Main Street with typical building heights, setbacks, and roofline. Along Fleischmanns' Main Street Business gable roofs and rooflines that slope to the rear of the building are common. Some buildings also have flat roofs.



Above: Restaurant at 1103 Main Street with a flat roof. Original architectural features include a decorative upper cornice, front porches with original baluster & balustrade and large display windows on storefront. The renovation should be limited to repainting and repair of any exterior elements in disrepair.



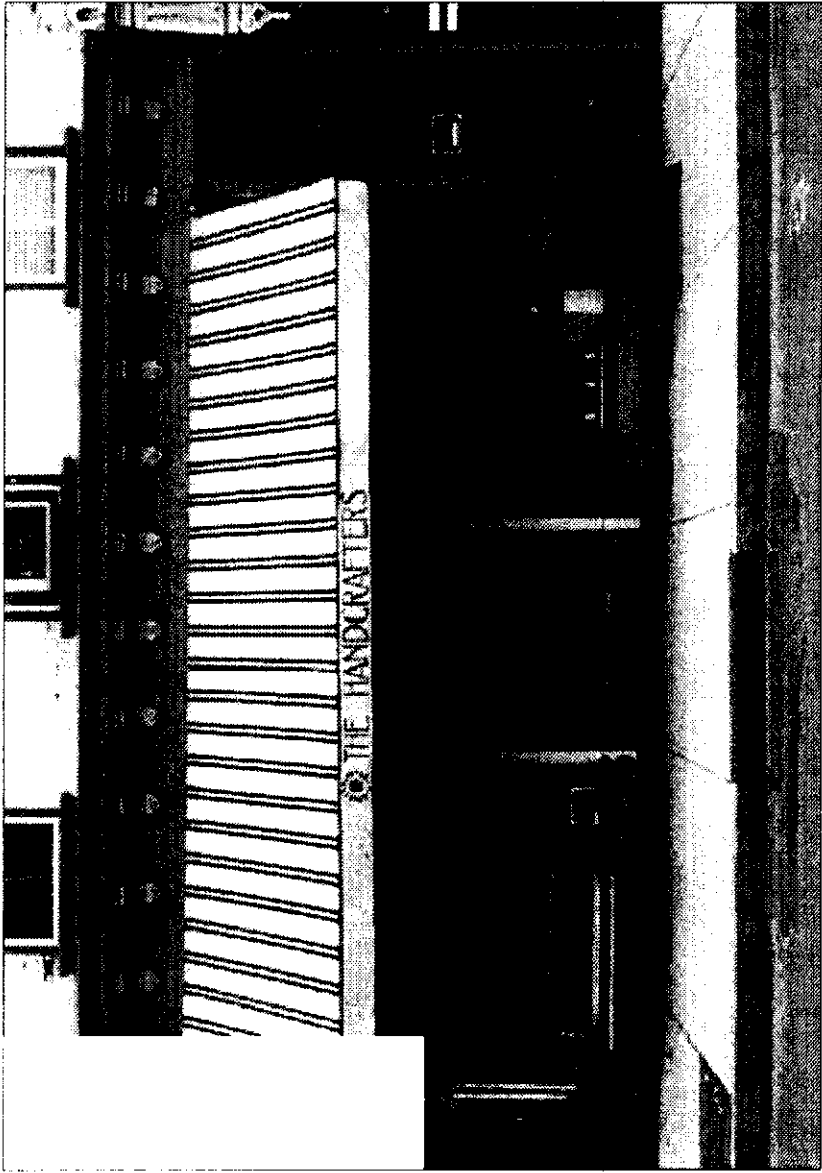
Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Outdoor Spaces

Design Guidelines for MX-Mixed Use District:

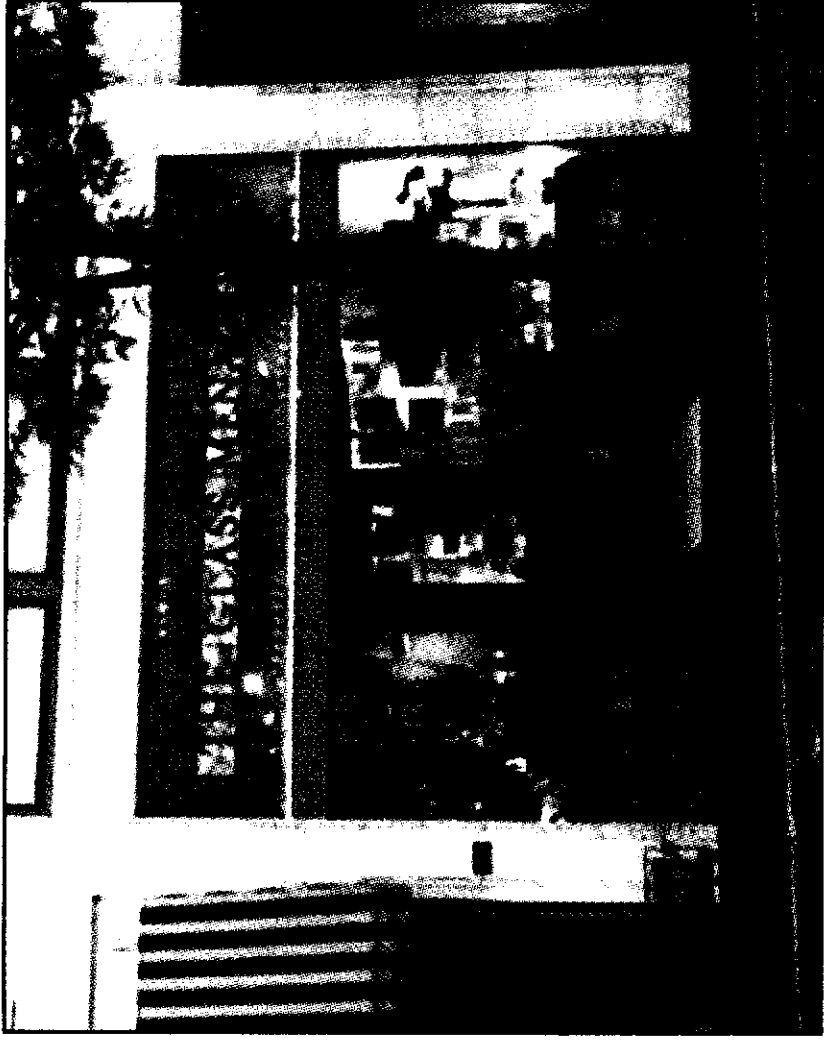
Building Entrances

The primary entrance to buildings must be clearly defined and oriented toward the street. For mixed-use buildings, separate entrances should be provided for retail/commercial and residential uses. All entrances should generally be oriented toward the street. However, residential entrances may be oriented to an alley or off-street parking area in the rear yard. The following general standards shall apply:

- Primary entrances should be accentuated using architectural features such as:
 - Recessed entries,
 - Display windows and signage, or
 - Awnings and lighting.
- Rear building entrances for retail is encouraged in the MX-Mixed Use Zoning District.



Above: The Handcrafters. The recessed entrance to the storefront is well defined and the owners have used awnings to help accent the entrance.



Above: The Glass Menagerie in Corning, NY incorporates the classic elements of a traditional storefront on Main Street. Note the well-defined bulkhead, display window and transom as well as the recessed entry.



Above: Market Street – Corning, New York. Primary entrance is oriented to the street. The entrance to second floor is located in front center of building façade.

Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Outdoor Spaces

Design Guidelines for MX-Mixed Use District:

Architectural Features

Architectural features of buildings make the streetscape more interesting and visually appealing. Existing buildings within the Main Street Business District incorporate such features. As infill buildings are developed along Main Street, attention must be paid to architectural details in order to conserve the integrity and cohesiveness of the business district. The following techniques are encouraged:

- Buildings with recessed entries,
- Storefronts to incorporate canvass awnings,
- Use brick patterns to provide visual interest, and
- Use a lower cornice to distinguish the first floor from the upper floors of the building.
- Infill buildings: Look to shapes, patterns and scale within the existing building stock and incorporate them into new infill building design.



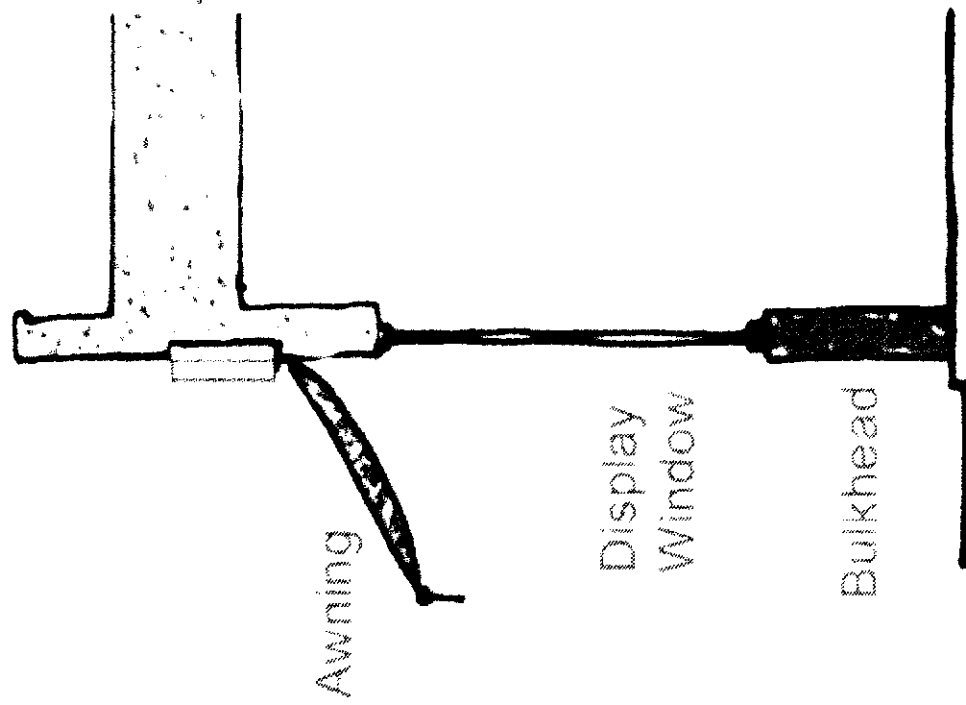
Above: New infill buildings in Rhinebeck and Saratoga, New York.



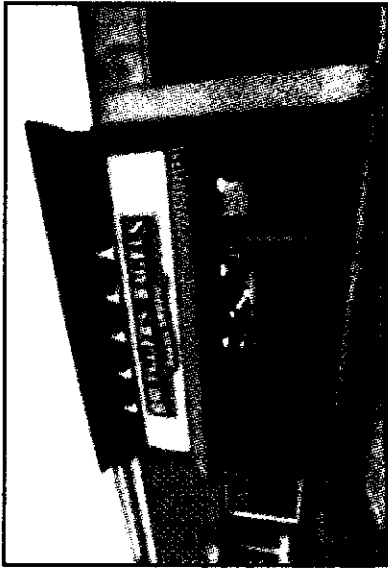
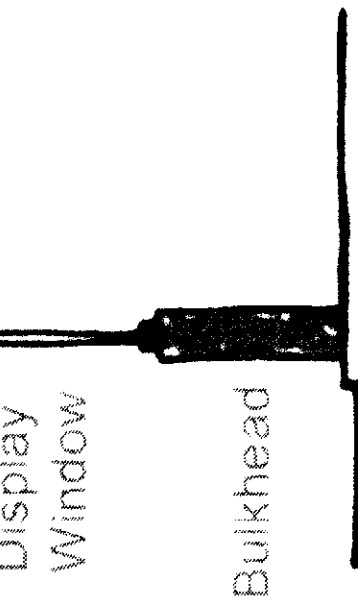
Above: New infill building in Saratoga, New York.

Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Outdoor Spaces

Design Guidelines for MX-Mixed Use District: Architectural Features



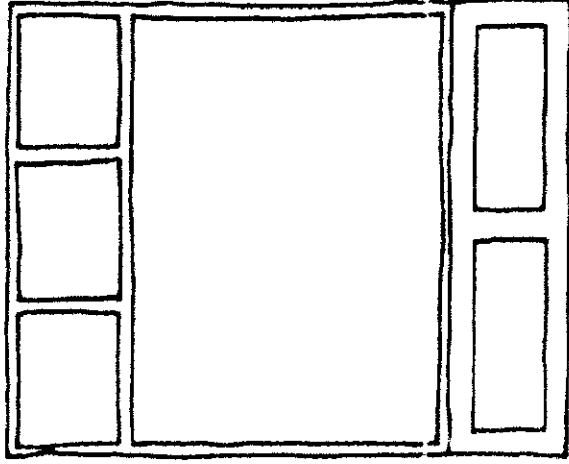
Above: Quarter-round awnings are prohibited.



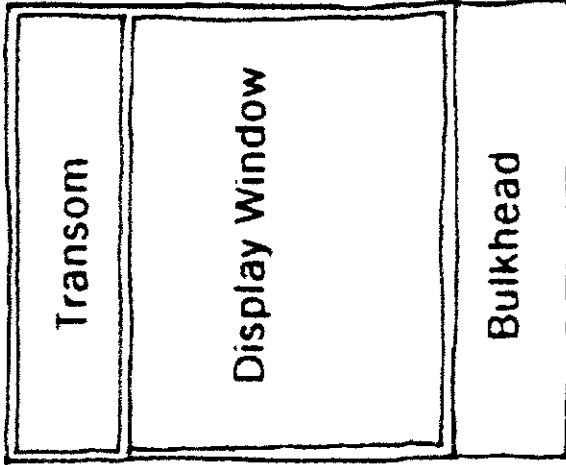
Above: Retractable awnings are strongly encouraged. Above: Fixed canvass awnings are permitted.

The graphic illustrations included here are provided to give a visual interpretation of some of the concepts that are described in the preceding sections. The illustrations provided on this page demonstrate the appropriate and inappropriate means of designing a storefront within the MX-Mixed Use Zoning District.

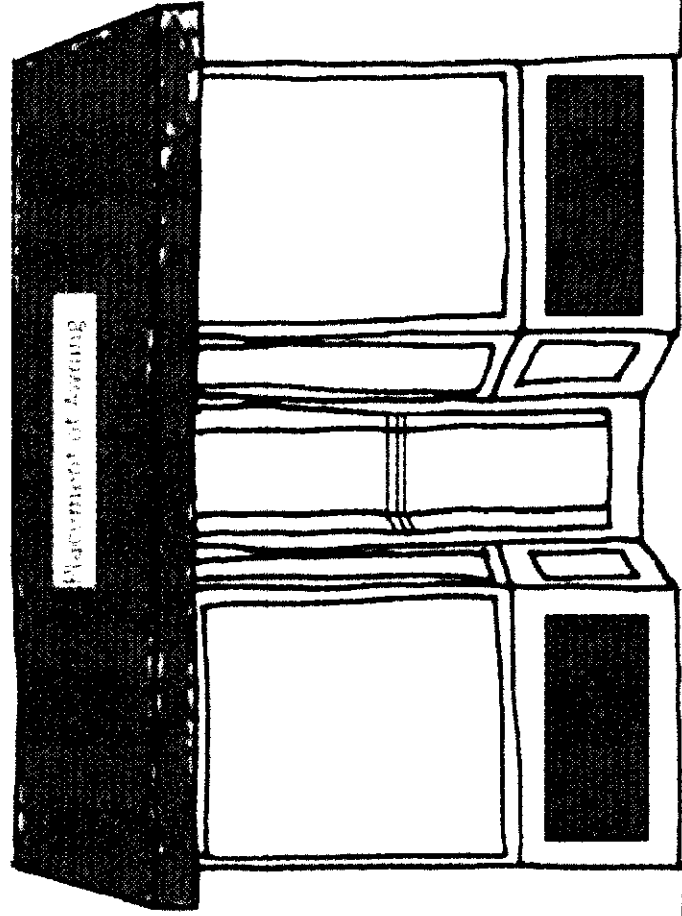
This



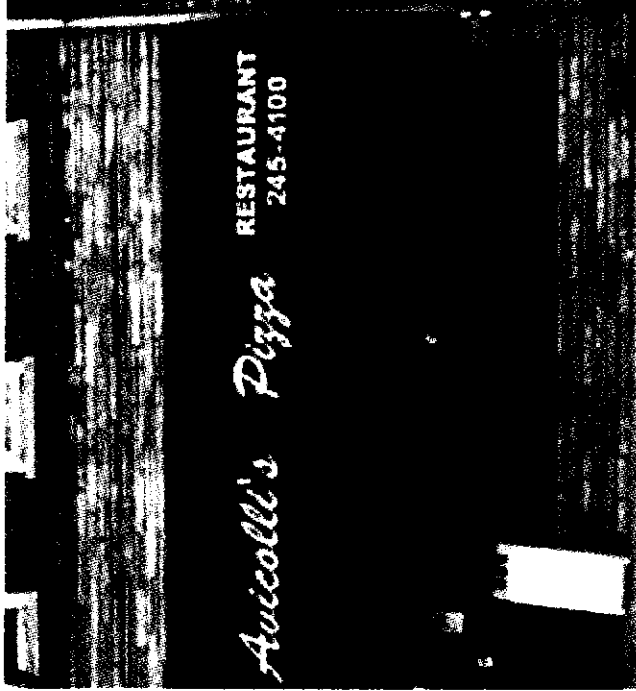
This



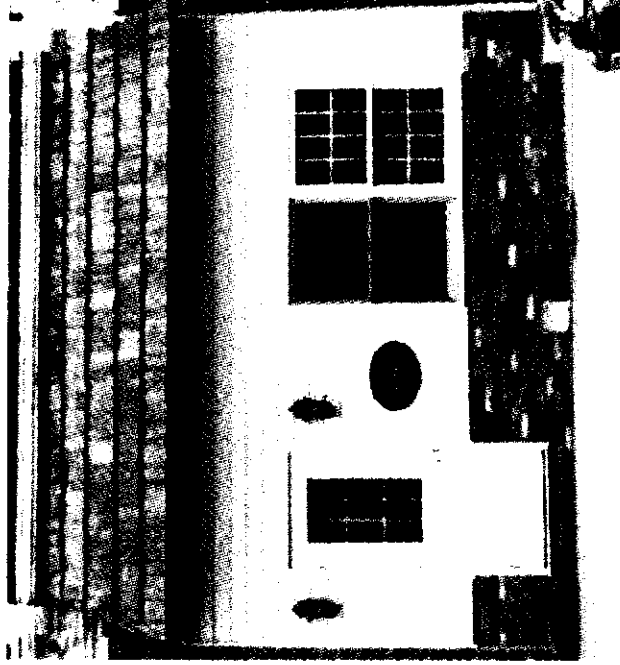
Placement of Sign



Not This



Not This

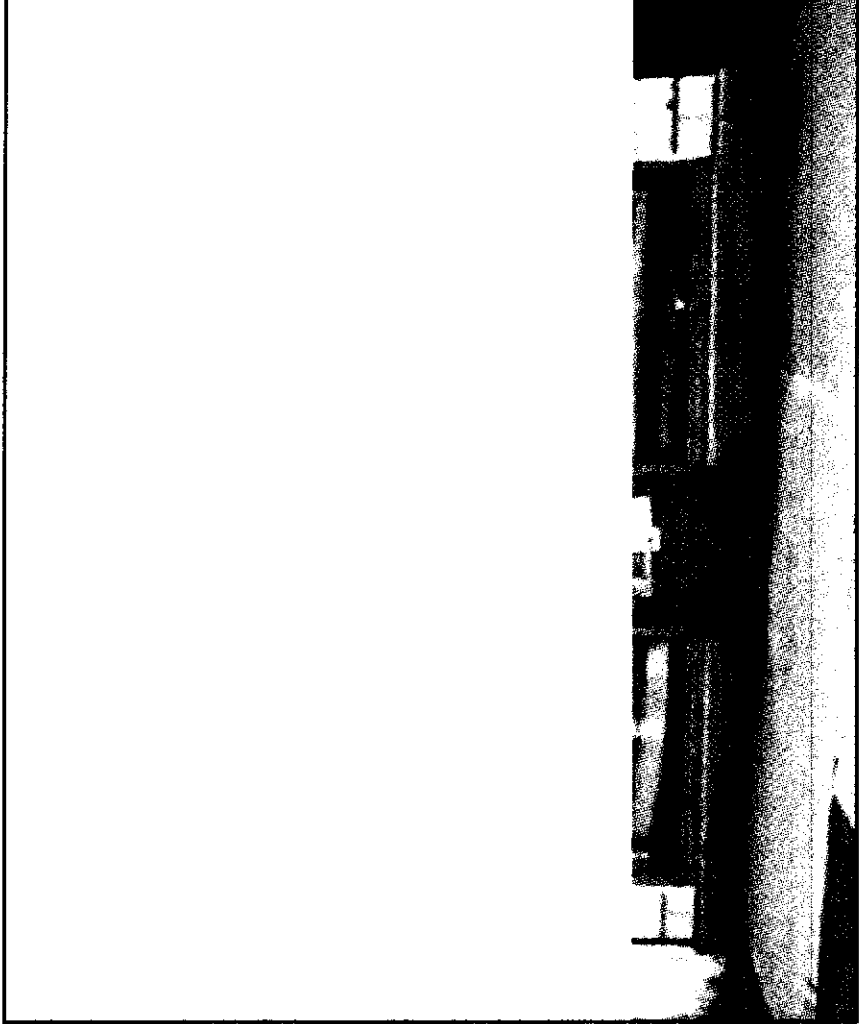
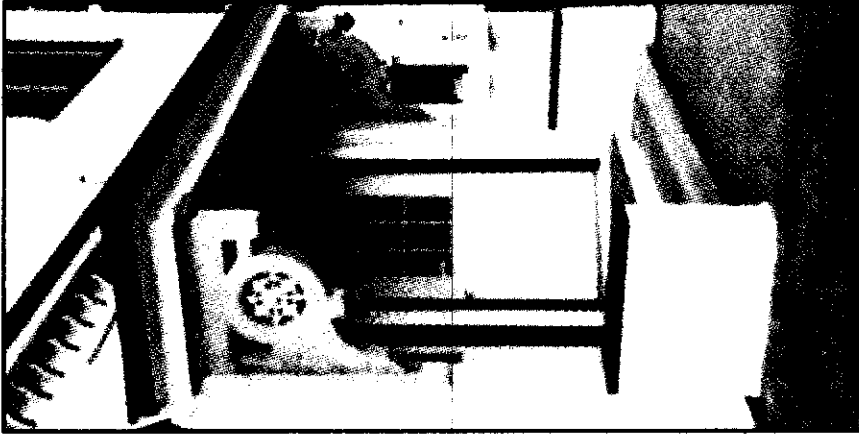


Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Outdoor Spaces

Design Guidelines for MX-Mixed Use District: Architectural Features

	<div>Overview</div>
	<div>Site Design</div>
	<div>Mass & Scale</div>
	<div>Form & Roofline</div>
	<div>Building Entrances</div>
	<div>Architectural Features</div>
	<div>Materials & Colors</div>
	<div>Signs & Lighting</div>
	<div>Outdoor Spaces</div>

Decorative cornices are common elements of mixed-use buildings within Fleischmanns' Main Street Business District. These architectural features should be preserved on all existing buildings. The use of vinyl or aluminum siding that conceals these features is prohibited. Infill buildings should incorporate decorative cornices or parapet wall. The photos on this page provide illustrate examples of decorative cornices that presently exist along Fleischmanns' Main Street.



Design Guidelines for MX-Mixed Use District: Materials & Colors

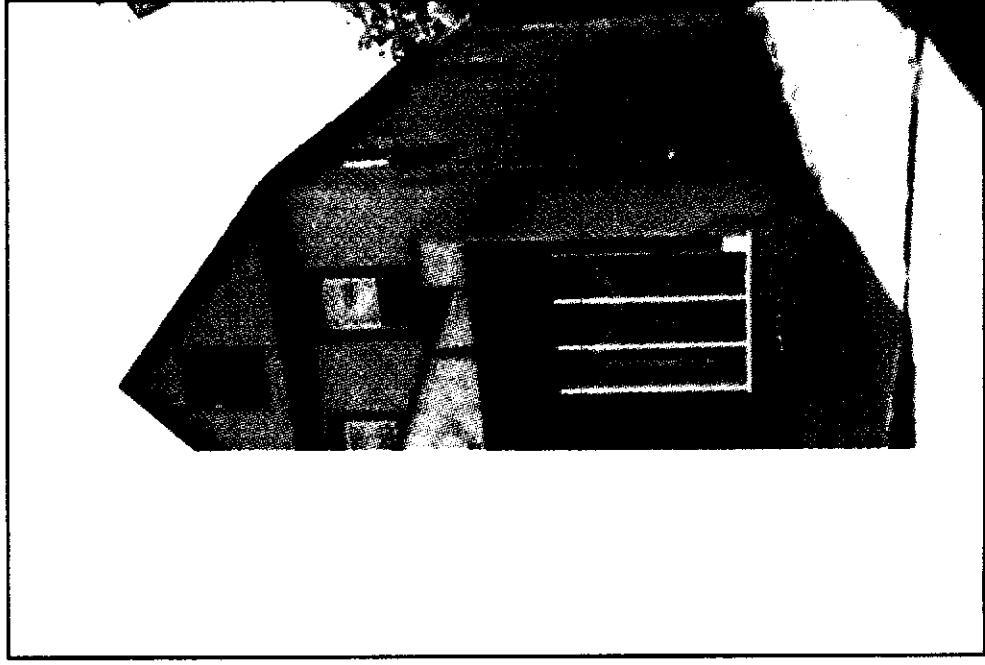
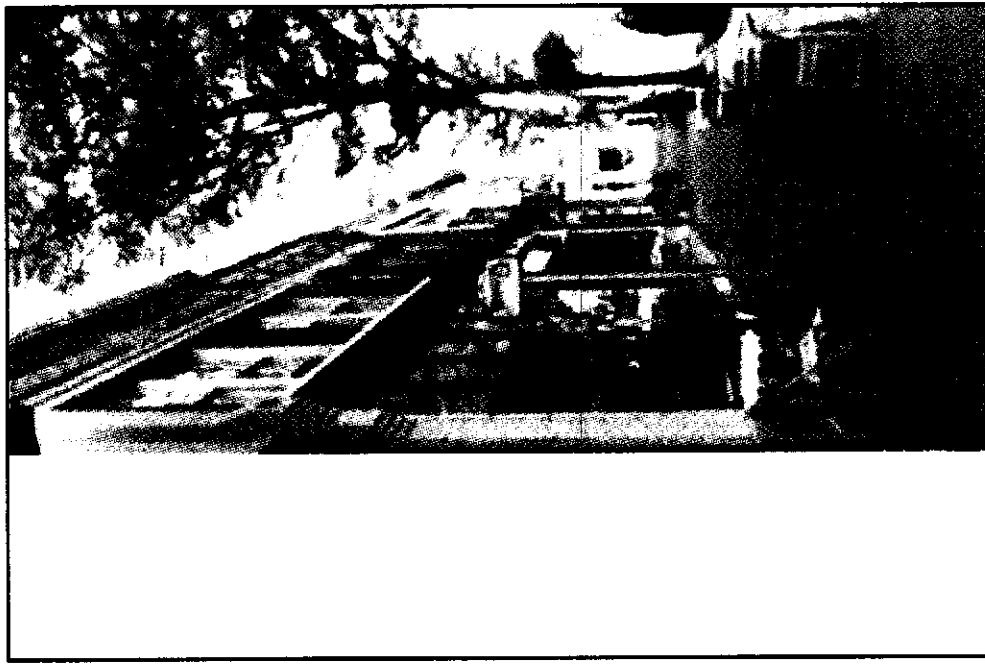
Building materials and colors are part of the design vocabulary that defines the character of Main Street. An underlying design theme for Fleischmanns' Main Street must be "Quality"quality design, quality materials, and quality finishes. Within the MX-Mixed Use District traditional and appropriate exterior finishes include:

- Common red brick siding and stucco.
- Wood lap siding, hardiplank or brick.
- Wood frame windows/doors [see material list on page 12].

The following exterior finishes are prohibited:

- Vinyl siding or aluminum siding.
- Polished stone, ceramic tile, or mirrored glass.
- Board & batten or T-1-11 siding.

Building colors should complement the overall character of Main Street. *Historic color palettes* - such as those provided by Sherwin Williams or Benjamin Moore - should be used in the selection of building colors.



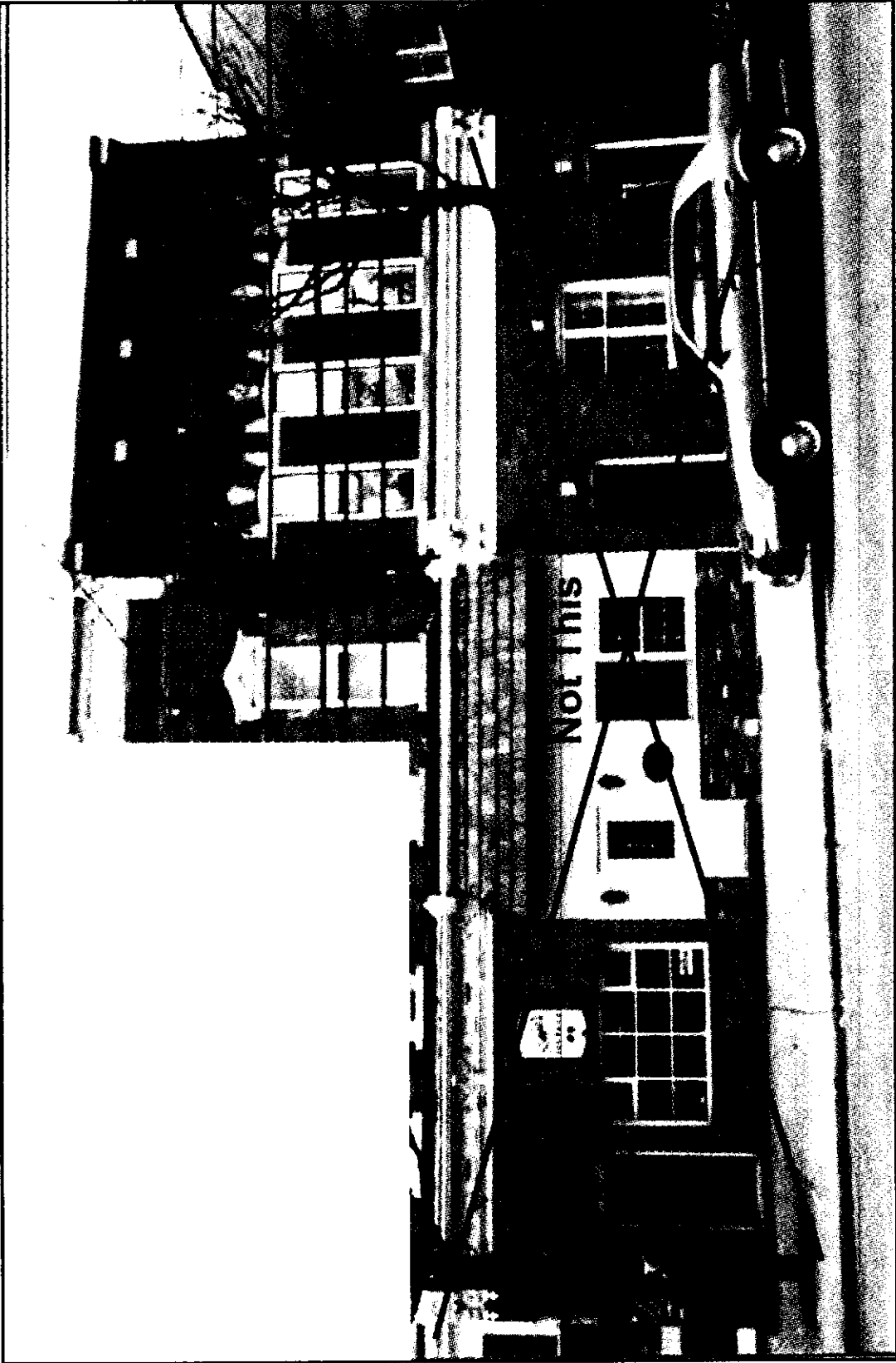
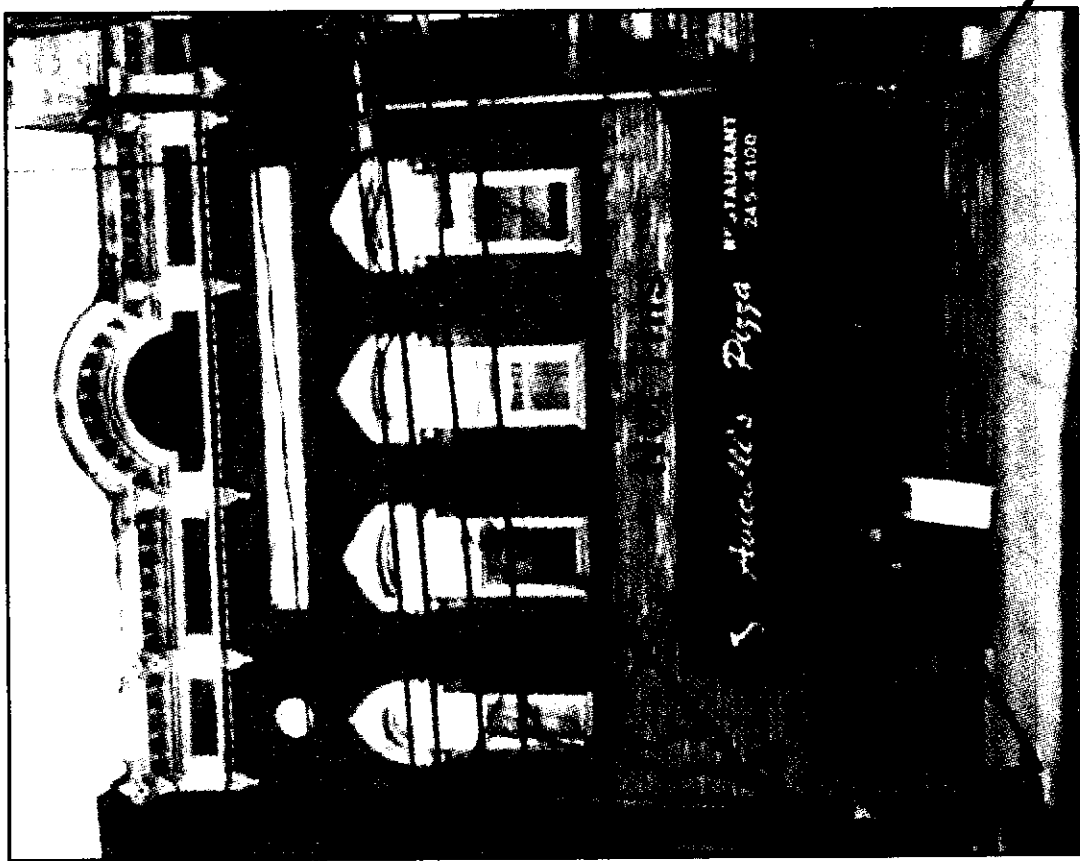
Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Outdoor Spaces

Design Guidelines for MX-Mixed Use District: Materials & Colors

Inappropriate building materials or colors can have an adverse impact on the integrity of individual buildings and the Main Street Business District as a whole. The examples provided on this page illustrate *inappropriate* design. Proposed renovations to existing building facades that incorporate any of the design elements shown on this page shall be prohibited within the MX-Mixed Use Zoning District. The following exterior finishes are prohibited:

- Mansard-like projections (see bottom right photo – store bottom center),
- Faux stone siding on lower level of brick building,
- Vinyl or aluminum siding,
- Signage that masks architectural elements of a building, or
- Polished stone, ceramic tile, or mirrored glass.

Building materials should complement the architecture of the individual building and enhance the character of the Main Street Business District.



Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Outdoor Spaces

Design Guidelines for MX-Mixed Use District: Materials & Colors

Building Materials & Colors (Historic Color Palette)

Building Element:

Recommended:

Not Recommended:

Facade:

Common red brick
Wood clapboard
Hardie Plank Lap Siding
Stucco (if true to bldg. architecture)

T-1-11 or board & batten
Vinyl or aluminum siding
Imitation brick siding
Faux stone siding
Block or plain masonry units
Faux log cabin siding

Trim:
Wood

Wood

- Finished grade
- Painted or stained

Rough cut or unfinished wood

- Faux log cabin
- Plywood or T-1-11

Windows:

Wood frame

- Painted
 - Stained
- Lintels & Sills
- Brick or stone

Aluminum frame
Vinyl casement

- Glass
- Clear glass for display windows
- Transom
- Clear, etched, frosted, or stained glass
- Upper Floors
- Clear glass

- Mirrored or tinted glass

Roof:

Asphalt shingles
Tin or colored aluminum
Parapet caps

- Tin, brick or stone

Corrugated Fiberglass

Awnings:

Canvas retractable
Canvas fixed

- 3-color maximum

Vinyl or quarter-round awnings

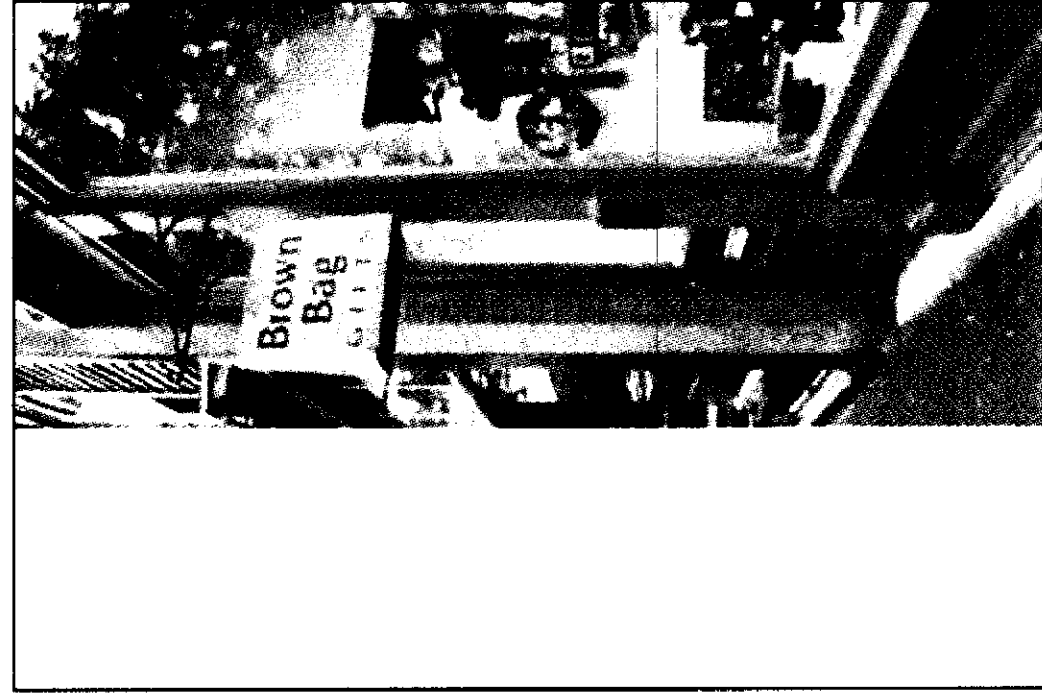
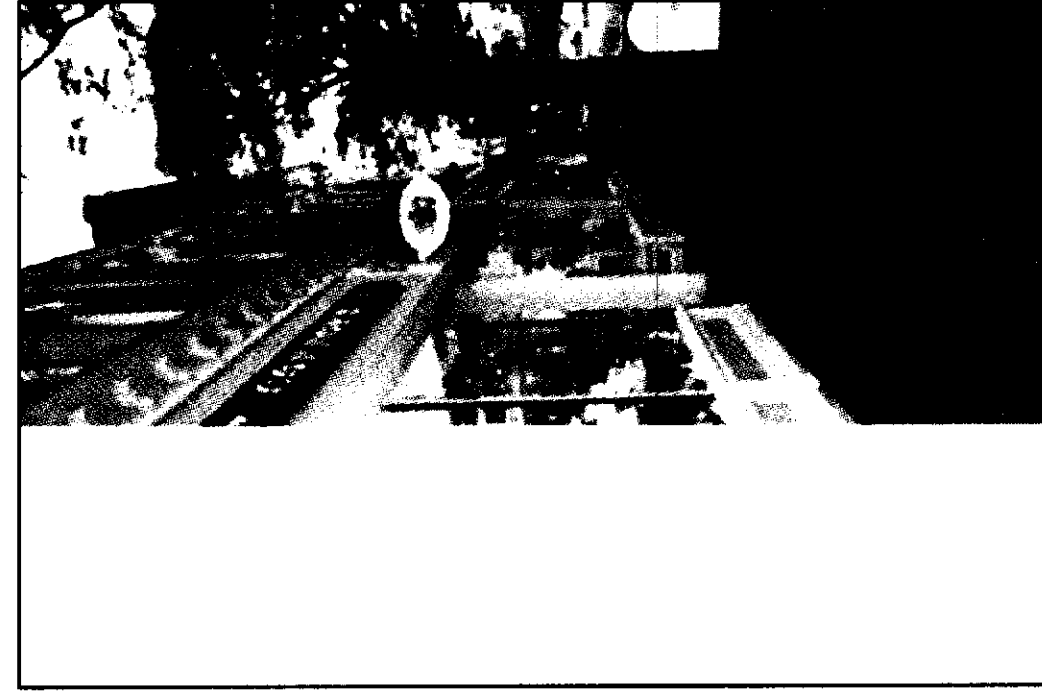


Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Outdoor Spaces

Design Guidelines for MX-Mixed Use District: Lighting, Signs & Awnings

Signage within the MX-Mixed Use Zoning District shall comply with Article X - Signs of Fleischmanns' Zoning Law. It is also important that signage respect the architecture of the building and not mask architectural features such as the lower cornice or second story windows. It is important that new infill buildings be designed in a manner that anticipates the incorporation of signage and lighting consistent with the Zoning Law.

- New infill buildings should be designed to incorporate signage into the building facade,
- Down-lit gooseneck lamps are recommended to illuminate signage [see page 14], and
- Projecting signs are encouraged along Main Street since they make it easier for pedestrians to find stores (see photos below).



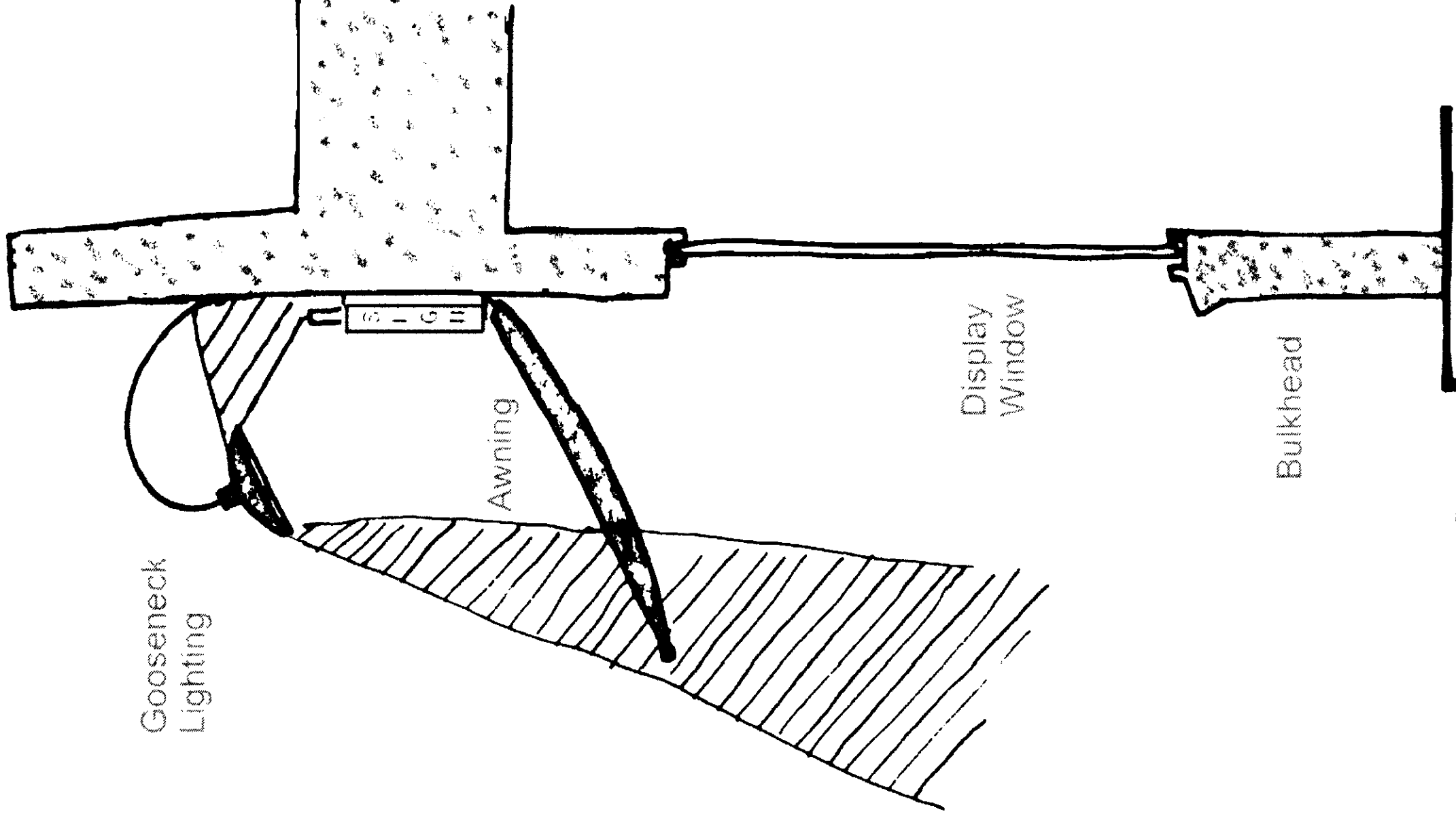
Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Lighting, Signs & Awnings
Outdoor Spaces

Design Guidelines for MX-Mixed Use District: Lighting, Signs & Awnings

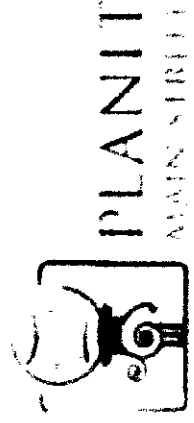
Lighting of the building façade is important for two reasons: 1) It is necessary to advertise the business after daylight hours and 2) lighting both during and after business hours is a deterrent to crime. Lighting can also be used to illuminate attractive architectural features of the storefront as well as the signage. Interior lighting of the window display is necessary to highlight items for sale and business owners are encouraged to have window displays lit after business hours. Appropriately designed exterior lighting not only accentuates building design, but it also enhances the ambiance of the Main Street Business District as a shopping and dining area.

The illustration to the right shows the appropriate placement of exterior lighting. The following standards also apply:

- Infill building design must incorporate the appropriate placement of lighting on the building,
- Down lit gooseneck lamps are recommended to illuminate signage,
- Lighting should not provide for excessive light or glare, and
- Energy conservation and LED lighting is encouraged.



Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Lighting, Signs & Awnings
Outdoor Spaces



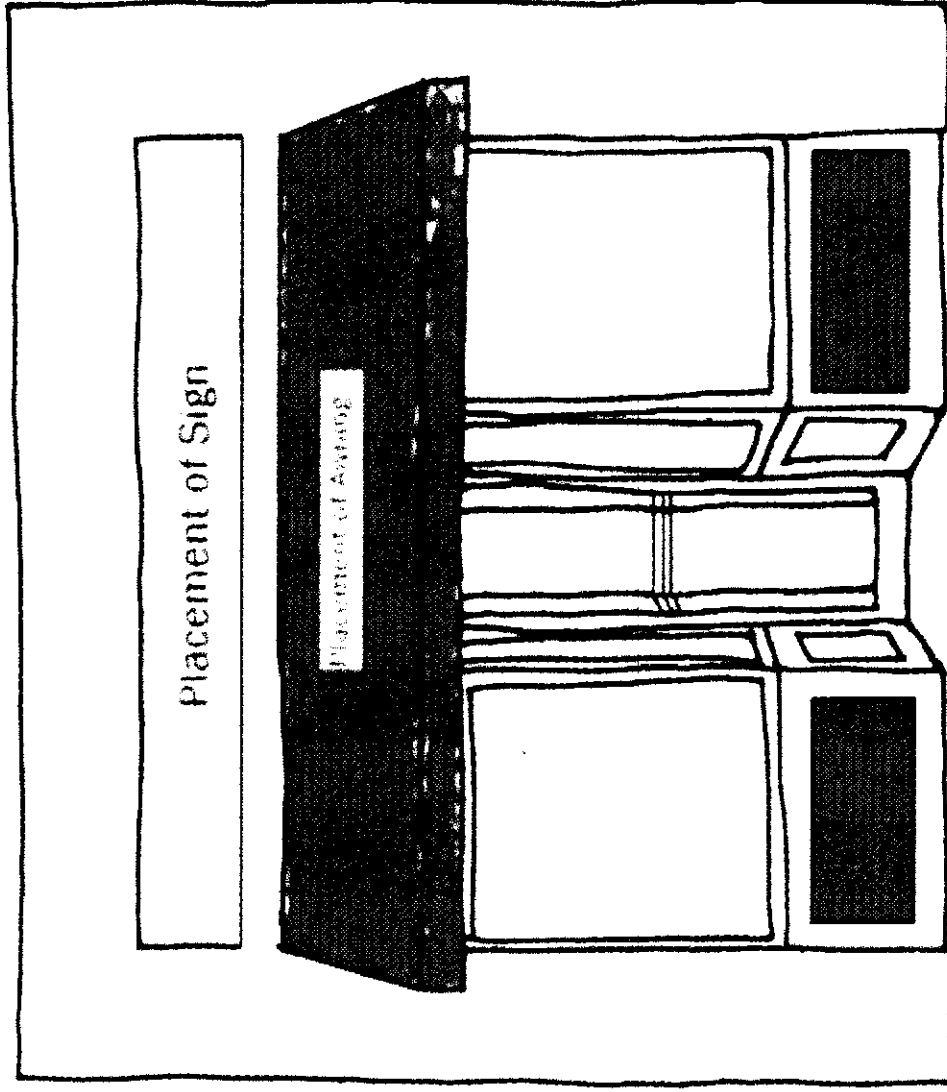
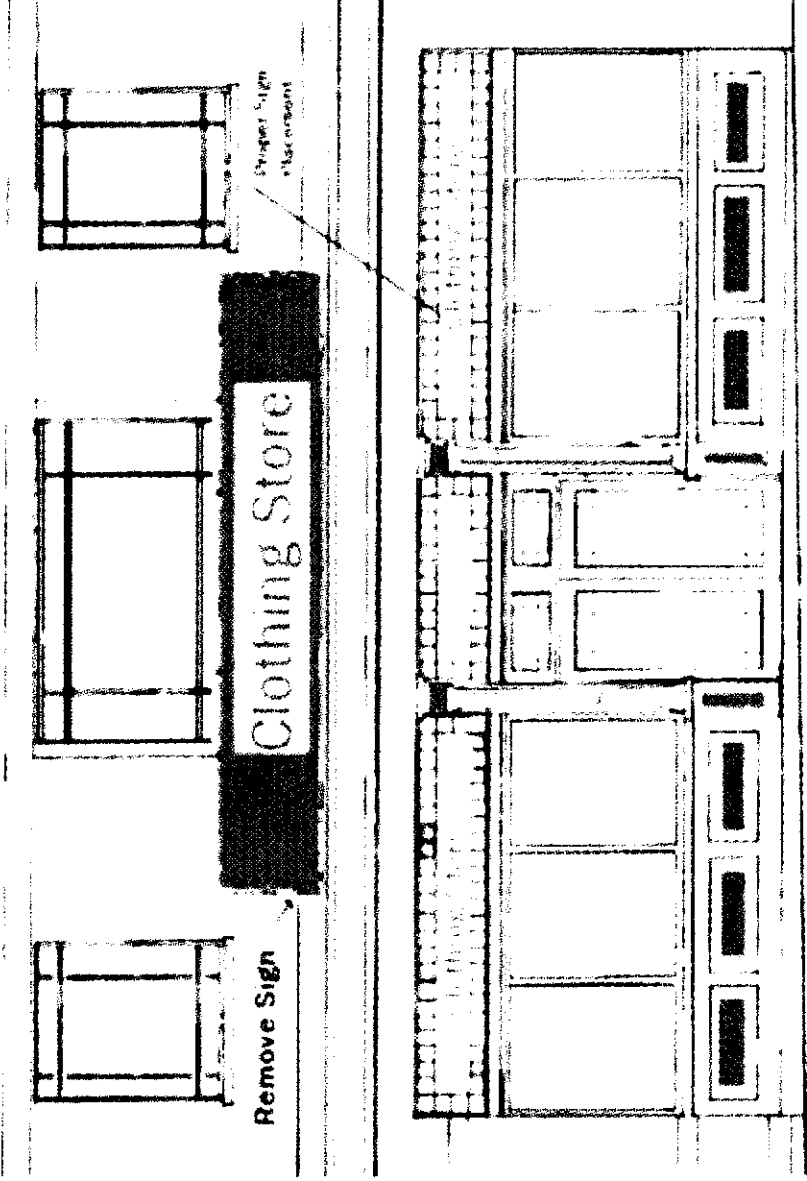
Design Guidelines for MX-Mixed Use District: Lighting, Signs & Awnings

Signage is an important part of every business district. When placed to fit within the architectural design of the building façade, signage can add to the visual interest of the building while letting customers know the nature and location of the business. However, when signage is not properly placed on the building, or is excessively large, it results in unsightly visual clutter.

In the illustration to the right, the large bulky sign above the lower cornice conceals part of the second floor window and masks part of the cornice. Such signage shall not be permitted in the MX-Mixed Use Zoning District. The proper placement of the signage within the sign panel above the display window is shown in the lower half of the illustration.

Awnings serve a useful purpose in that they provide protection from inclement weather. Sometimes awnings include the name of the store or street address. Awnings should not hawk or peddle goods.

Generally, *awning signs* should be incorporated into awnings that are retractable and made of heavy canvas or comparable material. Fonts and logos used on awning signs should match other styles used within the sign program on the building. Awnings should be installed in a manner that does not hide or mask the traditional architectural elements of the building façade. The illustration to the right shows the proper placement of a retractable awning. Aluminum, plastic, or vinyl awnings or canopies shall not be used within the Main Street Business District.

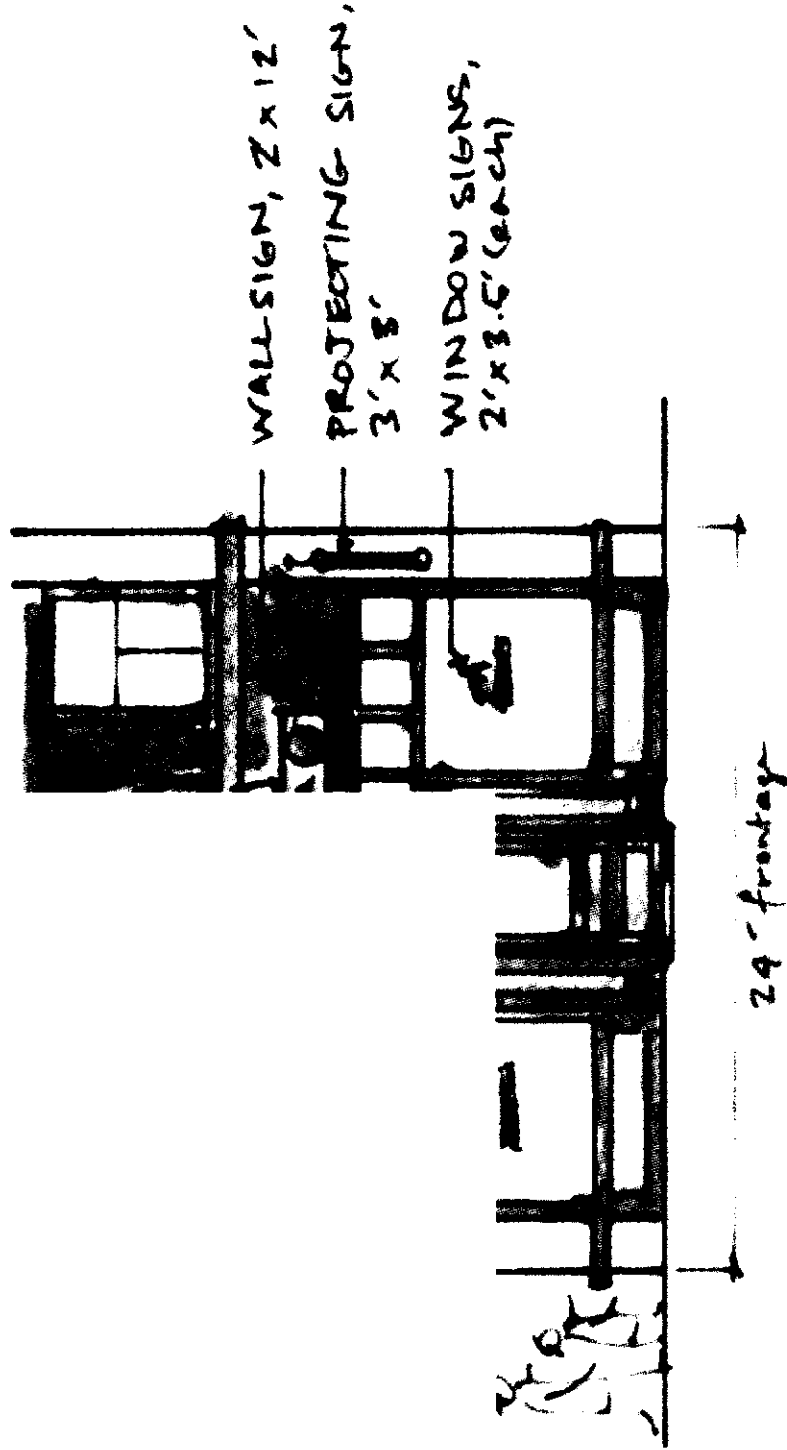


Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Lighting, Signs & Awnings
Outdoor Spaces

Design Guidelines for MX-Mixed Use District: Lighting, Signs & Awnings

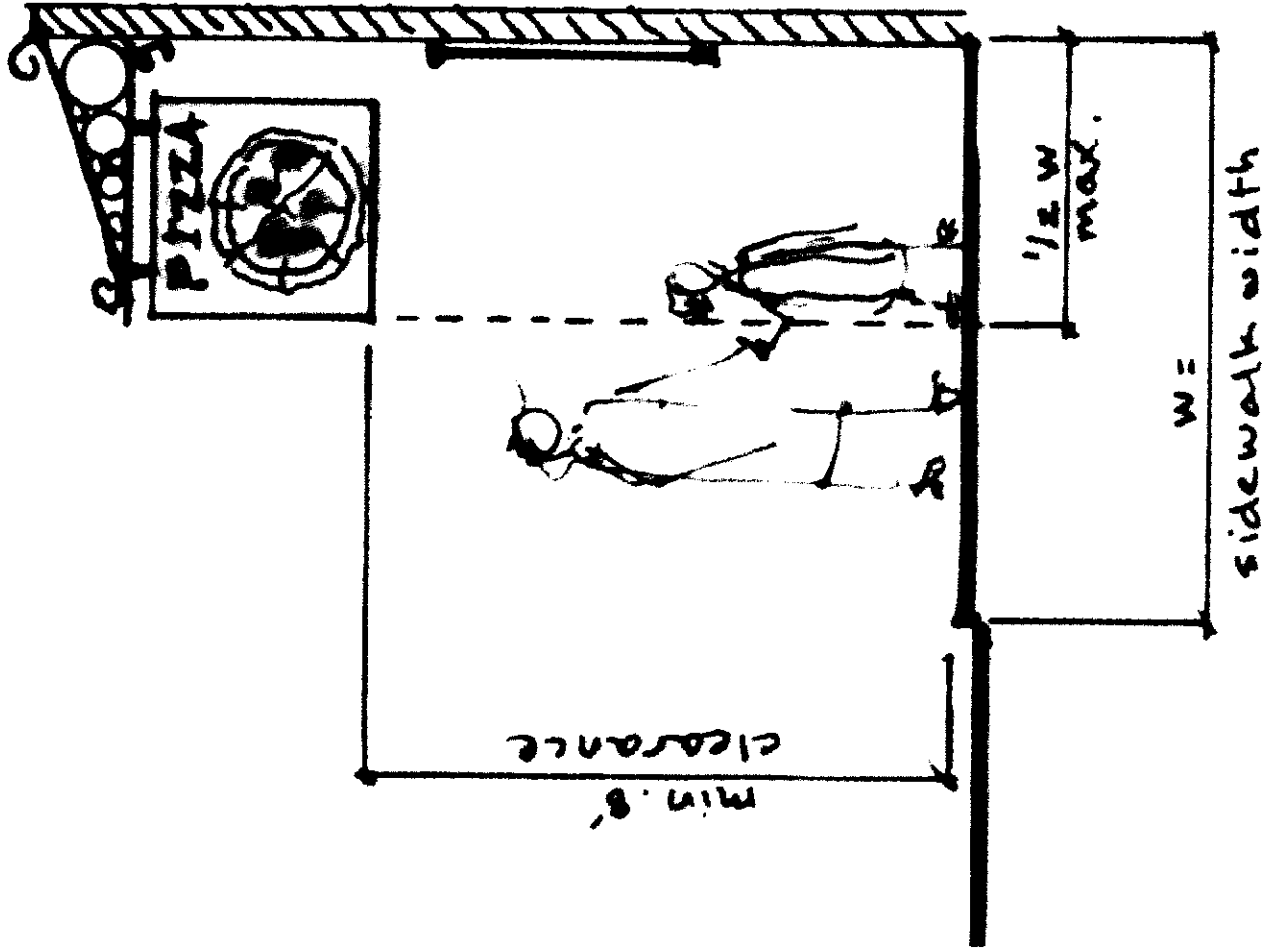
Fleischmanns' Main Street Business District contains a densely concentrated mix of businesses and public buildings. Buildings typically sit close to the sidewalk, on lots with frontages between 20' to approximately 75'. The MX-Mixed Use Zoning Districts include restaurants, shops, banks, municipal buildings and personal services. Wall signs, window signs, awning signs and projecting signs are permitted in this district under the provisions of the Village's Sign Regulations (i.e. Article X of the Zoning Law).

The goal for the Main Street Business District is to create a lively and attractive pedestrian environment. Identification signs that are well-designed can encourage potential shoppers to get out of their cars and take a look at what the business district has to offer. As they walk, such signage helps them to locate businesses.



Above: In the example above, the cumulative sign area permitted equals two square feet for each lineal foot of building frontage. Thus, a building that is 24' wide would be allowed 48 square feet of sign area. This allotment can be split up among different types of signs. In the example above, the 2' x 12' wall sign, 3' x 3' projecting sign and two 2' x 3.5' window signs total 47 square feet.

Below: Projecting signs should incorporate text and images or logos to communicate a message quickly.



Projecting signs must clear the sidewalk by at least eight (8) feet and may project no more than four (4) feet from the building or one-half the width of the sidewalk, whichever is less.

Projecting signs must be pinned away from the wall at least six (6) inches and must project from the wall at an angle of 90 degrees.

Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Outdoor Spaces

Design Guidelines for MX-Mixed Use District:

Application of Principles

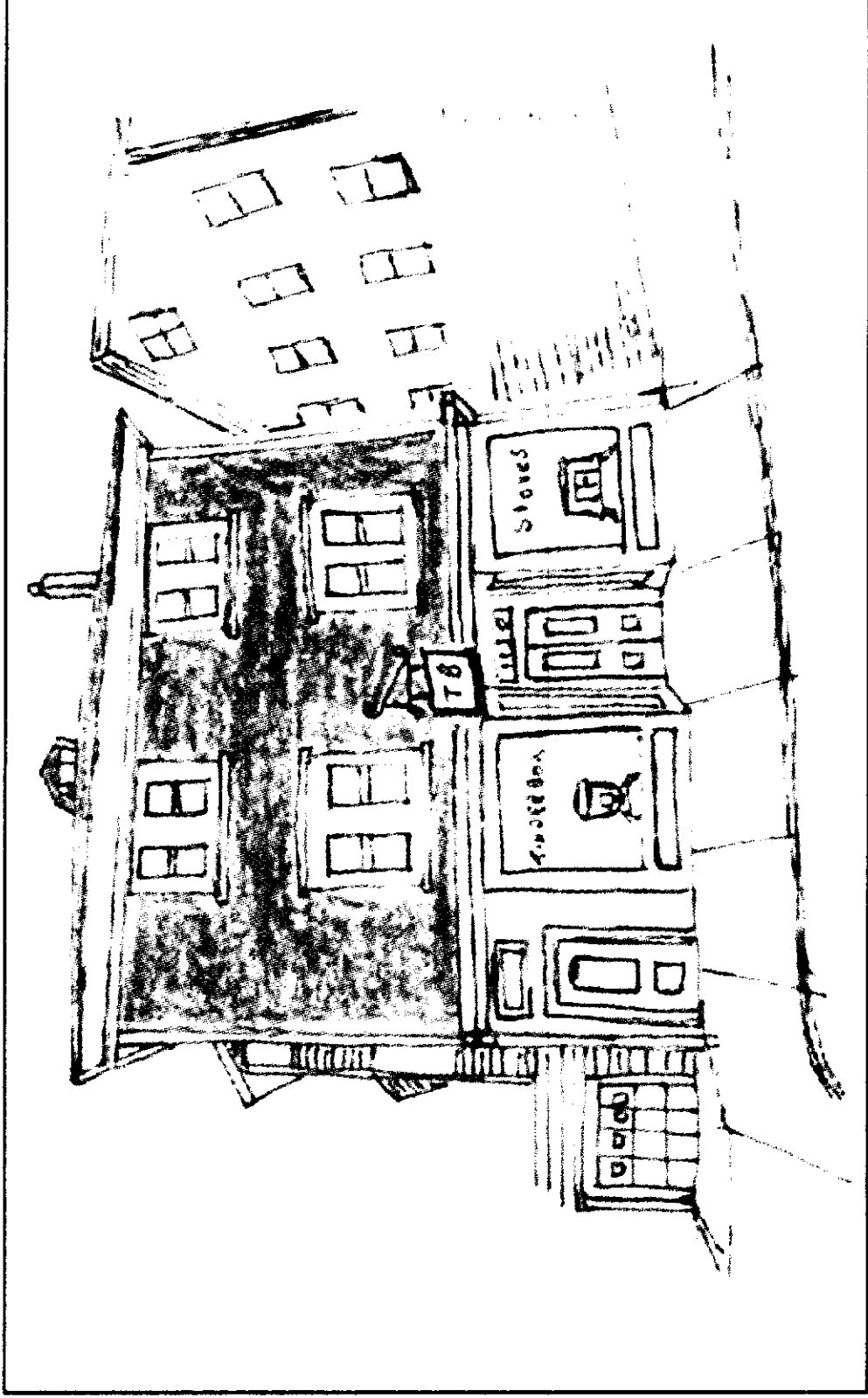
Building at 1130 Main Street: *The following example is provided to illustrate key façade renovation principles. An architect or builder should be used to ensure the structural integrity of all renovations.*

Existing Façade: While the upper two floors of the front facade of this building have been covered with asphalt shingle siding, many of the original architectural features remain in tact. The storefront has retained the recessed entry and original doors. However, the bulkhead and original storefront siding are masked behind vinyl siding. A faux divided window has replaced what was likely a large display window on the left side of the store entrance - the right display window was replaced with plywood.

Suggested Renovations: Suggested renovations are visually illustrated in the sketch that is provided below.

The renovation of this facade should include the restoration of the bulkhead and large display windows (without the faux dividers). The vinyl siding on the first-floor storefront should be removed to reveal original building materials on the storefront facade and bulkhead. The underlying siding will likely need to be scraped and painted to restore.

In the illustration, a projecting sign is placed perpendicular to the building wall and window signs placed on restored large display windows are used to promote the business. The projecting sign is placed at a height that is clear to oncoming pedestrians and vehicles making it easier to find the place of business. These renovations not only improve the aesthetics of the building but also provide the opportunity to create visually appealing window displays that will enhance the shopping experience on Main Street.



Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Service Areas
Application of Principles

Design Guidelines for MX-Mixed Use District:

Application of Principles

Family Eatery Building (Main Street): *The following example is provided to illustrate key façade renovation principles. An architect or builder should be used to ensure the structural integrity of all renovations.*

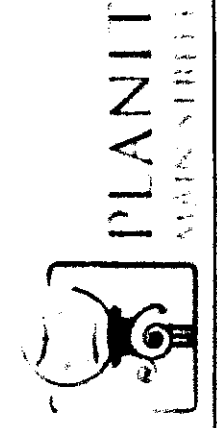
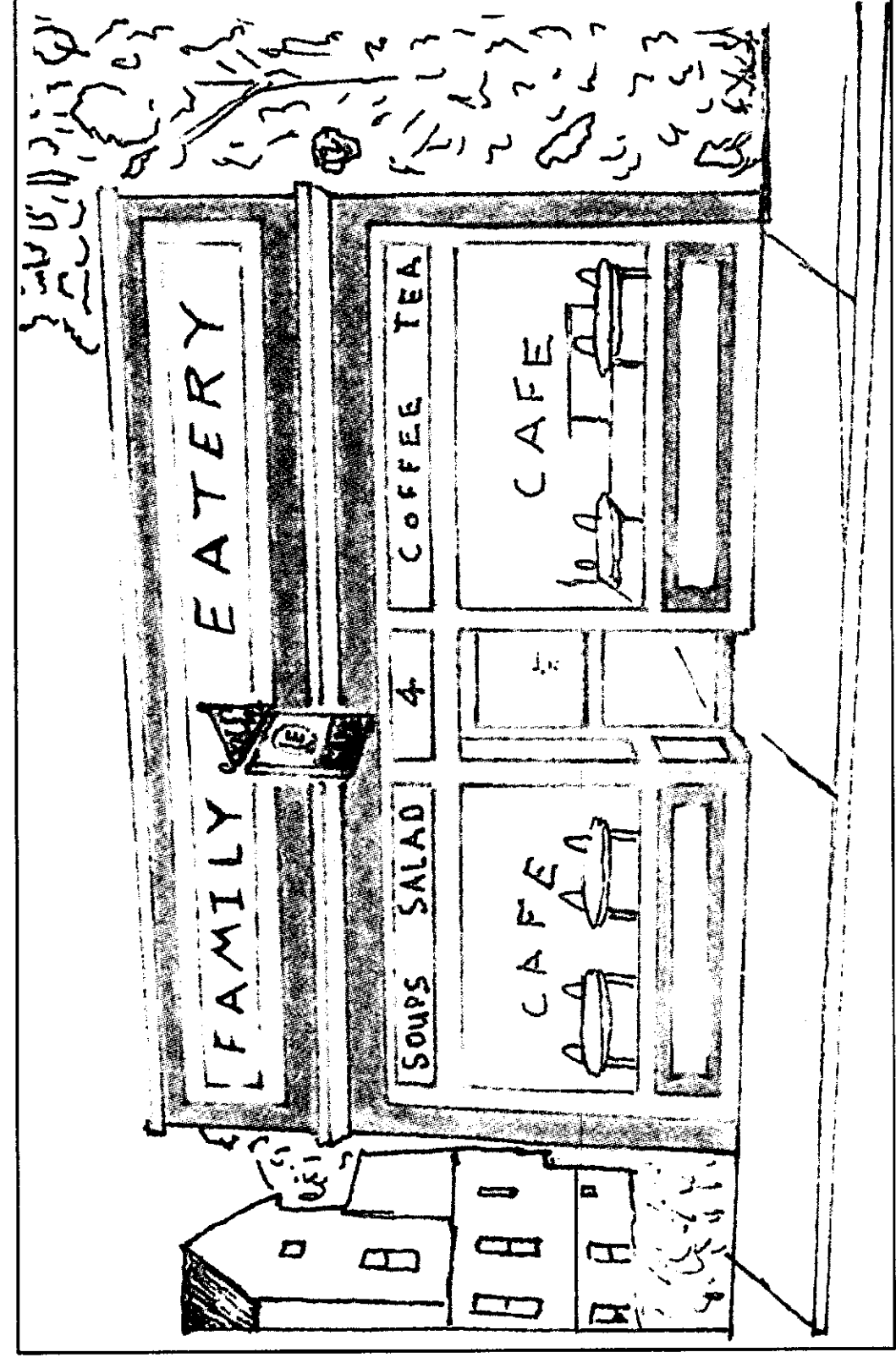
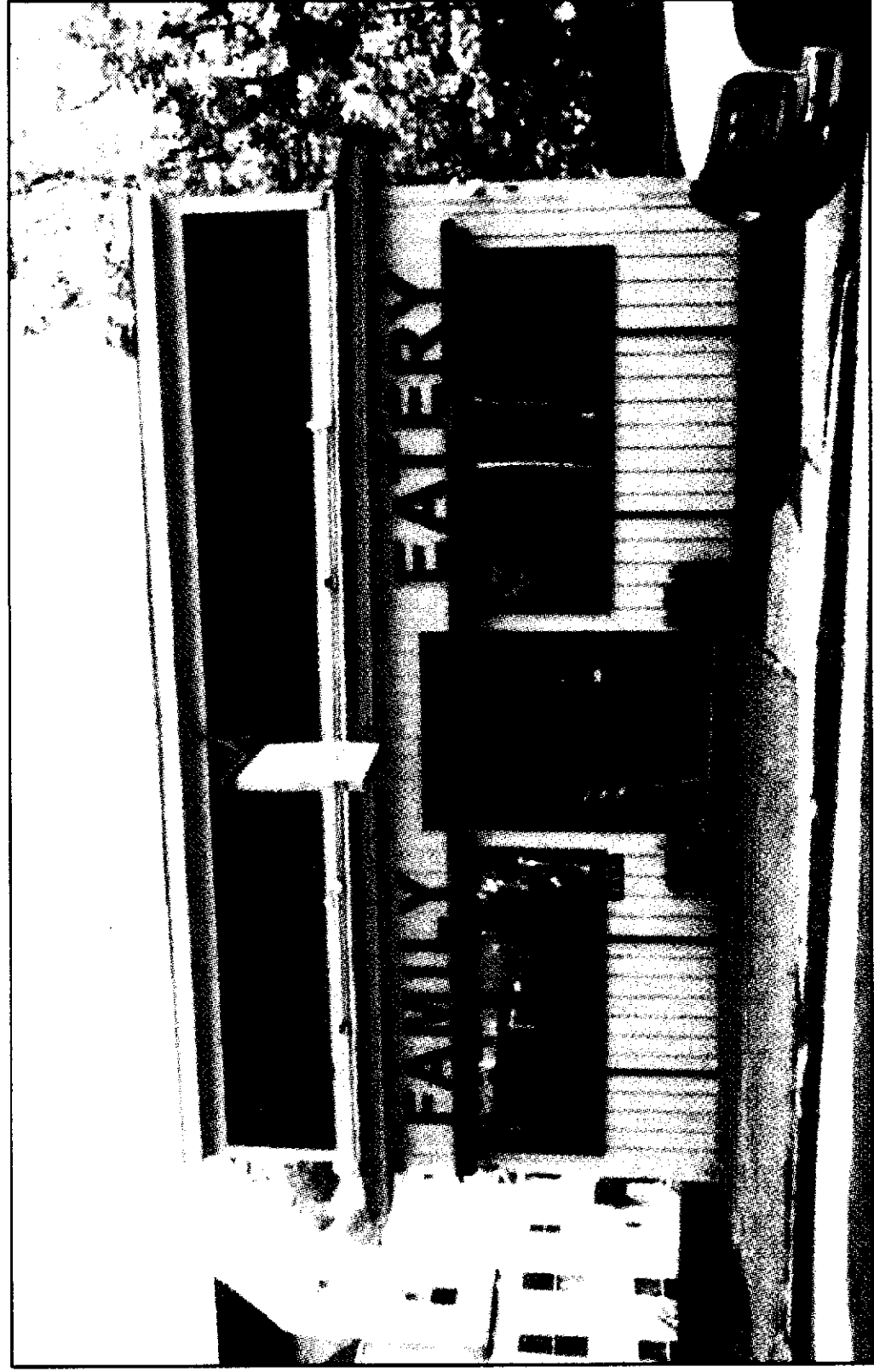
Suggested Renovations:

Existing Façade: Over time, renovations to façade have compromised the original architecture of this building. The renovation of this building replaced the large display windows with smaller storefront windows and original siding with Texture-1-11 siding that masks the transom windows and bulkhead of the front façade.

Recommended Renovations:

The renovation of this façade should include the restoration of the bulkhead, large display windows and transom windows that were original to the architecture of this building. The lower and upper cornices should also be restored and the *mansard overhang* removed. In the sketch of the proposed renovation, the wall sign is placed within the sign panel. The wall sign could also be lit with gooseneck lamps. A true projecting sign is placed perpendicular to the building wall at a height that provides eight (8) feet of clearance from the bottom of the sign to the sidewalk. At this height, the projecting sign is clear to oncoming pedestrians - making it easier to find the place of business.

There is also a hierarchy of message: wall signs - simple, relatively large text describes name and nature of business (e.g. bakery or cafe); along with window signs - providing more specific and complex information targeted at potential customers who approach the store. Secondary information about phone numbers, hours of operation, delivery should be placed on window signs, not wall or projecting signs.



Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Service Areas
Application of Principles

Design Guidelines:

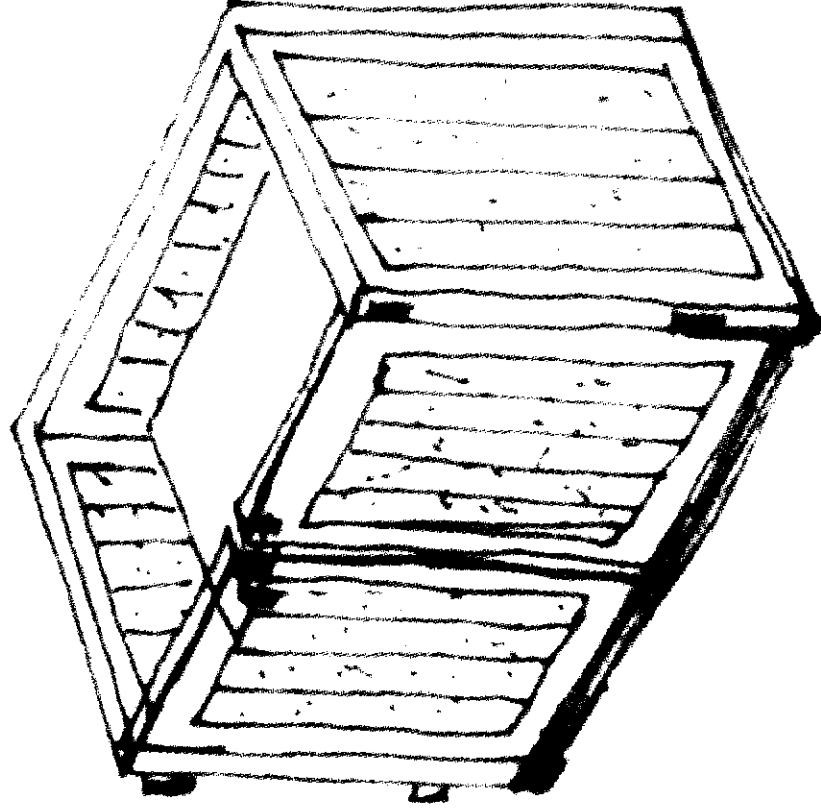
Service Areas

MX-Mixed Use Business Districts

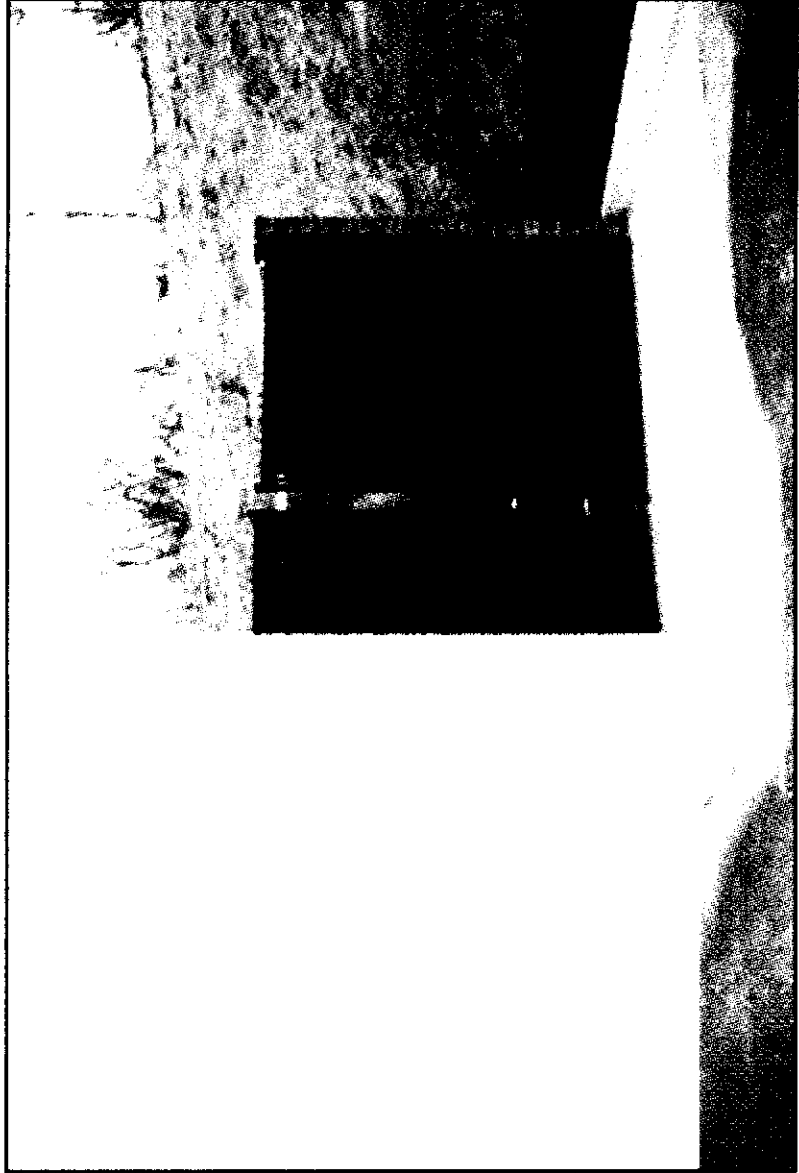
Service Areas for loading and unloading and for the disposal of refuse should be placed to the rear of the building, wherever possible, and out of the view from the public right-of-way. Such structures and facilities should be integrated into the overall design of the commercial or industrial development.

The following general guidelines shall apply:

- Service area for loading and unloading shall be oriented toward interior service lanes and not toward the public right-of-way;
- Public utility boxes (e.g. cable, telephone, and electric) should *not* be located on the front façade of the building and instead oriented to service lanes to the side or rear of the building. Utility boxes should not be visible from the public r-o-w;
- Trash containers must be enclosed on four (4) sides with block walls or wood fencing. Such containers shall be prohibited within the front yard of any development and shall be located within a designated service area to the rear of the commercial or industrial establishment.
- All refuse and waste storage containers shall be screened from adjoining properties and public rights-of-ways.
- Where feasible [e.g. where soils conditions are good], all telephone, electric and cable to service the proposed developments shall be underground.
- Service areas should be screened and landscaped.
- Wall-mounted air conditioner units should generally not be placed anywhere on the storefront facade.
- Service area shall be kept neat and free of refuse.



Above: Illustration of appropriate means of enclosing a trash container.



Above: Appropriate means of enclosing a trash container.

Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Signs & Lighting
Service Areas
Application of Principles

Design Guidelines: Other Guiding Principles for Commercial Properties

Some commercial buildings within the Village of Fleischmanns have a run down and tired appearance that detracts from the community's appearance. Over time, these commercial buildings can be made more attractive by applying basic design principles related to building materials, colors and signage.

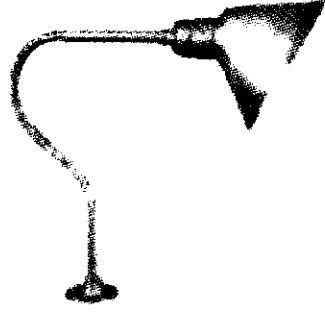
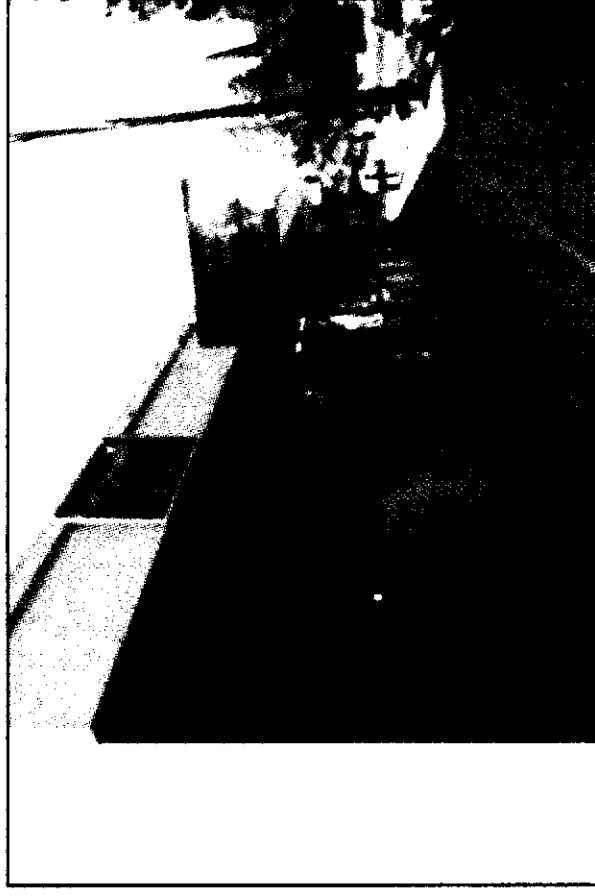
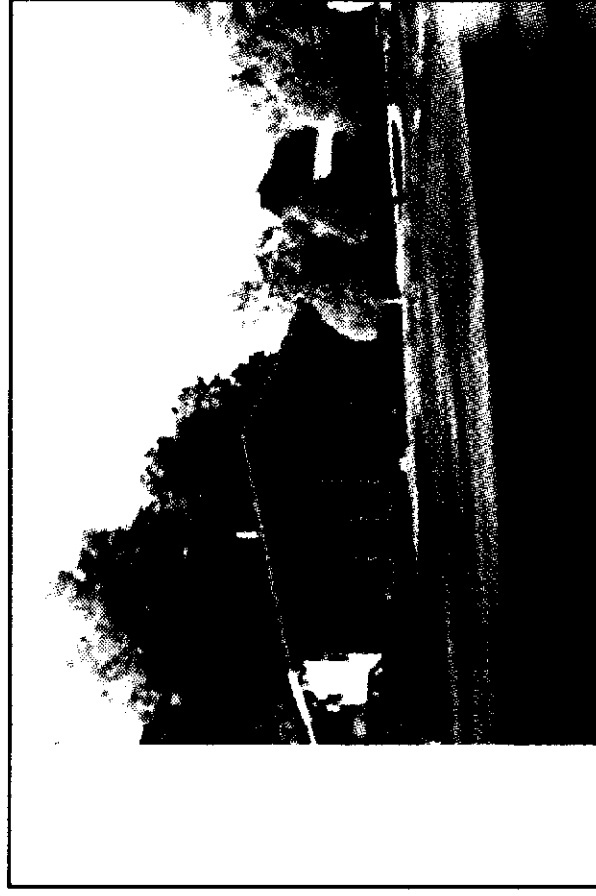
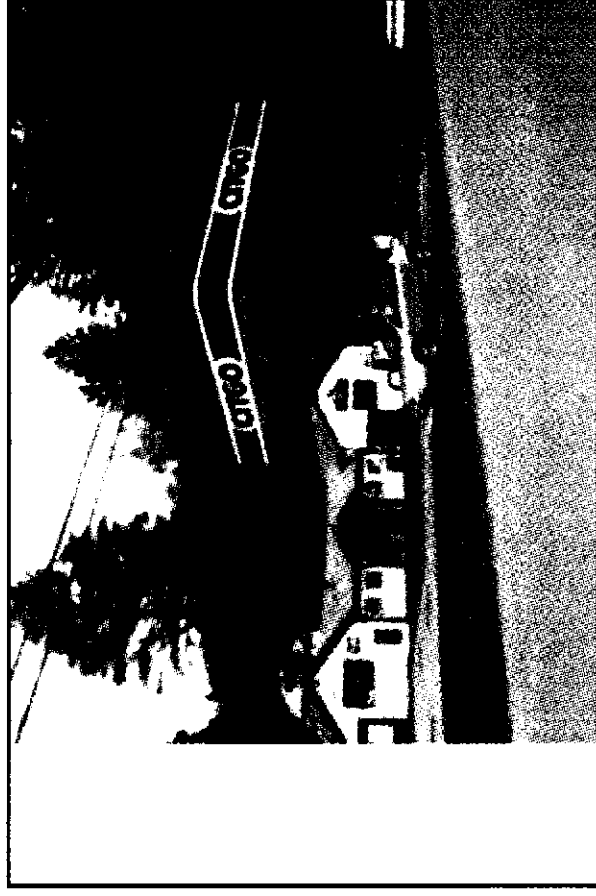
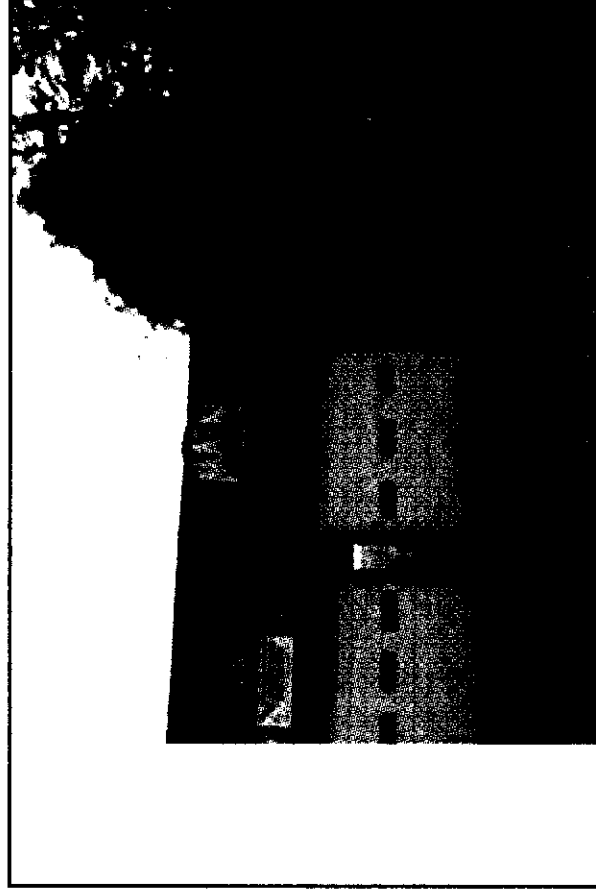
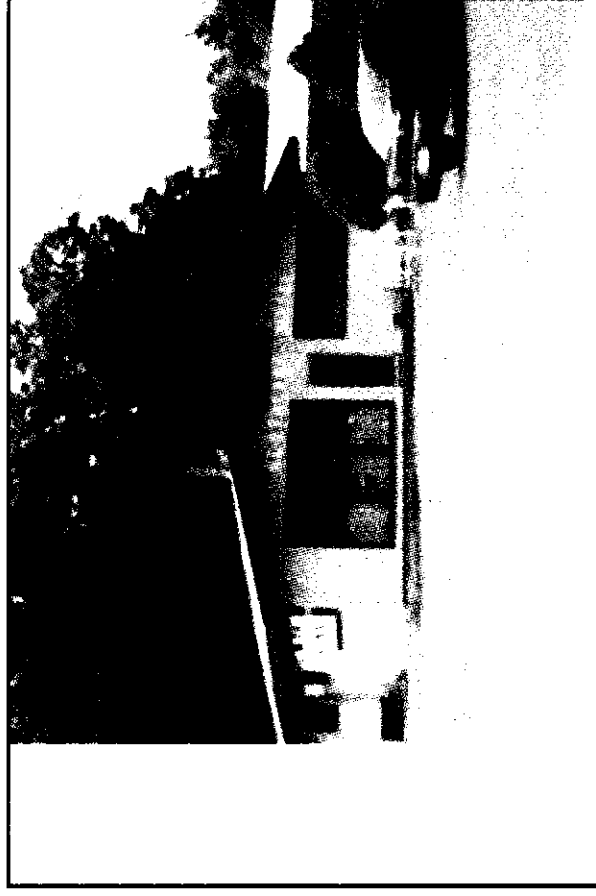
The Planning Board, will have an opportunity to encourage exterior building renovations when a business submits an application for one of the following: 1) change in use of an existing commercial building, 2) site plan review, and 3) special permit review.

When such changes are proposed, the guiding principals contained herein should be *encouraged*. For example, *paint colors should be chosen from an historic color palette*. Through this process, some degree of consistency in signage, lighting and building materials can be achieved with the Commercial and Industrial Zoning Districts.

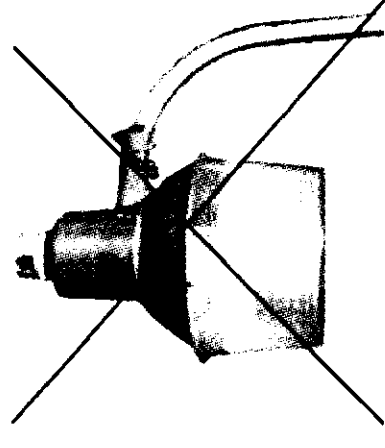
The following should be prohibited:

- Air conditioners facing street;
- Use of dusk-to-dawn luminaries for sign lighting;
- Vinyl "Fixed Awning Signs;"
- Banners or pendants; and
- Block or plain masonry walls.

Above: Photos of existing commercial properties in the Village, which illustrate the need for basic design guidelines. While not the focus of these design guidelines, consideration should be given to encouraging higher standards for commercial, multi-family residential and industrial buildings within the Commercial and Industrial Zoning Districts. At a minimum, more attention needs to be paid to maintenance, choice of colors, building materials and signage. The intent of design review is to strive for quality - quality design, quality materials, quality finishes and quality signage.



Above: Gooseneck lighting fixture for signage that is an appropriate design.



Above: Dusk-to-Dawn luminaries that are inappropriate for sign lighting.



Above: An example of a "Fixed quarter-round awning sign" that is inappropriate to building design.

Design Guidelines: Definitions

Definitions:

Cornice, Upper: Any horizontal member, structural or non-structural, projecting outward from the exterior walls at the roofline.

Cornice, Lower: A horizontal member, structural or non-structural, projecting outward from the exterior walls between the first floor of the building and the upper floors.

Elevation: A mechanically accurate, “head-on” drawing of a face of a building or object, without any allowance for the effective of the laws of perspective. Any measurement on an elevation will be in fixed proportion, or scale, to the corresponding measurement of the real building.

Façade: Front or principal face of a building, any side of a building that faces a street or other open space.

Fenestration: The arrangement of windows and other exterior openings on a building.

Lintel: A horizontal member spanning a rectangular opening.

Projecting sign: Any sign attached to and placed perpendicular to or at an angle to the building façade.

Parapet: The extension of the main walls of a building above the roof level. Comment: Parapet walls often are used to shield mechanical equipment and vents.

Perspective Drawing: A drawing of a building façade that is not drawn to scale but provides a conceptual representation of the major elements of the façade in general proportions.

Sill: The bottom cross piece of a window or door frame.

Transom Window: A small window or series of panes above a door, or above a casement, double hung window, or display window.

Window Sign: Any sign painted, applied to, hung inside or intended to be viewed through window glass.

Overview
Site Design
Mass & Scale
Form & Roofline
Building Entrances
Architectural Features
Materials & Colors
Lighting
Outdoor Spaces

Village of Fleischmanns

Zoning District

Draft Zoning Map Amendment
Creation of Mixed Use District
10 - 1 - 2010

Legend

Water Bodies

Roads

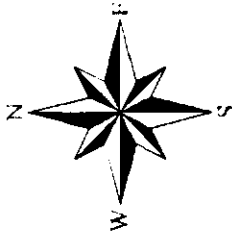
Commercial

General Village

Industrial

Residential

Mixed Use

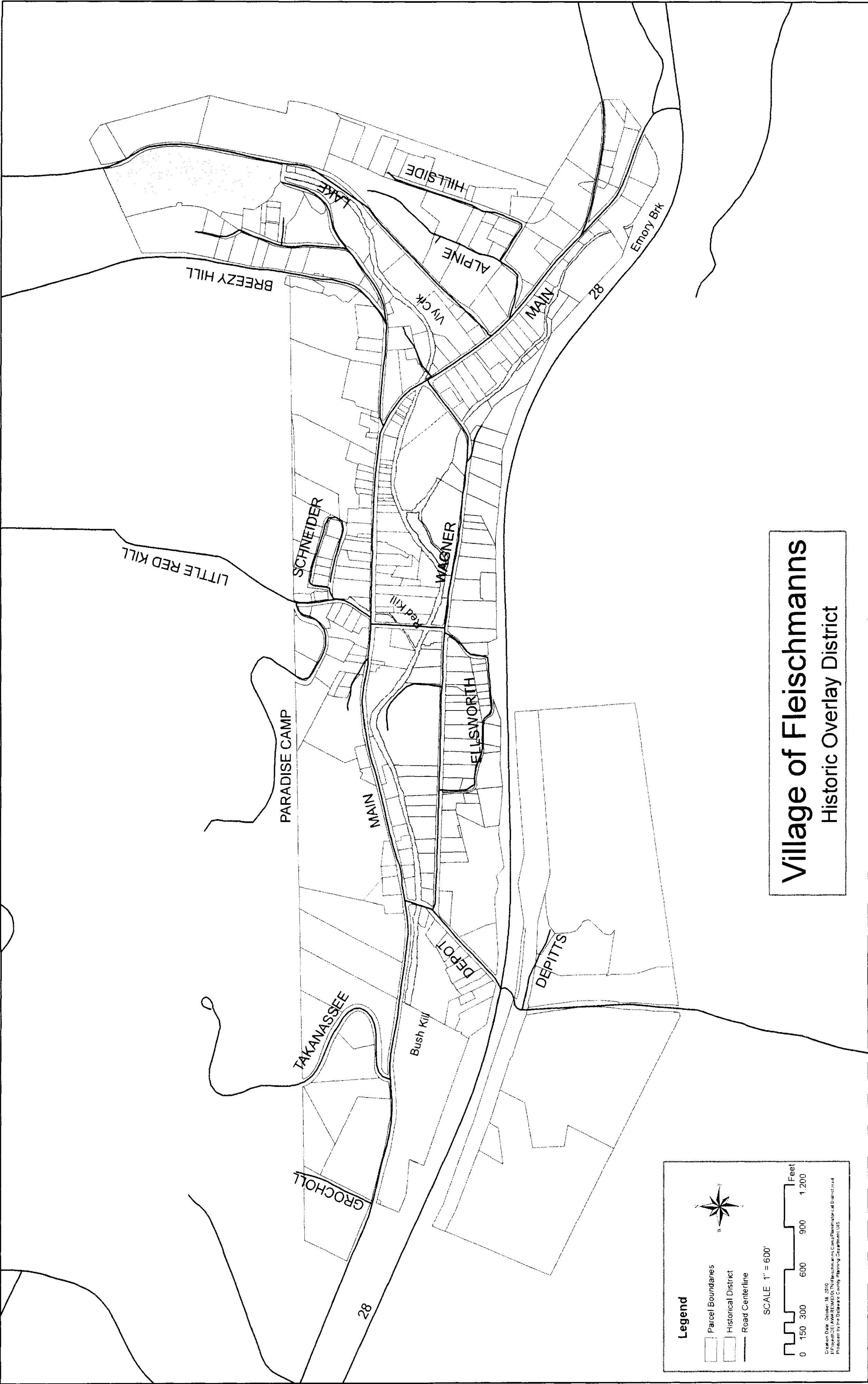


Creation Date: October 19, 2010
11 Project: DELAWARE (MID) The Fleischmanns Comprehensive Zoning District Amendment
Produced by the Delaware County Planning Department GIS



SCALE: 1" = 600'

0 300 600 1,200 1,800 2,400 Feet



Village of Fleischmanns

Historic Overlay District

Legend

- Parcel Boundaries
- Historical District
- Road Centerline

SCALE 1" = 600'

0 150 300 600 900 1,200 Feet

Creation Date: October 18, 2010
If Project DELETED/REMOVED/THU Fleischmanns, Camp Fleischmanns & District
Produced by the Otsego County Planning Department, LLC

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2011 of the (County)(City)(Town)(Village) of Fleischmanns, Delaware County, NY was duly passed by the Board on March 21, 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2011 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2011, and was (approved)(not disapproved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2011 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2011, and was (approved)(not disapproved) (repassed after disapproval) by the _____ on _____ 2011. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2011 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2011, and was (approved)(not disapproved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2011. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2011 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2011, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 2011, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Lorraine DeMarfio, Village Clerk _____
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Dated: March 21, 2011

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, _____
or other Attorney of locality.)**

STATE OF NEW YORK
COUNTY OF DELAWARE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature

Village Attorney

Title

~~CITY~~
~~CITY~~
~~CITY~~
~~CITY~~

of Fleischmanns, NY

Village

Date: April 1, 2011

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**