

CHAPTER 64

ZONING

Be it enacted by the Board of Trustees of the Village of Arcade as follows:

ARTICLE 100 - TITLE, ENACTING CLAUSE, PURPOSE

SECTION 101. ENACTING CLAUSE AND TITLE

A local law regulating the location, construction, and use of buildings, structures and the use of land in the Village of Arcade, County of Wyoming, State of New York and for said purposes dividing the Village into districts. This local law shall be known and cited as the Zoning Chapter in the Code of the Village of Arcade, New York.

SECTION 102. PURPOSE

The zoning regulations and districts stated in this local law and outlined upon the Zoning Map are made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the Village of Arcade. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, public utilities, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Village of Arcade.

SECTION 103. OTHER ORDINANCES AND LOCAL LAWS

Other Local Laws and Ordinances of the Village of Arcade may be applicable to the location, construction and use of buildings, structures and the use of land in the Village of Arcade, including the State Building Code which was adopted by the Village of Arcade on the 10th day of March, 1975, and effective May 1, 1975; Subdivision Regulations heretofore or hereafter adopted; and, the Flood Damage Prevention and Flood Hazard Reduction Local Law No. 2 of 1983. Reference should be made to the Village Code and to such Ordinances and Local Laws. This is a cautionary section.

ARTICLE 200 - INTERPRETATIONS, DEFINITIONS

SECTION 201. LANGUAGE, INTERPRETATION

Except where specifically defined herein, all words used in this Local Law shall carry their customary meanings. Words used in the present tense in the Local Law shall be interpreted to include the future, and words used in the plural shall be interpreted to include the singular. The word "person" includes a corporation as well as an individual. The word "lot" can be interpreted to include the words "plot or parcel". The word "shall" is intended to be mandatory. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied". The words "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like, kind and character.

SECTION 202. DEFINITIONS

Certain words and terms used in this local law are defined as follows:

1. Accessory Building Or Use

An accessory building is one which:

- A. Is subordinate to and serves a principal building or principal use.
- B. Is subordinate in area, extent or purpose to the principal building or principal use served.
- C. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served.
- D. Is located on the same lot as the principal building or principal use served.

Signs, home occupations and farmstands are permitted only as accessory uses. The words “accessory uses”, when listed in Article 400 of this local law, shall apply only to uses accessory to uses permitted in the particular subsection (either “Uses Permitted by Right” or “uses Permitted by Special Exception”) of this local law in which it is found.

2. Agriculture, Limited

The production of crops, plants, vines and/or trees, but excluding raising of insects.

3. Agriculture, Unlimited

The production of crops, plants, vines and/or trees; or the keeping, grazing, or feeding of livestock for animal products (including serums), animal increase or value increase, but excluding the raising of insects, and Ag related business under special permit.

4. Airstrip

A runway without normal airport facilities.

5. Airport

A piece of land that is maintained for the horizontal or vertical landing and takeoff of aircraft used for receiving and discharging passengers and/or cargo that usually has facilities for the shelter, supply and repair of aircraft.

6. Apartment House

A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

7. Billboard

See “Sign, Advertising”.

8. Building

Any structure having a roof supported by columns or by independent, non-party walls and intended for the shelter, housing or enclosure of persons, animals or chattel. An earth sheltered structure shall be deemed a building. In matters of setback and required yards or other such respects, free standing signs larger than eight (8) square feet shall be regarded as buildings within the meaning of this local law.

9. Building Area

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

10. Building Height

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

11. Building Line

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

12. Building Permit

A permit issued by the Wyoming County Building Department.

13. Building Setback Line

A line parallel to the street line at a distance as regulated by the front yard requirements in this local law.

14. Camp Site

A parcel of land (with or without structures) designed, intended or used for one temporary shelter or a seasonal residence.

15. Camping or Travel Trailer Park

A parcel of land designed, intended, or used for the parking, pitching, erection or maintenance of more than one travel trailer, tent, cabin, or temporary recreation shelter.

16. Camping Trailer

A vehicular, portable structure (whether towed or self-propelled) used as a temporary dwelling for traveling, recreation or seasonal use.

17. Club

An organization catering exclusively to members and their guests (including premises and buildings for recreational or athletic purposes) which are not conducted primarily for monetary gain.

18. Commercial Districts

Those districts mentioned in this local law where retail sales establishments are permitted by right.

19. Dwelling Unit

One (1) or more rooms providing living facilities (including equipment and provision for cooking) for a single household of one or more persons living as a family and having not more than two (2) people who are sheltered and/or fed for profit.

20. Eating And Drinking Establishment

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

21. Essential Services

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

22. Excavation

Any man-made depression, one foot or more below the surrounding grade, excluding drainage ditches.

23. Family

One (1) or more persons, related by birth, marriage or other domestic bond; occupying a dwelling unit and living as a single, non-profit housekeeping unit.

24. Farm

An area of land containing at least 10 acres which is used for the commercial growing of the usual farm products such as vegetables, fruit, and/or grain; and for the packing or storage of the products produced on the premises, as well as for the raising of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine (but not excluding the raising of fur-bearing animals, riding academies, livery or boarding stables, dog kennels, or the commercial feeding of garbage or offal to swine or other animals).

25. Flood Or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of streams, rivers, or other inland areas of water; (2) abnormally rising lake waters - resulting from severe storms or hurricanes.

26. Flood Insurance Rate Map

The official map received from the Federal Emergency Management Agency.

27. Flood Plain Overlay District

An area as defined in the district regulations which is also subject to regulations reducing flood hazards.

28. Floodproofing

Any combination of structural or non-structural additions, changes, alterations, or adjustments to properties or structures which reduce or eliminate flood damage to land, water and sanitary facilities, structures and content of buildings.

29. Flood Protection Elevation

The level and elevation above which a particular use will be considered safe from flooding. (Such levels or elevations shall be based and updated with the `100-year flood elevation).

30. Floodway

The area designated as Federal Flood Way as defined by the Federal Emergency Management Agency on the Flood Insurance Rate Map.

31. Floodway Fringe Area

The area designated as the Special Flood Hazard Area inundated by 100 year flood as defined by the Federal Emergency Management Agency on the Flood Insurance Rate Map.

32. Governing Body

The Village Board of the Village of Arcade.

33. Highway Access Point

The distance between the curb cut for any vehicular entrance or exit to the street, or the distance between driveways to or from any properties.

34. Home Occupation

ne accessory business use per premises or accessory structure, by the resident owner and their immediate family living in the dwelling (no employees), which is clearly secondary to the use of the dwelling for living purposes. If there is only a single resident involved in the accessory office use, then one employee from outside the home is allowable. Should the business use begin to rival the residential use it will no longer be considered a home occupation and must cease operation at that location. Such use shall not change the essential character of the building and will be in compliance with the regulations of Section 815. There shall be no exterior evidence of such secondary use other than a small nameplate (Section 202.2.76), as herein defined.

35. Hospital

Unless otherwise specified, the term hospital shall be deemed to include sanitarium, sanitorium, preventorium, clinic, rest home, nursing home, convalescent home and any other care of ailments and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

36. Hospital, Animal

An establishment for the medical and/or surgical care of sick or injured animals.

37. Industrial District

Those districts mentioned in this local law where industrial uses are permitted by right; also to include industrial portions of a planned unit industrial development.

38. Junk Yard

A lot, land, or structure (or part thereof), used for the collection, exchange, storage, packing disassembly and/or sale of waste, scrap metal, paper, lumber, rags, or similar materials including any place of storage or deposit whether in connection with another business or not, or where one or more unregistered, old, or second hand 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 therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, or for the purpose of disposing of the same or for any other purpose including such further definition of a junk yard as may be contained, from time to time in Section 136 of the General Municipal Law.

39. Loading And Unloading Space, Off-Street

An open, hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors, and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

40. Lot

A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

41. Lot Area

The net area contained within lot lines.

42. Lot, Corner

A parcel of land at the junction of, and fronting on, two (2) or more intersecting streets.

43. Lot Coverage

That percentage of the lot area which is devoted to building area. District regulations refer to the maximum percentage of the lot area devoted to building area.

44. Lot Line

Any line dividing one lot from another.

45. Lot of Record

Any lot, improved or unimproved, individually or a part of a sub-division, which was a legal use, and has been officially recorded in the Office of the Clerk of Wyoming County.

46. Lot Width

The mean horizontal distance between the side lot lines measured within the lot boundaries; or, the minimum distance between the side lot lines within the buildable area.

47. Mobile Home

Excluding camping trailers and Modular homes, any piece of mobile equipment designed or constructed to be towed, pulled by a motor vehicle, or self-propelled (regardless of whether the wheels are attached or unattached, or a permanent or semi-permanent foundation is constructed underneath, or any structure of a permanent or semi-permanent nature is attached thereto) and intended for year-round human occupancy.

48. Mobile Home Park

A tract of land used or intended to be used for the parking of two (2) or more mobile homes, together with the necessary improvements and facilities on the land.

49. Modular Home

A prefabricated home built in sections and transported to a building site. Modular homes are considered to be the only homes that will meet the New York State Building Codes and are constructed of 2" x 4" studs (or better) on 16" centers having wood floor joists. For the purposes of this local law, modular homes are considered as "single family" dwellings.

50. Motor Home

(See CAMPING TRAILER)

51. Motor Vehicle Service Station

Any use of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances; including any sale of motor vehicle accessories; and/or including facilities for lubricating, washing, or otherwise servicing motor vehicles (but not including; the painting thereof by any means; body and fender work; or the dismantling or replacing of engines).

52. Municipality

Shall mean the Village of Arcade.

53. Non-Conforming Use

A building, structure, or use of land existing at the time of enactment of this chapter which does not conform to the regulations of the district in which it is situated.

54. Office

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

55. Open Space

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

56. Parking Space

A required off-street parking space shall be an area of not less than one hundred sixty-two (162) square feet nor less than eight and one-half (8 ½) feet wide by nineteen (19) feet long (exclusive of access drives or aisle) accessible from street, to be used for the storage or parking of passenger automobiles or commercial vehicles under one and one half (1 ½) ton capacity. Aisles between vehicular parking spaces shall not be less than twelve (12) feet in width when serving automobiles parked at a forty-five degree angle in one direction nor less than twenty (20) feet in width when serving automobiles parked perpendicular to the aisles and accommodating two way traffic.

57. Personal Home Office

Use of a home computer inside the residence for information/communication based employment by a resident only, that exhibits no external evidence including visitors to the home. This use is allowed by right in all Districts with no local permit required.

58. Planning Board

Unless otherwise designated, the Planning Board of the Village of Arcade.

59. Premises

A lot, together with all buildings and structures thereon.

60. Principal Building

The building, improvement or structure on any lot or parcel of land which is dominant over other buildings, structures or improvements, the character of which determines the principal use of the lot or premises.

61. Public

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

62. Public Sewer

Municipally owned or operated sewer system or a privately owned and operated on-site package treatment plant and its associated sewer mains.

63. Quarry, Sand Pit, Gravel 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 operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

64. Residence, Single Family Detached

A detached building designed and used exclusively for one dwelling unit with one family and having a living area of at least 1,000 square feet.

65. Residence, Two Family

Either of the following:

- A. A detached building designed and used exclusively for two dwelling units, with one family living above the other, each having one side yard.
- B. A detached building designed and used exclusively for two dwelling units separated by a party wall, with one family living on either side, each having one side yard.

66. Residential, Multi-Family

A building designed and used exclusively for three or more dwelling units including apartment houses and town houses with one family living in each unit, excluding hotels, motels, tourist cabins, mobile homes and mobile home parks, dormitories, fraternity or sorority houses, recreational vehicles, and all other instances of like, kind and character.

67. Residential Districts

Those districts mentioned in this local law where single family detached, two family, and/or multi-family residences are permitted by right.

68. Sanitary Land Fill

A method of disposing of garbage and refuse by spreading, covering and compacting with earth.

69. Section

Unless otherwise noted, section and section numbers shall refer to this local law.

70. Semi-Public

Places of worship, institutions for the aged and children, nurseries, non-profit colleges, hospitals, libraries, cemeteries and institutions of a philanthropic nature. Also open space.

71. Service Establishments

A business or non-profit organization that provides services to the public, as opposed to products, to individuals, businesses, industry, government, and other enterprises, including but not limited to repair services such as saw sharpening and furniture upholstery; health, legal, engineering and other professional services; and educational services. Service establishments do not include retail businesses, restaurants, offices or other uses separately listed.

72. Sign

A sign is any structure or device for visual communication that is used for the purpose of attracting the attention of the public. A sign includes any portion of a structure or device attached to a structure upon which is painted, or represented, or displayed any letter, word, model, banner, flag, pennant, insignia, decoration or representation used to communicate a message to (or attract the attention of) the public. The word “sign” does not include the flag, pennant or insignia of any nation, state, city or other political unit.

73. Sign, Area

The area defined by the outer most portion of the frame, support, or edge of a sign (including roof, enhancement, etc.). Where there is not a geometric frame or edge of a sign, the sign area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the sign. Only one face of a sign shall be used in measuring the sign area.

74. Sign, Advertising

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

75. Sign, Business

A sign for a permitted use conducted on the premises which shall identify the written name and/or the type of business and/or any trademark of an article for sale or rent on the premises and/or communicates the type of service or articles offered on the premises.

76. Sign, Erection

The term “sign erection” shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix, or maintain any sign -including the painting of exterior wall signs.

77. Sign, Instructional

A sign conveying instructions with respect to the use of the premises or a portion of the premises on which it is maintained.

78. Sign, Nameplate

Any sign attached directly to the wall of a building occupied by the person to whom such sign indicates the name, occupation and/or address of the occupant. A nameplate shall not exceed two (2) square feet in area.

Sign, Temporary

79. Any sign intended to be displayed for a limited period of time and not to be permanently affixed.

80. Special Permit

A special permit deals with special permission, granted only by the Planning Board to occupy land or for specific purposes ie. sign limitations, as authorized in the District Regulation, under special and specific conditions, when such use is not permitted by right.

81. Special Flood Hazard Area

The maximum area designated on the “Flood Hazard Boundary Map” of the flood plain that, on the average, is likely to be flooded once every 100 years.

82. Story

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

83. Story, Half

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

84. Street

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

85. Street Line

A line coinciding with the road right-of-way line; or in areas where the road right-of-way boundary is in doubt, the street line shall be considered to the thirty (30) feet from the center of the pavement (except along State Routes where the street line shall be considered to be 35' from the center of the pavement). In no event shall the street line be closer to the paved cartway than the inside line (lot side) of a public sidewalk.

86. Structure

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

87. Town House

A dwelling unit designed to be occupied as a residence for one family which is in a group of three or more attached dwellings, placed side by side, separated by party walls, each containing one or two stories, and each having separate front and rear, or side and rear, or front and side entrances from the outside.

88. Tract

A large piece of land under single ownership and developed, or to be developed, as a single entity for two or more units of use.

89. Uniform Code

The New York State Uniform Fire Prevention and Building Code.

90. Use

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

91. Variance

Permissive waivers from the terms of the local law granted by the Board of Appeals (that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the local law will result in unnecessary hardship) designed such that the spirit of the local law shall be observed and substantial justice done.

92. Video Arcade Game Parlor

An establishment making available for public use three (3) or more video games.

93. Yard, Front

The area extending across the entire width of the lot between the building line, or front main wall of a building and the front property line (street line) and space(s) (including any enveloping wall, fence, or hedge around the parking area in any non-industrial or non-commercial district).

94. Yard, Rear

The area extending across the entire width of the lot between the rear wall of the principal building and the rear line of the lot, and unoccupied except for parking, loading and unloading space, swimming pool, and garages or carports.

95. Yard, Side

The area extending from the front yard to the rear yard between the side wall of the principal building and the side line of the lot and unoccupied except for parking, loading and unloading space and garages or carports.

96. Zoning Board Of Appeals Or Board Of Appeals

Shall mean the Zoning Board of Appeals of the Village of Arcade.

97. Zoning Map

The map or maps incorporated into this local law as a part of thereof, designating Zoning Districts. The originals of which are on file with the Village Clerk.

98. Zoning Officer

The official designated by the Village Board of the Village of Arcade to enforce the provisions of this Local Law.

99. Zoning Permit

A permit issued by the Zoning Officer of the Village of Arcade in accordance with Section 1003 of the Local Law.

ARTICLE 300 - ESTABLISHMENT OF DISTRICTS

SECTION 301. CREATION AND ENUMERATION OF DISTRICTS

For the purpose of promoting the public health, safety, morals and general welfare in the Village of Arcade, the Village is hereby divided into the following types of districts:

- Section 401 - FP District: Flood Plain Overlay District
- Section 410 - CR District: Conservation - Residential
- Section 411 - R1 District: Low Density Residential (No Public Sewers)
- Section 412 - R2 District: Low Density Residential (With Public Sewers)
- Section 413 - R3 District: Medium Density Residential
- Section 414 - R4 District: Mobile Home Parks
- Section 415 - AG District: Agricultural District
- Section 420 - NC District: Neighborhood Commercial District
- Section 421 - HC District: Highway Commercial
- Section 422 - R3B District: Residence-Restricted Business District
- Section 430 - LI District: Light Industrial
- Section 440 - HC/LI District: Highway Commercial/Light Industrial

SECTION 302. ZONING MAP

The districts are bounded as shown on a map entitled “Zoning Map of the Village of Arcade”, and certified by the Village Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this local law.

SECTION 303. INTERPRETATION OF DISTRICT BOUNDARIES

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

1. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines, or highway right-of-way lines; such center lines, street lines, or highway right-of-way lines shall be construed to be the boundaries.

2. Where the district boundaries are so indicated that they approximately follow the lot lines, such lot lines be construed to be the boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines, or street lines of streets, or the center lines or right-of-ways lines of highways; the district boundaries shall be construed as being parallel thereto and at such distance therefrom, as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
4. Where the boundary of a district follows a railroad line, the boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
5. Where the boundary of a district follows a stream, lake or other body of water, the boundary line shall be deemed to be at the limit of jurisdiction of the Village of Arcade unless otherwise indicated.
6. Any flood plain boundary shown on the zoning map indicates general location only. The precise location of flood plain boundaries shall be established by the Zoning Officer after consulting with the US Corp of Engineers and the Federal Insurance Administration (FIA).

SECTION 304. REGULATIONS

1. Unless otherwise noted, the regulations set by this local law within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
2. No building, structure or land shall hereafter be used and no building, structure or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified.
3. When a use is first included in any use group, such use shall not be interpreted as being permitted in any other group with a lower or higher Article or Section or subsection number.
4. In the case of a use which is not listed as a permitted use in a District, no zoning permit shall be issued for such use until this Zoning Local Law has been amended, listing it as a permitted use in the appropriate Zoning District.

ARTICLE 400 - DISTRICT REGULATIONS

SECTION 401. FP DISTRICT: FLOOD PLAIN OVERLAY DISTRICT

A flood plain overlay district shown on the zoning map of the Village of Arcade may be subject to the regulations of one or more districts. The boundaries for the FP District may include within its area one or more district designations. The boundaries for the FP District are the same as the boundaries shown on the Flood Insurance Rate Map (FIRM) delineated as the Federal Flood Way and the Special Flood Hazard Area Inundated by 100 Year Flood as defined by the Federal Emergency Management Agency (FEMA), or such additional areas as may be designated by the zoning map of the Village of Arcade. The following controls shall apply:

1. Uses Permitted by Right
 - Orchards
 - Off-street parking areas

- Open recreational uses including parks, playgrounds, golf courses, picnic groves, beaches and board launching areas Unlimited and limited agriculture (excluding any structures)
- Wildlife sanctuaries, woodland preserves, scenic sites and arboretums

2. Prohibited Uses

- Land fills of any type
- Health care facilities
- Child care facilities
- Cemeteries
- Any use prohibited by the underlying zone

3. Existing Non-Conforming Uses

No existing, non-conforming use in the Floodway Area shall be expanded; however, by special permit the use may be modified, altered or repaired to incorporate floodproofing measures (providing that such measures do not raise the level of the 100 year flood)

4. Any use allowed by the underlying zone will be considered for a Special Permit except as specifically prohibited by this Article.

In addition the following will be considered:

- Flood retention dams, dikes, culverts and bridges as approved by the State of New York
- Nurseries, orchards, greenhouses
- Outdoor recreation uses including tennis courts, parks, a camp site, picnic groves, golf courses, swimming, fishing and boating facilities
- Unlimited and limited agriculture
- Wildlife sanctuaries, woodland preserves, arboretums

5. Additional Requirements:

New construction or substantial improvements of habitable structures shall have the lowest floor (including basement) elevated to one foot above the level of the 100-year flood. All utility and sanitary facilities shall be floodproofed up to the level of the 100-year flood.

All structures to be used for human occupancy must be located on the building site so as to offer the minimum obstruction to the flow of floodwaters (i.e., longitudinal axis parallel to the direction of flood flow). All structures must be designed (or modified) to be firmly anchored to prevent flotation, collapse or lateral movement.

All utilities (water, sewer, gas, and electrical systems) shall be located and constructed to minimize or eliminate flood damage. All access roads to structures or other narrowing of streams or rivers shall be constructed at or above the flood protection elevation of the 100-year flood.

Water supply systems and/or sanitary disposal systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into floodwaters.

No on-site sewage disposal is allowed.

Any other use that would unduly affect the efficiency or capacity of the floodway; or unduly increase flood heights; or cause increased velocities, obstructions or catch and collect debris which would obstruct flow under flood conditions or increase the rate of storm water discharge or adversely impact surrounding properties or cause stream bank erosion is prohibited.

Reference is hereby made to additional requirements that may be found in Chapter 26 - Flood Damage Prevention of the Village Local Laws.

6. Bulk and Area Regulations

- All standards of the underlying zone shall be required except:
- The maximum lot coverage shall be 25%
- The minimum set back from toe of slope of a watercourse shall be 75'

7. Plans and specifications:

No special permit shall be granted for any use permitted by special permit unless and until plans and specifications prepared by or certified by a licensed engineer or architect has been permitted to and approved by the officer or board responsible for issuing special permits.

NOTE 1 *Also see General Provisions (Article 700) and Supplemental Regulations (Article 800).*

NOTE 2 *Also see Village of Arcade Local Law Chapter 26 - Flood Damage Prevention and Local Laws supplementing, amending or replacing the same.*

SECTION 410. CR DISTRICT: CONSERVATION RESIDENTIAL

1. Uses Permitted by Right

- Forestry, lumbering and reforestation (excluding mill structures)
- Nurseries, orchards, greenhouses, vineyards Outdoor recreation use, including tennis courts, parks, individual camp sites, picnic groves, golf courses, swimming, fishing and boating facilities (but, excluding archery courses, rifle ranges, trap and skeet facilities, hunting reserves and uses with similar safety hazards)

- Planned unit residential development (maximum overall residential density 4.5 dwelling units per acre) in accordance with Section 501, 502, 503 and 505 of this local law, planned unit light industrial development in accordance with Section 501, 502, 503 and 506 of this local law Public uses (excluding storage of road materials, road equipment, highway garages, and incinerators) Single family detached residences (excluding mobile homes and mobile home parks) or two family residences
- Wildlife sanctuaries, woodland preserves, arboretums
- Essential services
- Accessory uses (including structures of 600 square feet or less and no taller than the primary use structure)

2. Uses Permitted by Special Permit

- Animal hospitals, animal shelters, dog kennels, public stables and facilities for raising insects
- Home Occupations
- Club, lodge, meeting halls
- Archery courses, rifle ranges, trap and skeet facilities, hunting reserves and similar uses
- Gas wells, oil wells, gravel pits and mill structures
- Camping park
- Semi-public uses
- Accessory structures of greater than 600 square feet and/or taller than the primary use structure

3. Minimum Lot Area: 2 acres

4. Minimum Lot Width: 200 feet

5. Maximum Lot Coverage: 15 percent

6. Minimum Front Yard Dimension: 50 feet (except for temporary farm stands which may be placed no closer than 40 feet to the paved portion of the road.)

7. Minimum Side Yard Dimensions: 120 feet total (100 ft. minimum one side)

8. Minimum Rear Yard Dimensions: 100 feet

9. Maximum Building Height: 2 ½ stories

10. No building in which farm animals are kept shall be closer than 100 feet to any lot line. No storage of manure, odor or dust-producing substance shall be permitted within 100 feet of any lot line.

The housing of livestock in any existing barn, stable or pen less than 100 feet from any lot line shall not be permitted if the use ceases, is abandoned, or is discontinued for a period of three years (unless granted a special use permit by the Village Board).

Temporary stands (to be used exclusively for the sale of agricultural or garden products produced in or upon the property) may be erected, used, and maintained by the owner or a bona fide lessee of the property. Such stands shall be kept orderly, sightly and sanitary. Proper and adequate driveways for the use of automobiles shall be constructed from the stand to the street or highway. All such stands and any signs in connection with such stands shall be removed when not in use for a period of 30 days.

NOTE *Also see General Provisions (Article 700) and Supplemental Regulations (Article 800).*

SECTION 411. R1 DISTRICT: LOW DENSITY RESIDENTIAL (NO PUBLIC SEWERS)

1. Uses Permitted by Right

- Single family detached residences (excluding mobile homes and homes parks)
- Limited agriculture on lots less than 10 acres
- Unlimited agriculture on lots more than 10 acres Public uses (excluding the storage of road materials, road equipment and garages, incinerators and landfills of any type)
- Cluster residential development and planned unit residential development (maximum overall residential density 2.5 dwelling units per acre) in accordance with Section 501 to 505
- Essential services
- Accessory uses

2. Uses Permitted by Special Permit

- Home Occupations
- Club, lodge, meeting halls
- Semi-public uses
- Accessory uses

3. Minimum Lot Area: 1 acre

4. Minimum Lot Width: 160 feet

5. Maximum Lot Coverage: 20 percent

6. Minimum Front Yard Dimension: 35 feet for main structure, accessory structures (entirely in rear yard), detached garage parallel to main structure. Note: Also see Section 906

7. Minimum Side Yard Dimensions: 75 feet on one side and 15 feet on the other side.

8. Minimum Rear Yard Dimensions: 50 feet

9. Minimum Rear Yard Setback for Accessory Building and Accessory Uses: No Accessory building or accessory uses shall be located nearer than 10 feet to a rear property line.
10. Maximum Building Height: 2 ½ stories (30' maximum)

NOTE *Also see General Provisions (Article 700) and Supplemental Regulations (Article 800).*

SECTION 412. R2 DISTRICT: LOW DENSITY RESIDENTIAL (WITH PUBLIC SEWERS)

Areas designated R2 are intended to accommodate predominately single family homes.

1. Use Permitted by Right
 - Single Family detached residences (excluding mobile homes and mobile home parks)
 - Essential services (excluding facilities)
 - Accessory uses
2. Uses Permitted by Special Permit
 - Home Occupations
 - The conversion of single-family residences to two-family owner occupied residences
 - Accessory uses
3. Minimum Lot Area: 11,250 square feet with public water and sewer.
4. Minimum Lot Width: 80 feet with public water and sewer.
5. Maximum Lot Coverage: 30 percent
6. Minimum Front Yard Dimensions: 25 feet for main structure, detached garage (parallel to main structure), accessory buildings (entirely in the rear yard). Note: Also see Section 906.
7. Minimum Side Yard Dimensions: 18' total with a minimum of 6' on one side & 12' on the other side.
8. Minimum Rear Yard Dimension: 25 feet
9. Minimum Rear Yard Setback for Accessory Building and Accessory Uses: No accessory building or accessory uses shall be located nearer than 10 feet to a rear property line.
10. Maximum Building Height: 2 ½ stories (30' maximum)

NOTE *Also see General Provisions (Article 700) and Supplemental Regulations (Article 800)*

SECTION 413. R3 DISTRICT: MEDIUM DENSITY RESIDENTIAL

Areas designated R3 are intended to accommodate a balanced mixture of residential uses, and serves as a transition between business and single-family uses in some locations.

1. Uses Permitted by Right

- Single family detached residence (excluding mobile homes and mobile home parks), or
- Two family residences with private garages
- Limited agriculture on lots of less than 10 acres
- Public uses (excluding the storage of road materials, road equipment and garages, incinerators and landfills of any type)
- Cluster residential development and planned unit residential development (maximum density 7.5 dwelling units per acre) in accordance with Sections 501 to 505 of this local law.

2. Uses Permitted by Special Permit

- Home Occupations
- Semi-public uses
- Multi-family residences with private garages provided for a minimum of 50% of the units
- Accessory uses

3. Minimum Lot Area: 11,250 square feet with public water and sewer.

4. Minimum Lot Width: 80 feet with public water and sewer.

5. Maximum Lot Coverage: 30 percent

6. Minimum Front Yard Dimension: 25 feet for main structure, detached garage (parallel to the main structure) accessory buildings (entirely in the rear yard). Note: Also see Section 906.

7. Minimum Side Yard Dimension: 18' total with a minimum of 6' on one side & 12' on the other side.

8. Minimum Rear Yard Dimension: 25 feet

9. Minimum Rear Yard Setback for Accessory Building and Accessory Uses: No accessory building or accessory uses shall be located nearer than 10 feet to a rear property line.

10. Maximum Building Height: 2 ½ stories (30 maximum)

NOTE *Also see General Provisions (Article 700) and Supplemental Regulations (Article 800).*

SECTION 414. R4 DISTRICT: MOBILE HOME PARKS

1. A Mobile Home Park cannot be established or created except upon a tract of land used or intended to be used for the parking of at least 50 mobile homes together with the necessary improvements and facilities upon the land. No lot or berth shall be rented or leased for residential uses of a mobile home in any such park except for periods of thirty (30) days or more, and no mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of applicable local codes and local laws and the state code for construction and installation of mobile homes.
2. The following standards shall be applicable in all mobile home parks:
 - A. Area And Bulk

The minimum lot area for each mobile home lot or berth shall be 7,200 square feet, the minimum lot width shall be 60 feet, the maximum lot coverage shall be 35 percent (35%), the minimum front yard dimension shall be 25 feet, the minimum side yard dimension shall be 10 feet each, the minimum rear yard dimension shall be 25 feet and the maximum building height for structures shall be 30 feet.
 - B. General Provisions And Supplement Regulations

(also see Articles 700 and 800).
 - C. Green Belt

A mobile home park shall be surrounded by a landscaped green belt of at least fifty (50) feet from each property line. The required green belt shall not be included in the yard requirements for the individual mobile home lot or berth.
 - D. Interior Drives

Interior drives shall be designed so as to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. All access ways to any public street or highway shall be located at least 200 feet from the intersection of any street lines and shall be designed with 200 feet of clear visibility and shall be maintained in a manner conducive to safe ingress and egress.
 - E. Roadway Width

All mobile home lots or berths within the park shall abut upon a road with a right-of-way of 50 feet having a paved all-weather cart way of not less than 36 feet in width for a two-way street or not less than 24 feet in width for a one-way street.
 - F. Recreation

A recreational area equal to at least 1,800 square feet for each mobile home berth shall be set aside and improved according to an approved recreation plan and shall not be located in any required setback, yard, or green belt area.
 - G. Off Street Parking

A minimum of two (2) paved off-street parking spaces shall be provided for each mobile home lot.

H. Service Buildings

All accessory service buildings on the mobile home park site shall be connected to all mobile home berths by a walkway of not less than three feet in width. Service buildings shall be provided with emergency sanitary facilities of one lavatory and one flush toilet for each sex.

I. Mobile Home Stand

Each mobile home lot or berth shall contain a mobile home stand which will not heave, shift or settle unevenly under the weight of the mobile home as a result of any frost action, poor drainage, vibration or other such forces. Reinforced concrete stands shall be installed and designed to support the expected load regardless of weather and mobile home tie-downs shall be used.

J. Soil And Ground Cover Requirements

Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.

K. Lights

All driveways and walkways shall be lighted at night with shielded electric lamps of not less than 100 watts each, spaced at intervals of not more than 100 feet.

L. Sewage

No on-lot sewage disposal system shall be permitted. All waste from showers, bathtubs, flush toilets, urinals, lavatories, washing machines, and slop sinks in mobile homes and service buildings shall be discharged into a central sewage system.

M. Skirting

The mobile home park owner shall require each mobile home owner to enclose the bottom portion of the mobile home with either a metal or wood skirt (or other material), properly ventilated, within 30 days after arrival in the park.

N. Fuel Supply And Storage

All fuel oil storage tanks or cylinders shall be securely fastened in place and shall be located at the rear of the mobile home and not located less than five (5) feet from any mobile home exit. Supports or standards for fuel oil storage tanks must be of a non-combustible material.

O. Fires

Fires shall be allowed only in stoves, incinerators, and other equipment specifically designed for such purposes. Open fires are not permitted.

P. Water

All mobile homes, service and accessory buildings shall be connected to a central water system. Fire hydrants shall be located at least within 500 feet of all mobile homes, service buildings or accessory structures.

Q. Electric

Each mobile home berth shall be provided with an approved underground electrical connection system.

R. Rubbish

All organic rubbish or garbage shall be contained in vermin-proof containers which shall be screened from view of any public right-of-way or abutting property. Refuse containers shall be located not more than 150 feet away from any mobile home berth. Rubbish collection must not be less than once weekly.

3. Permits

It shall be unlawful for any person to construct, alter or extend any mobile home park unless he holds a valid permit issued by the Zoning Officer in the name of the person for which the specific construction, alteration or extension is proposed.

All applications for permits shall be made to the Zoning Officer and shall contain the following:

- A. The name and address of the applicant.
- B. Interest of the applicant in the mobile home park.
- C. Location and legal description of the mobile home park, including a map showing the physical characteristics of the property (i.e., topography, vegetation, and wetlands.)
- D. Complete plans and specifications of the proposed park showing:
 - 1. The area and dimensions of the tract of land;
 - 2. The number, location and size of all mobile home lots;
 - 3. The location of service buildings and any other proposed structures;
 - 4. The location and width of roadways and walkways;
 - 5. The location of water and sewer lines and riser pipes;
 - 6. Plans and specifications of all buildings constructed or to be constructed within the mobile home park;
 - 7. Plans and specifications of the water supply, refuse, disposal and sewer disposal facilities;
 - 8. The location and details of lighting and electrical systems;

9. The phasing of the development, if any;
10. Such other information as may be required by the Planning Board.

All applications shall be accompanied by a deposit of a fee of \$150.00. The Village Board, upon review by the Planning Board, shall approve, approve with modifications, or disapprove such application and shall report its reasoned decision to the Zoning Officer. When, upon review of the application, the Village Board and the Zoning Officer are satisfied that the proposed plan meets the requirements of this local law, a permit shall be issued.

4. Licenses

It shall be unlawful for any person to operate any mobile home park within the limits of the Village of Arcade unless he holds a valid license issued annually on May 1st by the Zoning Officer in the name of such person for the specific mobile home park. All applications for licenses shall be made to the Zoning Officer who shall issue a license upon compliance by the applicant with the provisions of this local law and of other applicable legal requirements.

Every person holding a license shall give notice in writing to the Zoning Officer within 24 hours after having sold, transferred, given away, or otherwise disposed of interest in, or control of, any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application in writing for transfer of the license and deposit of a fee of \$150.00, the license shall be transferred if the mobile home park is in compliance with all applicable provisions of this local law.

Application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of \$150.00 and shall contain: the location and legal description of the mobile home park; and a site plan of the mobile home park showing all mobile home lots, structure, roads, walkways and other service facilities.

Applications for renewals of licenses shall be made in writing by the holders of licenses, shall be accompanied by the deposit fee of \$100.00 and shall contain any change in the information submitted since the original license was issued or the latest renewal was granted.

Whenever, upon inspection of any mobile home park, the Zoning Officer finds that conditions or practices exist which are in violation of any provision of this local law or its amendments, the Zoning Officer shall give written notice to the person to whom the license was issued that unless such conditions or practices are corrected within the time specified in the notice (not more than 30 days) the license shall be suspended. At the end of such time period the Zoning Officer shall re-inspect the mobile home park. If the conditions or practices have not been corrected, the Village shall correct the violations and the cost of the correction shall be placed on the owner's tax bill.

Any person who have received notice from the Zoning Officer that he is in violation of his license because of conditions or practices at the mobile home park, may request and be granted a hearing on the matter before the Village Board. If, however, no petition for such hearing shall have been filed within ten (10) days following the day on which the notice of violation was served, the Village Board shall cause corrections to be made.

5. Inspection of Mobile Home Parks

The Zoning Officer shall make any inspections that are necessary to determine satisfactory compliance with this local law and regulations issued hereunder. The Zoning Officer shall have the power to enter upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this local law and regulations issued hereunder. The Zoning Officer shall have the power to inspect the Register containing a record of all residents of the mobile home park.

It shall be the duty of the owners or occupants of mobile home parks, and mobile homes contained therein, or of the person in charge thereof, to give to Zoning Officer free access to such premises at reasonable times for the purpose of inspection.

It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any park of such mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this local law and regulations issued hereunder, or with any lawful order issued pursuant to the provisions of this local law, or with the requirements of the state code for construction and installation of mobile homes.

6. Miscellaneous Requirements

A. Responsibilities of the Park Management

The person to whom a license for a mobile home park is issued shall operate the park in compliance with this local law and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

It shall be the responsibility of the park management to notify park occupants of all applicable provisions of this local law and inform them of their duties and responsibilities under this local law and regulations issued hereunder.

The park management shall supervise the placement of each mobile home on its mobile home stand which includes installing all utility connections.

B. Responsibilities of Park Occupants

The park occupant shall comply with all applicable requirements of this local law and regulations issued hereunder and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utilities connections in accordance with the instructions of the park management.

C. Restrictions on Occupancy

A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewage and electrical facilities.

SECTION 415. AG DISTRICT: AGRICULTURAL DISTRICT

1. Uses Permitted by Right

- Animal hospitals, animal shelter, dog kennels, stables and facilities for raising insects, birds and fur bearing animals
- Farms
- Forestry, lumbering and reforestation (excluding mill structures)
- Game farms, fish hatcheries and fishing reserves
- Nurseries, orchards, greenhouses, vineyards
- Outdoor recreational uses, including tennis courts, parks, individual camp sites, picnic groves, golf courses, swimming, fishing and boating facilities (but excluding archery courses, rifle ranges, trap and skeet facilities, hunting reserves and uses with similar safety hazards)
- Cluster residential development and planned unit residential development (maximum overall density of 4.5 units per acre) in accordance with Sections 501, 502, 503, 504 and 505 of this local law; planned unit light industrial development in accordance with Section 501, 502, 503 and 506 of this local law
- Public uses (excluding storage of road materials, road equipment and garages, and incinerators)
- Single family detached residences (excluding mobile homes and mobile home parks) or two family residences
- Wildlife sanctuaries, woodland preserves, arboretums
- Telecommunication antenna – See Section 816-3(c)
- Essential services
- Accessory uses

2. Uses Permitted by Special Permit

- Agriculture related business
- Club, lodge and meeting halls
- Camping parks
- Archery course, rifle ranges, trap and skeet facilities, hunting reserves and similar uses
- Gravel pits, mill structures
- Race tracks (animal, machine et al)
- Sanitary landfill

- Semi-public uses
 - Race tracks, speedways and dirt tracks
 - Mobile homes (only for full time employees deriving their primary income from agriculture)
 - Telecommunication Facilities – unless otherwise specified in Section 816
3. Minimum Lot Area: 10 acres (except no minimum acreage required for limited agriculture without structures)
 4. Minimum Lot Width: 350 feet
 5. Minimum Lot Depth: 350 feet
 6. Maximum Lot Coverage: 5 percent
 7. Minimum Front Yard Dimension: 40 feet for dwellings and accessory buildings not used for animals or manure storage; 240 feet for accessory buildings for animals or manure storage
 8. Minimum Side Yard Dimension: 100 feet
 9. Minimum Rear Yard Dimension: 100 feet
 10. Maximum Building Height: 2 ½ stories

NOTE *Also see General Provisions (Article 700) and Supplemental Regulations (Article 800)*

SECTION 420. NC DISTRICT: NEIGHBORHOOD COMMERCIAL

1. Uses Permitted by Right
 - Stores selling convenience goods including food products, hardware, newspapers, magazines, variety items and apparel
 - Eating establishments
 - Personal service establishments including beauty, barber, shoeshine, cleaning and laundry facilities
 - Self defense studio, dance studio, aerobics and exercise instruction
 - Offices
 - Bank and financial establishments
 - Theaters, hotels and motels
 - Bowling alleys
 - Retail sales and service establishments not more objectionable by reason of noise, fumes, vibration, or lights than any permitted use permitted by right in the NC district

- Essential services
- Accessory uses
- Residential – Single family detached

Uses Permitted by Special Permit

- Motor vehicle service stations in accordance with Section 802
 - A retail sales or personal service establishment exceeding 2000 square feet of floor area
 - Video arcades, game parlors and establishments principally devoted to the operation of coin operated amusement devices
 - Clubs, lodges and meeting halls
 - Stores selling beer and liquor; drinking establishments
 - Manufacturing, bottling, and sale of alcoholic beverages in compliance with State and Federal guidelines and regulations. Space may be provided in the facility for tasting. Limited to production of 25,000 gallons per year.
 - Residential two family homes, multi-family homes (Must comply with Section 803 Off Street Parking)
3. Maximum Floor Area: 2,000 square feet
 4. Minimum Lot Area: 10,000 square feet
 5. Minimum Lot Width: 75 feet
 6. Maximum Lot Coverage: 20 percent
 7. Minimum Front Yard Dimension: 50 feet if parking lot in front of building; 30 feet if no parking lot in front of building
 8. Minimum Side Yard Dimensions: 13 feet each adjacent to nonresidential uses; 50 feet required next to a dwelling unit (10' planted buffer required between parking or loading areas and the dwelling)
 9. Minimum Rear Yard Dimensions: 25 feet
 10. Maximum Building Height: 3 stories (40' maximum)

NOTE *Also see General Provisions (Article 700) and Supplemental Regulations (Article 800)*

SECTION 421. HC DISTRICT: HIGHWAY COMMERCIAL

1. Uses Permitted by Right
 - Agricultural implement sales and services
 - Antique and art shops

- Automobile sales and related sales or service facilities
- Baker, confectionery and ice cream shops, including the baking and processing of food products when prepared for retail use on premises only
- Banks and financial institutions
- Beverage stores, except that sale of beer or liquor is prohibited
- Building materials, retail sales
- Catalog store
- Department or variety stores
- Drug stores
- Feed and seed stores
- Florists shops
- Food stores and food lockers
- Furniture and appliance sales and service but, not including assembly or manufacture
- Gift and novelty stores
- Hardware, paint, glass and wallpaper stores
- Hotel, motels and camping parks
- Indoor and outdoor recreation, including bowling alleys, pool halls, dance halls, miniature golf and driving ranges
- Laundries, laundrettes, cleaning and pressing establishments
- Libraries, museums, galleries
- Mobile home and trailer sales and service
- Monument sales
- Mortuaries and funeral parlors
- Motor vehicle service station in accordance with Section 802
- Newsstand
- Nurseries, greenhouses, garden supplies
- Offices
- Off-street parking
- Pet stores

- Personal service
- Photography studios
- Plumbing, heating and roofing supply retail sales
- Public uses (excluding the storage of road material, road equipment and garages, incinerators and landfills of any type)
- Repair services of household items
- Rental stores
- Rooming and boarding houses
- Sale and processing of dish cloths (restricted to knitting and sewing)
- Schools or places of instruction for music, dancing, reading, languages, elocution and similar subjects
- Theaters
- Retail sales and service establishments not more objectionable by reason of noise, fumes, vibration, or lights than any permitted use listed above
- Video arcade game parlors
- Essential services
- Accessory uses

2. Uses Permitted by Special Permit

- Animal hospitals and shelters
- Dog kennels
- Beverage stores, including those selling beer and liquor
- Clubs, lodges and meeting halls
- Eating and drinking establishments
- Accessory uses

3. Minimum Lot Area: 25,000 square feet

4. Minimum Lot Width: 200 feet

5. Maximum Lot Coverage: 45 percent

6. Minimum Front Yard Dimension: 30 feet if no parking lot in front of building; 50 feet if parking lot in front of building

7. Minimum Side Yard Dimension: 20 feet adjacent to non-residential uses; 100 feet adjacent to residential uses (with a 50' wide planted buffer next to the residential property line)
8. Minimum Rear Yard Dimension: 50 feet
9. Maximum Building Height: 3 stories (40' maximum)

NOTE *Also see General Provisions (Article 700) and Supplemental Regulations (Article 800)*

SECTION 422. R-3B: RESIDENCE RESTRICTED BUSINESS DISTRICT

1. Uses Permitted by Right
 - A. Any use permitted and as regulated by the provision of Section 413 “R-3 District: Medium Density Residential”.
 - B. Any special exception permitted and as regulated by the provisions of Section 413 “R-3 District: Medium Density Residential”, and in addition thereto, public libraries, museums, historical buildings and societies.
2. Uses Permitted by Special Permit
 - Medical, dental, optical, opticians, optometrists, podiatrists offices and related testing laboratories
 - Collection agencies, real estate, insurance and law offices
 - Travel agencies
 - Dance, art, music or photo studios
 - Administrative, professional or executive offices; but not including the handling, repairing, processing, keeping, displaying, selling, manufacturing, or servicing of any goods, merchandise, equipment or machinery
 - (Provided, however, that any of the above are to be operated entirely within an enclosed building.)
3. Only existing residences within the R-3B District may be converted to business uses pursuant to the provisions of sub-paragraph 2 of Section 422. Buildings in a designated R-3B District existing at the time of the enactment of the provisions providing for the R-3B District may be converted to business uses. The Provisions of Section 413 paragraphs 3 through 9 shall not apply to residences existing as of the date of enactment of the provisions covering an R-3B District. The exterior dimensions of existing buildings may not be changed, nor may additional buildings be constructed or changed within the R-3B District and be used as residence businesses unless the premises meet the specifications set forth in Section 413, paragraphs 3 through 9.
4. No parking space (or any portion thereof) on premises used in accord with the provisions of Sub-Section 2 of this Section 422 shall be located within a required front yard area or closer to any street line than the front of principal buildings on the premises.
5. Application for Special Permits

For the purpose of applying to the Planning Board for a special exception permit, residence restricted businesses shall be deemed commercial uses and in addition to the matters required by Article 1200 to be submitted to the Planning Board, the applicant shall provide the Planning Board with interior floor plans; a statement as to the maximum number of persons to be employed on the premises, and a statement as to the maximum number of visitors (clients, etc.) expected to be on the premises at any one time, and the applicant shall show that adequate provisions have been made for parking spaces for the vehicles of such owners, employees, visitors, etc.

- A. Adequate off-street parking must be provided for all users of the premises as a condition to the granting of a special permit.

6. Signs

No sign erected to a residence restricted business shall exceed twenty four square feet in area and there shall be only one sign per business. Signs must be constructed of wood, or a wood simulation material, must be professionally designed and constructed to maintain the "residential" character of the properties within the R-3B district. No signs should be illuminated or animated. The sign should serve to define or enhance the architectural elements of the building, not obscure or obliterate them.

SECTION 430. LI DISTRICT: LIGHT INDUSTRIAL

1. Uses Permitted by Right

- Automobile painting, upholstering, motor and body work
- Bottling works
- Building materials sale yard
- Building contractor shops
- Carpenter and cabinet maker
- Car wash
- Electronic and small parts assembly and/or manufacture
- Laboratories and research facilities
- Locksmith
- Machine shops
- Manufacture, compounding, processing or treatment of such products as: bakery goods, confectioneries, cosmetics, dairy products, drugs, ice, perfumes, pharmaceuticals, toiletries and food products (except the following: fish, sauerkraut, pickles, vinegar, yeast and the rendering of oils and fats)
- Manufacture, fabrication, compounding, assembling, treatment, processing of articles of merchandise from the following previously prepared materials: cellophane, ceramics, cloth, film, fiber, glass, leather, paper board, plastic, precious stones, shell, straw, textiles, yarn, paints, metal, concrete or wood
- Metal smiths

- Public uses
 - Repair shop
 - Storage of materials, supplies and equipment in accordance with Section 806
 - Planned unit light industrial development in accordance with Section 506•
Wholesale business
 - Essential services
 - Accessory uses
2. Uses Permitted by Special Permit
- Junkyard in accordance with Section 814
3. Minimum Lot Area: 43,560 square feet
4. Minimum Lot Width: 200 feet
5. Maximum Lot Coverage: 50 percent
6. Minimum Front Yard Dimension: 60 feet
7. Minimum Side Yard Dimension: 15 feet each adjacent to non-residential; 100 feet each adjacent to residential (with a 50' wide planted buffer next to the residential lot line)
8. Minimum Rear Yard Dimension: 50 feet
9. Maximum Building Height: 3 stories (40' maximum)

NOTE *Also see General Provisions (Article 700) and Supplemental Regulations (Article 800)*

SECTION 440. HC/LI: HIGHWAY COMMERCIAL/LIGHT INDUSTRIAL

1. Uses Permitted by Right
- Agricultural implement sales and services
 - Automobile painting, upholstering, motor and upholstering, motor and body work
 - Baker, confectionery and ice cream shops, including the baking and processing of food products when prepared for retail use on premises only
 - Banks and financial institutions
 - Building materials, retail sales
 - Drug stores
 - Eating and drinking establishments
 - Feed and seed stores

- Food stores and food lockers
- Furniture and appliance sales and service
- Gift and novelty stores
- Hotels and Motels
- Hardware, paint, glass, and wallpaper stores
- Mobile home and trailer sales and service
- Monument sales
- Mortuaries and funeral parlors
- Motor vehicle service station in accordance with Section 802 of current Zoning Law
- Nurseries, greenhouses, garden supplies
- Offices
- Off-street parking
- Personal service establishments including beauty, barber, shoeshine, cleaning and laundry facilities
- Plumbing, heating and roofing supply retail sales
- Repair services of household items
- Retail stores
- Bottling works
- Building material sales yard
- Building contractor shops
- Carpenter and cabinet maker
- Electronic and small parts assembly and or manufacture
- Laboratories and research facilities
- Locksmith
- Machine shops
- Manufacture, compounding, processing or treatment of such products as bakery good, confectioneries, cosmetics, dairy products, drugs, ice, perfumes, pharmaceuticals, toiletries and food products (except the following: fish, sauerkraut, pickles, vinegar, yeast and the rendering of oils and fats)

- Manufacture, fabrication, compounding, assembling, treatment, processing of articles of merchandise from the following previously prepared material: cellophane, ceramics, cloth, film, fiber, glass, leather, yarn, paint, metal concrete and wood
- Metalsmiths
- Public uses

- Repair shop
 - Storage of materials, supplies and equipment in accordance with Section 806 of the current Zoning Law
 - Telecommunication antenna – See Section 816-3(c)
 - Planned unit Light Industrial Development in accordance with Section 506 of the current Zoning Law
 - Wholesale business
 - Essential services
 - Accessory uses
2. Uses Permitted By Special Permit
- Telecommunication Towers – unless otherwise specified in Section 816
3. Minimum Lot Area: 43,560 square feet
4. Minimum Lot Width: 200 feet
5. Maximum Lot Coverage: 50%
6. Minimum Front Yard Dimension: 60 feet
7. Minimum Side Yard Dimension: 15 feet each adjacent to non-residential: 100 feet each adjacent to residential (with a 50 foot wide planted buffer next to the residential lot line). See Section 806 of the current Zoning Law.
8. Minimum Rear Yard Dimension: 50 feet
9. Maximum Building Height: 4 stories at a maximum of 55 feet

ARTICLE 500 - CLUSTER AND PLANNED UNIT DEVELOPMENTS

SECTION 501. PURPOSE

1. The purpose of the procedures, standards, and controls for the cluster residential development is to provide a means to take advantage of natural physical features of an area by permitting reductions in bulk and area requirements for individual lots and to provide compensating areas of open space ancillary to dwelling units.
2. The purpose of the procedures, standards, and controls for planned unit residential development is to encourage innovations in residential development which will provide housing of greater variety in type, design, and site planning including the conservation of maximum open space ancillary to the housing units. Control is primarily achieved through the establishment of an overall density in terms of a maximum number of dwelling units per acre.

3. The purpose of procedures, standards, and controls for planned unit industrial development is to provide industrial parks. Because of the proximity of such uses to residential and commercial uses, restrictions are imposed to ensure both attractive and useful surroundings. Building site locations are an essential aspect of such parks and must be carefully integrated into a “park-like” setting.

SECTION 502. PROCEDURE

1. Application for establishment of cluster and all types of planned unit developments shall be made to the Zoning Officer. The Zoning Officer shall refer the application to the Planning Board for consideration.
2. The Planning Board shall require the applicant to submit documentation prepared by a licensed engineer indicating conformance to all design and improvement standards required by this local law. Such documentation shall include, but not be limited to the following:
 - A. Overall development plans showing
 1. Kind, location, occupancy capacity of structures, bulk and uses;
 2. General floor plan of buildings;
 3. Location and identification of open spaces, streets and all other means for pedestrian and vehicular circulation, parks, recreational areas, and other non-building areas, provisions for automobile parking, and loading;
 4. General landscape plan;
 5. General location and nature of public and private utilities (including underground utilities) and other community facilities and services (including maintenance facilities).

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

- B. Written statements of
 1. Facts concerning the suitability of the site, the proposed density, proposed uses, and facilities for the development in accordance with the provisions of this local law;
 2. Procedures and plans for the provisions of services, maintenance, and continued protection of the cluster or planned unit development and the adjoining territory;
 3. Disposition of open-space lands and provisions for maintenance and control of the open-space land (all open space must be deeded to the municipality and special assessments will be required for maintenance); and
 4. Phasing of construction or timing regarding each development area.

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

3. In reaching its decision on the proposed development, the Planning Board shall consider, among other things, the need for the proposed use in the proposed location, the existing character of the neighborhood in which the use would be located, and the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property.
4. The Planning Board shall approve, approve with conditions, or disapprove the application; and shall report its decision to the Village Board. If the application is disapproved, the Zoning officers shall inform the applicant of the disapproval and shall submit to the applicant a written statement of the reasons for the disapproval.
5. If the Planning Board approves, or approves with conditions, the application, the application shall be forwarded to the Village Board for its endorsement.
6. No zoning permit for a cluster or any of the planned unit developments shall be issued by the Zoning Officer until the Planning Board and the Village Board shall have held separate public hearings and approved (or approved with conditions) the application.
7. Subdivision Control Regulations shall apply to any planned unit development except that where there is a conflict between provisions of Article 500 and the Subdivision Control Regulations, the provisions of Article 500 shall apply.

SECTION 503. OVERLAP DISTRICTS

In the event a cluster or planned unit development is proposed on a tract or parcel of land under the requirements and regulations of two applicable zoning districts, the requirements of the most restrictive district shall prevail.

SECTION 504. CLUSTER RESIDENTIAL DEVELOPMENT

1. Any owner of not less than five (5) contiguous acres of land located in a district permitting cluster residential development may request in writing to the Zoning Officer that the regulations of cluster residential development apply to his property.
2. Uses permitted shall be the uses permitted in the district in which the cluster residential development is located.
3. The regulations of the district in which the cluster residential development is located shall be observed and maintained with the following exceptions:
 - A. The minimum lot area as established in the district in which the cluster residential development is located may be reduced by twenty percent (20%);
 - B. The minimum lot width at the building line may be reduced by ten percent (10%).
 - C. The minimum front yard may be reduced to not less than twenty (20) feet;
 - D. The minimum rear yard may be reduced to not less than five (5) feet where the lot abuts common open-space land;
 - E. The maximum lot coverage shall be increased by no more than five percent (5%) of the resulting lot area;
 - F. The minimum side yards may be reduced by not more than three (3) feet per side;

- G. All lots within the cluster residential development area shall face and be serviced by existing or new streets located within the cluster residential development area, but shall not face on collector-type or arterial type streets;
- H. Open space land shall be set aside for the common use and enjoyment of all residents in the cluster residential development. In general, the land set aside for permanent open-space shall be the area differential between the regulations and requirements of the district and Section 504 of this local law. Access to the open space lands must be convenient to all residents.

NOTE *Applicable sections of General Provisions (Article 700) and Supplemental Regulations (Article 800) of this local law shall be followed.*

SECTION 505. PLANNED UNIT RESIDENTIAL DEVELOPMENT

- 1. Any owner of not less than ten (10) contiguous acres of land in a district permitting planned unit residential development may request in writing to the Zoning Officer that the regulations of planned unit residential development apply to his property.
- 2. The following uses are permitted in a planned unit residential development:
 - Single family detached residences (excluding mobile homes)
 - Two-family residences
 - Multi-family residences (including town houses and apartment houses)
 - Open space designed primarily for the benefit of the residents of the planned unit residential development
 - Public and semi-public uses
 - Essential services
 - Uses accessory to the above with the exception that home occupations are not permitted
- 3. Within a planned unit residential development the following percentage of the total land area may be devoted to the specified uses:
 - A. A maximum of eighty percent (80%) for the residential uses and other permitted uses, excluding the common and public open space and the spaces devoted to streets and parking exclusively servicing such open space or recreation use. Said maximum shall include all of the recreational, playground, and athletic activity areas which may be part of a new school site.
 - B. A minimum of twenty percent (20%) for common or public open space. The area shall include space devoted to streets and parking, provided such facilities are within and service exclusively an open space area.
- 4. Within the planned unit residential developments the following regulations shall apply:
 - A. The overall density of all the land within the planned unit residential development shall not exceed dwelling units per acre as stated under the regulations for the district in which the development is located.

- B. That portion of the planned unit residential development that is devoted to multi-family residences shall be developed at a density not to exceed four (4) dwelling units per acre.
 - C. In residential areas, streets shall be designed to discourage through traffic.
 - D. Open space land shall be set aside for the common use and enjoyment of all residents of the area. Open space must be designed so that access to open space lands is convenient to all residents of the planned unit residential development.
 - E. No building shall exceed forty (40) feet in height in residential areas.
 - F. The minimum front yard requirement shall be thirty-five (35) feet for multi-family residences and thirty-five (35) feet for all other types of residences, buildings and parking areas.
 - G. Residential buildings shall be designed to avoid monotonous patterns of construction, or repetitive spaces or modules between buildings.
5. Additional requirements that apply to town houses and apartment houses:
- A. There shall be no continuous group of town houses consisting of more than ten (10) dwelling units.
 - B. For the purpose of avoiding developments resembling what are customarily referred to as “row houses”, there shall be within any contiguous group of six (6) or more town house units, at least three (3) architectural designs having distinctly different exterior elevations. No more than four (4) continuous town house units shall have the same front setback. Variations in front setbacks shall be at least four (4) feet.
 - C. The length of an apartment house shall not exceed four (4) times its width.
6. The following regulations shall apply to sewage disposal and water systems:
- A. No on-lot sewage disposal system shall be permitted. All sewage shall be discharged into a central sewerage system.
 - B. All areas of the planned residential unit development shall be connected to a central water supply system.

NOTE *Applicable sections of the General Provisions (Article 700) and the Supplemental Regulations (Article 800) of this local law shall be followed.*

SECTION 506. PLANNED UNIT LIGHT INDUSTRIAL DEVELOPMENT

- 1. Any Owner of not less than forty (40) contiguous acres of land in a district permitting planned unit light industrial development may request in writing to the Zoning Officer that the regulations of planned unit light industrial development apply to his property. Every planned unit light industrial development shall contain two or more units of permitted use.

2. The following uses are permitted in a planned unit light industrial development:
 - Automobile painting, upholstering, motor and body work
 - Bottling works
 - Building materials sales yard
 - Building contractors shops
 - Carpenter and cabinet maker
 - Electronic and small parts assembly manufacture
 - Laboratories
 - Locksmith
 - Machine shops
 - Manufacture, compounding, processing or treatment of such products as: bakery goods, confectioneries, cosmetics, dairy products, drugs, ice, perfumes, pharmaceuticals, toiletries and food products (except the following: fish, sauerkraut, pickles, vinegar, yeast and the rendering of oils and fats)
 - Manufacture, fabrication, compounding, assembling, treatment, or cutting or articles of merchandise from the following previously prepared materials: cellophane, ceramics, cloth, film, fiber, glass, leather, paper and paperboard, plastic, precious stones, shell, straw, textiles, yarn, paint, metal, concrete or wood
 - Metalsmiths
 - Motor vehicle service stations in accordance with Section 802 of this local law
 - Motor vehicle terminals and storage
 - Public uses
 - Radio and television towers
 - Repair shop
 - Indoor storage of materials, supplies and equipment
 - Wholesale businesses
 - Essential services
 - Uses accessory to the above industrial uses
3. A minimum of thirty percent (30%) of the tract in the planned unit light industrial development shall be in common open space or public uses.

4. A maximum of seventy percent (70%) of the tract in the planned unit industrial development shall be devoted to industrial building lots. This percentage includes all required parking, loading and open spaces between buildings.
 - A. The minimum tract width shall be 1,000 feet
 - B. The maximum tract coverage shall be fifty percent (50%)
 - C. The minimum tract area shall be 40 acres
 - D. The minimum tract side yard dimensions shall be 100 feet each side
 - E. The minimum tract front yard dimension shall be 100 feet
 - F. The minimum tract rear yard dimension shall be 100 feet
 - G. The minimum distance between buildings shall be 40 feet
 - H. The minimum industrial building lot area shall be 43,560 square feet (1 acre)
 - I. The maximum building height shall be 40 feet
 - J. The maximum building length shall be 400 feet
 - K. The minimum distance between highway access points and curb cuts shall be 400 feet
5. Sewage Disposal Method: No on-lot sewage disposal shall be permitted. All sewage shall be discharged into a central sewerage system.
6. Water Supply: All areas of the development shall be connected to a central water supply system.

NOTE *Applicable section of General Provision (Article 700) and Supplemental Regulations (Article 800) of this local law shall be followed.*

ARTICLE 600 - SPECIAL PERMITS

SECTION 601. GENERAL PROVISION

The special permit uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, if they satisfy the “special” requirements and standards set forth in this Article as well as all the other regular requirements of this local law. All Special Permit uses are hereby declared to possess characteristics of such a unique and special form that each specific use shall be considered as an individual case.

SECTION 602. REQUIRED PLAN

A plan for the proposed development of a site for a Special Permit shall be submitted with an application for a special permit, and such a plan shall show the location of all buildings, lots, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that the Planning Board deems necessary “(See also Article 1200 and the duties of the Planning Board with respect to special permits)”.

SECTION 603. STANDARDS

The location and size of the Special Permit use; the nature and intensity of the operations involved; and the size and the location of the site with respect to the existing or future streets giving access to it shall be in harmony with the orderly development of the Zoning District.

The location, nature, and height of buildings, walls and fences shall not discourage the appropriate development and use of adjacent land and buildings, nor impair the value of such adjacent land or buildings.

Operations in connection with any Special Permit use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or light than would be associated with the operations of any permitted use in the zoning district.

SECTION 604. CONDITIONS

In the granting of special permits, the Planning Board may attach such conditions and safeguards as it deems appropriate under this local law.

SECTION 605. EXPIRATION

A special permit shall be deemed to authorize only one particular use for a period as deemed appropriate by the Planning Board. The special permit is revocable for violation of the terms under which it was granted. The permit shall expire if the special exception use shall cease for more than six (6) months for any reason.

SECTION 606. EXISTING VIOLATIONS

No permit shall be issued for a special use for a property where there is an existing violation of this local law. (See Article 900 - Non-Conforming Uses and Structures).

ARTICLE 700 - GENERAL PROVISIONS

SECTION 701. ACCESS TO PUBLIC STREET

Every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street unless there is a permanent easement of access to a public street.

SECTION 702. CONTIGUOUS PARCELS

Two or more adjacent parcels of land (held in one ownership) shall be used as a lot for only one permitted use if each separate parcel is too small to meet the area or dimension requirements of the zoning district.

SECTION 703. CORNER LOTS

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

SECTION 704. HEIGHT

1. The height limitation of this local law shall not apply to church spires, belfries, cupolas, penthouses and domes (not used for human occupancy); nor to chimneys, ventilator, skylights, water tanks, bulk head, similar features and necessary mechanical appurtenances usually carried above the roof line. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve

and shall not exceed in area the cross-sectional area of twenty percent (20%) of the ground floor area of the building.

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

SECTION 705. LOTS OR PARCELS OF LAND OF RECORD

Any single lot or parcel of land which was of record at the time of the adoption of this local law, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts or usable open spaces are not less than seventy-five percent (75%) of the minimum required dimensions or areas.

No residential zoning permit shall be issued unless a legal description for the building lot has been recorded with the County Clerk.

SECTION 706. TOP SOIL

A person, firm or corporation shall not strip, excavate or otherwise remove top soil for use other than on the premises unless it is replenished or sufficient amounts are left to support future development needs. No stripping, excavation, or other removal of top soil shall be such that steep slopes are created, ground water run off is trapped, or erosion is caused.

SECTION 707. VISIBILITY

On a corner lot in any district no fence, wall, hedge or other structure or planting more than three feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting center lines and a straight line joining the center lines at points measured 50 feet along each center line from their point of intersection. The requirements of this Section shall not be deemed to prohibit the construction of any necessary retaining wall.

SECTION 708. YARDS

A paved terrace shall not be considered in the determination of yard size or lot coverage unless it is roofed or has walls, parapets or other forms of enclosure. A paved terrace may have, however, an open guard railing not over three (3) feet high. No paved terrace shall project into any yard to a point closer than four (4) feet from any lot line.

Any open or enclosed porch shall be considered a part of the building in the determination of the size of yard or lot coverage.

The space in any required yard shall be open and unobstructed except for the ordinary projection of window sills, brick courses, cornices, eaves and other architectural features provided, however, that such features shall not project more than three (3) feet into any required yard.

Bay windows, including their cornices and eaves may project into any required yard not more than three (3) feet.

Open fire escapes may extend into any required yard not more than four feet six inches.

SECTION 709. INTERPRETATION OF PERMITTED USES

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

SECTION 710. FENCES

Fences less than six (6) feet high are permitted in all districts; however, the controls stated in Section 707 of this local law must be observed for corner lots. Fences, as envisioned in this local law, include: man-made walls or barriers to access to property; or, hedges or plantings used as a visual screen or access barrier. Fences must be kept in good repair and the ground within one (1) foot of the fence must be maintained by the owner of the fence. Fences shall be kept at least one (1) foot inside any property line.. Any fence must be erected with the finished side to the public view. Fences located within the front portion of the yard shall be no more than four (4) feet in height. Front yard set back shall be determined by the location of the property (sidewalks or no sidewalk; utility locations) to be determined at submission of zoning application to Zoning Officer. To ensure safety of pedestrians and vehicles all front yard fences shall be constructed so that the fence is uniformly less than fifty percent (50 %)solid or opaque when viewed from point normal to plane created by the fence surface. (examples : picket or split rail) .

SECTION 801. PRIVATE SWIMMING POOLS AS AN ACCESSORY USE

A private swimming pool 2 ft or deeper that is installed or maintained as an accessory use in a residential district shall meet the following requirements.

1. All swimming pools shall be completely enclosed by a security fence not less than four (4) feet in height, with all fence gates or doors equipped with self-closing and self-latching devices capable of keeping fence, gates or doors securely closed at all times when not in actual use. Such devices must be approved by the Zoning Officer.
2. Private pools in the Village of Arcade shall be maintained in a manner sufficient to meet the bacterial standards established by the provisions of the New York State Sanitary code relating to public swimming pools.
3. Pools shall be equipped with an integral filtration system and filter pumps or other mechanical devices which shall be so located and constructed as not to interfere with the peace, comfort and repose of the occupants of any adjoining property.
4. A zoning permit shall not be granted for the installation of any swimming pool, unless provisions for the drainage of the pool is adequate and will not interfere with the public water system, or existing sanitary facilities.

SECTION 802. PUBLIC GARAGES, MOTOR VEHICULAR SERVICE STATIONS AND COLLISION SHOPS

1. No public garage, collision shop or motor vehicle service station, or private garage for more than five (5) cars shall have a vehicular entrance closer than 200 feet to an entrance to a church, school, theater, hospital, public park, playground or fire station (or as designated by the Zoning Board of Appeals). Such measurement shall be taken as the shortest distance between such entrances across the street if the entrances are on opposite sides of the street, and along the street frontage if both entrances are on the same side of the street within the same block.

2. All motor vehicle service stations shall be so arranged and all gasoline pumps shall be so placed, as to provide all required servicing on the premises and outside the public way. No gasoline pump shall be placed closer to any side property line than fifty (50) feet.
3. No inoperative motor vehicles shall be kept outside of the structure of motor vehicle service stations or collision shops for longer than two (2) weeks.
4. All waste material, motors and motor or vehicle parts, will be stored within a structure or enclosed within fencing so as not to be visible from off the property.

SECTION 803. OFF-STREET PARKING

1. Off-street parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district. Any application for a zoning permit for a new or enlarged building, structure or change in use shall include with it a plot plan drawn to scale and fully dimensioned showing any parking or loading or unloading facilities in compliance with the regulations of this local law.
2. A required off-street parking space shall be an area of not less than one hundred sixty-two (162) square feet, nor less than eight and one-half (8 ½) feet wide by nineteen (19) feet long (exclusive of access drives or aisles, ramps, columns, or office and work areas) accessible from streets, alleys, private driveways, or aisles leading to streets or alleys; for the storage or parking of passenger automobiles or commercial vehicles under one and one-half ton capacity. Aisles between vehicular parking spaces shall not be less than twenty (20) feet in width when serving automobiles parked perpendicular to the aisles and accommodating two way traffic.
3. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic. No driveway or entrance in any district shall exceed twenty-five (25) feet in width.
4. No parking space (nor portion thereof) in any residential district or residence restricted business district shall be located within a required front yard area. No parking spaces (nor portion thereof) established on a lot without a building shall be located closer to any street line than the front yard set back required for the zoning district in which it was located, or closer to the street than the front of existing buildings on either side.
5. All off-street parking spaces, except those accessory to single-family dwellings, shall be improved with a compacted macadam base and surfaced with some all-weather dust less materials.
6. A ten foot (10') wide planted buffer around parking or loading areas shall be required for any non-residential use adjacent to a residence, except that in an R-3B District, a five foot (5') wide planted buffer around a parking or loading area shall be required for a residence restricted business use adjacent to a residence.
7. The parking space requirements for each use which is erected, enlarged or altered following the date this local law becomes effective shall be in accordance with the following table; and shall be provided and satisfactorily maintained by the owner of the affected property.

At least one parking space for each of the following:

CLUSTER AND ALL TYPIES OF PLANNED UNITS		
USES	DEVELOPMENTS	IN ALL OTHER AREAS
One Family Residence	½ Dwelling Unit	½ Dwelling Unit
Two Family Residence	½ Dwelling Unit	½ Dwelling Unit
Multi-family Residence	½ Dwelling Unit	½ Dwelling Unit
Residence Restricted Business	Sufficient to provide off-street parking for the users of the premises as determined by the Planning Board	
Church	3 Fixed Seats	5 Fixed Seats
Hospital or Homes for Aged	1 In-Patient Bed	1 In-Patient Bed
Elementary School	15 Students	20 Students
High School or College	10 Students	12 Students
Library or Museum	50 Square Feet of Floor Area	100 Square Feet of Floor Area
Places of Assembly (including Convention Hall, Dance Hall, Rink, Theater)	100 Square Feet Used for Assembly	200 Square Feet Used for Assembly
Club, Lodge (without sleeping accommodations)	2 members	4 members
Places Providing Sleeping Accommodations (including Hotels, Motels, Tourist Homes)	Sleeping Unit	Sleeping Unit
Mortuaries or Funeral Parlors	1/12 Viewing Room + 1 for every employee	1/8 Viewing Room + 1 for every employee
Offices, Banks	200 Square Feet Floor Area	400 Square Feet Floor Area
Food Marker	100 Square Feet Floor Area	200 Square Feet Floor Area
Eating & Drinking Establishments	4 Seats or 1 for each 100 Square Feet Floor Area, whichever is greater	4 Seats or 1 for each 200 Square Feet Floor Area, whichever is greater
Bowling Alley	½ Alley	½ Alley
Other Commercial Area	150 Square Feet Sales Area	300 Square Feet Sales Area
Industrial	Employee (Maximum Work Shift)	2 Employees (Maximum Work Shift)

SECTION 804. LOADING AND UNLOADING

- Off-street, loading and/or unloading spaces for commercial and/or industrial vehicles shall be provided on each lot where it is deemed that such facilities are necessary to serve the use or uses on the lot. The number of loading and/or unloading spaces required for commercial and/or industrial vehicles shall be in addition to the off-street parking requirements listed in the section above. Each loading and/or unloading space shall be at least fourteen (14) feet wide, sixty (60) feet long; shall have at least a fifteen (15) foot vertical clearance; shall have a sixty (60) foot maneuvering area; shall have an all-weather dust-free surface to provide safe and convenient access during all seasons; and shall not be constructed between the street right-of-way line and the building setback line.
- Required off-street parking space shall not be used for loading and/or unloading purposes except during hours when business operations are suspended.
- Loading and/or unloading facilities shall be designed so that trucks need not back in or out of, nor park in, any public right-of-way.
- No truck shall be allowed to block a right-of-way, an automobile parking area, or in any way prohibit the effective flow of persons or vehicles.

5. At least one (1) off-street loading and/or unloading space shall be provided for all commercial and industrial establishments in excess of 3,500 square feet of floor area.

SECTION 805. SIGNS

1. No sign shall be erected which, in the opinion of the Village Board, may cause hazardous or unsafe conditions. If such signs exist, they shall be removed upon direction of the Village Board following notification to the owner.
2. Wherever located and whatever their nature, signs shall conform to the following regulations:

A. Condition

Every permitted sign must be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated may be removed at the expense of the owner or lessee of the property of which it is located. Alterations include modifications to size of more than twenty percent (20%) on the surface of the sign. Painting and cosmetic changes for the preservation of the sign or upkeep does not constitute an alteration.

B. Electric Bulbs – See Section 817

All electrical bulbs shall be shielded from view by a globe or other visible barrier.

C. Electrical Interference

No sign or the electrical apparatus associated with the sign shall cause any electrical interference with the normal operation of electrical appliances of adjacent property owners or tenants.

D. Ingress, Egress

No sign shall be erected or located in such a way that would prevent free ingress or egress from any window, door or fire escape.

E. Light, Air

No sign shall be placed in such a position that it will obscure light or air from a building.

F. Attachments

No signs shall be permitted which are pasted, stapled, or otherwise attached to public utility poles or trees within the street right-of-way line.

G. Traffic

No sign shall be so erected, located, or maintained that might interfere with, or be confused with, or obstruct the view of any official traffic sign, traffic signal, traffic marking, or block the view of traffic at ingress or egress points to a property. Such interference must not result from the color, shape or location of the sign, supports, or lights used in conjunction with the sign.

H. Glare – See Section 817

Illuminating arrangements for signs shall be such that the light is concentrated upon the sign and there shall be no glare cast upon the street, the sidewalk or adjacent property.

I. Flashing Signs and Electronic Signs

No sign shall be a flashing sign. Flashing signs shall be defined as meaning any sign that: flashes by giving off or reflecting light; or moves, or revolves in any way (excluding barber pole at a hair shop); or has flowing or moving lights; or alternates in any way its color, shape or intensity of illumination.

Electronic Digital readout signs are allowed. The readout changes electronically and must stay stationary for no less than one minute. No reflective or flashing lights are allowed.

J. Abutting Sign

No sign in a commercial or industrial district shall be placed to face an abutting residential district unless authorized by a special permit.

K. Contrary To Zoning

No signs shall be erected containing information which states or implies that the property may be used for any purpose not permitted under the provisions of this Zoning Law.

L. Cessation

If a use ceases for a period of six (6) calendar months, signs must be removed. Such signs may be removed by the Municipality at the expense of the owner and/or lessee of the property on which the sign is located.

M. Within Roads

No sign shall extend into a street or road right-of-way except in the NC (Neighborhood Commercial) District. No sign in the NC (Neighborhood Commercial) District shall extend closer than five (5) feet to the paved portion of a street, road or highway.

N. Setbacks, Yards

In matters of setback and required yards, free-standing signs larger than eight (8) square feet shall be regarded as buildings and must comply with all provisions of this Local Law. Regardless of the size of the sign, no free standing sign will be permitted to be located, erected or maintained less than twenty (20) feet from the edge of paving of any street, road or alley; nor less than five (5) feet from the inside (building side) of any sidewalk.

O. Height

No sign shall be more than forty (40) feet in height measured from the surface of the earth to the highest element of the sign or its supports.

P. Signs Of Vehicles

Vehicles (including trailers or carts) bearing signs more than four (4) square feet in area shall not be permitted to be parked (other than for loading or unloading) within the front yard in any zoning district.

Q. Building Signs

Signs attached to a building or buildings shall not project more than forty eight (48) inches from the wall upon which the sign is attached. No signs projecting more than twelve (12) inches from the wall of a building shall be greater than twelve (12) square feet in size, nor weigh more than one hundred fifty (150) pounds, nor be less than eight (8) feet above the surface of the ground. Signs must be attached to parapet walls or other wall surfaces made a part of the main structure. Signs erected on a separate superstructure attached to the roof of a building or to any other part of a building above the roof line shall not be permitted. No sign attached to the wall of a building shall project higher than four (4) feet above the roofline. Signs extending over sidewalks shall have at least two individual steel attachments to the buildings or pole supporting the sign.

3. The following regulations apply to specific kinds of signs:

A. Temporary Sign

Temporary signs will require permits, the fee will be in accordance with the current fee schedule as established by the Village Board of Trustees. Each sign requiring a permit shall not exceed nine (9) square feet or thirty (30) inches in width. No permit shall be required of the following temporary signs: political, real estate, contractor, charitable, not for profit, special events. Special event signs may be in place up to two (2) weeks prior to the event and must be taken down no later than three (3) days after the event.

B. Instructional Signs

Instructional signs may be represented by free standing signs or building signs each of which shall not exceed four (4) square feet in area.

C. Identification And Business Signs

In commercial and industrial districts, identification and business name signs for each commercial or industrial use shall be limited to a total area of one hundred (100) square feet in size. In the case of corner lots, maximum sign areas may be doubled; however, the individual sign area must remain at a maximum of one hundred (100) square feet.

D. Advertising Signs (Billboards)

Advertising signs (billboards) are prohibited in all zoning districts, except within the Highway Commercial and Highway Commercial Light Industrial Districts, only one advertising sign is permitted per parcel or lot. The sign must be within 2500 feet of a Business located within the confines of the Village. The maximum sign area shall be one hundred (100) square feet. All restrictions in regard to setback, yard space, height, etc. established for the Highway Commercial or Highway Commercial Light Industrial District structures or building should apply to any advertising sign or billboard. Special use permit is allowed in Highway Commercial for one additional sign that exceeds the original 100 sq. ft. area.

The total area of the two signs may be up to five percent (5%) of the total area of the front wall of the first floor only, (a maximum height of twelve (12) feet multiplied by the street width of the building) to a maximum of 200 sq. ft. It must meet a standard for signage.

E. Public Service Signs

Signs providing information of general use to the public, such as time, temperature, news, etc. are permitted, provided that any advertising thereon shall be limited by the other terms and conditions of this Section. Objections shall not be raised to such signs because information is displayed by the means of on-off illumination.

Permanent signs may be erected by a nonprofit community service organization which is intended as a public service for the good of the community in any district after a permit is granted, as long as any permanent sign meets the requirements of this section.

F. Historical Markers.

Historical markers shall be erected by the Village Highway Department following approval and purchase by the Village Board with the advice of the Village Historian as to content, form and dimensions.

G. Sandwich Board Signs.

Sandwich board signs are allowed with a permit, the fee will be in accordance with the current fee schedule as established by the Village Board of Trustees. . Sandwich board permits shall be valid for one year. . One (1) sandwich board permit per business at any given time will be allowed per business at any given time. The use of sandwich board signs is restricted to the hours of the business operation. Sandwich board signs will not exceed nine (9) square feet or be wider than thirty (30) inches. No sign shall be erected or altered until a permit has been issued by the Zoning Officer. No sign permit shall be issued by the Zoning Officer that would be in violation of any provision of this local law unless so granted by written approval of the Zoning Board of Appeals.

All applications for a sign permit shall be accompanied by a drawing of the sign, which shows the exact size, and actual dimensions of the sign. The drawing shall show the location of the sign on the property or structure and must show the relationship of the sign to adjacent properties; along with such other information that in the opinion of the Zoning Officer is necessary to determine and provide for the enforcement of this local law.

One copy of the approved application shall be returned to the applicant and shall be deemed granted by the Zoning Officer after the payment of the permit fee in accordance with the current fee schedule. A second copy of the approved application shall be retained in the files of the Zoning Officer.

4. No sign, whether new or existing, shall hereafter be erected or altered except in conformity with the provisions of this local law. All signs must be kept clean, neatly painted and free from all hazards such as faulty wiring, loose fastenings, etc. and shall be maintained in a safe condition.

In the event of a violation of this Section of this local law, the Zoning Officer shall give written or personal notice, specifying the violation, to the owner of the sign and/or owner

of the land upon which the sign is located. The owner of the sign and/or the owner of the land on which the sign is located shall cause the sign to be brought into conformance with this local law or shall remove the sign within thirty (30) days from the date of notice. If the sign is not made to conform with the provisions of this local law or removed within the thirty (30) days, the Zoning Officer shall revoke the sign permit and have the sign removed by the Municipality. The costs incurred by the Municipality for the removal of the sign shall be assessed against the land or building on which the sign is located.

The Zoning Officer may cause any sign that is a source of immediate peril to persons or property to be removed summarily and without notice.

5. Sign Controls By Zoning District

The following controls for sign area, maximum height above the ground, and yard set backs by zoning district shall be required.

ZONING DISTRICT	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	MINIMUM SIDE YARD SET BACK FROM RESIDENTIAL PROPERTY LINES	MINIMUM FRONT YARD SET BACK
AG	4 sq. ft.	6 feet	5 feet	20 feet
R-1	4 sq. ft.	6 feet	5 feet	20 feet
R-2	8 sq. ft.	6 feet	5 feet	20 feet
R-3	4 sq. ft.	6 feet	5 feet	20 feet
R-3B	24 sq. ft.	6 feet	5 feet	20 feet
R-4	6 sq. ft.	6 feet	5 feet	20 feet
CR	8 sq. ft.	6 feet	5 feet	20 feet
NC	100 sq. ft.	40 feet	30 feet	20 feet
HC	100 sq. ft.	40 feet	30 feet	20 feet
LI	100 sq. ft.	40 feet	30 feet	20 feet
HC/LI	100 sq. ft.	40 feet	30 feet	20 feet

SECTION 806. PERFORMANCE AND DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES

The following regulations shall be observed for commercial and industrial uses:

1. Fire And Explosive Hazards

All activities and all storage of flammable and explosive material shall be provided with adequate safety devices against the hazards of fire and explosion; and, adequate fire-fighting and fire suppression equipment and devices shall be required.

2. Radioactivity Or Electrical Disturbances Or Electronic Disturbances

There shall be no activities which emit radioactivity onto adjoining property. There shall be no electrical disturbance adversely affecting the operation of any equipment other than that of the creator of the disturbance. There shall be no electrical disturbance adversely affecting the operation of any equipment, radio receiving or television receiving equipment, other than that of the creator of the disturbance.

3. Smoke

There shall be no emission from a chimney or other device for longer than five (5) minutes in any hour of visible gray or visible smoke of any other color with a shade darker than No. 3 of the Standard Ringleman Chart, as issued by the US Bureau of Mines.

4. Smoke, Ash, Dust, Fume, Vapor, Gases And Other Forms Of Air Pollution

There shall be no emission at any point from any chimney or other device which can cause any damage to health, to animals, to vegetation, or to other forms of property; or which cause any excessive soiling at any point.

5. Liquid And Solid Wastes

There shall be no discharge at any point, into any public sewerage system, or stream, or onto or into the ground of any materials in such a way or of such a nature as can contaminate or otherwise cause the emission of hazardous wastes.

6. Noise And Vibration

There shall be no vibration or noise level at the property line greater than the average noise level occurring on adjacent streets.

7. Glare

No direct glare, whether from floodlights or from high temperature process shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

8. Odor

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive on adjoining streets or adjacent lots.

9. Operation

All primary operations shall be conducted entirely within enclosed buildings.

10. Screening

A planted visual barrier (or landscape screen) shall be provided and maintained by the owner (or lessee) of a property between any district and contiguous residentially zoned districts, except where natural or physical manmade visual barriers exist. This screen shall be composed of plants and trees arranged to form both a low level and high level screen. The high level screen shall consist of trees planted with specimens no younger than three (3) years in age, and planted at intervals of not more than ten (10) feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low-level screen shall be placed in alternating rows to produce a more effective barrier. All plants not surviving three (3) years after planting must be replaced.

Any existing business affected by these regulations at the time of passage of this local law shall not be required to comply with the above screening requirements except in case of enlargement or major alteration of such business. Similarly, for any zoning district boundary change after the passage of this local law initiated by a residential developer abutting a commercially or industrially zoned property for which these regulations apply, these screening requirements shall not be imposed upon such commercial or industrial property.

11. Storage

All materials will be stored inside an enclosed (but not necessarily roofed) structure. All organic rubbish or storage shall be contained in vermin-proof containers, which shall also be screened from public view.

12. Landscaping

Any part or portion of the site which is not used for building, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with an all-season ground cover or mowed lawn. This shall be done in accordance with an overall landscape plan and shall be in keeping with natural surroundings. A replacement program for non-surviving plants shall be included.

The landscape plan must show a satisfactory method of irrigating all planted areas. This may be either by a permanent water system or by hose. Any single parking area with fifty (50) or more spaces shall utilize at least five percent (5%) of its area in landscaping, which shall be in addition to the open area requirements of the district.

13. Shopping Cart Storage

Any establishment which furnishes carts or mobile baskets as an adjunct to shopping, shall provide definite areas within the required parking space areas for storage of said carts. Each designed storage area shall be clearly marked for storage of shopping carts.

14. Lighting

All parking areas, driveways and loading areas shall be provided with a lighting system which shall furnish a minimum of 2 foot candles at any point during hours of operation, with lighting standards in parking areas being located not farther than one hundred (100) feet apart. All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district.

15. Building Design

Buildings shall be designed to take advantage of the natural terrain and shall not be physically located to unnecessarily concentrate activity in one portion of the lot. At least one entrance way shall be maintained at ground level and be designed and constructed in such a way as to eliminate access barriers to handicapped persons. All pedestrian entrances shall be paved with an all-weather surface. A curbing strip shall be provided to separate parking areas, streets and driveways.

16. Vehicles

Any movable structure, trailer, automobile, truck or parts of these items or any other items of similar nature, allowed to remain on the premises a longer time than that required to load, unload or otherwise discharge its normal functions, shall be considered subject to all regulations set forth in this local law for buildings and structures as defined herein.

17. Buffer strip

A one hundred fifty (150) foot wide “greenbelt” of maintained all-season ground cover, mowed lawn, or landscaping of trees and shrubs shall be required along the zoning district boundary lines in the industrial districts. This buffer strip can be waived in writing by the Planning Board if a natural physical, visual barrier exists.

SECTION 807. OIL AND GAS WELLS

All oil or gas wells and gas and oil storage facilities shall be located in accordance with the yard requirements of this local law. In addition, they shall not be located within two hundred (200) feet of any existing dwelling or structure which is used to store farm products or house livestock or poultry. They shall not be nearer than two hundred (200) feet to any public building or area which may be used as a place of assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic or occupancy by the public. They should not be nearer than three hundred (300) feet to the traveled part of any public street, road or highway; nor closer than fifty (50) feet from any public stream, river or other body of water. In addition, all laws and regulations enforced by the Oil and Gas Division of the New York State Department of Environmental Conservation shall be observed.

SECTION 808. GRAVEL AND SAND OPERATIONS

No gravel or sand operations shall be permitted unless such operations adhere to the following regulations:

1. No excavation or stock piling of materials shall be located within one hundred fifty (150) feet of any public road or property line, unless a permit is granted by the Village Board for improvement of the property.

2. No power-activated sorting machinery or equipment shall be located within six hundred (600) feet of any occupied dwelling and all such machinery shall be equipped with satisfactory dust elimination devices.

SECTION 809. RECREATION VEHICLES

Recreation vehicles must be stored in the rear yard area of the licensed owner of the recreation vehicle only during the off season (off seasons for summer use vehicles is considered to be November 1 to April 1 and off seasons for winter use vehicles is considered to be whenever there is no snow on the ground for the vehicle's use).

SECTION 810. OCCASIONAL SALE OF PERSONAL PROPERTY (GARAGE SALES, ETC.)

No public sales or personal property shall be conducted on residential property or premises unless a permit for the same has been issued by the Village Clerk. No such permit shall be issued unless the fee therefore has been paid in accord with the Village's current fee schedule, which is on file with the Clerk. No permit shall be for a period longer than three (3) consecutive days. No more than two (2) permits shall be issued for the same premises in any one calendar year, except that if the premises contain more than one residence, no more than two (2) permits shall be issued for the same residence.

SECTION 811. SALE OF PERSONAL CAR, TRUCKS OR RECREATIONAL VEHICLES

Sale of personal cars, trucks or recreational vehicles on premises requires a permit with a maximum duration of thirty (30) days. Such permit may be renewable for one thirty (30) day period. No additional renewals may be secured for a period up to one (1) year.

SECTION 812. TEMPORARY PARKING OF OCCUPIED RECREATIONAL VEHICLES

Temporary parking of occupied recreational vehicles in any residential area requires a permit with a maximum duration of thirty (30) days. Such a permit is not renewable for a least six (6) months following the expiration of any previous permit.

SECTION 813. JUNKYARDS AND DUMPS

No individual, company or corporation may expose for sale, or exchange, or give away, or store upon any parcel of land or within any enclosure any used or second hand articles of machinery, equipment, automobile, truck or automobile accessory, or any second hand machinery of any kind or description nor dump or bury any garbage, or waste materials upon any land within the Village of Arcade unless having obtained a license to do so, duly issued by the Village Clerk, with the approval of the Village Board.

The storage and processing of toxic chemicals, toxic wastes, and nuclear materials and wastes as may be defined from time to time by the New York State Department of Environmental Conservation, is prohibited, and no license may be issued for same.

1. Application Procedure For License

The following procedure is required for obtaining a license to operate a junkyard or dump within the Village of Arcade:

- A. Any person, company or corporation desiring to obtain a license for the operation of a junkyard or dump shall file a written application with the Village Clerk. Such application shall state the nature of the business to be conducted, the type of material to be dealt with, the proper street address or other accurate description of the place where such business is to be conducted, provide a sketch showing

the location of the junkyard or dump and its relationship to surrounding properties and structures, and identifying the owner of the property as well as the owner or lessee of the business.

- B. Attached to the application shall be a consent signed by each owner or lessee of the real property within one thousand (1,000) feet of the property line of the premises proposed to be used for a junkyard or dump. Such consent shall state that the owners and lessees have no objection to the proposed use by the applicant.
- C. The Village Clerk shall submit the application to the Village Board at its next regular meeting. The Village Board will then refer the application to the Planning Board for its review and recommendations, such review and recommendations shall be returned in writing to the Village Board within thirty (30) days after referral.
- D. The Village Board shall conduct a public hearing requiring ten (10) days written notice of the time and place of the meeting. At the public hearing, the applicant and all other interested parties shall be heard.
- E. The Village Board shall then either grant or deny the license, noting its action in the minutes. In determining whether an applicant shall be granted a license, the Village Board shall take into consideration the practical difficulties and the necessary hardships in requiring compliance with this local law. Such determination shall be in the sole discretion of the Village Board.
- F. The fee for the license required by this local law shall be in accordance with the current fee schedule on file with the Village Clerk. The fee shall be paid at the time such license is issued and shall become a part of the general funds of the Village of Arcade. All licenses shall expire on December 31 of each year.

2. General Requirements Of License

The following general requirements shall be observed:

- A. No person, company or corporation obtaining a license under this Section of the local law shall have more than one (1) location licensed hereunder.
- B. The license shall be displayed in a conspicuous manner within the licensee's place of business.
- C. The license is not transferable and any person who is a successor in interest must apply for a new license.
- D. Licensed premises shall be operated in a proper and safe manner to minimize hazards. No suspended items will be left unattended which would create a hazard.
- E. If any existing junkyard or dump ceased operation for a period of one (1) year or more, such use shall not be reestablished nor shall any existing junkyard or dump be extended beyond the area now occupied by it without full compliance with this local law.
- F. All licensed premises shall be on a parcel of land of a minimum of ten (10) acres.

- G. The portion of the premises in which the business activity is conducted must be located at least seventy-five (75) feet distant from the closest edge of the paved portion of any street, road or highway.
- H. Between the front property line and the business premises and/or junkyard storage area, the licensee shall erect and maintain a visual barrier of trees and/or shrubs, which provide a dense foliage screen for at least six (6) feet above the surface of the ground. This “visual screen” adjacent to residential properties that provides a dense foliage barrier for at least six (6) feet above the surface of the ground.

All landscaped areas shall be properly maintained (i.e., grass areas mowed, free of litter, removal on non-surviving plants and replacement with new trees or shrubs).
- I. The access road (driveway) from the public right-of-way to the place of business activity shall be provided with an all weather, dust free surface. A gate made of solid substance properly maintained, six (6) feet high shall be locked when the area is not supervised by the licensee or his employees. Any access road or driveway shall have a clear view of approaching traffic on the public right-of-way so that it will not constitute a traffic hazard for traffic entering or leaving the public right-of-way.
- J. Any premises used for the purposes mentioned in this Section of this local law even if so used prior to the adoption of this local law shall at all times be kept and maintained in a clean, wholesome, sanitary and orderly condition.
- K. All licenses are subject to revocation by the Village Board upon proper proof of non-compliance with this local law. A public hearing shall be afforded a licensee who will have an opportunity to present his case. In the event the license is revoked, all activity permitted under this Section of the local law shall immediately cease and desist.

SECTION 814. BEE KEEPING

Bee keeping shall be permitted in an Agricultural District by special permit only. The bees shall be kept at least 300 feet from occupied buildings and protected by a fence not less than five (5) feet high capable of excluding persons and domestic animals. No bees shall be kept within three hundred (300) feet of any property line or public highway or right-of-way.

SECTION 815. HOME OCCUPATION

- 1. All applications for a "Home Occupation" must be submitted for approval for a SPECIAL Use PERMIT, which will be reviewed by the Village Planning Board who will determine if the Application clearly complies with all requirements, and grant or deny the application on said basis. The SPECIAL USE PERMIT is reviewable at any time and revocable with cause with 30 days notice.
- 2. A home occupation shall not emit any offensive noise, vibration, smoke, dust, odors, heat or glare that may be detected from a general setback distance. No highly toxic, explosive, flammable, combustible, corrosive, radioactive or similar hazardous materials shall be used, stored, or manufactured on the premises in amounts exceeding those which are typically found in normal residential use. Any and all chemicals used in association with the Home Occupation will be listed on a MSDS FORM and filed with the Village Clerk and the local Fire Department.

3. All home occupations must adhere to Section 803 Off-Street Parking and demonstrate that peak parking needs can be satisfied without undue impact on the residential character of the street and neighborhood. Estimates of vehicular traffic to the site will be provided by the applicant.
4. There shall be neither exterior storage of stock or equipment nor exterior display of goods or products.
5. Use of any part of the home for the occupation will not exceed 25% of habitable square footage and use of any accessory structure must be less than 50%.
6. The personal services, crafts, recognized hobbies and seasonal uses, as listed below, are allowed under this Section.
 - A. Crafts Including
Candle making, ceramics, decorative crafts, needle work, small wood working articles intended as decorations.
 - B. Hobbies Including
Model boats, model cars, model trains, photography, sports cards.
 - C. Personal Services Including
Accountant, beautician, dentist, engraver, interior decorator, lawyer, musical instructor, physical therapist, physician, printer, psychologist, realtor, surgeon.
 - D. Seasonal Including
Deer processing; fishing supplies: disposable bait, line, lures, bobbers, reels, poles; golf clubs and their repair; produce grown on site only.
7. A home occupation shall not be interpreted to include the following: facilities for the maintenance and repair of gas, diesel, propane or electric motors or engines, including automobiles, trucks, tractors, lawn and garden equipment, marine use vehicles or motors, chain saws, trailers, aircraft, snowmobiles, or any other on or off road, motor powered vehicle or craft. Veterinarian offices, kennels, pet care facilities (grooming), adult uses.
8. Any home occupation operating prior to the effective date of this local law is required to apply for a Zoning Permit for HOME OCCUPATION to determine its status.
9. Any and all HOME OCCUPATIONS will adhere to any or all Local, County, State and Federal laws which pertain to their individual type of business, to include but not limited to: Handling of materials, storage, disposal, recycling, notification of municipal governments or agencies.

SECTION 816. TELECOMMUNICATION TOWERS

1. Purpose and Intent

The purpose of this law is to establish regulations for the siting of telecommunication facilities in order to accommodate the growth of such facilities while protecting the public against any adverse impacts on aesthetic resources and the public safety and welfare. The Village of Arcade wants to accommodate the need for telecommunications facilities while regulating their location and number, minimizing adverse visual impacts through proper design, siting and screening, avoiding potential physical damage to adjacent properties, and encouraging joint use of tower structures.

The law also seeks to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures, in order to further minimize adverse visual effects from telecommunications towers.

This law is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services nor shall it be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations.

2. Definitions

A. Telecommunication Tower

A structure on which one or more antenna will be located, that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, but excluding those used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private, residential communications.

B. Telecommunication Antenna

A system of electrical conductors that transmit or receive radio frequency waves.

C. Telecommunication Facility

Any or all of the physical elements of the central cell facility that contains all the receivers, transmitters, and other apparatus needed for cellular/personal communication operation (also known as base transceiver station (BTS)).

D. Accessory Use

An accessory use serves the principal use, is subordinate in area, extent or purpose to the principal use, and is located on the same lot as the principal use. Examples of such uses include transmission equipment and storage sheds.

E. Public Utility Facility

A facility other than a telecommunication tower or telecommunication antenna for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or government agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage collection, or other such service to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes,

conduits, cables, alarms and call boxes and other similar equipment, but shall not include office or administration buildings. For purposes of the zoning law, telecommunication towers or telecommunication antenna, defined separately in the zoning law, shall not be governed by the zoning regulations, which apply to the broader definition of public utility facilities, but shall be governed by these regulations.

3. Review Authority

- A. The planning board is hereby authorized to review and approve, approve with modifications or disapprove special use permits and site plans for telecommunications facilities. The planning board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunications facility, including the camouflage of the tower structure and/or antenna to reduce visual impact.
- B. Except as provided below, no telecommunication facility shall hereafter be used, erected, moved, reconstructed, changed, or altered and no existing structure shall be modified to serve as a telecommunication facility, except after obtaining a special use permit in conformity with this law. The planning board shall have the right to waive any provision of this section for facilities whose total height above ground does not exceed thirty-five (35) feet.
- C. Telecommunication antenna placed on existing telecommunication towers or on existing structures do not require a special use permit, unless the existing tower or structure is located near a residential dwelling, or it will be modified in such a way as to increase its height, or a new accessory structure would be built. A zoning compliance application will still be required to insure it will be in a zoning district where it is an allowed use.
- D. The planning board may waive any or all the requirements for approval for applicants proposing minor changes to existing facilities and for applicants proposing the use of camouflage for a telecommunication tower when the board finds that such camouflage significantly reduces visual impact to the surrounding area. However, the board may not waive the requirement that a public hearing be held on the application.
- E. No zoning permit shall be issued until the applicant provides proof that space on the facility has been leased or will be operated by a provider licensed by the FCC to provide service in the area.

4. General Criteria

Wireless telecommunication facilities are permitted in specified districts as a Use Permitted by Special Use Permit **except** when placed on an existing telecommunication tower or an existing structure not located near a residential dwelling, that is not being modified in such a way as to increase its height, and if a new accessory structure is not being built.

Wireless telecommunication facilities are permitted in specified districts as a Use Permitted by Right **only** if placed on an existing telecommunication tower or an existing structure not located near a residential dwelling, if it is not being modified in such a way as to increase its height, and if a new accessory structure is not being built.

The applicant will renew the special use permit every two years. The applicant must demonstrate the site is still necessary to provide safe and adequate service, there is no new environmental, visual, or site impacts, and provide an inspection report for structural integrity by a New York State licensed engineer.

The facilities shall be separated from residential dwellings, schools, and designated sites on the State or National Historic Register or eligible sites determined by NYS Historic Office to be significant by the distance of one thousand (1,000) feet. The planning board may modify this condition if the facility is attached to an existing structure or for other satisfactory reasons.

No special use permit relating to a telecommunication facility shall be authorized by the planning board unless it finds that such facility:

- A. Is necessary to provide adequate service to locations that the applicant is not able to serve with existing facilities;
- B. Conforms to all applicable regulations established by the Federal Communications Commission, Federal Aviation Administration, and other federal agencies; and,
- C. Will be designed and constructed in a manner which minimizes visual impact to the extent practical;
- D. Is the most appropriate site among those available within the technically feasible area for the location of a telecommunication facility?

5. Submission Requirements

The planning board may waive any particular submission requirement(s) it determines unnecessary for review of a particular project.

A. Project Participants

Names, addresses, phone and fax numbers of the following involved parties, as appropriate:

- The landowner of the project site to be purchased or leased;
- The service provider-corporate and point of contact. Include proof that the proposed tower will serve this wireless telecommunication provider and this provider has a valid FCC license to provide service to the area. [Include the FCC license and certificate of need as a public utility.]
- Engineering consultant(s);
- Legal representative(s);
- Other authorized service providers proposing to co-locate on the tower now or in the near future; and

- Where co-location is proposed, provide the names, addresses and phone numbers of the current owner(s) of the tower, building or structure upon which the co-location was considered or is proposed.

B. Site Description

Provide a narrative description of the proposed project site, including:

- Existing site improvements, including access, utilities, and the presence of existing towers, buildings, or other structures;
- Vegetative cover (e.g., plant cover types, species, tree types (average, minimum, and maximum) relative condition (health) of the vegetation; and tree stand density) slopes;
- Soils and the depth to bedrock;
- Wetlands and surface water bodies;
- Site drainage;
- Any special plant and animal habitats contained on the NYSDEC Natural Heritage Program database;
- Any historic or archeological resources on the site and any historic resources adjacent to the site; and
- Where co-location is proposed, provide to-scale site plans and elevations of the existing tower, building or structure to be used for co-location. Provide plans, elevations, and details showing the proposed electronic communication facilities and existing antenna located on the tower.

C. Site Plan And Construction Details

Provide a detailed, labeled, and to-scale site plan that includes the following information:

- Scale, north arrow, date and name of preparer;
- Project site boundaries (if part of a larger parcel, include a map of the larger, parent parcel and the location of the area to be acquired or leased for the project);
- Abutting property owners, names and addresses;

- All bodies of water; wetlands; permanent or intermittent streams; and mean high water mark for larger water bodies on or adjoining the project site;
- Existing and proposed topographic contours at two-foot intervals in and within 200 feet of all proposed areas to be disturbed;
- All existing and proposed buildings, structures, roads, utilities, and driveways;
- Existing vegetation cover types and tree lines;
- The proposed limits of vegetation disturbance and/or clearing related to the proposed construction of the site access, tower, and accessory structures;
- All trees 4 inches or greater in size (diameter at breast height, DBH) to be removed;
- All proposed plantings; and
- All existing and proposed drainage and erosion control and stormwater management facilities.

Describe the type, location, and size of any road and/or driveway

For any new or improved access roads or driveways, provide a grading plan, centerline profile, and cross sections (every 100 feet showing proposed and existing contours at two foot intervals) and identify the construction material(s) (e.g., gravel, asphalt).

Provide detailed construction plans and elevation of the proposed tower, antennae, equipment shelters (enclosed building, structure, cabinet, shed or box to contain batteries and electrical equipment). Show all foundations, piers, structural supports, cross arms, guy wires and anchors, antennae mounting mechanisms and signage. Label the size, material and provide color sample of all towers, antennae, and accessory structures (e.g., equipment shelters, security fencing, and signage).

Provide description of other permits required (curb cuts, FAA [if applicable] etc.).

Include the State Environmental Quality Review long form with the Visual Environmental Assessment Form.

D. Site Access, Construction and Operation

Describe the type, location, and size of any road and/or driveway providing existing and proposed access to the proposed tower site. Describe any proposed temporary or permanent improvements, including any proposed vegetation removal, site drainage, crossing of streams or wetlands and installation of impervious, paved surfaces and utilities.

E. Visual Impact Analysis (VIA)

Provide a visual impact analysis for the proposed project to define the visual character of the project study area, inventory and evaluate existing visual resources and viewer groups within the study area, identify key views for visual assessment which represent the range of landscape characteristics and viewer groups within the project study area, and assess the visual impacts associated with the proposed action.

The VIA is to be prepared under the direct guidance of a registered landscape architect experienced in the preparation of visual impact assessments. The VIA is to be prepared in accordance with the policies, procedures and guidelines contained in established visual impact assessment methodologies.

- Include a description of the New York State physiographic region of the study area (which includes the area within a 5.0 mile radius of the project site) to define the basic pattern of landform, land use, vegetation, and water features;
- Include a brief description of land use within the study area;
- Include a brief description of water features within the study area;
- Identify, by illustrating on a map, visually sensitive resources such as scenic roads or byways, scenic overlooks or vistas, protected water bodies, state parks, forests, wildlife management areas or multiple use areas. Include golf courses, trails that are used for hunting, cross country skiing, snowmobiling and hiking, historic homes, intensive land uses that could also be considered visually sensitive (i.e. villages, major roads, state highways, and traffic counts), event locations, and other visually sensitive or intensive land uses occurring just outside the 5.0-mile radius study area;
- Identify categories of viewer/user groups within the study area;

Examples would be: Commuters and through-travelers who will pass in close proximity to the project site; Local residents who will see the proposed project structure from their farms, homes, yards, places of business and local roads; and Tourists and shoppers who are traveling to or passing through the area for the purpose of experiencing cultural or recreational resources in and adjacent to the study area;

- Identify those locations where there is a relatively high probability that the proposed facility will be visible. Include potentially visible areas on a viewshed map and verify visibility in the field. The viewshed map should define the maximum area from which the tallest element of the completed facility could potentially be seen within the study area. Foreground (0 to 0.5 mile), middleground (0.5 to 3.5 miles), and background (3.5 to 5 miles) should be delineated on the map. The viewshed map is to be prepared using USGS digital elevation model (DEM) data and a computer program called MicroDEM+ or any acceptable equivalent computer program;

- Document potential project visibility based on actual field conditions with field evaluation and photo documentation. Include any screening of the structure provided by vegetation, buildings, etc;
- Select four viewpoints to show representative views of the proposed project and illustrate their locations. The views should represent sensitive viewer groups and resources, which will show the range of visual changes that, will occur with the project in place;
- Include analysis of each existing viewpoint and potential project visibility;
- Describe potential adverse visual impacts of the proposed project to the visual environment. Include methods to mitigate these impacts. This could include modifying the structure design, height, siting, color and use of camouflage where appropriate. Also include what mitigation methods were considered, but not recommended and why;
- Conclude with the results of field verification, the quantity of visually sensitive resources or intensive land uses impacted by the project, impact on foreground, middleground, and background views, adverse visual contrasts (if any), visual impact mitigation methods to be used, and statements regarding what should be done at the completion of the project's life.

F. Telecommunication Data

Is the proposed wireless telecommunication facility required to provide service to locations which the applicant is not able to serve with existing facilities located within and outside the village, by co-location and otherwise. No equal or better alternative sites exist within the search ring where the facility may go.

The following documentation should accompany the initial application for a new base transceiver station (BTS) facility construction or co-location.

(a) Initial Application Documents Relevant to BTS Coverage Sites

- The search ring map with alternate sites marked.
- Existing cellular/PCs coverage propagation plot showing existing operational neighboring sites up to 5 miles beyond the boundary of the municipality. This will help the municipality understand the need for more BTS sites and where they might be located.
- Same as above except add in all proposed sites that are not the subject of the current application. This will aid the municipality in gaining a picture of the network planning and to what extent the subject proposed BTS is required.
- Same as above except add in the subject of the current application and a reasonable number of alternate sites evaluated by the applicant.

- A narrative of sufficient detail to allow the municipality to understand why individual sites are deemed not viable (technical and/or visual) and why the proposed site stands out as the best visual prospect of all the alternate sites.

(b) Initial Application Documents Relevant to BTS Capacity Sites

- History plot of Busy Hour capacity approaching sector capacity. This plot allows forecasting increasing user demand in a given cell sector that, unless addressed, will cause undue blocked or dropped calls.
- Propagation plots to demonstrate the rf coverage of the existing BTS sites and the proposed capacity sites and alternative sites if applicable (one plot per site).
- A narrative or outline that addresses the antenna height required for the new capacity site and the reduction of antenna height (if so proposed) that results at neighboring sites. Such antenna height reductions may provide the opportunity for removal of tower sections so as to reduce the existing visual impact.

- Utilities

Describe existing utility services (e.g., electric, telephone, etc.) to the project site and any improvements necessary to construct and operate the proposed site.

- Other Regulatory Permits and Approvals

The applicant shall identify all permits or approvals necessary from local, state or federal agencies for this proposed project. Provide names and phone numbers of key points of contact with said agencies. Provide copies of written approvals and other permits received.

Provide documentation from the New York State Office of Parks, Recreation and Historic Preservation that the project will not have any impact on archeological or any structures or areas eligible for inclusion on the National or New York State Historic Registers. If the Historic Preservation Office determines that there is a potential for impacts to archeological or historic resources, then provide their recommendations for mitigation of those resources.

Documentation from the New York State Department of Environmental Conservation regarding the presence or absence of any protected species (Natural Heritage information).

6. Co-Location

The shared use of existing telecommunications towers or other structures shall be preferred to the construction of new facilities. Any special use permit application, renewal or modification shall include proof that reasonable efforts have been made to co-locate within an existing telecommunication facility or upon an existing structure within a

reasonable distance, *regardless of municipal boundaries*, of the site. The applicant must demonstrate that the proposed telecommunication facility cannot be accommodated on existing structures or telecommunication facilities due to one or more of the following reasons:

- A. The planned equipment would exceed the structural capacity of existing and approved telecommunication facilities or other structures, considering existing and planned use for those facilities;
- B. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
- C. Existing or approved telecommunications facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
- D. Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures; and
- E. The property owner or owner of the existing telecommunication facility or other structure refuses to allow such co-location or requests an unreasonably high fee for such co-location compared to current industry rates.

The applicant must submit a letter of intent stating whether the applicant intends to lease excess space on the facility to other potential users at reasonable rental rates and on reasonable terms. Applicant shall cooperate with the Village of Arcade by providing the services without cost, for emergency services such as but not limited to 911, police, fire and ambulance. The letter shall require the facility owner and successors in interest to do the following:

- A. Respond in a timely, comprehensive manner to the request for information.
- B. Negotiate in good faith for shared use by third parties.
- C. Allowed shared use if an applicant agrees in writing to pay reasonable rental charges or other consideration and to pay the costs of adapting the facility or existing users' equipment to accommodate a shared user that complies with the FCC emissions standards and can otherwise agree on reasonable business terms and conditions for shared use of the facility.
- D. Respond to inquiries for shared use with the information required herein.

7. Fall Zones

Telecommunication facilities shall be constructed so as to minimize the potential safety hazards and located in such a manner that if the facility should fall, it will remain within the property boundaries owned or leased by the applicant and avoid habitable structures, public streets, utility lines and other telecommunication facilities. The fall zone must have a radius of at least 1.25 times the height of the telecommunication tower and any antenna(s) attached thereto. If the facility is attached to an existing structure, fall zone requirements may be modified by specific permission of the planning board.

8. Setbacks

Telecommunication facilities shall comply with all existing setbacks within the affected zone. Setbacks shall apply to all tower parts including guy wire anchors, and to any accessory facilities. Additional setbacks may be required by the planning board to contain on-site substantially all icefall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts including guy wire anchors, and to any accessory facilities.

9. Lighting

Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Notwithstanding, an applicant may be compelled to add FAA-style low intensity lighting and marking, if in the judgment of the planning board, such a requirement would be of direct benefit to public safety. The board may choose the most appropriate low intensity lighting and marking plan from the options acceptable by the FAA at that location. The applicant must provide both standard and alternative lighting and marking plans for the board's review.

10. Visibility and Aesthetics

- A. The maximum height for telecommunication towers permitted under this article, including any antennas or other devices extending above the tower, measured from the ground surface shall be 150 feet.
- B. Towers shall be a galvanized finish or painted gray above the surrounding treeline and painted gray, green, black or similar colors designed to blend into the natural surroundings below the surrounding treeline unless other standards are required by the FAA. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Accessory uses shall maximize use of building materials; colors and textures designed to blend with the natural surroundings.
- C. The project shall be designed to blend with the natural and/or manmade surroundings to the maximum extent practicable.
- D. Structures offering slender silhouettes (i.e. monopoles or guyed tower) may be preferable to freestanding lattice structures except where such freestanding structures offer capacity for future shared use. The planning board may consider the type of structure being proposed and the surrounding area and require reasonable design modifications.
- E. The applicant must examine the feasibility of designing a proposed telecommunication tower to accommodate future demand for additional facilities.
- F. No outside storage shall be allowed except for limited periods when the facility is undergoing additions, repairs or renovation.

11. Vegetation and Screening

- A. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter shall take place prior to approval of the special use permit. Clear-cutting of all trees in a single contiguous area shall be minimized to the extent possible.

- B. The planning board may require appropriate vegetative buffering around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, waterways, historic or scenic areas, or public roads.

12. Access and Parking

- A. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- B. Equipment or vehicles shall not be stored on the facility site.

13. Signage

The use of any portion of a telecommunication facility for signs for promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited. The planning board may require the installation of signage with safety information.

14. Security

- A. Towers, anchor points around guyed towers, and accessory structures shall each be surrounded by fencing not less than six feet in height. Barbed wire is not to be used unless specifically permitted by the planning board.
- B. There shall be no permanent climbing pegs within fifteen feet of the ground.
- C. Motion-activated or staff-activated security lighting around the base of a tower or accessory structure entrance may be provided if such lighting does not project off the site.
- D. A locked gate at the junction of the access way and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public thoroughfare.

15. Engineering Standards

- A. All telecommunication facilities shall be built, operated and maintained to acceptable industry standards. Each application must contain a site plan for the facility containing the signature of an engineer licensed by the State of New York.
- B. Every facility shall be inspected at least every second year for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the municipality.

16. Abandonment and Removal

At the time of submission of the application for a telecommunication facility the applicant and/or the property owner shall provide a reasonable instrument(s) of security to remove all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower used as a telecommunication facility if such facility becomes technologically obsolete, ceases to

perform its originally intended function, or no longer has space leased to a provider licensed by the FCC for more than twelve consecutive months. Upon removal, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils.

A telecommunication facility is considered abandoned when not used for two (2) years. All interested parties, including the tower owner and property owner (if different), will receive sufficient notice and an opportunity to be heard prior to removal. The applicant will be financially responsible for removal of the telecommunication facility; otherwise the cost of removal by the Village will be recovered as a lien on the tax rolls if unpaid.

SECTION 817. LIGHTING STANDARD FOR SITE PLANS

1. Purpose and Intent

The purpose of this law is to provide specific guidelines for site plan applications and standards in regards to lighting, in order to maximize the effectiveness of site lighting, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

Lighting plans for development activities when unregulated can become obtrusive and impact the character, safety and quality of life of the Village. Obtrusive aspects such as glare, light trespass, energy waste, and sky glow, can have serious consequences for the public health, safety and welfare.

Careless lighting practices can have a serious negative impact on public safety. Glare and excessive contrast caused by poorly shielded luminaries and over lighting compromise everyone's ability to see. As eyes age they become particularly sensitive to these disabling effects. It is commonly known that many citizens are reluctant to drive at night, but it is not so widely known that a large portion of the problem of poor night vision originates with poor lighting practices. In extreme cases glare can cause traffic warning signs to become unreadable, and can wash out obstacles and people on streets and roadways making them harder to see.

Light Trespass involves the unwanted shedding of light off the property of the development and can be an annoyance to neighbors trying to enjoy the outside use of their property at night. In residential areas this can be an invasion of the rights of neighbors to enjoy their property and in commercial or industrial areas can overwhelm and void the proper use of lighting on another property.

Energy waste can occur when light is uncontrolled and directed other than on the target area. Unwanted sidewise dispersion can cause glare, and upward and sidewise dispersion creates lost light that is no longer available for the target area, thus requiring higher wattage bulbs to achieve targeted illumination levels leading to unnecessary wasteful use of electric power in detriment to the environment.

Improper use of up-lighting can also be a safety issue, as light is not efficiently shown on target areas, thus creating a possibility of less well lit night scenes that could hinder the detection of criminal or mischievous behavior and the presence of obstacles or dangerous walking areas.

Finally, up-lighting also creates a glow which can be observed at nighttime by looking upwards at night in to the sky. In 2003 in the downtown Village area, most stars are invisible. On side streets, a few become visible. In the open country many more become visible. This example shows how our present lighting practices have stolen and impaired

the ability of Village residents to enjoy the star filled night sky. A small matter to some but an important quality of life event for many.

This Standard was created so that Development could continue in the Village of Arcade without creating the lighting problems listed below.

2. Definitions

A. Foot-Candle

A unit of measure for illuminance. A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

B. Full Cut-Off Type Fixture

A luminaire or light fixture that; by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree, horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated, and disability glare will result.

C. Glare

Line-of-sight contact by a person's eye with a direct light source.

D. Horizontal Illuminance

The measurement of brightness from a light source, usually measured in foot-candles or lumens, which is taken through a light meter's sensor at a horizontal position.

E. Shielded Fixture

Fixtures that are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point in the fixture where light is emitted.

F. Uplighting

Any light source that distributes illumination above a 90-degree horizontal plane.

G. U. Ratio

Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. ratio = 4:1 for the given area, the lowest level of illumination (1) should be no less than 25% or "4 times less" than the average (4) level of illumination.

3. Signs And Lighting

A detailed drawing should be provided with the site plan showing locations, size, height, orientation, fixture type, wattage, designs and plans for all illuminated signs and outdoor lighting. For site plans showing a high level of illumination, the Planning Board may require the developer to submit an iso-lux plan indicating levels of illumination in foot-candles at ground level and certifying that they are in compliance with this standard.

4. Site Plan Standards

A. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across) the property lines and glare at any location on or off the property. The “maintained horizontal illuminance shall be observed as shown in the table below. The original table was created from recommendations set by the Illuminating Engineering Society of North America (IES). Newer versions by the IES for these specifications are not binding unless specifically enacted into this code by the Village. Refer to that society’s publications for any definitions. All parking area lighting will be full cut-off type fixtures.

IES PARKING LOT LEVELS OF ACTIVITY (EXAMPLES)	IES MAINTAINED HORIZONTAL ILLUMINANCE RECOMMENDATIONS (FOOTCANDLES)					
	General Parking & Pedestrian			Vehicle Use Area Only		
	Ave	Min	U. Ratio	Ave	Min	U. Ratio
HIGH Major League Athletic Events Major Cultural or Civic Events Regional Shopping Centers Fast Food Facilities	3.6	0.9	4:1	2.0	0.67	3:1
MEDIUM Community Shopping Centers Cultural, Civic or recreational Events Office Parks Hospital Parking Transportation Parking (Airports, Commuter Lots, Etc..) Residential Complex Parking	2.4	0.6	4:1	1.0	0.33	3:1
LOW Neighborhood Shopping Industrial Employee Parking Educational Facility Parking Church Parking	0.8	0.2	4:1	0.5	0.13	4:1

IES states: "This recommendation is based on the requirement to maintain security at any time in area where there is a low Level of nighttime activity." Local interpretation and application of IES Parking Lot Levels of Activity Examples not specifically identified or quantified:

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Level Of Activity	
Regional shopping centers containing retail space of 300,000 square feet or greater.	HIGH
Community shopping centers containing retail space of 5,000 to 299,999 square feet.	MEDIUM
Neighborhood shopping containing retail space of less than 5,000 square feet.	LOW
Fast Food Facilities (means only with customer seating capacity of 40 or greater).	HIGH
Automotive Dealerships	HIGH
Entertainment theaters. sports arenas	HIGH

- B. Uplighting is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area. Internally lighted signs are acceptable. Internally lighted signs are allowed only in the Highway Commercial (HC), Highway Commercial/Light Industrial (LC/LI), Neighborhood Commercial (NC) and Light Industrial (LI) Districts.
- C. All building lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light. Floodlighting is discouraged, and if used, must be shielded to prevent:
 - 1. Glare for drivers or pedestrians
 - 2. Light trespass beyond the property line, and
 - 3. Light above a 90 degree horizontal plane. Wallpack type fixtures are not acceptable.
- D. Adjacent to residential property, no direct light source will be visible at the property line at ground level or above.
- E. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security. (“Non-essential” can apply to: display, aesthetic, parking and sign lighting.)
- F. Upward flagpole lighting is permitted for federal state and local government flags only, and provided that the maximum lumen output is 1300 lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.
- G. Permitted Non-conforming Uses:
 - 1. No outdoor lighting fixture or use which was lawfully installed on implemented prior to the enactment of this Code shall be required to be removed or modified. However, no modifications or replacement shall be made to a con-conforming fixture unless the fixture thereafter conforms to the provisions of this Code, except that identical lamp replacement is allowed.

2. Temporary Lighting, as described below, used for no more than 45 days within a calendar year. Temporary Lighting is lighting which does not conform to the provisions of this Code, and is intended for uses, which by their nature are of limited duration; e.g. holiday decorations, civic events, or construction projects.

ARTICLE 900 - NON-CONFORMING USES AND STRUCTURES

SECTION 901. CONTINUATION

The lawful use of any building or land existing at the time of the enactment of this local law may be continued although such use does not conform with the provisions of this local law.

SECTION 902. UNSAFE STRUCTURES

Any structure or portion thereof (containing a non-conforming use) declared unsafe by a proper authority must be restored to a safe condition or removed at the owner's expense.

SECTION 903. ALTERATIONS OF A NON-CONFORMING BUILDING

A non-conforming building may not be constructed or structurally altered during its life to an extent in excess of cost of fifty percent (50%) of the market value of the building unless said building is changed to comply with all provisions of this local law.

SECTION 904. EXTENSION OF A NON-CONFORMING USE

A non-conforming use shall not be expanded and must remain within the structure or on the lot where it existed at the time of the adoption of this local law. (The extension of a lawful use to any portion of a non-conforming building, which existed prior to the enactment of this local law, shall not be deemed an extension of a non-conforming use.)

SECTION 905. CONSTRUCTION APPROVED PRIOR TO LOCAL LAW

Nothing herein contained shall require any change in plan, construction or designated use of a building for which a building permit has been issued and the construction of which shall have been diligently pursued within three (3) months of the date of such permit.

SECTION 906. RESTORATION

Non-conforming structures may be repaired, restored, or reconstructed to their former condition after damage by fire or other casualty loss, provided that the non-conformity shall not be increased, and that construction shall commence within one (1) year of the casualty loss and shall be completed within six (6) months. After the expiration of this period, the structure may only be repaired, restored, or reconstructed to a conforming condition.

Non-conforming structures may be repaired, restored, or reconstructed for the use it contained prior to the damage by fire or other casualty loss, provided that the non-conformity shall not be increased, and that construction shall commence within one (1) year of the casualty loss and shall be completed within six (6) months. After the expiration of this period, the use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this local law.

SECTION 907. ABANDONMENT

Whenever a non-conforming use has been discontinued for a period of one (1) year, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this local law.

SECTION 908. CHANGES

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

SECTION 909. DISPLACEMENT

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

SECTION 910. DISTRICT CHANGED

Whenever the boundaries of a district or zone shall be changed so as to transfer an area from one district or zone to another district or zone of a different classification, the foregoing provisions (of Article 900) shall apply to any new or pre-existing non-conforming uses therein.

ARTICLE 1000 - ADMINISTRATION

SECTION 1001. ENFORCEMENT

This local law shall be enforced by the Zoning Officer who shall be appointed by the governing body of the Village of Arcade. No Zoning Permit shall be issued by the Zoning Officer except where there is compliance with all provisions of this local law.

SECTION 1002. DUTIES OF THE ZONING OFFICER

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

1. Make a record of non-conforming uses and file the report with the Village Clerk.
2. Issue Zoning Permits, or refuse to issue the same and give reasons for such refusal in writing to the applicant.
3. Keep a record of all applications for Zoning Permits and a record of all Zoning Permits issued with a notation of all special conditions involved.
4. Keep the Village Board and the Zoning Board of Appeals informed and advised of all matters, other than routine matters, in connection with this local law.
5. Submit such reports as may be deemed necessary by the Village Board.
6. Whenever possible, to advise and assist persons applying for Zoning Permits with the preparation of their applications.
7. Secure warrants to prosecute violators of the provisions of this local law.
8. Serve all notices of all violations that may be required in connection with this local law.
9. Make recommendations for keeping the Zoning chapter and accompanying Zoning Map up-to-date.

10. Bring all applications for non-residential uses or multi-family residential uses or mobile home parks to the Planning Board for its review and recommendation prior to the issuance of a Zoning Permit.
11. Inspect new construction during and/or after construction and inspect changes of use to ensure conformity with the provisions of this local law and to insure the compliance of conditions of approved site plans, special use permits and variances.
12. The Zoning Officer and Mayor shall meet at least annually with the Planning Board for review of variances and special exceptions granted during the period since the last joint meeting.

SECTION 1003. ZONING PERMITS

No excavation for a building or structure shall be made, no building materials shall be stored on the premises, nor shall any building or structure be erected, added to, or structurally altered until a Building Permit has been issued by the Wyoming County Building Department. No Building Permit has been issued for any building where such construction, addition, alteration or use would be in violation of any provision of this zoning local law unless permission is granted in writing by the Board of Appeals.

The application for a Building Permit shall be made on a form provided by the Wyoming County Building Department. Such form may be obtained from the Village Clerk or from the Wyoming County Building Department.

All applications for Zoning Permits, for non-residential or multi-family residential uses or mobile home parks along with:

1. Two copies of a layout or plot plan drawn to scale and showing the actual dimensions of the lot to be built upon; the exact size and location on the lot of all existing buildings and accessory buildings; the size and location of all new buildings that are to be erected; the location of adjoining street right-of-way lines; and
2. Such other information as may be necessary to determine and provide for the enforcement of this local law shall be transmitted by the Zoning Officer to the Planning Board for their review and recommendation. The sanitation, sewerage and waste disposal facilities shall comply with the standards approved by the Village, County and State Health Departments.

All applications for Zoning Permits for commercial and industrial buildings submitted to the Zoning Officer must contain information detailing drainage and landscape plans, off-street parking, off-street loading and any other data the Planning Board deems necessary to facilitate their review and recommendation.

One copy of the layout or plot plan shall be returned to the applicant when approved in writing by the Planning Board, and a Zoning Permit shall then be granted by the Zoning Officer after receipt of payment relative to the current fee schedule.

SECTION 1004. CERTIFICATE OF OCCUPANCY

No building hereafter erected, altered or extended shall be used, occupied or changed in use; nor shall any land hereafter be occupied if changed in use, until a Certificate of Occupancy has been issued by the Wyoming County Building Department.

No non-conforming use shall be maintained, renewed, changed or extended without a Certificate of Occupancy having first been issued.

ARTICLE 1100 - ZONING BOARD OF APPEALS

SECTION 1101. CREATION, APPOINTMENT, ORGANIZATION

A Zoning Board of Appeals is hereby created. The Zoning Board of Appeals shall be appointed and shall function in accordance with enabling law. The Zoning Board of Appeals shall consist of five (5) members. The Zoning Board of Appeals may prescribe rules for its affairs.

SECTION 1102. POWERS AND DUTIES

The Zoning Board of Appeals shall have all the power and duties prescribed by law and by this local law which are more particularly specified as follows:

1. Interpretation

To decide any question involving the interpretation of any provision of this local law following an appeal filed by the aggrieved landowner from a decision made by the Zoning Officer or the Planning Board. This includes the determination of the exact location of any district boundary, if there is uncertainty with respect thereto.

2. Special Permits

To hear any appeal filed by an aggrieved landowner or applicant, from a decision made by the Planning Board with regard to applications for special permits.

3. Variances

To vary or adapt the strict application of any of the requirements of this local law in the case of exceptionally irregular, narrow, shallow or steep lots; or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship and would deprive the owner of the reasonable use of the land or building involved; but for no other reason. No variance in the strict application of any provision of this local law shall be granted by the Board of Appeals unless it finds any of the following:

- A. That there are special circumstances or conditions, fully described in the findings of the Board of Appeals, applying to such land or building and not applying generally to land or buildings in the neighborhood. The circumstances or conditions are such that strict application of the provisions of this local law would deprive the applicant of the reasonable use of such land or buildings for permitted uses in the Zoning District.
- B. That, for reasons fully set forth in the findings of the Board of Appeals, the granting of the variance is necessary for the reasonable use of the land or building and that the variance granted by the Zoning Board of Appeals is the minimum variance that will accomplish this purpose.
- C. That the granting of the variance will be in harmony with the general purpose and intent of this local law and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

SECTION 1103. PROCEDURE

The Board of Appeals shall act in strict accordance with procedure specified by law and by this local law. All meetings shall be open to the public. All appeals and applications made to the Board of Appeals shall be in writing, on forms prescribed by the Board of Appeals. Every appeal or application shall:

1. refer to the specific provision of the local law involved;
2. exactly set forth the interpretation that is claimed;
3. State the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.

At least thirty (30) days before the date of the hearing required by law on an application or appeal to the Zoning Board of Appeals, the Secretary of said Board shall transmit to the Planning Board a copy of the application or appeal. The Planning Board shall submit a report of an advisory opinion prior to the date of the Board of Appeals hearing. Upon failure to submit such a report, the Planning Board shall be deemed to have approved the application or appeal. Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board of Appeals on the particular case.

In addition to giving public notice as prescribed by Village law, the Board of Appeals shall send notice by registered mail to all property owners as shown on the tax rolls of the Village of Arcade who reside within 250 feet of all boundary lines of the premises on which the application was made.

If the applicant files with the Board of Appeals a signed consent for such special permit or variance signed by more than 50% of the affected property owners, or if the applicant files an affidavit stating that he has served notice by mail or in person to all such property owners, the Board of Appeals shall be relieved of the duty to mail or send notice to such property owners.

SECTION 1104. FEES

Any applications for an Amendment, Variance of Special Use Permit filed by, or on behalf of, the owner or owners of the property affected shall be accompanied by an appropriate fee (in accordance with the current fee schedule as established by the Village Board of Trustees).

ARTICLE 1200 - PLANNING BOARD

The Village Board shall appoint a Planning Board consisting of five (5) members as prescribed by Section 7-718 of the Village Law. No appointment shall be valid unless the appointee is a resident of the Village or Town of Arcade to allow for a joint board.

SECTION 1201. DUTIES

The Planning Board for the Village of Arcade shall have the following duties:

1. To investigate, study, hold hearings upon and submit reports on all appeals and matters referred to it by the Zoning Board of Appeals, Zoning Officer and/or Village Board.
2. Special Permits:

To issue Special Permits and Temporary Special Permits for a period as deemed appropriate by the Planning Board, for any of the uses for which this local law required the obtaining of such permits from the Planning Board.

3. To submit reports within thirty (30) days after reference to it of any appeal or other matter unless the time shall be extended by the Zoning Officer or Agency making the reference.
4. To hold quarterly meetings on a regularly prescribed date and time and at such other times as the Chairman of the Planning Board may deem necessary. All meetings of the Planning Board shall be open to the public. The secretary of the Planning Board shall keep minutes of all meetings.
5. An annual review shall be made of all Variances granted and a written report made to the Village Board recommending any changes in the Local Law.
6. To prepare, change and have available in the Village Office, the comprehensive master plan and map for the development of the entire area of the Village of Arcade.
7. To review, recommend and approve (prior to the issuance of a building permit, occupancy permit or a special permit) site plans for mobile home parks, residence restricted businesses (R-3B District), commercial and industrial or multi-family buildings or uses. Such site plans shall be submitted through the Zoning Officer to the Planning Board at least ten (10) days prior to its next scheduled meeting and shall consist of the following:
 - A. A survey drawn to scale prepared by an engineer or surveyor (registered by the State of New York) showing the exact size, shape and dimensions of the lot to be built upon;
 - B. The exact size and location on the lot of all existing buildings and structures;
 - C. The exact size and location on the lot of the structure or building proposed to be erected, moved, repaired or altered;
 - D. All adjacent streets or alleys with traffic flow patterns;
 - E. The proposed parking facilities, including the size, arrangement and number of parking stalls and placement of lighting standards;
 - F. The movement of all vehicles and ingress and egress drives for all off-street parking and loading areas to insure the prevention of blockage of vehicles entering and leaving the site;
 - G. Preliminary architectural and engineering sketches showing plan levels, elevations, landscape plan and other necessary information related to water runoff control, slope, contours, type of building, etc.;
 - H. Areas to be utilized for storage of materials and type of architectural screen to be used;
 - I. Such other information as may be required by the Planning Board to determine their recommendation or decision.

ARTICLE 1300 - VIOLATIONS AND PENALTIES

SECTION 1301. VIOLATIONS

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

SECTION 1302. PENALTIES

1. Complaints of Violations: Whenever a violation of this local law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate and report thereon the governing body.
2. Procedure for Abatement or Violations:
 - A. In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this local law, notification of the violation will be issued in writing by the Zoning Officer and compliance with the local law must be met within the specified period of time. Such specified period of time shall not exceed 30 days.
 - B. After the specified number of days, the Village Board, or with their approval, the Zoning Officer, or any other proper person, authority or official, may commence an action to enforce this local law.
3. Penalties: A violation of this local law is an offense, punishable by a fine not to exceed \$250.00 or imprisonment for a period not to exceed six (6) months or both. However, for the purpose of conferring jurisdiction upon Courts and judicial officers, generally, violations of this Article of such local law or regulation shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
4. The provisions of this Article shall not limit the available procedures for enforcement and remedies provided for under the Village Law of the State of New York or any other law.

ARTICLE 1400 - AMENDMENTS

SECTION 1401. VILLAGE BOARD MAY AMEND

The Village Board may, from time to time, on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this local law after public notice and hearings as provided by the Village Law.

SECTION 1402. REVIEW BY PLANNING BOARD

Every such proposed amendment or change, whether initiated by the Village Board or by petition, shall be referred to the Planning Board for report thereon. Referral to the Planning Board shall be made thirty (30) days before the public hearing hereinafter provided for. If the Planning Board shall fail to submit such report, it shall be deemed that the Planning Board has approved the proposed amendment or change.

SECTION 1403. PUBLIC NOTICE AND HEARING

The Village Board, by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and shall cause notice to be given as follows:

1. By publishing a Notice at least ten (10) days in advance of such hearing in the official newspaper of the Village. Such notice shall state the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place or places where copies of the proposed amendment may be examined.

- A. A written notice of any proposed change or amendment affecting property within 500 feet of the boundary of any Village, Town or County, shall be given to the Clerk of such municipality at least ten (10) days prior to the date of such hearing.
2. Public Hearing: The hearing shall be held at the stated time and place by the Village Board and shall include within its proceedings:
- A. The proposed change, amendment or supplement, either in complete or summary form.
 - B. An opportunity for all interested persons to be heard in a manner prescribed by the Village Board.

SECTION 1404. MANDATORY REFERRAL

In accordance with the laws of New York State, all proposed Zoning regulations, and all special permits, exceptions, variances or amendments thereto, which would change the district classification of the regulations applying to real property lying within a distance of five hundred (500) feet from the boundary of any City, Village or Town, or from the boundary of any County of State Park or other recreation area, or from the right-of-way of any County or State parkway, thruway, expressway, or other controlled access highway, or from the right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines, or from the boundary of any County or State owned land on which a public building or institution is situated, shall be referred to the Wyoming County Planning Board for review and comment prior to their adoption by the proper legislative authority. (General Municipal Law, Section 239-m)

Nothing herein contained shall be deemed to supersede any provisions of Article 16 of the Village Law, Zoning and Planning with regard to procedures for amendments.

ARTICLE 1500 - CONFLICTS, VALIDITY, REPEALER, EFFECT

SECTION 1501. CONFLICTS

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

SECTION 1502. VALIDITY

The invalidity of any provision of this local law shall not invalidate any other part thereof.

SECTION 1503. REPEALER

Any previously adopted Zoning Ordinance of the Village of Arcade, together with all changes and amendments thereto, is hereby repealed and declared to be of no effect, with Chapter 64 of the Code of the Village of Arcade entitled "Zoning" being specifically repealed hereby.

SECTION 1504. EFFECT

This local law shall take effect on the filing thereof with the Department of State of the State of New York or as noted below. Said date of filing and effective date shall hereafter be inserted in the spaces provided.

Date of Filing of this Local Law with the Department of State of the State of New York on
August 18, 2003

Effective date of this Local Law: August 18, 2003

SECTION 1505. CITATION

CITE AS: Zoning Local Law of the Village of Arcade,

Amended
Local Law 2-1985
Adopted: Aug. 6, 1985
Filed: Aug. 13, 1985

Amended
Local Law 4-1988
Adopted: Nov. 1, 1988
Filed: Dec. 15, 1988

Amended
Local Law 1-1991
Adopted: Mar. 5, 1991
Filed: Mar. 11, 1991

Amended
Local Law 1-1996
Adopted: Mar. 5, 1996
Filed: Mar. 11, 1996

Amended
Local Law 1-1997
Adopted: Mar. 4, 1997
Filed: March 12, 1997

Amended
Local Law 3-1999
Adopted: June 15, 1999
Filed: June 21, 1999

Amended
Local Law 6-1999
Adopted: December 21, 1999
Filed: January 20, 2000

Amended
Local Law 4-2000
Adopted: March 20, 2000
Filed: March 27, 2000

Amended:
Local Law 5-2000
Adopted: July 11, 2000
Filed: July 17, 2000

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Amended:
Local Law 3-2001
Adopted: July 24, 2001
Filed: August 2, 2001

Amended:
Local Law 4-2001
Adopted: July 24, 2001
Filed: August 2, 2001

Amended:
Local Law 1-2002
Adopted: April 2, 2002
Filed: April 8, 2002

Amended:
Local Law 2-2003
Adopted: February 18, 2003
Filed: February 24, 2003

Amended:
Local Law 4-2003
Adopted: August 5, 2003
Filed: August 18, 2003

Amended:
Local Law 3-2006
Adopted: August 15, 2006
Filed: September 7, 2006

Amended: Section 805, "Signs" only
Local Law 1-2011
Rev. 16
Adopted: January 4, 2011
Filed: January 25, 2011

Amended:
Local Law 3-2011
Rev 17
Adopted December 6, 2011
Filed: December 13, 2011

Amended:
Local Law 3-2012
Rev 18
Adopted August 7, 2012
Filed: September 4, 2012

Amended:
Local Law 3-2015
Rev 19
Adopted June 2, 2015
Filed: June 10, 2015

Amended:
Local Law 1-2019
January 15, 2019
Filed: January 24, 2019

Amended:
Local Law 3-2019
Adopted: December 3, 2019
Filed: December 10, 2019

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