

**"SCHEDULE A"**

**Attached to and Made a Part of  
Local Law No. Three of 2004  
of the Village of Holland Patent, NY**

**Village of Holland Patent  
Zoning Law**

**Adopted December 1, 1994  
as Local Law #2 of 1994**

**Modified: September 7, 2000; and  
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## **ARTICLE I - TITLE AND PURPOSE**

### **Section 1 - Title of Law**

- A. This law shall be known and may be cited as "The Village of Holland Patent Zoning Law."

### **Section 2 - Purposes**

- A. The provisions of this law shall be held to be the minimum requirements adopted to promote the health, safety, and general welfare of this community. Such requirements are deemed necessary for the following purposes:
1. **Promote Orderly Development** - To protect the character and maintain the stability of residential, business, and light industrial areas within the Village, and to promote the orderly and beneficial development of such areas.
  2. **Regulate Intensity of Use** - To regulate the intensity of use of lots and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy, and convenience of access to property and to protect the public health.
  3. **Regulate Location of Buildings** - To establish building lines and the location of buildings designed for residential, commercial, manufacturing, or other uses within such lines.
  4. **Prohibit Incompatible Uses** - To prohibit uses, buildings, or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.
  5. **Regulate Alterations of Existing Buildings** - To regulate such additions to, or alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
  6. **Limit Congestion in Streets** - To limit congestion in public streets and so protect the public health, safety, convenience, and general welfare by providing for off-street parking of automobiles and for the loading and unloading of commercial vehicles.
  7. **To Preserve the Heritage of the Village** - To safeguard the architectural and historical heritage of the Village of Holland Patent by preserving a part of the Village which reflects elements of its cultural, social, economic and architectural history, to foster civic beauty, and to stabilize and improve property values throughout the Village.

## **ARTICLE II - DEFINITIONS**

### **Section 3 - Terms or Words**

- A. For the purpose of this law certain terms or words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense. The singular includes the plural. The word *person* includes a corporation as well as an individual. The word *lot* includes the word *plot* or *parcel*. The term *shall* is always mandatory. The word *used* or *occupied* as applied to any land or building shall be construed to include the words *intended, arranged, or designed to be used or occupied*.

#### Section 4 - Definitions

**Accessory Building:** A supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

**Accessory Use:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**Alterations:** As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**Basement:** A story partly underground but having at least one half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

**Building:** Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or personal property.

**Building Area:** The total ground floor area of a principal building and accessory buildings exclusive of uncovered porches, parapets, steps and terraces.

**Building Coverage:** That percentage of the plot or lot area covered by the building area.

**Building, Floor Area:** The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential occupancy and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**Building Height:** Vertical distance from the mean natural grade at the foundation to the highest peak of the roof.

**Building Line:** A line established by law or by agreement, usually parallel with a boundary line, beyond which a structure may not extend.

**Building, Main:** A building in which is conducted the principal use of the lot on which it is located.

**Cellar:** A story partly underground and having more than one half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

**Dwelling, Multiple-Family:** A building or group of buildings containing three or more dwelling units on a single parcel of land, including apartment houses and group houses, but excluding hotels and rooming houses.

**Dwelling, One-Family:** A detached building containing a single dwelling unit.

**Dwelling, Two-Family:** A detached building containing two dwelling units.

**Dwelling Unit:** One or more rooms with provision for year-round living, sanitary, eating and sleeping facilities arranged for the use of one or more persons living as a single housekeeping unit or family. This term shall include double-wide mobile homes and factory manufactured homes known as *modular homes* bearing an insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212. This term shall not include single-wide mobile homes.

**Family:** One or more persons related by blood, marriage, or other recognized household relationship maintaining a common household.

**Garage, Private:** An enclosed space for the storage of one or more motor vehicles provided that no business, occupation or service is conducted for profit therein.

**Garage, Public:** Any garage not a private garage, and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

**Gasoline Station:** Any area of land, including structures thereon that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories and which may include facilities for lubricating, washing or otherwise servicing motor vehicles but not including the painting thereof by any means.

**Home Occupation:** An occupation or a profession which:

- a. Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; and
- b. Is carried on by a member of the family residing in the dwelling unit; and
- c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
- d. Which conforms to the following additional conditions:
  - The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
  - No more than one nonfamily member shall be employed in the home occupation.
  - There shall be no exterior display, no exterior sign (except a sign not over four square feet in area), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
  - No offensive glare, vibration, smoke, dust, odors, heat or glare or traffic congestion shall be produced either directly or indirectly.

**Hotel or Motel:** A building or group of buildings where transient guests are lodged for hire, but excluding rooming houses.

**Junkyard:** A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded materials; or where two or more unregistered, old or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether

for the purpose of resale or the reclamation of used parts therefrom, or for any other purpose. The term *junkyard* shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron, steel or nonferrous scrap for sale for remelting purposes.

**Kennel:** A structure used for the harboring of more than three dogs that are more than six months of age.

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

**Lot:** A parcel of land occupied or capable of being occupied by one building, and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this law.

**Lot Area:** The total area within the lot lines.

**Lot, Corner:** A parcel of land at the junction of and fronting on two or more intersecting streets.

**Lot, Depth of:** A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

**Lot, Interior:** A lot other than a corner lot.

**Lot, Through:** An interior lot having frontage on two parallel or approximately parallel streets.

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

**Mobile Home:** A factory-finished movable dwelling unit designed and built on frame and wheels to be towed on its own chassis and designed for and providing housekeeping facilities for year-round occupancy including living and sleeping accommodations, a flush toilet, tub or shower, and kitchen facilities, and with plumbing and electrical connections provided for attachment to outside systems; after being transported to the building site. This term shall not include recreational vehicles, or factory manufactured homes known as "modular homes" bearing an insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212.

**Mobile Home, Single-Wide:** A mobile home which is manufactured as a single section and is designed to be complete dwelling when transported to the placement site.

**Mobile Home, Double-Wide:** A mobile home which is manufactured in two or more sections off-site which are designed to be transported individually to the placement site and assembled there to form a complete dwelling.

**Mobile Home Court:** A parcel of land which has been planned and improved for the placement of three or more mobile homes for nontransient use. The term shall include mobile home park or other area planned and/or improved for three or more mobile homes.

**Nonconforming Lot:** Any lot which does not conform with the minimum area or dimensions required in the district in which it is situated or with the characteristics normally required of lots in the district where

located, where such lot conformed to all applicable laws, ordinances, and regulations prior to enactment of this law.

**Nonconforming Situation:** Use of a building or of land that does not conform to the regulations for the district in which it is situated, where such use conformed to all applicable laws, ordinances, and regulations prior to enactment of this law.

**Parking Space:** The minimum area required for parking one automobile, which in this law is held to be an area 9 feet wide and 20 feet long, not including driveway.

**Personal Service Shop:** Launderette, dry cleaning establishment, beauty salon or barber shop.

**Planned Development District:** A tract of land in single ownership, or controlled by an individual, partnership, cooperative, or corporation designed or capable of being designed and used as a unit or group of related units and having certain facilities in common such as yards, open space, recreation areas, garages, or parking areas. A Planned Development District may be residential, commercial, industrial, recreational, or a combination of such uses, as may be created under the provisions of this law.

**Recreational Vehicle:** A mobile recreational unit including travel trailer, pickup camper, converted bus, tent-trailer, camper-trailer, tent or similar device used for temporary portable housing.

**Sign:** Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

**Sign, Advertising:** A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed and only incidentally on the premises, if at all.

**Sign, Business:** A sign which directs attention to a business or profession conducted, or a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" or "To Let" sign relating to the lot on which it is displayed shall be deemed to be a *business sign*.

**Sign, Flashing:** A *flashing sign* is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color when such sign is in use. For the purpose of this law any revolving illuminated sign shall be considered a *flashing sign*.

**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.

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

**Street:** A public or private thoroughfare which affords the principal means of access to abutting property.

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

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

**Variance:** Any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property.

**Yard, Front:** An open space extending across the principal street side of a lot measured between the side lot lines, the depth of which yard is the minimum horizontal distance between the street line and the main building or any projection thereof other than steps and unenclosed balconies, not extending more than six feet from the front of the building, except as otherwise provided in this law.

**Yard, Rear:** An open space extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof other than steps and unenclosed balconies not extending more than six feet from the rear of the building, except as otherwise provided in this law. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

**Yard, Side:** An open space from the front yard to the rear yard between the building and the nearest side lot line unoccupied and unobstructed from the ground upward, except for steps and as otherwise specified in this law.

### **ARTICLE III - DISTRICTS AND BOUNDARIES**

#### **Section 5 - Districts**

- A. In furtherance of these general purposes set forth above, the Village of Holland Patent is hereby divided into the following types of districts:
- R-1 Residential District
  - R-2 Residential District
  - C Commercial District
  - Land Conservation District (*Overlay*)
  - Scenic and Historic Preservation District (*Overlay*)
- B. In addition, provision is made for the creation of one or a combination of the following Planned Development Districts:
- P-R Planned Residential District
  - P-C Planned Commercial District
  - PUD Mixed-Use Districts

#### **Section 6 - Zoning Map**

- A. Said districts are bounded and defined as shown on a map entitled "Zoning Map, Village of Holland Patent, New York," certified by the Village Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this law.

#### **Section 7 - Interpretation of District Boundaries**

- A. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:
1. Where district boundaries are indicated as approximately following the center lines of streets or highways, such center lines shall be construed to be the boundary. Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of highways, such 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 said Zoning Map.
  2. Where district boundaries are so indicated that they approximately follow the lot lines such lot lines shall be construed to be said boundaries.
  3. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
  4. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Board of Appeals shall render a determination with respect thereto.

## **ARTICLE IV - USE REGULATIONS**

### **Section 8 - R-1 Residential District**

- A. Purpose: To delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance with the Village Plan; to improve the character of residential areas by requiring standards of land use and lot size which accurately reflect existing and desirable development; and to protect the integrity of residential areas by prohibiting the intermixture of incompatible non-residential uses.
- B. Uses permitted: In the R-1 District no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses and in accordance with the required standards of Schedule 'A':
1. One-family dwelling
  2. Public, private school
  3. Church, parish house, rectory
  4. Public park, playground
  5. Home occupation except kennels and other home occupations requiring harboring of animals
  6. Accessory building
  7. Cemetery
- C. Special Uses Permitted Upon Authorization of the Village Board:
1. Public utility structure, use
  2. Two-family dwelling, multiple-family dwelling; by conversion

### **Section 9 - R-2 Residential District**

- A. Purpose: To delineate those areas exhibiting smaller existing lot sizes and a consequent higher density.
- B. Uses Permitted: Those uses permitted in R-1 Residential District in this category, according to the required standards as set forth in Schedule 'A'.
- C. Special Uses Permitted Upon Authorization of the Village Board:
  - 1. Public utility structure, use
  - 2. Two-family dwelling, multiple-family dwelling; by conversion

**Section 10 - C - Commercial District**

- A. Purpose: To delineate an area where retail stores, personal services and offices; recreational, institutional and cultural facilities; and municipal buildings and services are provided for the community and to encourage new development in the Commercial District by providing for public and commercial off-street parking areas for patrons of the businesses in the district.
- B. Uses Permitted: In the C - Commercial District no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses and in accordance with the required standards of Schedule 'A':
  - 1. All uses permitted in R-1 and R-2 Residential Districts
  - 2. Retail store
  - 3. Personal service shop
  - 4. Bank, office, studio
  - 5. Shop for custom work, and for making articles or products to be sold at retail on the premises
  - 6. Restaurant, cafe, tea room, similar establishment
  - 7. Motor vehicle salesroom
  - 8. Funeral home
  - 9. Library
  - 10. Wholesale, storage, warehouse facility
- C. Special Uses Permitted Upon Authorization of the Village Board:
  - 1. Public garage, gasoline station
  - 2. Theater, assembly hall, billiard or pool parlor, bowling alley, other commercial recreation use approved by the Board of Appeals
  - 3. Public utility structure, use

*Former Section 11, Industrial Districts, repealed.  
Section number held open for future use.*

**Section 12 - Land Conservation District (Overlay)**

- A. Purpose: To enhance community appearance; to promote scenic resources in the Village; and to safeguard against damage due to natural causes such as flooding and water pollution.
- B. Uses Permitted: Those uses otherwise provided for in the underlying district.

- C. **District Coverage:** The Land Conservation District includes that area one hundred (100) feet on either side of the shoreline at normal water level of those streams and waterways and such additional areas as are delineated on the map.
- D. **Procedure:** Applications for any project within the District shall follow the zoning application procedures of Section 27 of this law, and the site plan review and approval procedures of Section 24A of this law.
- E. **Special Regulations:** No permanent building or structure shall be located within fifty (50) feet of the shoreline at normal water level, except as permitted by the Village Board in accordance with guidelines established by the Board and in accordance with those uses otherwise permitted in the underlying district.

~~Section 13 - Scenic and Historic Preservation District (Overlay)~~

- ~~A. **Purpose:** The purposes of the Scenic and Historic Preservation District are to safeguard the architectural and historic heritage of the Village of Holland Patent by preserving a part of the Village which reflects elements of its cultural, social, economic, and architectural history, to foster civic beauty, and to stabilize and improve property values. In applying this section of the law, the Planning Board shall endeavor to assure that all buildings hereafter erected or altered in exterior appearance, including signing, within the Scenic and Historic Preservation District shall enhance rather than detract from the attractiveness and overall character and appearance of the District. In granting permits within the District the Planning Board shall seek to assure good building design, but shall not prescribe any type or particular style of architecture. Nothing in this section shall be construed to prevent ordinary maintenance or repair of any structure within the District; nor shall anything herein be construed to prevent the construction, alteration, repair, moving, or demolition of any structure under a permit issued by the Enforcement Officer prior to the adoption of this law.~~
- ~~B. **Uses Permitted:** Those uses permitted in the underlying district.~~
- ~~C. **Procedure:**
  - ~~1. Applications for any project within this District shall follow the zoning application procedures of Section 27 of this law.~~
  - ~~2. Any and all exterior improvements to public and private property within the Scenic and Historic Preservation District must first be reviewed and approved by the Planning Board. The board may, at its discretion, consult with members of the design profession, including architects, planners, artists, or landscape architects as part of its review. No permit shall be issued nor shall any encroachment on public places be permitted until such approval is secured from the Village Board, upon recommendation of the Planning Board.~~
  - ~~3. Within the Scenic and Historic Preservation District, the following appropriate documents may be required by the Planning Board for review:
    - ~~a. Any plans for new buildings, structures or signs~~
    - ~~b. Any plans for renovation, remodeling or reconstruction of existing buildings, structures or signs~~
    - ~~c. Site and planting plans for any playground, park or parking lot~~~~~~

**Section 13 - Scenic and Historic Preservation District (Overlay)**

- A. Purpose: The purposes of the Scenic and Historic Preservation District are to safeguard the architectural and historic heritage of the Village of Holland Patent by preserving a part of the Village which reflects elements of its cultural, social, economic, and architectural history, to foster civic beauty, and to stabilize and improve property values.
- B. Uses Permitted: Those uses permitted in the underlying district.
- C. Procedure:
1. If there are any proposed exterior alterations or improvements, a zoning permit is required. Repainting of a building the same color, routine maintenance such as repairing stairs, railings, and porch floors, which do not alter the general appearance of a structure, will not require a zoning permit.
  2. Applications for exterior alterations and improvements within this District shall follow the zoning application procedures of Section 27 of this law.
  3. Applications within the Scenic and Historic Preservation District must be reviewed and approved by the Village Board pursuant to the procedures of Section 24A of this law. The Board may, at its discretion, consult with members of the design profession, including architects, planners, artists, or landscape architects as part of its review. No permit shall be issued nor shall any encroachment on public places be permitted until such approval is secured from the Village Board, and upon recommendation of the Planning Board.
  4. In addition to the submission requirements of Section 24A, D., applications within the Scenic and Historic Preservation District shall be accompanied by the following appropriate documents as may be required by the Village Board for review:
    - a. Any plans for new buildings, structures or signs
    - b. Any plans for renovation, remodeling or reconstruction of existing buildings, structures or signs
    - c. Site and planting plans for any playground, park or parking lot
    - d. Sketches, models, drawings of any sculpture, statuary, fountains, monuments or historical markers
    - e. Designs for decorative or memorial plaques
    - f. Designs for signs of any kind on public property
    - g. Illustrations or examples of street furniture, such as lamp posts, street signs, benches, trash receptacles, kiosks, and other similar items.
- D. Review and Approval Guidelines:
1. All buildings hereafter erected or altered in exterior appearance, including signing, within the Scenic and Historic Preservation District shall enhance rather than detract from the attractiveness and overall character and appearance of the District.
  2. In granting permits within the District the Village Board shall seek to assure good building design consistent and in harmony with the traditional architecture of the neighborhood.
  3. The Village Board shall pass only on exterior features of a structure and shall not consider interior arrangements.
  4. The Village Board shall give consideration to the historical or architectural value and significance of the structure and its relationship to the historic value of the surrounding area.
  5. If a new building is to replace an existing building, the height existing at the time of the passage of this law shall not be changed unless the Village Board under Scenic and Historic District review procedure deems it appropriate to change the height in order to **ENHANCE THE CHARACTER OF THE STREET.**

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- d. Sketches, models, drawings of any sculpture, statuary, fountains, monuments or historical markers
  - e. Designs for decorative or memorial plaques
  - f. Designs for signs of any kind on public property
  - g. Illustrations or examples of street furniture, such as lamp posts, street signs, benches, trash receptacles, kiosks, and other similar items.
4. Exceptions: Repainting of a building the same or similar color, routine maintenance such as repairing stairs, railings, and porch floors, which do not alter the general appearance of a structure, will not require a zoning permit. If there is any exterior structural alteration, a zoning permit is required.

D. Considerations: In reviewing the plans, the Planning Board shall give consideration to:

1. The historical or architectural value and significance of the structure and its relationship to the historic value of the surrounding area.
2. The general compatibility of exterior design, color, arrangement, texture, scale and material proposed to be used.

The Planning Board shall pass only on exterior features of a structure and shall not consider interior arrangements.

E. Signs:

Any sign to be erected in the Scenic and Historic Preservation District must be reviewed by the Planning Board. No sign may be erected until a permit has been issued by the Planning Board. Submissions for signs shall include:

- a. Scale drawing of sign, showing style or type of lettering to be used, all dimensions and colors.
- b. Descriptions of materials and methods of illumination to be used in the construction of the sign.
- c. A plan or plans showing location and placement of signs on the property or the building.

F. Additional Regulations:

1. *Front Yards:* In no instance shall a front yard in the Scenic and Historic Preservation District be reduced. If a new building is to replace an existing building, the front yard existing at the time of the passage of this law shall not be reduced.
2. *Height:* In no instance shall the height of an existing building in the Scenic and Historic Preservation District be changed. If a new building is to replace an existing building, the height existing at the time of the passage of this law shall not be changed unless the Planning Board under Scenic and Historic District review procedure deems it appropriate to change the height in order to enhance the character of the street. In any event, the maximum height in the Scenic and Historic Preservation District shall not exceed thirty-five (35) feet.

## Section 14 - Planned Development District

- A. **Purpose:** The purpose of the Planned Development District is to provide for special types of development projects under the following circumstances: 1) where diverse land uses may be brought together as a compatible and unified plan for development which would not otherwise be permitted through the other types of zones provided for in this law, and 2) where flexibility in design is desirable by allowing yard sizes, building coverages, and other requirements which would not otherwise be permitted through the other types of zones provided for in this law, without departing from the spirit and intent of this law.
- B. **Regulations:** Within the respective Planned Districts, the following regulations shall apply:
1. **Area:** A Planned Residential District shall have a minimum area of three (3) acres and a street frontage of at least three hundred (300) feet. A Planned Commercial District shall have a minimum area of four (4) acres and a street frontage of at least four hundred (400) feet. A Planned Industrial District shall have a minimum area of ten (10) acres and a street frontage of at least five hundred (500) feet. A Mixed-Use District shall have a minimum area of 5 acres and a street frontage of at least four hundred (400) feet. The calculation of area for a Planned District shall not include easements, existing parks, existing streets or otherwise dedicated land; water areas in excess of ten (10) percent of the minimum gross acreage; lands designated on any official map for public purposes; or land undesirable by reason of topography, drainage, or adverse subsoil conditions.
  2. **Yard Dimensions:** Exterior yards at district boundaries shall be a minimum of fifty (50) feet from Residential to Residential, fifty (50) feet from Commercial to Commercial, and two hundred (200) feet from Commercial to any Residential District.
  3. **Building Height:** The height of buildings shall be limited to thirty (30) feet for commercial uses, and thirty-five (35) feet for residential uses.
  4. **Entrances and Exits:** Locations for entrances and exits shall be approved by the Village Board, and in the case of Planned Commercial Districts, shall be so arranged as not to connect with local residential streets.
  5. **Off-Street Parking:** Off-street parking in a Planned Residential District shall conform with the requirements of Schedule 'B'. Off-street parking in a Planned Commercial District shall be provided at a minimum of one parking space (see definitions) per 100 feet of gross leasable area. Parking in any front yard in a Planned Commercial District shall be separated from the street or highway right-of-way by a lawn or planting area twenty (20) feet or more in width. Parking or loading in any Planned Commercial District shall be adequately separated and screened from any adjacent Residential District.
  6. **Off-Street Loading:** Off-street loading facilities shall be provided for each commercial establishment and shall be so arranged as not to interfere with pedestrian or motor traffic on the public highway, or any adjacent residential area.
- C. **Procedure:** Planned Development Districts and building projects within a Planned Development District may be established in accordance with the procedure specified below:

1. Application for designation of a Planned Development District by amendment of the Village Zoning Map shall be made to the Village Board. The Village Board shall refer the application to the Planning Board within ten (10) days after receipt of the application. The applicant shall furnish basic data pertaining to the boundaries of the proposed planned district, existing zoning, topography, drainage, and soil conditions, and such preliminary plans as may be required for an understanding of the proposed development, with the petition for the desired zoning change. A completed Environmental Assessment Form (EAF) shall also be furnished by the applicant.
2. The Planning Board shall recommend approval, approval with modifications, or disapproval of the application for designation of a Planned Development District by amendment of the Zoning Map of the Village; and shall report its findings to the Village Board within forty-five (45) days following the date of referral to the Planning Board by the Village Board.
3. The Village Board shall hold a public hearing within thirty (30) days of receipt of recommendation from the Planning Board on any proposal to create or change a Planned Development District, with public notice, as provided by law as in the case of any amendment to the law. The Village Board may amend the law to establish and define the type and boundaries of the Planned Development District, after a public hearing. The Village Board and Planning Board may utilize the services of consultants and/or expert witnesses in such professions as architecture, engineering, planning, or others as deemed necessary, during the course of their deliberations. The Village Board may specify by law the specific conditions or general guidelines which shall apply to the future development of the district. Conditions or guidelines which may be placed on a Planned Development District by the Village Board may include, but shall not be limited to:
  1. the uses allowed in the district;
  2. any special requirements relating to yard sizes, building or surface coverage, the height or bulk of buildings, or the intensity of development;
  3. the landscaping, screening, and buffering of the uses in the district;
  4. parking, loading, access and circulation requirements for motor vehicles;
  5. pedestrian circulation;
  6. the architectural design of buildings or structures;
  7. the design and placement of accessory structures; and
  8. specific site plans for either a portion of, or the entire district.
4. Application for any project within an established Planned Development District shall be made to the zoning enforcement officer pursuant to the provisions of Section 27 of this law.
5. The zoning enforcement officer shall refer the application to the Village Board which shall review any development within a Planned Development District pursuant to the site plan review authority of Section 24A of this law.

#### **Section 15 - Application of District Regulations**

- A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

- B. No building in any district shall hereafter be erected or altered:
1. To exceed the height;
  2. To occupy a greater percentage of lot area; or
  3. To have narrower or smaller rear yards, front yards, or side yards than is specified herein for the district in which such building is located.
- C. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this law shall be included as a part of a yard or other open space similarly required for another building.

## **ARTICLE V - SUPPLEMENTARY REGULATIONS**

### **Section 16 - Regulations in Schedule 'A'**

Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height are specified in Schedule 'A' and in the additional regulations set forth in this law. Schedule 'A' accompanies and, with all explanatory matter thereon, is hereby made a part of this law.

### **Section 17 - Additional Area Regulations**

- A. Existing Lots of Record - A permitted use may be constructed on any lot of record filed in the County Clerk's office in any district even if said lot has less than the minimum area required for building lots in the district in which it is located provided that the owner of said lot owns no adjoining vacant land which would create a conforming lot if combined with the lot which is deficient in area. The owner of a nonconforming lot which fails to meet the minimum yard requirements may make application to the Board of Appeals for a Variance.
- B. Lot Width - The minimum width of any lot shall be measured along the minimum building setback line required for the district in which it is located.
- C. Reduction of Lot Area - The minimum yards and open spaces required by this law shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot be reduced below the district requirements of this law.
- D. Number of Dwellings on Lot - More than one permanent residential structure on one lot, other than under Planned Development, shall be prohibited unless lot area and yard requirements are met for each dwelling, including direct frontage on a public or private street.
- E. Through Lots - Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the principal structure shall be erected to face the street on which those adjoining structures face.
- F. Visibility at Street Corners and Driveways - In any district where a front yard is required, no fence, wall, hedge, or other structure or planting shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic.

G. **Front Yard Exception** - When a vacant lot is situated between two improved lots, each having a principal building within twenty-five (25) feet of any side lot line of such unimproved lot, the front yard of the vacant lot may be reduced to a depth equal to the greater of the depths of the front yards of the two adjoining improved lots, but not less than (10) feet.

H. **Transition Yard Requirements** - Where a residential district abuts a nonresidential district, there shall be provided in the non-residential district for a distance of fifty (50) feet from the district boundary line, a front yard at least equal in depth to that required in the residential district. Where the side or rear yard in a residential district abuts a side or rear yard in a non-residential district, there shall be provided along such abutting line or lines in the non-residential district, a side or rear yard at least equal in depth to that required in the residential district. In no case, however, shall the abutting side yard be less than ten (10) feet and the abutting rear yard less than twenty (20) feet.

I. **Projections into Required Yards** -

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

J. **Walls, Fences, and Hedges** - The yard requirements of this law shall not prohibit any retaining wall nor any fence, wall or hedge permitted by Village law, providing that in any residential district such fence, wall, or hedge shall not impair the visibility at street corners nor driveways.

K. **Side Yards** -

1. *Side Yard Width May Be Varied* - Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any one point than one-half ( $\frac{1}{2}$ ) the otherwise required minimum width.
2. *Width of One Side Yard May Be Reduced* - When authorized as a variance by the Board of Appeals, the width of one side yard may be reduced to a width of not less than five (5) feet, provided that the sum of the width of the two side yards is not less than the required minimum for both side yards, and further provided that the distance between the proposed

structure, and any structure, existing or proposed on an adjacent lot is not less than the required minimum sum of the widths of the two side yards. Such reduction may be authorized only when the Board of Appeals finds it to be warranted by the location of existing buildings or conducive to the desirable development of two or more lots.

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

#### **Section 18 - Height Requirements**

- A. The height limitations of this law as shown in Schedule 'A' shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, and necessary mechanical appurtenances usually carried above the roof level; nor to flag poles, monuments, transmission towers and cables, radio and television antennae or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the height limitations.

#### **Section 19 - Accessory Building: Number, Height, and Location**

- A. **Number** - On any lot intended or used for residential purposes, accessory buildings may include one garage and one utility structure for personal use in connection with the principal building. All structures require an approved zoning permit.
- B. **Height** - Maximum height of accessory buildings shall be two (2) stories or twenty-five (25) feet.
- C. **Unattached Accessory Building in Residential District** - When an accessory building is not attached to a principal building, it may be erected in accordance with the following requirements:
1. Ten (10) feet from side or rear property line
  2. Side yard, street side of corner lot - same as for principal building
  3. Not closer to a principal or accessory building than ten (10) feet
  4. Front yard requirement shall be the same as for the principal building.
- D. **Attached Accessory Building in Residential Districts** - When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this law applicable to the principal building.
- E. **Other Accessory Buildings** - Non-residential accessory building shall comply with front and side yard requirements for the principal building to which they are accessory and shall not be any closer to any rear property line than ten (10) feet.

#### **Section 20 - Screening and Fencing Regulations**

- A. Screening - For any use required by this law to be screened in accordance with this Section, the owner shall provide a fence, screen, or landscaping sufficient to obscure such uses from view from abutting properties in residential districts or from the public right-of-way.
- B. Approval by the Village Board - Plan and site design for the installation of such fencing or screening as are required by this law shall be reviewed and approved by the Village Board prior to issuance of a permit. Any fencing or screening installed in accordance with this Section shall be maintained in good order to achieve the objectives of the same. Failure to maintain fencing, screening or plant materials shall be considered a violation of this law.

**Section 21 - Signs**

- A. General Regulations - The following regulations shall apply to all permitted signs in all districts.
  - 1. A sign permit shall be required for the erection, alteration or reconstruction of any business or advertising sign in any district. Sign permit application forms may be obtained from the Village Clerk. The Village Board shall review the design of the sign with applicant and shall consider these factors in reviewing submissions for signs:
    - a. Style and type of lettering, dimensions and colors - all to be shown on scale drawing of sign submitted by applicant.
    - b. Descriptions of materials and methods of illumination to be used in construction of sign.
    - c. A plan or plans showing locations and placement of sign on property or building.
    - d. Size of sign in relation to size of building to which sign is to be attached.
  - 2. Illuminated signs shall be by non-flashing white light.
  - 3. Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
  - 4. Signs, other than an official traffic sign, shall not be erected within the right-of-way lines of any street.
  - 5. Signs shall not project beyond property lines nor over public sidewalk areas.
  - 6. All temporary signs erected for special events shall be removed by the property owner within seven days of the event.
- B. Signs advertising functions, uses, products or services not pertaining specifically to the permitted use of the premises on which they are located and mobile advertising or attracting devices shall not be permitted in any district.
- C. In R-1 and R-2 Residential Districts, the following nonadvertising signs are permitted, and are exempt from all application requirements:
  - 1. One nameplate, identification or professional sign, not to exceed four square feet of sign area, showing the name of a permitted home occupation of a resident of the premises.

## Section 21 - Signs and Advertising Devices

A. It is the purpose of this section to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of way, provide more visual open space, to curb the deterioration of the community's appearance and attractiveness. This section is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

B. General Requirements.

1. Signs shall be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics should relate with and not cover architectural features and should be in proportion to them.
2. Illumination should be appropriate to the character of the sign and surroundings.
3. Groups of related signs should express uniformity and create a sense of harmonious appearance.

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4. No building exterior shall be painted, illuminated or otherwise intended for use as a sign that is not in conformance with the regulations set forth in this section.
5. Signs shall be constructed of durable materials and shall be maintained in good condition. Signs that are permitted to deteriorate shall be removed upon direction of the Zoning Enforcement Officer following notification to the owner. No sign, other than those listed as exempt, shall be erected, constructed or placed on a parcel until application has been made and approval granted pursuant to this section. All signs other than those listed as exempt and temporary shall be reviewed and approved by the Village Board.

C. Permitted Signs.

1. R-1 and R-2 Residential Zoning Districts: Signs herein permitted shall not be located in or project into the public way or be located above the first story, be more than five feet in height nor less than ten feet from any side property line. Any illumination shall be white non-flashing, and the sources of light shall be shielded from the street and adjacent lots or properties. Permitted signs are as follows:
  - a. Non-illuminated real estate development sign: Any such sign shall be located on the property approved for development, shall not exceed 20 square feet in area and shall be set back a minimum of 25 feet from the front property line. Said sign shall be removed within two years from the time of erection, unless an application for extension is submitted to and granted by the Village Board.
  - b. Institutional sign: Any sign for a school, college, church, hospital, medical clinic, sanitarium, convalescent or nursing home or home for the aged or other institution of a similar public or semipublic nature located on the premises provided that the size of any such sign is not in excess of 15 square feet.
  - c. Professional Office/Home Occupation: A single non-illuminated sign identifying a home occupation or professional office. Such sign shall not exceed two square feet in area and shall be mounted flush on the dwelling, or as approved by the Village Board.
2. C - Commercial Zoning District:
  - a. A business sign is permitted, which pertains only to a permitted use, product or service available on the premises and is either integrated with or attached flat against the building or projects not more than four feet from the building line nor projects above the high point of the roof and does not face any adjoining lot in any residential district. No more than two principal signs are allowed per business.
  - b. The aggregate area of all signs on any building or premises shall not exceed 1 1/2 square feet in area for each foot of frontage of that portion of the building devoted to that business displaying such sign. In any event, no aggregate sign area shall exceed 90 square feet or five feet in height. If illuminated, the source of light, except for neon signs, shall be concealed from any lot in any residential district. In case of a principal area involving no building (or in the case of a building where the front wall is located at least 50 feet from the street) one pole sign shall be permitted on the premises. Such sign shall not exceed 32 square feet in area for each display surface (maximum two sides of 32 square feet each) and, if located within eight feet of the front property line, shall have a

minimum clearance above the ground of ten feet. The overall height of such sign shall not be more than 18 feet.

- c. Gasoline service stations shall additionally be permitted two price product or promotional signs each, not exceeding six square feet per side or 12 square feet total, if located on the pump island, or set not closer than ten feet from the edge of the pavement (but not within the street right-of-way), not exceeding eight feet above grade nor situated so as to impair visibility for pedestrians or motorists.

**D. Prohibited Signs.** The following signs are prohibited in all zoning districts in the Village:

1. Off-premises signs, other than those permitted under the exempt sign provision of this section.
2. Signs impairing or causing confusion to vehicular or pedestrian traffic due to its design, color or placement.
3. Signs impairing visibility for the motorist at a street corner or intersection by its placement and location.
4. Portable signs, other than as permitted under the exempt sign provision of this section.
5. Advertising messages comprised of more than one sign placed along the street or highway.
6. Signs projecting into the public way, or projecting higher than one story or 20 feet, whichever is shorter.
7. Roof signs.
8. Any sign erected on a tree or utility pole, or painted or drawn on a rock or other natural feature.
9. Any sign suspended between poles which is either a pennant which blows in the wind or a spinner which spins in the wind.
10. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights.
11. Signs not in use, including any sign which advertises a business or product so that the content of the sign is no longer appropriate to the purpose for which it was intended.

**E. Temporary signs.**

- i. The following signs are exempt and may be erected and maintained in all zoning districts without permits provided they comply with this section and all other conditions imposed by these regulations:
  - a. All signs of a temporary nature shall be allowed, (except as otherwise provided by this section), and shall be permitted for a period not exceeding 30 days prior to the activity or event nor exceeding four days after the activity or event. Such signs shall not exceed 16 square feet in commercial districts nor eight square feet in residential districts, nor be attached to fences, trees, rocks or other parts of a natural landscape nor be placed in a positions that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.
  - b. Both on-premise and off-premise directional signs for the convenience of the general public, identifying public sales, public parking areas, fire zones, bus and service entrances and exits and similar signs, internally illuminated or non- illuminated, not exceeding four square feet per face and six feet in height. (These signs must be removed during non-business hours.)

- c. Temporary non-illuminated "for sale," "for lease" or "for rent" real estate signs concerning the premises upon which the sign is located. In a residential zoning district, one sign is located. In a residential zoning district one sign not exceeding six square feet per side. In a commercial zoning district one sign not exceeding 20 square feet set back at least 15 feet from all property lines. All signs shall be removed within three days after the sale, lease or rental of the premises.
- d. Temporary window signs and posters not exceeding 25% of the window surface.
- e. One sign, not exceeding six square feet in the R-1 and R-2 districts or 16 square feet in the business districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress. All such signs shall be removed within three days after completion of said construction, renovation or repair.
- f. Posters/signs for elective office or propositions scheduled for public vote shall not exceeding six square feet, nor be placed more than 60 days before a general election nor 30 days before a primary election. Such signs shall be removed within five days after the election has been held.

2. All temporary signs are subject to the following restrictions:

- a. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.
- b. Temporary Signs shall be designed to be stable under all weather conditions, including high winds.
- c. Height and projection of signs. No sign in a residential district shall project into the public way or project higher than one story or 20 feet, whichever is lower.

F. Exempt signs. The following signs are exempt and may be erected and maintained without permits provided that such signs comply with the general requirements of this section and other conditions specifically imposed by the regulations:

- 1. Historical markers; tablets and statues; memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations. None shall exceed six square feet in size.
- 2. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- 3. Both on-premise and off-premise temporary, portable directional signs for the convenience of the general public, identifying businesses, public parking areas, fire zones, bus and service entrances and exits and similar signs, internally illuminated or non-illuminated, not exceeding four square feet per face and six feet in height. (These signs must be removed during non-business hours.)
- 4. Posted or no trespassing signs, not exceeding two square feet.
- 5. Number and nameplates, identifying residents, mounted on the house, apartment, mailbox or lamppost not exceeding one square foot in area.

G. Enforcement.

1. **Removal of Signs.** The provisions of this section shall be administered and enforced by the Zoning Enforcement Officer who shall have the power to order the repair and/or removal of any sign that fails to comply with the prior provisions of this section and/or the following additional provisions:
  - a. A sign which does not advertise an existing business on the premises;
  - b. A sign which obstructs the view of a public highway;
  - c. A sign which is abandoned, unsafe or insecure.
2. If any previously permitted sign is not removed or repaired within thirty days after being so ordered, the Zoning Enforcement officer shall revoke the permit issued for such sign and may remove or repair the sign and assess the owner for all costs incurred for such service.
3. The Zoning Enforcement Officer may cause any sign that is a source of danger to persons or property to be removed immediately without notice and at owner's expense.

2. One nonilluminated sale or rental sign not to exceed four square feet of sign area during and pertaining to the sale, lease, or rental of the land or building. Such sign shall be removed after the premises have been sold or rented.
  3. One temporary artisan's sign not to exceed four square feet of sign area during and pertaining to construction, repairs or alterations of the property. Such sign shall be removed promptly upon completion of the work.
  4. Institutional or religious announcement sign not to exceed 32 square feet in area.
  5. Signs advertising the sale or development of a tract of land may be erected upon the tract by the developer, builder, contractor or owner. The size of the sign shall not exceed 32 square feet and not more than two signs shall be placed upon the tract. Such signs shall be set back a minimum of ten feet from any property line and as deep as may be necessary to assure that such signs do not obstruct or impair the visibility of vehicular traffic.
- D. In the C - Commercial District the applicable signs above are permitted, any business sign hereafter erected shall not project into a public right-of-way, no sign shall be higher than the building to which it is attached, and no sign shall be erected above the roof of any building.

~~E. No advertising sign shall be permitted in any Planned Development District.~~

#### **Section 22 - Off-Street Parking**

- A. Off-street parking space shall be required for all buildings constructed or substantially altered after the effective date hereof. Each off-street space shall consist of at least one hundred and eighty (180) square feet with a minimum width of nine (9) feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. Required off-street parking areas shall be so arranged and regulated as not to interfere with pedestrian or motor traffic on the public street or highway and no parking or maneuvering incidental to off-street parking shall be on any public street right-of-way or walkway. Parking requirements are specified in Schedule 'B', which is hereby made a part of this law.
- B. For any building having more than one use, parking space shall be required for each use.
- C. Required off-street parking in residential districts shall be located only in the side or rear yard of the lot.
- D. Parking or storage in residential districts of recreational vehicles, trailers or boats out-of-doors shall be confined to the rear yard and not within ten (10) feet of any property line.
- E. Overnight parking or storage out-of-doors in any residential district of any vehicle licensed for commercial purposes having more than two axles and four wheels shall be prohibited.
- F. Off-street parking lots for five (5) or more cars or trucks shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, pedestrian walkways, entrances and exits, and shall be developed as an integral part of an overall site design, and the plan shall be submitted to and approved by the Village Board.

- G. Floor areas for the purpose of computing parking requirements shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas used primarily for storage or service.
- H. For uses not specified, the Village Board shall establish parking requirements in specific cases consistent with those specified in Schedule 'B'.

#### **Section 23 - Off-Street Loading**

- A. Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway and shall be adequately and attractively screened if adjacent to a dwelling or a residential area. Such off-street loading space shall be logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. Any required off-street loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length.

#### **Section 24 - Special Uses**

- A. On application, the Village Board may grant a permit for any use for which approval of the Board is required by this law. All uses requiring a special use approval shall be also be subject to site plan review and approval pursuant to Section 24A of this law. The Village Board shall, pursuant to law, hold a public hearing on any such application prior to action thereon. In authorizing such permit, the Village Board may designate appropriate conditions in harmony with the following standards:
  - 1. The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
  - 2. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout, and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of development of the neighborhood.
  - 3. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.

B. Special Uses to be Considered by the Village Board, include:

1. ***Public Utility Structure, Use*** - Such uses shall include electric substations, transformers, switches and auxiliary apparatus serving a distribution area, and water and sewage pumping stations and shall be subject to the following regulations:
  - a. Such facility shall not be located on a residential street, unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
  - b. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
  - c. Adequate fences, barriers and other safety devices shall be provided, and the facility shall be screen-planted.
2. ***Public Garage, Filling Station*** - shall be subject to the following provisions:
  - a. Pumps, lubricating or other devices shall be located at least twenty (20) feet from any street line or highway right-of-way.
  - b. All fuel, oil or similar substances shall be stored at least thirty-five (35) feet distant from any street or lot line.
  - c. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
3. ***Commercial Recreation*** - Commercial recreation shall be permitted only when the proposed use is compatible with and does not detract from surrounding uses, and where the Village Board determines that any traffic, noise, light or the assembly of persons likely to be generated by any such activity will not create a hazard or nuisance.
4. ***Two-family, multiple-family dwelling, by conversion*** - Prior to the conversion of any existing dwelling unit into a two-family (unit) or multiple-family (unit) dwelling, the proposal must be submitted to the Village Board for review and approval. Approval shall be contingent upon proof of the adequacy of off-street parking on the site, the adequacy of the primary sanitary disposal system, and how well the proposed exterior appearance blends in with the surrounding buildings.
5. ***Mobile Home Court*** - All proposed mobile home courts shall be subject to and be approved according to the following specific guidelines:
  - a. Mobile home courts shall be approved and developed only in the R-1 Residential District.
  - b. Creation, expansion, extension or alteration of any mobile home court shall be in accord with the following minimum requirements:

1) Existing Courts

- a) All existing mobile home courts of record shall comply with this Law whenever any addition, expansion or alteration of the use or operation is proposed, and they shall be required to obtain an initial and annual Operating Permit.
- b) All existing mobile home courts shall be limited to the number and size of mobile homes presently accommodated at the time of adoption of this Law, except as they shall meet the minimum requirements set forth herein.
- c) All existing courts shall comply in every regard with minimum standards for health, sanitation, cleanliness and appearance.
- d) Any nonconforming mobile home may not be replaced by another nonconforming structure or another mobile home.

2) Court and Lot Size

- a) All mobile home lots within a court shall be a minimum of seventy-five (75) feet from the edge of pavement or improved surface area of any public roadway. In addition, there shall be established a minimum buffer area of twenty (20) feet between the property line of the mobile home court and any individual mobile home lot line within the court.
- b) These setback areas shall be screen-planted and maintained in an attractive manner so as to preclude any detrimental visual impact from the public right-of-way or adjoining property, as may be required by the Village Board.
- c) Within the mobile home court, minimum lot size and lot width for individual mobile homes shall be as follows; except that such additional area as may be required by the State or County Health Department to meet minimum sanitation requirements shall be provided as required: with either or both public or approved community sewer or water facilities -
  - minimum lot size - seven thousand five hundred (7,500) square feet
  - minimum lot width - sixty (60) feet
- d) Within the individual mobile home lot, minimum yard requirements shall be as follows:
  - front yard: 25 feet (from edge of pavement or improved surface area)
  - side yards (each): 15 feet (from lot line to building line)
  - rear yard: 15 feet (from lot line to building line)

- e) In addition, building coverage on any individual mobile home lot shall be limited to a maximum of twenty (20) percent of the lot area.
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- 3) **Water Supply** - An adequate, safe and potable supply of water shall be provided in each mobile home court for all occupants thereof. Where a satisfactory supply of public water is available, connection shall be made thereto whenever lawful. Any individual or community water supply system and all water storage and distribution facilities shall be in accord with those standards set forth by the State or County Health Department and the water supply, storage and distribution system shall be approved by the applicable Health agency before any initial or annual Operating Permit is issued.
  - 4) **Sewage Disposal** - An adequate and sanitary sewerage system shall be provided in each mobile home or court of sufficient capacity and so designed and maintained to effectively dispose of sanitary wastes without creating a health hazard or nuisance resulting in obnoxious odors or unsightliness, and further, such wastes shall not be discharged into or on the ground or any waterway until first rendered harmless through subjection to treatment as approved by the State or County Health Department. All sewage disposal facilities shall be approved by the applicable Health agency before any initial or annual Operating Permit is issued.
  - 5) **Drainage and Soil Cover**
    - a) Soil, water table, drainage and topographic conditions shall not create hazards to the property or the health or safety of the occupants and no site shall be approved where seasonal or prolonged wetness, flooding or erosion will be encountered.
    - b) Exposed ground in all parts of every mobile home part shall be seeded or protected with a vegetative growth that is capable of preventing soil erosion and objectionable dust while preserving water absorption qualities.
    - c) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, attractive manner. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools. Storm drainage shall be conveyed to an adequate and approved system of storm water disposal where available. Storm drains shall not discharge onto the sidewalk, street or adjacent property in such a manner as to create a nuisance or hazard. Final plans will indicate the existing and resulting volume of surface run-off and the manner in which it is to be accommodated.

- 6) Refuse Disposal - Adequate and sanitary facilities shall be used for the storage, collection, handling and disposal of garbage and refuse. Location, type and number, and method of storage and collection shall be as approved by the Village Board. In all cases, that person or persons to whom the initial and subsequent Operating Permit is issued, shall be responsible for arranging for the timely, sanitary and convenient disposal of garbage, refuse, and solid waste materials for all occupants of the mobile home court.
  
- 7) Ground Maintenance and Pest Control
  - a) Required yards, open space areas and drives shall be kept free of physical hazards, including heavy undergrowths and accumulations of plant growth which are unsightly, noxious or detrimental to health.
  - b) Walks, drives, service, parking and similar areas shall be maintained so as to afford safe passage under normal conditions.
  - c) Fences, service buildings, other minor construction and all landscaping shall be maintained in a safe and satisfactory condition.
  - d) Grounds, buildings and structures shall be maintained free of insect, rodent or other pest harborage or infestation. Methods used to control or exterminate such pests shall not create a danger or nuisance to the occupants of the court or any adjoining property owners.
  - e) No abandoned or dilapidated mobile home, no longer in condition for human occupancy, shall remain in any mobile home court for a period longer than thirty (30) days and the removal of such unit shall be the responsibility of the mobile home court operator.
  
- 8) Utility and Fuel Installations -
  - a) All wiring, fixtures and appurtenances shall be installed and maintained in accordance with the specifications and regulations of the New York State Fire Underwriters Code and the local utility company.
  - b) Whenever possible, power, telephone and other utility lines shall be placed below ground in conformity with standards set forth by the Public Service Commission.
  - c) Liquefied petroleum gas tanks, where used, shall be placed at the rear of the mobile home and at a distance at least five (5) feet from any exit and shall have a safety shut-off at the tank. No more than two (2) tanks (active and reserve) shall be permitted for any mobile home.

- d) Fuel oil tanks shall be screened from view. It is further recommended that they be placed below ground and that a centralized fuel supply system be encouraged wherever possible.
- 9) Fire Protection -
- a) The mobile home court shall be kept free of litter, rubbish or any other undesirable and potentially flammable materials.
  - b) Fire hydrant location and size and other fire fighting devices shall be located in accord with Village and fire district requirements and as approved by the Village Board.
- 10) Streets -
- a) No individual mobile home, within a mobile home court, shall have direct access to an existing street.
  - b) Internal roadways within a mobile home court shall have a minimum designated and improved right-of-way of fifty (50) feet and a minimum paved or stone course in accordance with those standards set forth in the Village Subdivision Regulations.
  - c) There shall be no dead-end streets in any court although a cul-de-sac or wye turn around may be provided in accord with those provisions set forth in the Village Subdivision Regulations.
- 11) Off-Street Parking - One (1) off-street parking space shall be provided for each mobile home lot in the mobile home court outside the designated street right-of-way and shall otherwise comply with off-street parking requirements as set forth in this Zoning Law. Such required parking spaces shall be appropriately located so as to be both functional and attractive in accord with the recommendations of the Village Board.
- 12) Recreation - Open Space Area - Suitable and appropriate recreation and open space area constituting at least ten (10) percent of the land area, shall be designated on the site plan and shall be an integral part of any proposed mobile home court.
- 13) Service and Accessory Structures -
- a) A Permit shall be required for any accessory or service building or structure built or placed within a mobile home court.
  - b) Such buildings shall be so designed and located as not to detract from the overall appearance of the court or its ability to function.

- c) The mobile home court operator shall be responsible for notifying the occupants of the court concerning these requirements relative to the placement or construction of such a building.
- 14) Other Improvements -
- a) Sidewalks, lighting and landscaping shall be in keeping with surrounding development, the unique features of the site and the health and safety of the occupants of the mobile home court as determined by the Village Board. Attractive site development and landscaping shall be a consideration in determining the adequacy of the proposed mobile home court.
  - b) Each mobile home owner/tenant shall be required to enclose the bottom portion of the mobile home with a metal, wood or other suitable 'skirt', properly ventilated and painted or otherwise suitable finished within sixty (60) days after location in the mobile home court.
  - c) Every mobile home court will be safely and attractively lighted as may be determined necessary by the Village Board upon the recommendation and advice of the utility company. A satisfactory plan for such lighting shall accompany the final plans submitted for any proposed mobile home court.
  - d) Adequate, safe and attractive fencing shall be provided where topography, natural hazard or other considerations dictate and the type and location of such fencing shall be submitted as part of the final plan for any proposed mobile home court.
- 15) Permits - No mobile home court shall be established until a Permit has been applied for and granted in compliance with this law. Further, there shall be required an annual Operating Permit to be issued by the Village Board after referral to and recommendation by the Code Enforcement Officer. All Operating Permits shall be effective until December 31 of the calendar year of their issuance. An application for a renewable Operating Permit shall be made thirty (30) days prior to the expiration date of the previous Permit. Upon recommendation of the Code Enforcement Officer, the Village Board shall issue or deny such Permit in accord with the requirements set forth in this law and any established fee schedule.

#### **Section 24A – Site Plan Review**

##### **A. Authority**

The Village Board is hereby authorized to review and approve, approve with modifications, or disapprove site plans pursuant to Village Law Section 7-725-a and in accordance with the standards and procedures set forth in this law.

## B. Applicability

All uses designated as requiring site plan review shall have a site plan approved by the Village Board prior to the issuance of a zoning permit by the zoning enforcement officer.

## C. General Review Criteria

The Village Board shall require that all site plans comply with the following general review criteria:

1. the site is designed in the interests of the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area;
2. the site is designed so as to be in harmony with the comprehensive plan for the community;
3. parking and loading areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties and the public road system;
4. access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the public road system;
5. the internal circulation of the site is arranged so as to provide safe access to parking and loading areas, provide adequate separation of pedestrian and vehicular movements, and to minimize impacts on the public road system;
6. the site is suitably landscaped, and appropriately screened from adjacent properties and the public road at all seasons of the year so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
7. pedestrian ways are safe and adequate, and are properly integrated with the pedestrian ways of adjacent properties and the neighborhood;
8. any activities on the site which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;
9. signs, site lighting, and the design, locations and dimensions of all buildings and structures are in keeping with the character of the neighborhood;
10. any changes to existing drainage patterns, or increased drainage due to development activity have no negative impacts on adjacent property;
11. proposed water supply and sewage disposal facilities are safe and adequate;
12. the proposed use is compatible with the geologic, hydrologic and soil conditions of the site and adjacent areas and that existing natural features are preserved to the extent possible;
13. development activity complies with all other standards and requirements of this law.

## D. Application

The zoning enforcement officer shall refer any application for a zoning permit which requires a site plan review to the Village Board. An application for a site plan review shall be filed with the Village Board, and the appropriate fee as determined by the fee schedule adopted by Village Board resolution shall be paid to the Village Clerk. Five copies of the application and site plans shall be provided which shall include the following:

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;
2. Date, north point, written and graphic scale
3. Boundaries of the site plotted to scale, including distances, bearings, and areas;
4. Locator map showing the site in relationship to the village and town;
5. Location and ownership of all adjacent lands as shown on the latest tax records;

6. Location of all zone district boundaries;
7. Location, name, jurisdiction and width of adjacent roads;
8. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
9. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
10. Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of five foot intervals;
11. Location, proposed use, and height and dimensions of all buildings including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office and other commercial or industrial activities;
12. Location and design of all parking and loading areas, access and egress drives, fire lanes and emergency access areas;
13. Provision for pedestrian access, including public and private sidewalks;
14. Location of outdoor storage;
15. Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
16. Description of the method of securing water supply and disposing of sewage, and the location and design of such facilities;
17. Location and design of all energy distribution and storage facilities, including oil, gas, electrical, and solar energy;
18. Location, size and design of all proposed signs;
19. Location and design of outdoor lighting facilities;
20. General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;
21. Erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manual recognized by the Village Board;
22. An agricultural data statement pursuant to Village Law Section 7-739, when applicable;
23. A statement of the nature and extent of the interest of any state employee, or officer or employee of the village in the applicant pursuant to General Municipal Law Section 809, when applicable;
24. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617;
25. Other elements integral to the proposed development as considered necessary by the Village Board, including engineering studies of any particular element of the above deemed necessary by the Village Board.

#### **E. Waiver of Submission Requirements**

The Village Board may waive any of the submission requirements above where it deems that the information is either not applicable or is unnecessary to a particular review.

#### **F. Environmental Impact Review**

The Village Board shall be responsible for the completion of an environmental assessment form (EAF) for each application. The Village Board shall be responsible for compliance with 6 NYCRR Part 617 (State

Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application.

G. Review

Upon a determination by the Village Board that the application is complete, the board shall review the site plan taking into consideration the objectives as outlined in this section above and all other requirements of this law.

H. Area Variance

In order to expedite the review process, where the application shows site plan features which are not in compliance with the zoning law, the Village Board may, at its discretion and upon agreement with the applicant, stay the review process and refer the application to the Zoning Board of Appeals for the consideration of an area variance review without the necessity of disapproving the application and requiring its resubmission.

I. Public Hearing

The Village Board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application and shall be advertised at least five days before the hearing in a newspaper in general circulation in the village. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing.

J. Waiver of Public Hearing

The Village Board may waive the public hearing. Such waiver shall not be allowed in any one of the following circumstances:

1. the use requires a special use permit pursuant to this law;
2. the use is a Type I SEQR action and the use is determined by the Village Board to have environmental significance;
3. the use is over 1000 square feet of floor or ground area;
4. the use is over 20 feet in height;
5. the use is within 100 feet of a DEC designated wetland area, within 100 feet of a stream with a DEC classification of C or higher, or in a FEMA designated floodplain area;
6. the use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, roads, curbs, gutters, or other public improvements;
7. the use is determined by the Village Board to be of a publicly controversial nature; or
8. the applicant has requested a public hearing.

K. Referral to County Planning Board

At least ten days before the hearing, the Village Board shall refer all matters that fall within those areas specified under General Municipal Law Section 239-1 and -m to the county planning board. This shall include any use that falls within 500 feet of the following: the boundary of the village; a state or county park or recreation area; a state or county highway or expressway; a state or county owned drainage channel; state or county land where a public building or institution is located; or a farm operation in an agricultural district. If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the Village Board may act without such report.

L. Final Action

1. Within 62 days of the public hearing, or within 62 days of the acceptance of a complete application by the Village Board where such hearing has been waived pursuant to subsection J. above, the Village Board shall take action. The time within which the Village Board must render its decision may be extended upon mutual consent of the applicant and the Village Board. The action of the Village Board shall be in the form of a written statement to the applicant stating whether or not the application is approved, approved with modifications, or disapproved. In its approval, the Village Board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan. The decision of the Village Board shall be filed in the office of the Village Clerk within five days of the decision, and a copy mailed to the applicant.
2. If the site plans are approved, and upon payment by the applicant of all fees and reimbursable costs due the village, the Village Board shall endorse its approval on a copy of the application and site plans.
3. If the site plans are approved with modifications, the Village Board shall specify in the statement all modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due to village, and upon approval of the modified application and site plans, the Village Board shall endorse its approval on a copy of the application and site plans.
4. If the site plans are disapproved, the statement shall contain the reasons for such findings.

M. Report to County Planning Board

Within 30 days of final action on any matter referred to the county planning board pursuant to subsection K. above, the Village Board shall file a report of the final action it has taken with the county planning board.

**Section 25 - Nonconforming Situations**

- A. The lawful use of any land or building existing upon the effective date of this law may be continued, although such use does not conform with the provisions of this law, and any such building may be reconstructed or structurally altered and the nonconforming use therein changed, subject to the following regulations:
1. *Additions* - A nonconforming building or use shall not be added to or enlarged unless such nonconforming building or use is made to conform to the regulations of the district in which it is located.
  2. *Alterations* - A building nonconforming as to use may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the fair market value of the building, unless the use of such building is changed to a conforming use.
  3. *Changes* - A nonconforming use or structure may be changed or altered to so as to constitute any use or structure that would otherwise be permitted by this law in the district in which it is located.

4. *Discontinuance* - Whenever a nonconforming use has been discontinued for a period of one (1) year, any future use shall be in conformity to the provisions of this law. A reasonable interim, however, between tenants or occupants shall not be construed to mean discontinuance.
5. *Restoration* - A building nonconforming as to use which has been damaged by fire or other causes to the extent of not more than 50 percent of its fair market value may be restored, reconstructed or used as before, provided the bulk, height, and area requirements shall not exceed that which existed before said damage. Said restoration must be completed within one year of such occurrence or the use of the building or land as a legal nonconforming use thereafter shall be terminated.
6. *Removal* - If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of any building erected thereon shall conform with the regulations of the district. Any existing nonconforming mobile home may not be replaced by another nonconforming structure or another mobile home.

#### **Section 26 - Environmental Impact Assessment and Review**

- A. Article 8 of the Environmental Conservation Law, "State Environmental Conservation Review Act (SEQR)," requires that all local governments evaluate the environmental impacts of their acts and those of persons seeking funding or permits from them. Article 8, and Part 617 of Title 6, New York Conservation Rules and Regulations under the Act, and subsequent amendments, are adopted herein by reference.
- B. If it is determined by the enforcement officer or the Village Board that an action may be listed as a Type I activity in Section 617.12, Part 617 of Title 6 NYCRR, then the action shall require submission of an Environmental Assessment Form (EAF) prepared by the applicant for review by the Village Board. Unlisted actions may also have significant environmental impacts. The enforcement officer or the Village Board may also determine that certain unlisted actions shall require submission of an EAF for review by the Village Board. The EAF shall be reviewed in order to determine whether or not the proposed action may have a significant effect on the environment. If it is determined that the effect may be significant, the Village Board shall require preparation and submission by the person causing the action of a Draft Environmental Impact Statement (DEIS), as described in provisions of Part 617 of Title 6 NYCRR.
- C. An Environmental Impact Statement shall be required for any Type I action as identified in Part 617 of Title 6 NYCRR, or an unlisted action, which is determined to have a significant effect on the environment based on review of an EAF by the Village Board.

#### **Section 26A - Adult Entertainment Uses**

- A. **Findings and Legislative Intent**
  1. It is recognized that there are some uses, which, because of their very nature, have serious objectionable operational characteristics under certain circumstances, which produce a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that adverse effects will not contribute to the blighting or

downgrading of the surrounding neighborhood. The Board of Trustees of the Village of Holland Patent finds it in the public interest to enact these regulations. The purpose of these regulations is to prevent or lessen the secondary effects of adult entertainment uses, and not to inhibit freedom of speech.

2. The unrestrained proliferation and inappropriate location of such businesses is inconsistent with existing development and future plans for the Village of Holland Patent in that they often result in influences on the community which increase the crime rate and undermine the economic and social welfare of the community. The deleterious effects of these businesses change the economic and social character of the existing community and adversely affect existing businesses and community and family life.

**B. Definitions**

1. Adult Entertainment Uses shall be defined as follows:

- a. **Adult Book and/or Video Store:** An establishment having as a substantial or significant portion (i.e., 20% or more) of its stock and trade in books, magazines, periodicals, or other printed matter or photographs, films, videos, slides or other visual representations which are characterized by the exposure or emphasis of "specified sexual activities" or "specified anatomical areas" or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" which are for sale, rental or viewing on or off the premises.
- b. **Adult Entertainment Cabaret:** A public or private establishment which regularly presents topless and/or bottomless dancers, strippers, waiters or waitresses, male or female impersonators, lingerie models or exotic dancers, or other similar entertainment or films, motion pictures, videos, slides or other photographic material, or which utilizes employees, that as part of their employment, regularly expose patrons to "specified sexual activities" or "specified anatomical areas."
- c. **Adult Theater:** A theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances characterized by the exposure of "specified sexual activities" or "specified anatomical areas."
- d. **Adult Motel:** A motel which excludes minors by reason of age, or which makes available to its patrons in their rooms films, slide shows, or video tapes, which if presented in a public movie theater would exclude a minor by reason of age.
- e. **Adult Motion Picture Theater:** Any motion picture theater where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

- f. **Massage Establishment:** Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths or steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, or duly licensed massage therapist or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.
  - g. **Adult Model Studio:** Any place where a person who appears in a state of nudity or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.
  - h. **Peep Shows:** A theater which presents materials distinguished or characterized by primary emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified sexual anatomical areas," in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged.
2. **Specified Anatomical Areas:**
    - a. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
    - b. Human male genital in a discernible turgid state even if completely and opaquely covered.
  3. **Specified Sexual Activities:**
    - a. Human genitals in a state of sexual stimulation or arousal; or
    - b. Acts of human masturbation, sexual intercourse or sodomy; or
    - c. Fondling or other erotic touching of human genitals, pubic region, buttocks pr breasts.

**C. Locational Restrictions**

Adult entertainment uses shall be permitted only in "C - Commercial Districts," subject to the following restrictions:

1. **Adult entertainment uses are prohibited within:**
  - a. Either an R-1 Residential District or an R-2 Residential District;
  - b. 500 feet of any single-family, two family or multiple family dwelling, including structures devoted to both residential and commercial or business purposes;
  - c. 500 feet of any public or private school;
  - d. 500 feet of any church or other religious facility or institution;
  - e. 500 feet to any public park, public bike path, playground or playing field, cemetery, civic or recreational facility.
2. **No adult entertainment use shall be allowed within 500 feet of another existing adult entertainment use.**

3. No more than one adult entertainment use shall be located on any lot.
4. The distances provided hereinabove shall be measured by following a straight line, without regard to any intervening buildings, from the nearest point of any structure, shelter and/or enclosure whether temporary or permanent on the property parcel upon which the adult entertainment use is to be located to the nearest point of the parcel of property line from which the adult entertainment use is to be separated.

**D. Other Restrictions**

1. No adult entertainment use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any property not containing an adult entertainment use. This provision shall apply to any display, decoration, sign, show, window or other opening.
2. There shall be no outdoor sign, display, or advertising of any kind other than one identification sign limited to only the name of the establishment.
3. Adult entertainment uses shall obtain site plan approval from the Zoning Enforcement Officer in accordance with Article VI, Section 27, of Local Law No. Two of the Year 1994 for the Village of Holland Patent, New York.
4. Adult entertainment uses shall meet all other regulations of the Village of Holland Patent, including but not limited to district lot and bulk regulations, parking regulations and signage.
5. It shall be unlawful to operate an adult entertainment use between the hours of 12:00 a.m. and 8:00 a.m.
6. No loud speakers or sound equipment shall be used for adult uses that can be discerned by the public from public or semi-public areas.

**ARTICLE VI - ADMINISTRATION AND ENFORCEMENT**

~~**Section 27 - Zoning Approval**~~

~~No building shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change in its use and no excavation for any building shall be begun unless and until a zoning permit has been issued by the zoning enforcement officer, or upon authorization of the Village Board wherever it is provided in this law that the approval of the Village Board is required.~~

~~A zoning application form shall be filed with the Village Clerk. The application shall show the actual dimensions and angles of the lot to be built upon, the exact size and location of the lot of the building or accessory buildings to be erected, relocated or altered and such other information including sewage disposal arrangements as may be necessary to provide for the enforcement of this law. Each application shall state the purpose for which the structure or land is to be used and a general description of the type of construction.~~

## Section 27 - Zoning Approval

### A. Zoning Permits Required

No land-use activity as listed below shall be carried out until a zoning permit has been issued by the zoning officer stating that the proposed building, structure, use of land, or development activity complies with the requirements of this law:

1. Erection, re-erection or movement of a building or structure;
2. Change of the exterior structural dimensions of a building or structure;
3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
4. The resumption of any use which has been discontinued for a period of 12 months or longer;
5. Establishment or change in dimensions of a parking area for nonresidential or multi-family residential uses;
6. Placement of a sign as regulated in Section 21 of this law;
7. Change in the contours of land; and/or
8. Activities requiring approval pursuant to Section 13 of this law.

### B. Zoning Permit Exceptions

A zoning permit shall not be required for the following development activities, and such activities shall not be subject to the requirements of this law:

1. Exempt signs listed in Section 21 of this law;
2. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
3. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.;
4. Family day care homes and group family day care homes;
5. Nonstructural agriculture and forest management uses.

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### C. Procedure

A zoning application form shall be filed with the Village Clerk. The application shall show the actual dimensions and angles of the lot to be built upon, the exact size and location of the lot of the building or accessory buildings to be erected, relocated or altered and such other information including sewage disposal arrangements as may be necessary to provide for the enforcement of this law. Each application shall state the purpose for which the structure or land is to be used and a general description of the type of construction.

The zoning enforcement officer shall approve or deny said application within 30 days. A denial of the application shall be given to the owner or to his authorized representative in writing and shall state the reasons for said denial. The fee for any such permit shall be as determined by the Village Board from time to time. Any applicant having a zoning application denied may appeal to the Village Zoning Board of Appeals for a variance or an interpretation.

The zoning enforcement officer shall approve or deny said application within 30 days. A denial of the application shall be given to the owner or to his authorized representative in writing and shall state the reasons for said denial. The fee for any such permit shall be as determined by the Town of Trenton from time to time. Any applicant having a zoning application denied may appeal to the Village Zoning Board of Appeals for a variance or interpretation.

## Section 28 - Zoning Board of Appeals

### A. Interpretations, Requirements, Decisions, Determinations

The Board of Appeals, consisting of three members, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Zoning Enforcement Officer, and to that end shall have all the powers of the Zoning Enforcement Officer.

1. *Procedure* - The board of appeals shall act in strict accordance with the procedure specified by law and by this law. All appeals and applications made to the board of appeals shall be in writing, on forms prescribed by the board. Every appeal shall refer to the specific provision of this law involved, and shall set forth the interpretations that are claimed, the standards pertaining to the special use, or the details of the variance that is applied for, and the basis thereof. At least seven days before the date of the hearing required by law on an application or appeal to the board of appeals, the secretary of said board shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the board of appeals its opinion on said appeal, and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal.
2. *Appeal* - The board of appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the zoning enforcement officer. It shall also hear and decide all matters referred to it upon which it is required to pass under this law. The concurring vote of a majority of the board of appeals shall be necessary to reverse any order, requirement, decision or determination of the zoning enforcement officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this law or to effect any variation of the law. Such appeal may be taken by any persons aggrieved, or by an officer, department, board or bureau of the village. Such appeal shall be taken within 60 days by filing with the zoning enforcement officer and with the board of appeals a notice of appeal specifying grounds thereof. The zoning enforcement officer shall forthwith transmit to the board of appeals all of the papers constituting the record upon which the action appealed from was taken.
3. *Stay* - An appeal stays all proceedings in furtherance of the action appealed from unless the zoning enforcement officer, from whom the appeal is taken, certifies to the board of appeals after the notice of appeal shall have been filed with him, that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed, otherwise than by a restraining order which

may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

4. *Hearing and Determination* - The board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice by publication in a paper in general circulation in the village at least five days before the date of the hearing, and shall decide the same within 62 days. Upon the hearing, any party may appear in person or by agent or by attorney. The applicant shall bear the cost of advertising as required in connection with hearings. The village board shall establish and post any such schedule of fees.
5. *Jurisdiction* - The board of appeals shall have all the power and duties prescribed by law and by this law, among which some are more particularly specified as follows:
  - a. **INTERPRETATION** - Upon appeal from a decision of the zoning enforcement officer, to decide any question involving the interpretation of any provision of this law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto. A public hearing shall be held by the board before reaching a decision on matters of interpretation.
  - b. **VARIANCE** - On appeal from a determination of the zoning enforcement officer and in conformity with law and in particular with B. below, to vary the requirements as they apply to a particular lot.

## B. Variances

### 1. *Use Variances*

"Use variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by this law.

- a. The board of appeals, on appeal from the decision or determination of the Zoning Enforcement Officer, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this law.
- b. No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under this law for the particular district where the property is located,
  - (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - (4) that the alleged hardship has not been self-created.
- c. The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

2. *Area Variances*

“Area variance” shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of this law.

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

3. *Imposition of Conditions*

The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

**Section 29 - Amendments**

- A. The Village Board may from time to time on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by this law pursuant to law.
- B. The Planning Board may, by resolution, propose an amendment to the Village Board suggesting a change or repeal of specific portions of the law. Within thirty (30) days from the time such resolution is filed with the Village Clerk, it shall be the duty of the Board to hold a public hearing on such proposed amendment.
- C. Referral of Proposed Amendments to the Village Planning Board - All proposed amendments, supplements or changes originating by petition, or by motion of the Village Board, shall be referred to the Village Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.
- D. Hearing on Proposed Amendment - Before any amendment, supplement or change in the law or district boundaries, there shall be a public notice and hearing thereon as provided by law.
- E. Adoption of Amendment - After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Village Board shall be required to amend the law, except as described in Protest Petition below.
- F. Protest Petition - If a protest against a proposed amendment, supplement or change is presented to the Village Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least a majority plus one of the Village Board.
- G. SEQR - A rezoning action may be subject to the State Environmental Quality Review Act (SEQR). If it is determined by the Village Planning Board that an Environmental Impact Statement must be prepared, all deadlines are delayed until SEQR requirements have been fulfilled.

**Section 30 - Referral of Proposed Amendments and Other Actions to County Planning Department**

- A. Whenever this law or any amendment thereto, or any Special Use or Variance would change the district classification of or a regulation applying to real property within a distance of five hundred (500) feet from any boundary line of a neighboring municipality or upon county or state property,

said law, amendment, application or appeal shall be referred to the Oneida County Planning Department, which Department shall have thirty (30) days in which to report its recommendations to the Village Board. Failure of the County Planning Department to report within thirty (30) days may be construed to be approval by the Department. Notification of action taken on any matter previously referred to the County Planning Department will be forwarded to the Department within thirty (30) days of such action.

### **Section 31 - Enforcement and Violations**

- A. Enforcement - This law shall be enforced by a person hereinafter called the "zoning enforcement officer," designated by the Village Board, who shall in no case grant any permit for any building or use on premises where the proposed erection, alteration, relocation or use thereof would be in violation of any provision of this law. The zoning enforcement officer shall make such inspections of buildings or premises as are necessary to carry out his duties. No permit required hereunder shall be issued by the zoning enforcement officer except in compliance with the provisions of this law or as directed by the Board of Appeals.
- B. Whenever a violation of this law occurs, any person may file a complaint with regard thereto. All such complaints must be in writing and shall be filed with the zoning enforcement officer who shall properly record such complaint and investigate and report thereon within 30 days.
- C. Any violation of this law, or any part thereof, shall constitute an offense and each week that a violation is permitted to exist after notice to abate such violation, shall constitute a separate offense. Any person, firm or corporation who violates any provision of this law shall be subject to a fine of not less than \$50 nor exceeding \$250 dollars, or to imprisonment for a period not to exceed 15 days, or both such fine and imprisonment.

### **Section 32 - Interpretation and Enactment**

- A. Periodic Review of Zoning Law - From time to time, at intervals of not more than three (3) years, the Planning Board shall reexamine the provisions of this law and the location of district boundary lines and shall submit a report to Village Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity, or welfare.
- B. Interpretation - In their interpretation and application, the provisions of this law shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this law are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard shall govern.
- C. Validity - The invalidity of any provision of this law shall not invalidate any other provision thereof.
- D. Repealer - Upon the effective date of this law, the existing "Village of Holland Patent Zoning Law of January 6, 1983" will be repealed.
- E. Effective Date - This law shall take effect immediately upon adoption and publication as provided by law.

# SCHEDULE A

DISTRICTS	PRINCIPAL PERMITTED USES	SPECIAL USES PERMITTED UPON AUTHORIZATION OF THE VILLAGE BOARD	MINIMUM DWELLING UNIT SIZE (in square feet)	MINIMUM LOT SIZE		LOT COVERAGE (Maximum Percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
				AREA IN SQUARE FEET	WIDTH IN FEET		IN STORIES	IN FEET	FRONT (from center line)	ONE	BOTH	REAR
R-1 Residential	One-family Dwelling Public, private school Church, parish house, rectory Public park, playground Home occupation Accessory building Cemetery		600	15,000 5 acres 3 acres	120 500 300	25 20 25	2 1/2 2	35 30	60 100 100	20 100 100	40 200 200	50 200 200
R-2 Residential	R-1 Residential District, this category	Public utility structures, use Two- & multiple-family dwelling, by conversion	600	7,500 per dw. unit	120	25	2 1/2	35	60	20	40	50
C - Commercial	R-1 & R-2 Residential District Uses Retail store Personal service shop Bank, office, studio  Custom work shop Restaurant, cafe, tea room Motor vehicle salesroom Funeral home Library Wholesale, storage, warehouse facility	Public garage, gasoline station Theater, assembly hall, billiard or pool parlor, bowling alley, etc. Public utility structures, use Two- & multiple-family dwelling, by conversion	600	11,250	75	30	2 1/2	35	60	8	16	50
Land Conservation (overlay)				No minimum required		40	1	20	30	No minimum required		
Scenic and Historic Preservation (overlay)												
Planned Development, including: P-R Planned Residential District P-C Planned Commercial District P-I Planned Industrial District												

All uses this district

Uses otherwise permitted in the underlying district upon approval of Village Board as set forth in Article IV, Section 12, and in accordance with those regulations applicable in the underlying district, except where the Village Board determines these minimums are insufficient to achieve the purpose of this district, in which case it will establish appropriate minimums in accord with the circumstances of the instant situation.

Uses otherwise permitted in the underlying district. Before any improvements are made on any public or private property within the Scenic and Historic Preservation District, the project must first be given approval by the Village Board as described in Article IV, Section 13.

Uses with a demonstrated need and which are deemed appropriate by the Village Board under Article IV, Section 14 and approved as outlined therein.

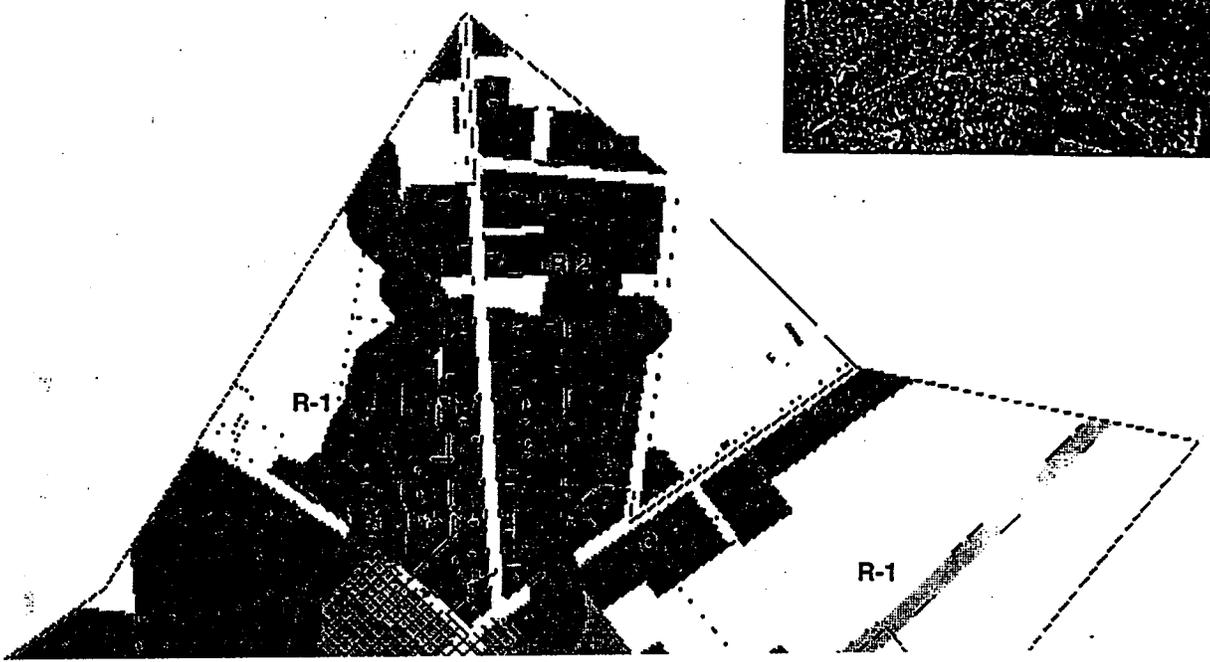
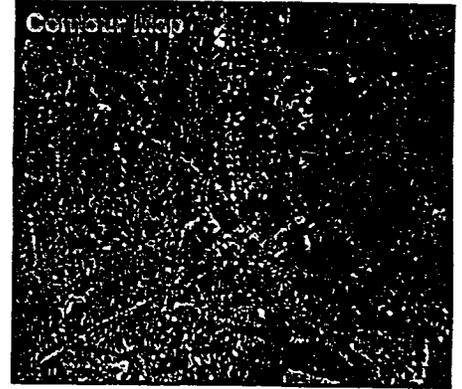
**PROHIBITED USES - All Districts:** Amusement, Kennel, Single Wide Mobile Home

DISTRICTS	PRINCIPAL PERMITTED USES	SPECIAL USES PERMITTED UPON AUTHORIZATION OF THE VILLAGE BOARD	MINIMUM DWELLING UNIT SIZE (in square feet)	MINIMUM LOT SIZE		LOT COVERAGE (Maximum Percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
				AREA IN SQUARE FEET	WIDTH IN FEET				FRONT (from center line)	SIDE	REAR	
									IN FEET	One	Both	
PUD Mixed Use												

**SCHEDULE B  
OFF-STREET PARKING**

	USE	SPACES REQUIRED
1.	Dwellings	1 space for each dwelling unit
2.	Apartments	1½ spaces for each dwelling unit
3.	Motel, hotel, rooming house	1 space for each guest room.
4.	Office	1 space for each 400 square feet of floor space
5.	Funeral home	15 spaces, plus space for all employee and resident personnel
6.	Church or temple	1 space for each 8 seating spaces in main assembly room
7.	Theater or other place of assembly	1 space for each 5 seating spaces
8.	Hospital, nursing, or convalescent home	1 space for each 3 beds, plus 1 for each employee
9.	Retail store	1 space for each 300 square feet of floor space devoted to retail or customer use
10.	Shopping center	2.5 square feet per each square foot of retail area
11.	Club or restaurant	1 space for each 100 square feet of floor space
12.	Bowling alley	5 spaces for each alley
13.	Wholesale, storage, freight terminal	1 space for each employee on maximum shift. Parking area shall not be less than 25 percent of the building floor area.
14.	Industrial or manufacturing use	1 space for each 3 employees on the maximum working shift
15.	Home occupation	Off-street parking space for all customers, patients, clients, and residents
16.	Mobile home court	1 space for each mobile home lot to be located outside the 50-foot right-of-way
17.	Schools:	
	Elementary.....	2 spaces for each classroom
	Secondary .....	4 spaces for each classroom

Village of  
Holland Patent  
Zoning



## Village of Holland Patent Fee Schedule

The following fee schedule associated with the Village of Holland Patent Zoning Law and Village of Holland Patent Subdivision Law is hereby adopted by resolution of the Village Board of the Village of Holland Patent on this 18th day of March, 2004.

### Section 1. Subdivisions

1. All applications for subdivision reviews shall be accompanied by the appropriate fee as listed on the chart below. No application shall be considered complete until such fee has been deposited with the village clerk. Such fee shall cover village administrative costs, consultants necessary for reviews, and inspections of physical improvements.

Type of Review	Number of Lots	Fee
Reallotment	2	\$150
Minor Subdivision (other than 2 lot reallotment)	2 - 5	\$250 per lot
Major Subdivision – Preliminary Review	6 – 10	\$250 per lot
	11 – 30	\$2,000 plus \$200 per lot
	31 and over	\$6,000 plus \$150 per lot
Major Subdivision – Final Review	6 – 10	\$400
	11 – 30	\$500 plus \$20 per lot
	31 and over	\$900 plus \$25 per lot

2. Upon final approval of a subdivision project and the termination of all financial guarantee agreements, or upon withdrawal of an application, the village may return to the applicant any remaining portions of any application fees which have been found unnecessary to the recovery of village administrative, consulting or inspecting expenses related to the application.

### Section 2. Site Plan and Special Use Permit Reviews

1. **Principal Use:** An application fee of \$250 shall be paid to the village clerk prior to the planning board accepting an application for a principal site plan or special use permit review as complete. This fee is to cover filing, public hearing, administrative, overhead and inspection costs. Additional SEQR fees may also be charged, at the discretion of the planning board.
2. **Accessory Uses and Alterations to Principal and Accessory Uses:** An application fee of \$150 shall be paid to the village clerk prior to the planning board accepting an application for an accessory site plan or special use permit review as complete. This fee is to cover filing, public hearing, administrative, overhead, and inspection costs. Additional SEQR fees may also be charged, at the discretion of the planning board.
3. Where an application for a site plan or special use permit review includes both principal and accessory uses and/or structures, only a principal use or structure fee shall be charged.