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County
City
Town
Village of Clifton Springs

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
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Local Law No. 2 of the year 2003.

MISCELLANEOUS
& STATE RECORDS

A local law **Amending the Village of Clifton Springs Zoning Ordinance**
(Insert Title)

Be it enacted by the **Board of Trustees** (Name of Legislative Body)

County
City
Town
Village of Clifton Springs

as follows:

Section 1. Paragraphs A. and B. of Section 120-30 of the Village of Clifton Springs Zoning Ordinance are hereby repealed in their entirety and new Paragraphs A. and B. are hereby inserted in their place to read as follows:

A. Requirements by usage: In all districts, every industrial, business, institutional, recreational, residential or any other use shall provide at the time any building or structure is erected, enlarged or increased in capacity, off-street parking and loading spaces for motor vehicles in accordance with the requirements of this and other applicable sections of this chapter.

B. Size and location requirements of off-street parking spaces.

(1) The size of off-street parking spaces shall be 10 feet wide by 20 feet long for all side-by-side parking or eight feet wide by 23 feet long for all parallel parking.

(2) Off-street parking facilities shall be located as hereinafter specified; where distance is specified, such distance shall be measured from the nearest point of the

point of the parking facility to the nearest point of the building or use such facility is required yards except where specifically prohibited by this chapter.

(a) Multi-unit dwellings: not more than 200 feet from the building they are required to serve.

(b) For hospitals, sanitariums, convalescent, nursing and rest homes, homes, homes for the aged, retirement homes, private clubs, lodges and offices: not more than 100 feet from the building they are required to serve.

(c) For uses other than those specified above: not more than 300 feet from the building they are intended to serve.

(3) In stadiums, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities: each 20 inches of such seating facilities shall be counted as one seat.

(4) Whenever there is a change in use, or an increase in floor area, or other unit of measurement, and such change and such increase creates a need for an increase of more than 10% in the number of required off-street parking spaces, as determined by the requirements in this section, additional off-street parking spaces shall be provided in accordance with this section for that addition or change in use.

Section 2. Paragraph C. of Section 120-30 of the Village of Clifton Springs Zoning Ordinance is hereby renumbered to be Paragraph F. and Section 120-30 is hereby amended with the insertion of new Paragraphs C., D. and E. to read as follows:

C. Required number of parking facilities.

(1) The number of off-street parking facilities required shall be as follows:

<u>Use</u>	<u>Parking Requirement</u>
Auditorium	1 for each 5 seats
Automobiles or machines	1 for each 300 square feet of Sales and service floor area
Banks, business and Professional offices	1 for each 200 square feet of floor area
Bowling alleys	5 for each alley, plus the necessary space As set forth in this section for affiliated uses Such as bars, restaurants or other commercial

uses

Churches	1 for each 5 seats in places of worship
Dance halls and assembly halls Without fixed seats; exhibition Halls, except church assembly Rooms in conjunction with auditorium	1 for each 100 square feet of floor area used for assembly or dancing
Dwellings	2 for each family dwelling unit
Funeral home, mortuaries	6 for each reposeing room parlor
Rooming houses, lodging houses	1 for each 2 bedrooms
Libraries, museums or galleries	1 for each 600 square feet of floor space
Manufacturing plants, research Or testing laboratories, Bottling plants	1 for each 300 square feet of floor area
Medical and dental clinics Or offices	1 for each 200 square feet of floor area
Motels and hotels	1 for each living or sleeping unit
Restaurants, café and night Clubs	1 for each 200 square feet of floor area
Retail stores, shops, etc.	1 for each 200 square feet of floor area
Sanitariums, convalescent Homes, homes for the aged, Children's homes	1 for each 3 beds
Theaters, assembly halls,	1 for each 5 seats
Wholesale establishments or Warehouses	1 for each 3,000 square feet of floor area

(2) In the case of a use not specifically mentioned above, the requirements for off-street parking facilities to which said use is similar shall be as set forth by the Code Enforcement Officer.

D. Off-street parking facilities shall adhere to the following:

(1) Off-street parking space shall be provided as further specified in this chapter and shall be furnished with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner. All parking areas, passageways and driveways (except where provided in connection with one-family residences) shall be surfaced with a dustless, durable, all-weather pavement, clearly marked for car spaces and shall be adequately drained, all subject to the approval of the code Enforcement Officer and Site Plan Review. See drainage requirements.

(2) The requirements of this chapter shall not apply to any existing building or use, unless said building or use shall be enlarged.

(3) The collective provision of off-street parking areas by two or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further, provided, that the land upon which the collective facilities are located is owned or leased by one or more of the collective users.

(4) Handicapped parking spaces must be provided and designed in accordance with standards of the New York State Uniform Fire Prevention and Building Code.

(5) All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided by commercial users to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights. Must adhere to lighting chapter.

(6) Unobstructed access to and from a street shall be provided. Such access shall consist of at least one twelve-foot lane for parking areas with less than 10 spaces, and at least two twenty-five-foot lanes for parking areas with 20 spaces or more. No entrance or exit for any off-street parking area shall be located within 50 feet of a street intersection.

(7) Buffering must adhere to landscaping/screening chapter.

E. Standards for off-street parking areas and loading spaces.

(1) 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 screened if adjacent to a dwelling in a residential area.

(2) A parking space for one passenger automobile shall have a minimum width of nine feet and minimum depth of 18 feet, exclusive of access drive.

(3) An off-street truck loading space shall have a minimum width of 10 feet, a minimum length of 30 feet and a minimum clear height of 13 feet, including its access from the street.

(4) Parking areas and off-street truck loading spaces shall be suitably paved, drained and lighted and appropriately planted with evergreens and fenced for the protection of adjacent properties, in accordance with specifications of the village, and shall be arranged for convenient access, egress and safety of vehicles and pedestrians. The planted area or strip shall be not less than six feet high and not less than six feet wide, along all lot lines. Such facilities shall be maintained in good condition by the owner or lessee.

(5) No required parking area or off-street truck loading space shall be encroached upon by buildings, open storage or any other use.

(6) When the required parking area or number of parking spaces results in the requirement of a fractional space, any fraction under one-half (1/2) may be disregarded, and any fraction over one-half (1/2) shall be construed as requiring a full space.

Section 3. Paragraphs A, B, C, D, E, F, G, H and I of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance are hereby renumbered to be Paragraphs B, C, D, E, F, G, H, I and J, respectively and a new Paragraph A is hereby inserted in Section 120-34 to read as follows:

A. Purpose

(1) To create signs that are integrated with the architecture of the building and site on which they are displayed.

(2) To create clear, compatible, appealing and easy to read signs. Signs should be compatible with their surroundings, complement the architecture of the building, and contribute to the character of the district as a whole.

Section 4. Subdivision (5) of new Paragraph C (Design and location of signs) of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby repealed and a new Subdivision (5) is hereby inserted in its place to read as follows:

(5) No sign shall be placed upon or be supported by any water body or any tree or other natural object other than the ground. No sign shall be attached to fences or utility poles.

Section 5. Subdivision (8) of new Paragraph C (Design and location of signs) of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby repealed and a new Subdivision (8) is hereby inserted in its place to read as follows:

(8) A projecting sign which overhangs a public right-of-way or sidewalk, shall not extend more than forty-eight (48) inches from the face of the building to which it is attached. No projecting sign shall be closer than eight (8) feet to the public right-of-way or sidewalk over which it is projecting. Projecting signs shall not exceed twelve (12) square feet in area on each face side and shall not be more than three (3) feet in height measured parallel to the building to which it is attached.

Section 6. New Paragraph C (Design and location of signs) of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby amended with the insertion of new subdivisions (13) and (14) to read as follows:

(13) The style, proportion and scale of a sign should be compatible with the building it is mounted on. Wall signs are generally one of the least intrusive forms of signs. Wall signs should be placed without obscuring the building's architectural design or details. The best location for a wall sign is between the first and second story windows. Wall signs should compliment the architecture of the building on which they are mounted.

(14) Projecting signs can be used if the building does not have a flat continuous surface conducive to a wall sign. Small projecting signs hung from narrow metal bars are characteristic of historic villages. The position of projecting signs should be staggered so they do not block the signs of neighboring businesses. Variety in shape and color helps to distinguish each sign.

Section 7. The title of New Paragraph D (Area and height of signs, general) of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby deleted and a new title is hereby inserted in its place to read "Area, height, color and lighting of signs, general."

Section 8. New Paragraph D (Area, height, color and lighting of signs, general) of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby amended with the insertion of new subdivisions (4), (5), (6), (7), (8), (9) and (10) to read as follows:

(4) Building signs, including wall and window signs, projecting signs, and awning signs, should be subordinate to the structure.

(5) Freestanding signs are only needed when a building is set back too far from the road for it to be seen. Otherwise, building signs are sufficient and separate freestanding signs should be avoided.

(6) Sign color should complement the building and storefront colors. An attempt should be made so that these colors are compatible with neighboring

and residential areas. The ideal is a maximum of three colors, one for the background, one for the lettering, and one for accents and highlights. Subdued, rather than garish or florescent colors are most appropriate.

(7) Natural looking materials are most appropriate to Clifton Springs' historic character.

(8) If lighting is necessary, low, external lights in which the source of illumination is shielded from the eyes of pedestrians and motorists is recommended. Lighting should be top-mounted on the sign, and should focus on the sign only and not spill over onto the building or the site.

(9) Internally illuminated signs, neon signs, lighted window signs and window signage are not recommended.

(10) Lighting is considered in determining the total square footage of sign.

Section 9. New Paragraph E (Nonconforming signs) of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby repealed and a new Paragraph E is hereby inserted in its place to read as follows:

E. Nonconforming signs.

(1) Any existing sign erected prior to the adoption of this chapter which is non-conforming and for which no permit was issued shall be removed within six (6) months from the effective date of this chapter.

(2) Any existing sign erected prior to the adoption of this chapter for which a permit was issued and which would be in violation under the provisions of this chapter, shall be allowed to continue for a period of not more than four (4) years from the effective date of this chapter. At the end of the four year period, all such non-conforming signs shall be removed.

(3) Non-conforming signs shall not be altered, rebuilt, enlarged, extended or relocated, unless such action changes a non-conforming sign into a conforming sign as provided herein. The failure to keep any such non-conforming sign in good repair within a period of thirty (30) days after due notification by the Code Enforcement Officer, shall constitute abandonment of the sign. A sign which is abandoned shall not be reused and shall be removed by or at the expense of the property owner.

(4) If a project subject to zoning review(s) is proposed for a parcel of property upon which a legally pre-existing sign which does not conform to these standards is located, the reviewing agency shall require that said non-conforming sign be brought into compliance as a condition of the approval of the proposed action.

(5) Accessory signs legally erected before the adoption of this Local Law which do not conform to the provisions of the Village of Clifton Springs Zoning Ordinance may continue to be maintained without a permit; provided, however, that no such sign shall be permitted if, after the adoption of this Local Law, it is enlarged, reworded (other than in the case of theater or cinema, church or library signs), redesigned or altered in any substantial way, except to conform to the requirements of this Article, and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five percent (35%) of the replacement cost of the sign at the time of restoration shall not be repaired or rebuilt or altered except to conform to the requirements of this Article. Any exemption provided in this section shall terminate with respect to any sign which:

- (a) Shall have been abandoned.
- (b) Advertises or calls attention to any products, businesses or activities which are no longer sold or carried on, whether generally or at the particular premises.
- (c) Shall not have been repaired or properly maintained within thirty (30) days after notice to that effect has been given by the Building Inspector.

Section 10. Subdivision (1) of new Paragraph G. (Temporary signs) of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby repealed and a new subdivision (1) is hereby inserted in its place to read as follows:

(1) Temporary signs advertising any political, educational, charitable, civic, professional, religious or like campaign or event may be erected for a consecutive period not to exceed forty-five (45) days in any calendar year. Such signs must be removed within ten (10) days following the conclusion of such election, campaign or event with the days following the conclusion of such election, campaign or event being counted in the allowed forty-five (45) day period.

Section 11. New Paragraph G (Temporary signs) of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby amended with the insertion of a new subdivision (5) to read as follows:

(5) A political sign is one that is designed or intended to influence the action of voters for the election or defeat of candidate(s) or issue(s) at a national, state, county or local election. Political signs are permitted whether or not they comply with other sections of this chapter.

Section 12. The unnumbered paragraph of new Paragraph H. (Outmoded signs) of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby amended

by becoming subdivision (1) of new Paragraph H and new Paragraph H is further amended with the insertion of new subdivisions (2), (3) and (4) to read as follows:

(2) The Code Enforcement Officer shall notify the owner of any sign which no longer serves the purpose for which a permit was granted or is unsafe, insecure or is a menace to the public or has been erected or installed in violation of this chapter, in writing, to remove or correct the unsatisfactory condition of said sign within thirty (30) days from the date of such notice.

(3) Upon failure to comply with such notice within the prescribed time, the Code Enforcement Officer is hereby authorized to remove or cause the removal of such sign. All costs and expenses incurred in removing said sign shall be charged to the owner of the sign and/or the owner of the land or building on which such sign is located.

(4) The Code Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily upon written notice to that effect. Failure to comply within twenty-four (24) hours of such notice shall serve as an authorization to the Code Enforcement Officer to remove or cause the removal of such sign, with all costs and expenses charged as provided for above.

Section 13. The first three sentences of subdivision (1) of new Paragraph J (Sign permit) of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance are hereby deleted with a new opening sentence being inserted in their place to read, "All applications for a sign permit, except those for a temporary sign, shall be forwarded to the Planning Board for Site Plan Review." The last sentence of the opening paragraph of subdivision (1) along with subparagraphs (a) through (e) shall remain unchanged.

Section 14. Subdivisions (2), (3) and (4) of new Paragraph J (Sign permit) of Section 120-34 of the Village of the Clifton Springs Zoning Ordinance are hereby repealed and new Subdivisions (2) and (3) are hereby inserted in their place to read as follows:

(2) Prior to rendering its decision, the Planning Board shall review the design, size and location of the proposed sign to determine whether the proposed sign is in compliance with the regulations set forth in this chapter. Upon the completion of its review, the Planning Board may approve, approve with conditions or reject the application. All decisions of the Planning Board shall be made, in writing, to the Code Enforcement Officer within forty-five (45) days of the receipt of an application. If the Planning Board fails to act within this period, the Code Enforcement Officer may issue the permit if the proposed sign is in compliance with these regulations.

(3) It shall be the duty of the Code Enforcement Officer, upon the filing of the application for said permit, to examine all of the data submitted to him with the application, and if necessary, the building or premises upon which it

is proposed to erect the sign or other advertising structure. If it shall appear that the proposed sign is in compliance with all of the requirements of this chapter and other rules and regulations of the Village of Clifton Springs and has been approved as to design, size and location by the Planning Board, as provided for herein, a permit for the erection of the proposed sign shall be issued. If the sign authorized under any such permit has not been completed within six (6) months from the date of the issuance of such permit, the permit shall become null and void, but may be renewed for one (1) additional six month period upon the approval by the Planning Board and upon payment of an additional fee. A request which cites the reason for requesting the extension for the completion of the sign shall be submitted, in writing, to the Planning Board not more than thirty (30) days following the first six month expiration period.

Section 15. Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby amended with the insertion of a new Paragraph K to read as follows:

K. General Recommendations.

(1) Character. All signs shall be professional in quality and shall not detract from the overall character of Clifton Springs. They should be constructed to provide pertinent information but should not become visually dominant elements in their intended surroundings. Accordingly, materials, designs and colors should be chosen to reflect and be harmonious with surrounding vistas and architecture. Day-glow and luminescent colors shall not be permitted.

(2) Movement. No sign shall contain any moving, flashing or animated lights or visible moving or movable parts.

(3) Illumination. Signs shall be illuminated only by a white, steady, external stationary light of reasonable intensity, shielded and directed solely at the sign. Internally illuminated accessory or non-accessory signs shall not be permitted, except that internally illuminated ice and beverage dispensing machines may be permitted if shielded from public view in a manner appropriate to the particular location and only after a sign permit has been granted. If lighting is necessary, low external lights in which the source of illumination is shielded from the eyes of pedestrians and motorists is recommended. Lighting should be top-mounted on the sign, and should focus on the sign only and not spill over onto the building or the site.

(4) Outdoor merchandise. In determining whether outdoor display of merchandise or representation shall be permitted, consideration shall be given to whether the item(s) is more appropriately displayed outdoors rather than indoors and to the relative amount and location of the outdoor space to be so utilized. For purposes of this Article, clothing, dry goods and foods generally are not considered appropriate for outdoor display. Ice and

beverage dispensing machines may be allowed outdoors if shielded from public view in a manner appropriate to the particular location and only after a sign permit has been granted. Other food-dispensing machines or other vending machines (e.g. snacks, sandwiches, candy, cigarettes, etc.) are not permitted outdoors. Businesses wishing to display allowable outdoor merchandise must submit merchandising display plans as part of their applications.

(5) All proprietors displaying outdoor ice and beverage vending machines which are in place on this date, shall be granted, upon application within thirty (30) days, sign permits valid for the period 2010. Such permits shall be issued with the understanding that all such permitted machines displayed shall conform to Subsection D thereafter.

(6) "No trespassing" signs and other similar signs which prohibit activities do not require a permit but must comply with Subsections 1, 2 and 3. Such signs may be posted on property at such regular intervals as meet the requirements of posting property.

Section 16. Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby amended with the insertion of a new Paragraph L to read as follows:

L. Non-Accessory Signs. Non-accessory signs shall be allowed only on special permit from the Village of Clifton Springs Planning Board, subject to the following:

(1) Such signs shall be allowed only in C-1 or C-2 Districts.

(2) Permits shall be limited to one (1) year, subject to annual review.

(3) Only signs giving directions to establishments not otherwise easily located or conveying information similarly useful to the general public shall be allowed.

(4) Sign area and location shall comply with requirements of Paragraph M. for accessory signs.

(5) Further limitations on size, locations and illumination may be imposed as conditions of approval by the Village Planning Board if determined by them to be necessary to protect the character of the existing neighborhood.

Section 17. Section 120-34 of the Village of the Clifton Springs Zoning Ordinance is hereby amended with the insertion of a new Paragraph M to read as follows:

M. Accessory Signs

(1) Residence districts. In residence districts, there shall be no more than one (1) sign per lot, and that sign may only be used to identify the premises

or to refer to products or services available there. All signs shall be no more than four (4) square feet in size.

(2) Other districts. In an area zoned as a business, commercial or industrial district, signs permitted above and the following are permitted:

(a) One (1) sign for each exterior wall of an establishment if such wall faces a public way or contains a public entrance. Any such sign must be either flat against the wall or perpendicular to it. If attached flat against the wall, the sign shall not extend beyond the building lines, and the area of the sign may not exceed the lesser to ten percent (10%) of the wall area of such establishment or twelve (12) square feet. If perpendicular to the building, it may not project more than four (4) feet from the building nor exceed five (5) square feet in area. Roof signs and V-shaped signs are not permitted.

(b) One (1) directory of the establishments occupying a building at each public entrance to the building. Such directory shall not exceed an area determined on the basis of one (1) square foot for each establishment occupying the building.

(c) Standing signs shall be allowed only on special permit from the Building Inspector subject to the following:

(i) Sign area shall not exceed twelve (12) feet, and sign height shall not exceed ten (10) feet in height above the ground. No part of such sign shall protrude over the property line.

(ii) Permission shall be granted only where such signs will not deviate from established neighborhood patterns or create hazard because of obstructed vision.

(3) Advertising the fact that the premises are for sale or for rent, or other conditions thereto, may be done only by the owner of the property and may include only the owner's personal name, personal telephone number or personal address but not include a business affiliation.

Section 18. Paragraph E. of Section 120-42 of the Village of Clifton Springs Zoning Ordinance is hereby repealed in its entirety and a new Paragraph E. is hereby inserted in its place to read as follows:

E. Application for site plan approval. An application for site plan approval shall be made, in writing, to the Building Inspector or Zoning Enforcement Officer and shall be accompanied by supporting information and documentation. If a sketch plan conference was held, the supporting information shall include the elements identified by the Planning Board at the sketch plan conference. The

application for site plan approval shall include the following information prepared by a licensed engineer, architect, landscape architect or surveyor:

- (1) An area map showing the applicant's entire holding, that portion of the applicant's property under consideration and all properties, subdivisions, streets and easements within five hundred (500) feet of the applicant's property.
- (2) A map of site topography at no more than five-foot contour intervals. If the site has susceptibility to erosion, flooding or ponding, contour intervals of not more than two (2) feet of elevation should also be provided.
- (3) Title of drawing, including name, address of the applicant and the person responsible for preparation of such drawings.
- (4) North arrow, scale and date.
- (5) Boundaries of the property plotted to scale.
- (6) Existing buildings.
- (7) Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics and watercourses (see Grading and Drainage Sections).
- (8) Location, design, type of construction, proposed use and exterior dimensions of all buildings (see Building Materials and Architectural Review Sections).
- (9) Location, design and type of construction of all parking and truck loading areas, showing ingress and egress (see Parking Section).
- (10) Provisions for pedestrian access (see Pedestrian Section).
- (11) Location of outdoor storage, if any (see Refuse Section if needed).
- (12) Location and design of all existing and proposed site improvements, including drains, culverts, retaining walls and fences (see Drainage, Fence and Landscaping Sections).
- (13) Description of the method of water supply and sewage disposal and their locations.
- (14) Location of fire and other emergency zones.
- (15) Location and design of all energy distribution facilities, including electrical, gas and solar energy.

- (16) Location, size, design and type of construction of all proposed signs (See Sign Section).
- (17) Location and proposed development of all buffer areas, including existing vegetative cover (See Landscaping Section).
- (18) Location and design of outdoor lighting facilities (See Lighting Section).
- (19) Identification of the location and amount of building area proposed for each intended use, including storage and common areas.
- (20) General landscaping plan and planting schedule (See Landscaping Section).
- (21) An estimated project construction schedule.
- (22) Record of application for an approval statue of all necessary permits from state and county agencies.
- (23) Identification of any state and county permits required for execution of the project.
- (24) Part 1 of an environmental assessment form (EAF) in accordance with the State Environmental Quality Review Act (SEQR).

All information below shall adhere to all code requirements and will be referred by the Planning Board. Five sets of required information and/or documents shall be supplied to the Planning Board at least 5 business days in advance of their scheduled monthly meeting.

- (25) Service area plans including garbage, rubbish, refuse, snow storage, etc.
- (26) Noise control plan (See Noise Section).
- (27) Color samples for all exterior items and features (See Color Section).
- (28) Architectural features including (but not limited to) samples of awning, canopy, and/or roofing materials and samples of windows, doors, siding and building materials (See Respective Sections).
- (29) Performance bond to ensure proper compliance with all requirements.
- (30) Historic resources, character and appearance (See Architectural Review Section).
- (31) Access road plans (See Access Road Section).

Section 19. The Minimum Side Yard and Minimum Rear Yard columns in the Zoning Schedule of Bulk and Coverage Controls of the Village of Clifton Springs Zoning Ordinance are hereby amended so that for the C-1, C-2 and M-1 Districts, such columns read as follows:

District	Minimum Side Yard 1/Both (feet)	Minimum Rear Yard (feet)
C-1	None, but at least 10 If provided ²	25 ²
C-2	10/20 ²	25 ²
M-1	15/25 ²	25 ²

Section 20. Note 2 of the Zoning Schedule of Bulk and Coverage Controls of the Village of Clifton Springs Zoning Ordinance is hereby repealed and a new Note 2. is hereby inserted in its place to read as follows:

2. One-hundred fifty (150) feet from any R-1 or R-2 Residential District. This shall include all parking as well.

Section 21. Chapter 120, Zoning, of the Village of Clifton Springs Zoning Ordinance is hereby amended with the insertion with a new Article IX to read as follows:

ARTICLE IX Additional Provisions

§120-58 Architectural Review

A. Legislative findings; purpose. The Village Board hereby finds that inappropriate or poor quality design in exterior appearance of buildings or land development adversely affects the desirability of the immediate and neighboring areas, impairs the stability and value of both improved and unimproved real property, retards the most appropriate development, and creates an improper relationship between the taxable value real property in such areas and the cost of municipal services provided therefore. It is the purpose of this section to prevent these and other harmful effects of such exterior appearance of buildings and development and thus to promote and protect the health, safety, morel character and appearance, and general welfare of the community. It is the further purpose of this section to maintain the architectural integrity of the community of Clifton Springs, and to ensure that the quality and design of construction be a visual asset to the area and future development. It is not the intention of these guidelines to inhibit new and innovative architecture, but it is important that new and old designs be compatible.

B. The Planning Board of the Village of Clifton Springs (hereinafter referred to as the "Board") is hereby authorized to act as the Architectural Review Committee of the Village of Clifton Springs.

C. The Planning Board shall review all applications for building permits and/or site plans in all categories of site plan review. The Planning Board's review shall be governed by the following standards:

(1) Approval of any application referred to the Board shall be by a vote of at least a majority of the members.

(2) In considering an application, the Board shall take into account natural features of the site and surroundings, the exterior design and appearance of existing structures, and the character of the district and its particular suitability for particular purposes, with a view to conserving the values of property and encouraging the most appropriate use of the land.

(3) The Board may approve any application referred to it upon finding, in writing, that the building or structure for which the permit was requested, if erected or altered in accordance with the submitted plan, would be in harmony with the purpose of this section, would not be visually offensive or inappropriate by reason of poor quality of exterior design, excessive similarity or striking dissimilarity in relation to the site or its surroundings, would not mar the appearance of the area, would not be detrimental to the character of the neighborhood, would not prevent the most appropriate development and utilization of the site or of the adjacent lands and would not adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the entire community.

(4) In approving any application, the Board may impose appropriate conditions and safeguards designed to prevent the harmful effects set forth in number 3 above.

(5) The Board may disapprove any application, provided that the Board has afforded the applicant an opportunity to confer upon suggestions for change of the plan, and provided that the Board finds and states, in writing, that the structure for which the permit was requested would, if erected as indicated, provoke one or more of the harmful effects set forth in Subsection E(3).

D. Standards. The Board shall apply the following standards in the course of its review:

(1) Architectural style is not restricted. Evaluation of the appearance (see Proposed Preferred not Preferred Section) of a project shall be based on the quality of its design and relationship to its surroundings.

(2) The height, width, and general proportions of a building should conform generally to other buildings in the district. Ratio of wall surface to openings, and the ratio of width and height of windows and doors, should also be consistent with the district. The scale and massing of a structure shall be a primary consideration.

(3) Materials shall have good architectural character and shall be selected for harmony of the building with the adjoining buildings. Materials shall be selected for suitability to the type of building and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building elements wholly or partly visible from public ways. Materials shall be of a durable quality. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within the design and harmonious with their surroundings (See Building Materials Section).

(4) Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another (See Building Materials Section).

(5) Colors shall be harmonious and shall use only compatible accents (See Color Section).

(6) Mechanical equipment or other utility hardware on the roof, ground or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways (See Buffering Section).

(7) Exterior lighting shall be considered as part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design (See Lighting Section).

(8) Refuse and waste removal areas, service yards, storage yards and exterior work areas shall be screened from view from public ways, using materials harmonious with the building (See Refuse Section).

(9) Monotony of design in single-or multiple-building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple-building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.

(10) Signs. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and the surroundings. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates (See Sign Requirements).

(11) The pattern of placement, proportions and materials of windows and doors shall be considered. Metal plastic frame windows are generally unacceptable unless they are anodized or painted. Shutters should be sized to match windows (See Windows Section).

(12) Use of natural materials is to be favored. Use of synthetic materials should be limited as much as possible. Wood or asphalt shingles are appropriate. Roll roofing, built-up tar and gravel, plastic or fiberglass roofing materials are not appropriate, unless utilized on flat roofs that are not visible from public ways (See Roofing Section).

(13) Where fences are to be used, they are to be of wood, stone, iron or plant materials. Chain link or similar metal fences, concrete block, plastic, fiberglass or plywood fences will generally be deemed inappropriate (See Fence Section).

(14) Exposed foundation walls should be stone-faced or brick and should be as inconspicuous as possible. There shall be no exposed block on any portion of a building structure.

(15) Utility lines shall be underground whenever possible, and entry fixtures shall be located away from high-use areas and main entrances or screened in an approved manner. All lighting shall be appropriate to the building and its surroundings in terms of style, scale and intensity of illumination (See Lighting Requirements Section).

(16) Village comprehensive plan dated December 21, 1998 will be taken into consideration.

E. Building Materials

(1) The applicant shall submit five (5) 11x17 colored renderings of the proposed completed project, showing samples of colors and building materials used in the project, along with landscape design features.

(2) The height of commercial buildings shall be determined in accordance to adjacent structures and shall not impair visibility to surrounding areas. Commercial buildings shall be two (2) stories or less with roofs similar to adjacent structures.

(3) New buildings shall reflect the overall character of the village and its historical nature.

(4) All new construction and improvements to existing structures shall be harmonious with adjacent structures and be a consideration of the design.

(5) Accessory buildings shall be constructed in the same manner and design as the main structure, and maintain the same appearance as the principal building, utilizing the same building materials as the main structure.

(6) Outdoor storage shall be shielded from view, and maintain the same appearance as the main structure and constructed utilizing the same building materials as the main structure.

(7) For projects that include multiple buildings, the buildings shall be closely grouped and constructed in the same manner as adjacent buildings, and maintain the same architectural integrity as the principal structure in appearance, design and building materials.

(8) Creative design techniques shall be used to maintain the style of the structure in accordance with local codes and visual appearance.

(9) Distinctive Features – finishes and construction techniques shall apply to all proposed projects and sample building materials shall be available for review.

(10) Contemporary designs which reflect the local historic architectural styles and design themes of the surrounding area are encouraged.

(11) Mechanical equipment can be unsightly and should be concealed from public view. Utility boxes should be fully screened by using fencing, walls or vegetation, by locating them in the rear of a building lot, or by housing them in structures resembling outbuildings. Heating, ventilation, and air conditioning equipment typically mounted on the roof should be situated behind sloped roofs or at the rear of buildings so that it is beyond the sight lines as viewed from the ground and is adequately screened from all public spaces.

F. Definitions of Principal Building Materials

(1) *Colors* – shall be complimentary to the design of the structure and be in accordance with adjacent structures and visually appealing. The use of natural materials is encouraged; native stone, brick, cobblestone and wood preserve the integrity of the area. While materials such as concrete block may be more economic, they give a cold, warehouse appearance. Similarly, glass dominated buildings give a high-tech appearance. The building materials are generally not suitable for a rural area such as Clifton Springs.

(2) *Masonry* - traditional masonry buildings should reflect the character of the surrounding area and highlight a change of materials between the foundation and the exterior walls. Masonry construction to usually respect gravity, using heavier materials at ground level and transition to lighter materials at the top.

- (3) *Pitched Roofs* – Architectural shingles, standing seam metal roofing, wood shingles, shakes – colors to be neutral
- (4) *Roof Materials* – Asphalt shingles, slate, wood shingles, shakes, standing seam metal – colors to compliment the structure.
- (5) *Siding* – wood and vinyl siding shall be horizontal – colors to be neutral. Brick, native stone and architectural block shall be consistent with adjacent structures. Wood siding and trim material are encouraged – wood, clapboard, shiplap, board/batten and shingle are acceptable.
- (6) *Windows* – Double hung, casement, bay or bow are encouraged. Half round, round, elliptical, palladian, skylight are acceptable. Picture, combination picture/awning, sloped are discouraged. Display windows are encouraged at ground level in commercial applications; the use of muntins to break the expanse of glass is encouraged. Window style should be consistent across the entire exterior of a building.
- (7) *Windows and Doors* – shall reflect the form and function of the architectural design, and shall be balanced throughout the structure. Glass area at ground floors shall be greater than upper levels. Doors shall be consistent in design throughout the structure.

G. Colors

- (1) Renderings with colors that will be used for approval:
 - (a) The applicant will submit with their application five (5) 11" x 17" colored renderings of the completed project for review at a regularly scheduled meeting of the Village Board, the Board's consultant and the applicant. The renderings must be available two (2) weeks before the Board meeting and certified complete by the Consulting Architect.
 - (b) The renderings must show the final actual look, including all sides of the building, with material, colors and landscaping of the project.
- (2) The following color standards are recommended:
 - (a) Colors which are complementary in range and intensity, with attendant trim colors and accents.
 - (b) Colors used for exterior surfaces should be harmonious with surrounding development and should visually reflect the traditional colors of historic structures in the Village.

(c) When accent colors are proposed, the number of colors should be limited to prevent a gaudy appearance.

3. The following color standards are not recommended:

(a) Colors which call attention to themselves by their color alone (hue, intensity, tone, contrast), whether used as base color, trim, or accent stripes.

(b) Garish, fluorescent or iridescent colors.

(c) Examples of incompatible colors include metallic, neon and primary colors, which should be limited to accent colors.

(d) Specifically discouraged is brick that is white, tan or painted; color should be integral to the masonry materials.

H. ROOFING/CANOPIES/AWNINGS

(1) Buildings shall be two stories or less with at least 80% of the structure having a roof pitch of no less than 6:12 or steeper which overhang the wall plane, unless inconsistent with the historic design upon which the building is based. Exterior stairwells, mechanical spaces and canopies may have a flat roof but must follow a described architectural plan. Pitched parapets that give a flat roof the appearance of a 6:12 or steeper roof are acceptable based on the overall architectural design. Articulation at roof edge such as cornices, overhangs, balustrades, bracketed eaves and parapet walls are encouraged. Simple and straight intersection of roof and wall planes and flat roofs are generally not acceptable. Roof projections for purposes of mechanical, ventilation, heating, cooling and/or plumbing requirements as well as satellite dishes or antennas and any other rooftop structures must be camouflaged by roof features and set back from roof edges and treated as elements contributing to the architecture of the building.

(2) Roofing materials that are acceptable shall be architectural composition shingles, wood shingles, slate, copper, zinc, and architectural standing seam colored metal roofing. All colors will be subject to color control and compatible with the character of the area or suitable earth tone including soffits, gutters, and eaves.

(3) Fabric awnings/canopies scaled and proportioned with building façade elements including over windows or doors are acceptable. Functional use of awning/canopies to provide shade are acceptable. Colors and accents must conform to the overall color architectural theme of the building and codes of the Village. Shiny, plastic, backlit, and awnings/canopies used as signs are not recommended. Awning/canopies should not be a dominating

building façade such as a long arched vertical surface (“waterfall”) spanning the façade.

(4) For large industrial buildings, other than M-1 districts, are to use articulation roofline features such as those listed above, so as to create a more interesting building.

§120-59 Drainage

A. Purpose - To promote and facilitate proper drainage of water and snow so that it does not interfere with or cause safety issues for the Village of Clifton Springs.

B. The following drainage standards shall apply to all construction projects:

(1) All roof drains, roof runoff shall at the roof source be transferred through a solid line into a water retention or detention pond or swale.

(2) Sidewalks, parking lots, roadways shall be protected from roof water icing in accordance with this section and all applicable codes.

(3) Where lots cannot be served by the extension of an existing public sanitary sewer, the developer shall obtain the approval of individual septic tanks and subsurface disposal fields by the appropriate agencies.

(4) Environmental Protection. No use shall be permitted to be established or maintained that by reason of its nature or manner of operation is or may become hazardous, obnoxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water borne waste (this should be added to the Site Plan Review Section).

(5) Lots shall be laid out and graded to provide positive drainage away from building.

(6) Discharge of roof leaders directly to roadside gutters or sanitary sewers will not be permitted.

(7) In the design of storm sewer installations, special consideration shall be given to avoidance of problems, which may arise from concentration of storm water runoff over adjacent properties.

(8) Sump pumps shall not be connected to the sanitary sewer.

(9) Drainage plans shall be provided in detail (Add to Site Plan Review)

§120-60 Landscaping And Buffering

A. Purpose and Intent

It is the purpose and intent of this section to:

- (1) Encourage the landscaping of developments and to dissuade the unnecessary clearing and disturbing of land so as to preserve the natural and existing growth of flora and to replace removed flora or plant new flora indigenous to the region.
- (2) Establish provisions which will help buffer incompatible uses from each other and provide transition zones between different types of uses.
- (3) Reduce the effects of wind and air turbulence, heat and noise and the glare of automobile lights.
- (4) Provide unpaved areas for the absorption of surface waters.
- (5) Prevent soil erosion and provide shade.
- (6) Conserve and stabilize property values and to otherwise facilitate the creation of an attractive and harmonious community.
- (7) Relieve the barren appearance of parking areas.
- (8) Preserve a healthful and pleasant environment for Village residents and visitors.

B. Authority

- (1) Landscape requirements shall be determined by the Planning Board in the course of its respective reviews of any site plan, special use permit, or planned unit development.
- (2) The code enforcement officer may review the site and report the status of said site to the Planning Board and require the Planning Board to review the site plan for the placement of a buffer between sites or districts. All reasonable cost for review and determination shall be at the expense of the property owner/applicant.

C. Landscape Techniques

The particular type of landscape treatment required shall be determined by the Planning Board according to the following major types of treatment:

- (1) Buffering shall protect the adjacent properties or district from another property's use or activity. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof shall be used to physically separate

or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

(2) Visual separation, including earth-mounding and screen-planting techniques designed to obscure or soften an unattractive or incompatible view.

(3) Visual setting, including ground cover and plant materials designed to stabilize the land-form and provide an appropriate foreground or setting.

(4) Physical separation, including a combination of plant and man-made materials designed to separate distinct land use types or activities.

D. Applicable Standards

In the application of this section, the Planning Board shall use the following standards:

(1) The first step in any site design should be to assess the existing landscape and identify the site's natural features. Significant cultural features, such as stone walls, should also be preserved as much as possible. Development should work around these features, rather than be imposed on them. Sites that possess significant ecological properties such as aquifers, public water supply watersheds, wetlands, and streams, whose degradation would negatively effect other properties, should be developed in a manner that will effectively prevent the possibility of such degradation.

(2) Existing trees with a minimum of 12 inch caliper should be identified on development plans and preserved. Mature trees are an important contribution to the landscaping and character of a site. Special caution should be taken by flagging trees to be protected prior to construction, and in defining a tree's drip line to avoid disturbance near the tree's root system.

(3) Where any commercial, industrial, or specially permitted use in any district abuts land in any residential district, a strip of land at least fifty (50) feet in width shall be maintained as an open landscaped area in the front yard, side yards and rear yard which adjoins these other districts. Such dimension may be part of the required minimum yard dimensions and is not in addition to the minimum yard dimensions. In any case, the larger buffer, either the minimum required setback or the fifty (50) foot strip, shall be required.

(4) Landscaping required under this section is to be installed and maintained in front, side and rear yards as developed and shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover. One (1) canopy shade tree shall be planted no nearer than ten (10) feet to any lot line for each one thousand two hundred fifty (1250) square feet of required landscaping area; and one (1) deciduous shrub or evergreen shall be planted for each two hundred and fifty (250) square feet of required

landscaped area. All such landscaping shall be maintained in a healthy growing condition with ground cover or grassed areas.

(5) Minimum plant size. Unless otherwise specifically stated elsewhere in this section, all plant materials shall meet the following minimum size standards:

Planting in Buffer			
Plant	Material	Side or Rear Yards	All Other Plantings
Canopy tree	Single stem	1-1/2 inch caliper	2-1/2 inch caliper
	Multi-stem clump	6 feet (height)	10 feet (height)
Understory tree		4 feet (height)	1-1/2 inch caliper
Evergreen tree		3 feet (height)	5 feet (height)
Shrub	Deciduous	15 inches (height)	24 inches (height)
	Evergreen	12 inches (height)	18 inches (height)

(6) Plant material substitutions. The following plant materials substitutions shall satisfy the requirements of this section:

(a) In all buffer yards, evergreen canopy or evergreen understory trees may be substituted for deciduous canopy trees without limitations.

(b) In all buffer yards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

(7) No landscape feature, including any fence, wall, or solid screen planting more than three (3) feet in height, shall be erected, placed or maintained within the required minimum front yard which obstructs visibility in such a manner as to interfere with the safe movement of vehicular traffic.

(8) Plastic or other types of artificial plantings or vegetation shall not be permitted.

(9) No permanent impervious surfacing shall be located around the base of any tree or shrub which may impede the growth of the tree or shrub.

(10) All shrubs and trees shall be protected from possible damage inflicted by vehicles using the parking area or access drives by means of a raised curb placed at the edge of the pavement or other methods as approved by the Planning Board.

(11) Unique natural areas and open spaces such as streams, ponds, marshes, steeply sloped areas and woodlands shall be preserved whenever possible.

(12) All plantings shown on an approved site plan or special use permit application shall be maintained in a vigorous growing conditions, and plants

not so maintained shall be replaced with new plants at the beginning of the next growing season. The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, which shall be maintained in good condition, so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

(13) Landscaping shall be installed according to the plan which is approved as described above. Installation shall be completed within six (6) months of the related improvements as defined in the approved application.

(14) Where existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.

(15) All non-residential uses must reserve a minimum of thirty percent (30%) of the total lot area in green space and landscaping. In cases where such reservation would impose an undue hardship on the development potential of a site, the Planning Board may modify this requirement.

(16) All landscape improvements must be guaranteed by a performance bond, letter of credit, or similar instrument on deposit with the Village of Clifton Springs in an amount sufficient to finance complete installation of said improvements before any site development permit is issued. Should landscaping not be completed by the owner, tenant, or lessee pursuant to this section, the Village of Clifton Springs or its authorized representative shall be granted the defacto right to enter the premises for the purposes of completion of said landscaping.

(17) The following requirements shall pertain to automotive use and parking areas:

(a) All non-residential zones

(i) In all non-residential zones, automotive uses shall be separated from the streetside property line by a vegetated, landscape buffer strip as required by the following:

Average Parking Lot Depth (Depth from Street Line)	Minimum Required Buffer Width (As Measured from Property Line)
100 feet or less	20 feet
100.01 to 150.00 feet	25 feet
150.01 to 200.00 feet	30 feet
200.01 or more feet	feet

(ii) The Planning Board shall have the discretion to modify these buffer strip requirements upon an affirmative vote by two thirds of the whole Board in cases where the Board determines that the existing building configuration or lot configuration either creates a hardship to the applicant in meeting these requirements, or in those cases where the aforementioned buffer strip requirements do not meet the goals of this section. The Planning Board shall not be obligated to reduce buffer and landscaping requirements for site plans where the site size for the proposed use is insufficient as determined by the standards contained in this chapter.

(b) All residential zones

(i) Parking and automotive use areas for non-residential uses and parking areas for five (5) or more vehicles for residential uses shall not be located in any front yard or any side yard as provided by this chapter. Such front and side yard areas shall be landscaped and vegetated with trees, shrubs, plants and grass lawns or vegetative ground cover.

(c) All zoning districts

(i) In all districts, public and private parking lots or automotive use areas containing more than ten (10) parking spaces shall have at least one (1) shade tree for each ten (10) parking spaces or portion thereof. Said trees shall be located within the paved area of the parking lot. Each tree shall be installed within a protected planting island with no less than one hundred (100) square feet of soil or permeable surface area per tree or within ten (10) feet of the pavement area. The trees shall be maintained by the owner and/or lessee of the property and shall not be cut down or otherwise removed when the lot is altered or enlarged. Said trees may be moved to another location on the lot upon approval by the Planning Board. Trees and their associated planting areas shall be located so as to provide visual relief and to assure safe traffic patterns of internal vehicular and pedestrian circulation.

(ii) For parking areas designed for more than ten (10) cars, minimum of five percent (5%) of the interior of the parking area shall be devoted to landscaping. The arrangement and location of the landscaped area shall be dispensed throughout the parking areas so as to prevent unsightliness and monotony of parking cars.

E. Required Minimum Buffering for Commercial Properties

(1) Buffering shall protect the adjacent properties or district from the commercial activity. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof shall be used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

(2) Buffer Area:

(a) The property line setback buffer area shall be planted and perpetually maintained with live trees **not less than five (5) feet** in height and shall have such other shrubs, grading and landscaping as approved by the Planning Board.

(b) The landscape design and maintenance plan shall be approved by the Planning Board during its review of the site plan.

(c) A one hundred fifty (150) foot buffer from all residential districts shall be required.

(d) A fifty (50) foot landscaped buffer shall be required when adjacent to non-residential districts.

(e) The landscaped buffer between Commercial uses may be waived upon Planning Board site plan approval that each site can be maintained in harmony, free of nuisance, noise and debris and light trespass. Failure to maintain such commercial site in harmony, free of nuisance, noise, light trespass or debris shall allow the Planning Board to withdraw such waiver and require buffering in accordance with adjoining district requirements.

(f) Whenever a permitted use is located adjacent to any other district, a fully landscaped buffer shall be provided along the property boundary adjacent to the other district to visually shield and separate one use or property from another.

(g) Landscaping of all fence faces is required

(i) Fences of the codes of the Village of Clifton Springs shall apply.

(ii) A fence without landscaping shall not be considered a buffer

(iii) Landscape wooden fence or block wall designed in the palette of the adjoining property or district require site plan approval by the planning board.

(h) Boundary fence shall have surround landscaping, adjacent to property and owner/applicants each side shall be landscaped by applicant.

(i) No planting shall cause a hazardous condition by interfering with the highway line of sight six-hundred (600) feet in either direction required for safe entering and exiting maneuvers by motor vehicles.

(j) All landscaping trees and grasses shall be maintained. The code enforcement officer may require replacement planting of vegetation, trees and other plants or bushes that have ceased to live or grow or obstruct the view of any highway or portion thereof for vehicular traffic or otherwise creates a risk to the public safety and may require a maintenance bond for up to one (1) year for new landscaping.

(i) The code enforcement officer shall review landscaping to determine replacement and status of plantings or sight distance obstruction.

(ii) The code enforcement officer may require a review and status report of plantings by a professional landscaper, arborist, or engineer. All reasonable cost for review and determination shall be the expense of the property owner/applicant.

(iii) A fully landscaped buffer shall be provided along the entire length of the commercial property boundary.

F. Open Space and Landscaping

(1) All uses permitted in the Planned Development District, the Local Shopping District, the General Commercial District and the Industrial District shall have a total green space of at least 35% to include a retention pond if necessary and shall consist of seeding, planting, retention of tree cover or other landscaping and/or berming. The open space calculation may include the retention pond or facility. Parking lot landscaping and buffering areas may be included in calculating the required green space.

(2) Parking areas or lots in excess of forty (40) parking spaces shall be required to plant and maintain one canopy tree for every ten (1) parking spaces of the entire number of parking spaces of the total parking lot, including employee parking. See definition of canopy tree.

G. Street Trees

(1) Legislative Intent

(a) Trees placed close to the road have the benefit of helping to slow traffic by narrowing the field of vision.

(b) Street trees along a main commercial street are perhaps the single most effective physical addition to make sidewalks seem more welcoming and more walkable.

(2) Standards

(a) All streets and roads in Clifton Springs shall be lined with trees unless important scenic views would be obstructed. Residential street trees should be placed close to the road and to each other to create a park like canopy.

(b) Trees should be placed between the sidewalk and curb to form a protective row that makes walkers feel safely separated from traffic. Trees should be spaced close together: 20 – 30 feet in areas with slow speed limits and farther apart (30 – 40 feet) and slightly back from the road in higher speed situations.

(c) Street trees should be hardy varieties, salt and drought resistant, free of droppings that mar sidewalks and cars, and tall enough to frame the street and not block the view of storefronts. Appropriate trees include, but are not limited to:

Pin Oak
Red Oak
Chinese Elm
Ginko Biloba
London Plane Tree

H. Screening of Mechanicals

(1) HVAC units and dumpsters shall be kept to the rear of the front line of the main structure and shall be landscaped and or otherwise unobtrusively screened from view and subject to the requirements of Site Development Plan Section and Special Use Permits Section.

(2) Roof mounted HVAC units shall be aesthetically screened from view and/or be architectural shielded and have the same pallet as the completed structure. HVAC units shall be unobtrusively screened to prevent noise trespass from the structure or site.

(3) Incidental outdoor storage shall be shielded from view by landscaping or other appropriate and approved screening measures.

I. Definitions

As used in this Section, the following terms shall have the meaning indicated:

DECIDUOUS TREE – A tree or shrub that sheds its leaves annually.

EVERGREEN – A plant or tree that retains its verdure leaves or needles through all seasons.

GREENSWARD – Turf that is green with growing grass.

GROUND COVER – A planting of low plants that covers the ground, in lieu of turf or greensward.

LANDSCAPED AREA – That part of any development which is to be devoted to greensward, shrubs, trees, ground cover, berm, lighting fixtures and other ornamental features designed to produce an integrated and harmonious environment.

PARKING AREA – The open area on any premises regulated herein, designed for the short-term storage of motor vehicles.

§120-61 LIGHTING

A. Purpose and Intent

(1) Outdoor lighting is provided for a variety of purposes to the benefit of modern society. For work or recreation it enables people to see essential detail in order that they may undertake their activities at night. It facilitates the safety or security of persons or property, for example through lighting on roads and pathways. It may be used to emphasize features of architectural or historical significance, and to light parks and gardens. It is used for advertising or display to promote products or services, or to call attention to commercial premises by means of area lighting or signs.

(2) It is the intent of this ordinance to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures and lighting systems are designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.

(3) Good lighting will extend the viability of shopping areas, make public areas feel more secure and promote entertainment activities after the primary workday.

B. Nature of Light Trespass

(1) Light trespass is light emitted by a lighting installation which falls outside the boundaries of the property on which the installation is sited.

(2) Light trespass can negatively affect residents, vehicle operators, pedestrians, the natural environment and astronomical observations.

C. Definitions

CUT-OFF ANGLE (OF A LUMINAIRE) – the angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.

FOOTCANDLE – a unit of illuminance amounting to one lumen per square foot.

FULLY SHIELDED – a fully shielded luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.

GLARE – the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

ILLUMINANCE – the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, measured in lux or footcandles.

LUMINANCE – the physical quantity corresponding to the brightness of a surface (e.g. a lamp, luminaire, sky, or reflecting material) in a specified direction. It is the luminous intensity of an area of the surface divided by that area. The unit is candela per square meter.

LUMINAIRE – a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

LUX (LX) – the SI unit of illuminance. One lux is one lumen per square meter.

OBTRUSIVE LIGHT – spill light which, because of quantitative, directional or spectral context, gives rise to annoyance, discomfort, distraction or a reduction in the ability to see essential information.

LIGHT TRESPASS – light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.

D. Classification of Outdoor Areas

Four environmental zones with differing requirements for the control of obtrusive lighting are defined as follows:

- (1) E1: Intrinsically dark landscapes: state and national parks, conservation areas, rural areas, residential areas with minimal or no outdoor lighting, and areas adjacent to optical astronomical observatories.
- (2) E2: Areas of low ambient light levels: suburban and rural residential areas.
- (3) E3: Areas of medium ambient light levels: urban residential areas.
- (4) E4: Areas with high ambient brightness: normally urban areas of mixed residential and commercial use; a high level of nighttime activity.

E. Recommended Limitations

Recommended Boundary Illumination Levels

Zone	Pre-curfew Levels (lux)	Post-curfew Levels (lux)
E1	0	0
E2	3	1
E3	8	2
E4	15	6

To be measured with illuminance meter at eye height on a plane perpendicular to the line of sight.

F. Lighting Calculations

- (1) Recommended:
 - (a) Street and commercial lighting should be distinctive and human-scale while preventing excessive glare or wasted light into the night sky.
 - (b) Do not over-light. People begin to feel comfortable at 0.1 to 1 footcandle. 2-5 footcandles are only needed in high security areas. More than 5 footcandles are usually a waste of energy and a source of glare.
 - (c) Provide full shielding that eliminates glare, especially off-site. Fully shielded means that all light is projected downward. The use of fully shielded lighting fixtures controls the light output in order to keep the light in the intended area.

(d) Lighting fixtures should be installed to maximize their effectiveness on the targeted property, and minimize their adverse impact beyond the property borders.

(e) Main street and pedestrian area lighting should be human-scale (10-15 feet high). Parking lot lights need not exceed 15 to 20 feet.

(f) Fixtures should be spaced approximately four times the height.

(g) Outdoor signs should be lit from the top.

(h) Lighting, attached or detached, soffit, up light or down light, including tree lighting, selected for appropriate lumens or footcandles, and complementary to the architecture through shadowing, highlight and flooding. Parking area lighting directed downward. Illumination from multiple light sources.

(i) Light fixtures that are compatible with the architectural style and other features of the building.

(j) Lighting posts and fixtures should be of consistent architectural style.

(2) Not Recommended

(a) Harsh or excessively bright lighting, inconsistent with lighting levels along the street and sidewalks; or site or building lights that spill light onto adjacent sites; spotlighting, "hot" or "dark" spots in site lighting.

(b) Strip accent lighting or fluorescent tubes used as decorative elements on external building walls; portions of façade that are continuously internally illuminated. Unfiltered light source visible offsite.

G. Restrictions on artificial lighting and illumination.

Artificial lighting or illumination provided on any property or by any use shall adhere to the following standards:

(1) The light intensity from illumination of any kind at any given location along the property line from which the light originates shall not exceed 0.5 footcandle.

(2) No artificial lighting shall shine directly upon any neighboring property or be so established that it shall shine directly upon any neighboring property or shall shine directly on or into any room or rooms,

porches or patios of any neighboring property, nor shall any artificial lighting be maintained or operated from any structure or land in such a manner as to be a nuisance or any annoyance to neighboring properties or as to interfere with the physical comfort of the occupants of neighboring properties.

(3) Exterior lighting facing neighboring property shall be hooded or shielded so that it does not produce an objectionable or inordinate glare on the neighboring property.

(4) Any prohibited lighting now in existence, in connection with a permitted use or granted variance or in connection with a valid non-conforming use, which violates or does not conform to the provisions hereof shall be altered, removed or replaced in conformity with the provisions hereof.

H. Violations and Penalties

Any person or persons responsible for such nuisance or annoying lighting as described hereinbefore in this section, whether owner, lessee or lessees, or others using any premises, with or without the permission of the owner, violating any of the provisions of this section shall, upon conviction thereof, be subject to a fine not exceeding one thousand dollars (\$1000), to imprisonment in the county jail for a term not exceeding ninety (90) days and/or to a period of community service not exceeding ninety (90) days, in the discretion of the court. Each day a particular violation shall continue shall constitute a separate offense.

§120-62 NOISE

A. Purpose - It is hereby declared to be the public policy of the Village of Clifton Springs that the reduction in ambient noise levels within the Village limits is a benefit to the public at large which preserves the health, safety and welfare of the citizenry and facilitates the enjoyment of the assets, attractions and qualities of Clifton Springs. Through the establishment of maximum permitted numerical decibel levels and through the deployment of sound level metering technology, which is both non-subjective and content neutral, this public policy may be enforced with fairness while respecting the constitutional rights of the people and property owners. The provisions contained hereinafter are enacted for these purposes.

B. Construction of Buildings; Projects - It shall be unlawful for any person to operate equipment or perform any outside construction or repair work on buildings, structures or projects or to operate any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other construction type device, except to perform emergency work, between the hours of 10:00 pm of one day and 7:00 am of the next day (8:00 am on weekends) in such a manner in which either annoys, disturbs or endangers the comfort, repose, health, peace or safety of one or more individuals of normal sensitivity.

C. Vehicle Repair - It shall be unlawful for any person to repair, rebuild or test any motor vehicle between the hours of 10:00 pm on one day and 7:00 am (8:00 am on weekends) of the next day in such a manner which either annoys, disturbs or endangers the comfort, repose, health, peace or safety of one or more individuals of normal sensitivity.

D. Use of Decibel Meters

It has been deemed appropriate and in the best interest of the Village to reduce and/or mitigate noise problems and complaints in the community by supplementing the provisions contained herein with acceptable standards of decibel readings for ambient noise. These standards reflect community needs taking into consideration such issues as surrounding circumstances, place, time of day, and the like and are set forth herein below:

(1) Definitions

AMBIENT NOISE - The background average noise level within an area exclusive of any extraneous sounds.

A-WEIGHTED SOUND LEVEL - The sound pressure level measured with a meter using an A-weighted frequency response as prescribed by the American National Standards Institute (ANSI), or its successor. A-weighting is used to approximate the average human ear's response to a range of sound frequencies.

CLASS A (RESIDENTIAL) LAND - Lands residentially zoned and used primarily for sleeping purposes by people. Such lands shall include those contained in the R1, R2 and R3 zoning districts.

CLASS B (COMMERCIAL) LAND - Lands where people are likely to communicate with one another by speech. Class B shall include public lands and zoning districts designated as B1 and B2.

CLASS C (INDUSTRIAL) LAND - Lands intended primarily for heavy commercial or industrial use, and shall include those lands in zoning districts F and F1.

CONTINUOUS SOUND - Any sound that is not an impulsive sound.

DAYTIME - From 7:00 am to 10:00 pm.

DBA - The abbreviation for A-weighted sound level in decibels.

FAST RESPONSE - The characteristic of a sound level meter which allows for accurate measurement of impulsive sounds such as horn blasts, explosive sounds, firearm discharges or passing vehicles.

IMPULSIVE SOUND – A sound characterized by excursions of the sound pressure which exceed the ambient sound, by six or more decibels, but last two seconds or less.

INDUSTRIAL OPERATION – The production, fabrication and storage of man-made goods, and the production, transformation and storage of energy in all forms.

MAXIMUM SOUND LEVEL - The recorded or noted maximum RMS (room-mean-square) sound pressure level noted using an instrument which meets the requirements of the chapter. Maximum impulsive sound level shall be measured using the fast response setting. Maximum continuous sound level shall be measured using the slow response setting.

REAL PROPERTY BOUNDARY – An imaginary line exterior to any structure, along the ground surface, which separates the real property owned by one person from that owned by another person, and the vertical extension of such line.

RECEIVING LAND – The property line of the real property where the sound is being heard, and where appropriate level restrictions apply. In the case of any apartment, townhouse or condominium, the point-of-measurement is within the affected unit.

SOUND LEVEL – The quantity, in decibels, measured using an instrument satisfying the requirements of ANSI SI.4-1983. Sound level is the frequency-weighted (see “A-weighting”) sound pressure level obtained with fast or slow response.

SOUND LEVEL METER – An instrument designed to detect and measure sound pressure levels and display this information in decibels, in an analog or digital form. An instrument meeting the requirements of this code shall conform to the requirements of ASNI SI.4-1983, Type 1 or Type 2.

(2) Maximum permissible sound levels by receiving land use. Any noise source that produces sound in excess of those levels set forth in Table I, as measured at, or within the property boundary of the receiving land use, shall constitute a violation of this section. The sound levels will be measured by a licensed engineer that specializes in noise at the expense of the property owner.

TABLE I		
Continuous sound-slow response meter level		
Receiving Land Use Category	Maximum Sound in dB(A)	
	<i>Day</i>	<i>Night</i>
Class A (residential)	65	55
Class B (commercial)	70	60

Class C (industrial)	80	70
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Table I continued on next page

Impulsive sound-fast response meter level		
Receiving Land Use Category	Maximum Sound in dB(A)	
	Day	Night
Class A (residential)	75	65
Class B (commercial)	80	70
Class C (industrial)	90	80

With impulsive sound, the following adjustment in the allowable maximum levels shall apply:	
3-10 repetitions per hour	Deduct 1 dB(A)
11-20 repetitions per hour	Deduct 2 dB(A)
21-60 repetitions per hour	Deduct 3 dB(A)
Over 60 repetitions per hour	Deduct 4 dB(A)

(3) In the event the background noise (ambient) level for a given receiving land use exceeds the standards above, the following maximum sound levels, measured using the criteria above, shall apply:

- (a) Any continuous sound which exceeds the ambient by 10 dB(A) or more.
- (b) Any impulsive sound which exceeds the ambient by 20 dB(A) or more, with the above adjustment applied.

(4) The above table shall not apply to noise emanating from an industrial operation, which noise shall be subject to the following limits:

(a) Performance standards: all heavy industrial and light industrial uses proposed to be established shall provide documentation of conformance with the following standards as a minimum condition of permit issuance.

(b) Noise:

(i) Noise shall be measured with a sound level meter having an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (ANSI). Measurements are to be made at any point as indicated in Table II following.

(ii) Impact noise shall be assured using the fast response of the sound level meter. Impact noises are intermittent sounds

such as from a punch press or drop forge hammer. Measurements are to be made at any point as indicated in Table II.

(iii) Between the hours of 7:00 pm and 7:00 am the permissible sound levels in a residential district shall be reduced by five decibels for continuous and by 10 decibels for impact noises.

(iv) The following sources of noise are exempt:

(v) 1 - Transportation vehicles not under the control of the industrial use

(vi) 2 - Occasionally used safety signals, warning devices, and emergency pressure relief valves

(vii) 3 - Temporary construction activity between 7:00 am and 7:00 pm

(viii) The following table describes the maximum pressure level permitted for industrial source measured in any adjacent non-industrial district or industrial district lot adjacent to the site.

TABLE II		
<i>Maximum Permitted Sound Levels, dB(A)</i>		
(RE: 0.0002 Microbar)		
Sound Measured in:	Continuous Slow Meter Response	<i>Impact Fast Meter Response</i>
	Decibels	
Residential	50	60
Commercial	60	70
Industrial district lot, to the noise source	70	80

§120-63 PEDESTRIAN ISSUES

A. Purpose - To promote the health, safety and general welfare of the Village of Clifton Springs by regulating issues pertaining to pedestrians.

B. All businesses shall provide sidewalk access in front of property, and tie into all existing sidewalks. Sidewalks shall conform to Village of Clifton Springs Code Section 100-13.

C. Snow removal plan shall be provided to Village Planning Board.

D. Full site-specific, traffic study of current pattern on public highways abutting applicant's proposed project, including projection studies of maximum increase in traffic flow, daily, weekly and annually shall be provided to the Village Planning Board.

E. Demand on services and utilization study and plan shall be provided.

F. All sidewalks shall be concrete.

G. All such sidewalks shall be maintained free of holes, broken pavement, dust and debris.

H. Sidewalks may be installed on one or both sides of the street or road as the Planning Board may require, depending upon local conditions of public safety. The Planning Board will notify the developer in writing after the sketch plan has been reviewed by the Board.

I. All off street parking shall be located behind all buildings to create a more pedestrian-friendly environment. Alleys shall link rear-parking areas in order to minimize curb cuts (this is recommended for the Site Plan Review).

J. Benches, trash receptacles, bike racks, and drinking fountains shall be provided at regular intervals throughout district to enhance pedestrian-friendliness and village-like atmosphere. Site amenities shall reflect the character of the district. Appropriate materials are case iron, wood and stone.

K. Streets shall be developed with sidewalks, lighting and street trees, and on-street parking on one side only, in order to create a pedestrian, village-like character in the district.

L. To increase pedestrian safety, a planting strip of approximately 4-6 feet should be located between the sidewalk and the street. This area can be planted with street trees to provide shade and further enhance the sense of protection. The planting strip also provides space for snow storage off the sidewalk in the winter and prevents driveway ramps from tilting the sidewalk.

§120-64 Ponds

A. Purpose - It is the purpose of this article to define and regulate all ponds in residential zoning districts in the Village in order to protect the environment, protect the rights of others to natural water flows and to prevent health and safety hazards that may occur by reason of the existence of ponds.

B. Definitions - As used herein, the following terms shall have the meanings indicated:

DECORATIVE POND – Any man-made body of water with a surface area no greater than 100 square feet and/or with a maximum depth of 18 inches.

GARDEN POND – Any man-made body of water with a surface area no greater than 500 square feet and/or with a depth greater than 18 inches but no more than 36 inches.

OPEN-WATER POND – Any man-made body of water with a surface area no greater than 12,000 square feet and/or with a depth more than 36 inches.

C. Exemptions

- (1) Ponds constructed as part of active agricultural operations are exempt from this section.
- (2) Retention and detention ponds mandated and/or owned by the Village are exempt from this section.
- (3) Natural ponds left in their natural state are exempt from this section.

D. Regulations

(1) General

(a) All ponds must be maintained so as to assure that they do not become offensive to neighboring properties by reason of stagnation, algae, mosquito-breeding and similar conditions.

(b) No pond can interfere with or impede the natural flow of water nor adversely impact any floodplain or wetland area.

(2) Decorative ponds may be constructed on any residential property subject to the applicable setback requirements and without the necessity of obtaining a building permit or landscape alteration permit.

(3) Garden ponds may be constructed on any residential property subject to all of the provisions of Section 120-35 regulating swimming pools, including obtaining a building permit.

(4) Open water ponds. No open water pond may be constructed on any residential property unless:

(a) the property on which the pond is to be constructed is five acres or more in size;

(b) the pond is at least 100 feet from all property lines on the premises where it is to be located;

(c) the pond shall conform to the requirements of and be approved by the Soil Conservation Service of the United States Department of Agriculture or its successor agency; and

(d) A landscape alteration permit has been issued therefore, except that such permit shall not be required where the Planning Board has approved such pond as part of the subdivision approval process.

§120-65 SOLID WASTE/GARBAGE/RUBBISH/REFUSE

A. Any refuse to be collected, except that in portable transfer containers, shall be placed at the curb before 6:00 am on the day of scheduled collection, but in no event shall said refuse be placed at the curb before 6:00 pm of the day preceding the scheduled collection.

B. Containers shall be removed from the curblines or any other place of collection before 11:00 pm of the day on which collection is made from the premises.

C. All containers shall be stored in such fashion as to be screened from public view.

D. The Village of Clifton Springs hereby assumes no responsibility to collect, and no person shall place in a public right-of-way, waste material not separated and prepared pursuant to the provisions of this section and the recycling regulations of the Department of Public Works.

E. Material in Public Right-of-Way

(1) The village of Clifton Springs hereby assumes no responsibility to collect, and no person shall place in the public right-of-way, the following waste material:

(a) Waste material generated outside of the Village of Clifton Springs

(b) Waste material generated on premises which does not abut the same public right-of-way

(2) The fact that waste material is in a public right-of-way shall be rebuttable prima facie evidence that such material was placed there by the owner of the property abutting that public right-of-way.

F. Accumulation

(1) No person shall accumulate or permit the accumulation of refuse on any premises owned or occupied by said person, except for the purpose of collection by the refuse collector.

(2) The owner or occupant of any premises shall keep the same free, clear and clean of all refuse and maintain sidewalks and yard areas free and clear of all refuse and, upon written notice, shall, within five (5) days, cause to be corrected any unsanitary or unsafe condition on or about the premises.

(3) Any compost or mulch pile shall be maintained in such fashion as not to attract rodents or cause the development of any odor or other hazard to the public health and safety.

(4) Toxic, flammable or hazardous wastes not otherwise regulated by a public authority shall not be accumulated on any premises, improperly disposed of or placed at the curb for collection or recycling.

G. Maintenance of Property - The owner or person in control of any premises within the village shall maintain the same so as to keep the premises free and clear of any accumulation of garbage, refuse, rubbish, trash or yard waste except as otherwise permitted by this section.

§120-66 Access Roads

A. The purpose of this section is to assure proper and well planned access roads that provide safety for traffic, pedestrians, and surrounding businesses and residential neighborhoods. It is the intent of the Village of Clifton Springs to make sure that safe access can be made to all commercial and residential properties while minimizing potential traffic and pedestrian problems.

B. Access road development shall be created for all districts with adjoining property boundaries where ingress or egress curb cuts are separated by a distance of less than 400 feet and shall conform to the following standards:

(1) Any property and its owner or developer asking for annexation into the Village shall have to grant an easement for the benefit of the Village and adjacent owners with the understanding that the easement will plan for full development even if the property is slowly developed and/or annexed.

(2) Shared access agreements will be required by the first developer and/or owner and shall be established in a continuum to adjoining properties as a contingency for a site plan approval.

(3) All access roads, driveways, and parking areas shall be hard surfaced concrete or asphalt paved and maintained in good condition.

(4) Access points to public highways shall be minimized and spaced no closer together than 500 hundred feet and entrances and exits shall be aligned with the center lines of existing intersecting public rights-of-way.

(5) The Village engineer and/or appropriate highway engineers shall review for the safety and welfare of the public at the expense of the owner or developer.

§120-67 Performance Bonds

A. Purpose – For the purpose of assuring compliance with proper installation of facilities, improvements and utilities and to protect future property owners, the Village requires a form of surety to be filed by the developer or owner which indicates the estimated costs of said projects.

B. The Village Planning Board will review the proposed surety with the Village engineer, zoning officer, attorney and/or other appropriate officials to assure that the surety is sufficient to cover the full cost prior to commencement of any construction. When the Planning Board is satisfied with the form and value of the proposed surety and is in receipt of the surety documents, a written confirmation will be given to the developer and/or owner. The Village Board may also act on the above if appropriate.

C. Forms of surety that are acceptable shall be limited to:

- (1) a performance bond issued by a bonding or surety company
- (2) the deposit of funds in or a certificate of deposit issued by a bank, trust company or other financial institution (credit union or brokerage firm).
- (3) an irrevocable letter of credit from a bank or other financial institution
- (4) obligations of the United States of America or any of its agencies

D. Any form of surety shall run for a term to be fixed by the Planning Board, but in no case for a term longer than two years. The Planning Board may extend the time if it decides that it is warranted.

E. In the event that any of the required construction has not been installed or completed as approved and within the term of the surety agreement, the Board may thereupon declare the said surety agreement to be in default and collect the sum remaining. Upon receipt of the proceeds the Village shall make arrangements to install and/or finish the approved project but not exceeding in cost the amount of such proceeds.

F. All construction covered under the performance surety must be inspected during construction to assure conformity with the bond. Costs of the required inspections shall be borne by the developer or owner and will be included in the initial value of the surety. For inspections purposes, the contractor will notify the Village Zoning/Code Enforcement Officer when construction will be undertaken and/or completed. Reasonable notice is required and 24 hours notice is considered to be reasonable.

G. The process for release of surety will be initiated when a request is made by the developer and/or owner for partial or total release and is submitted to the Village for approval. The request will be submitted by the Village to the Village engineer, who shall compare the request with the inspection record. The engineer's determination will be forwarded to the Planning Board with a recommendation for action. At that time, the Planning Board will decide whether to honor the request and will determine the dollar value of the release.

H. Upon completion of construction, the Planning Board may honor a request for final release of funds, by going through the same process as in item number six above.

Section 22. VALIDITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 23. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six months from the date of such filing.

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

2

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__03__
of the (County)(City)(Town)(Village) of Clifton Springs was duly passed by the
~~Village Board of Trustees~~ on Oct. 13 20__03__, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 20____,
(Elective Chief Executive Officer)*
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 20____. Such local law was submitted
(Elective Chief Executive Officer)*
to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of
the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in
accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 20____. Such local law was subject to
(Elective Chief Executive Officer)*
permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in
accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

David C. Reeb

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

(Seal)

Date: October 15, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONTARIO

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

[Signature]

Signature
Village Attorney

Title

~~County~~
~~City~~ of Clifton Springs
~~Town~~
Village

Date: October 15, 2003