

Local Law Filing

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

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

FILED
STATE RECORDS

JAN 24 2012

County City Town Village

(Select one:)

of ROUSES POINT

DEPARTMENT OF STATE

Local Law No. 1 of the year 2012

A local law amending Chapter 90: Property Maintenance and Repealing the Existing Chapter 120:

(Insert Title)

Zoning Law of the Code of the Village of Rouses Point and Establishing a new Chapter 120

Zoning Law of the Code of the Village of Rouses Point

Be it enacted by the VILLAGE BOARD OF TRUSTEES of the
(Name of Legislative Body)

County City Town Village

(Select one:)

of ROUSES POINT as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2012 of the ~~(County)(City)(Town)~~(Village) of Rouses Point was duly passed by the Board of Trustees of the Village of Rouses Point on December 19, 2011, in accordance with the applicable provisions of law.

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 disapproval) by the _____ and was deemed duly adopted on 20 , 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 disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 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 disapproval) by the _____ on _____ 20____. Such local law was subject to 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.

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

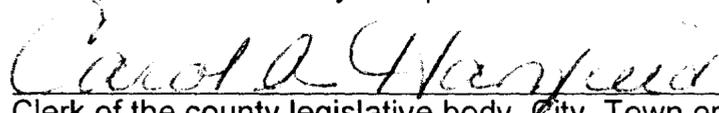
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.


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

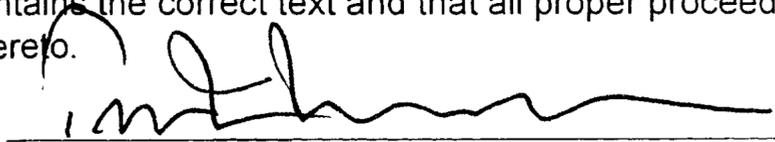
Date: January 18, 2012

(Seal)

(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 CLINTON

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 Thomas M. Murnane, Esq.
VILLAGE ATTORNEY
Title

~~County~~
~~City~~ of ROUSES POINT
~~Town~~
Village

Date: January 19, 2012

VILLAGE OF ROUSES POINT LOCAL LAW 1 OF 2012

A LOCAL LAW AMENDING CHAPTER 90: PROPERTY
MAINTENANCE AND REPEALING THE EXISTING CHAPTER 120:
ZONING LAW OF THE CODE OF THE VILLAGE OF ROUSES POINT
AND ESTABLISHING A NEW CHAPTER 120: ZONING LAW OF THE
CODE OF THE VILLAGE OF ROUSES POINT.

BE IT ENACTED by the Village Board of the Village of Rouses Point as follows:

Chapter 90: Property Maintenance shall be amended:

Existing Sections 90-4 through 90-10 shall be renumbered 90-5 through 90-11.

Existing Section 90-4 shall be replaced with the following:

Section 90-4 Exterior of Buildings and Structures.

- A. All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering.
- B. The foundation walls of every building shall be maintained in good repair and shall be structurally sound.
- C. Exterior walls, roofs and all openings around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose, improperly secured and unsecured objects and material. Such objects or materials shall be removed, repaired or replaced.
- D. The owner of a vacated building shall take such steps and perform such acts as may be required of him from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public.
- E. All graffiti or defacing shall be removed and the surface finish restored within a five-day period.
- F. Buildings and structures shall be maintained in such a condition so that they shall not become unoccupied hazards, as defined below, or an unsafe building pursuant to Chapter 72, Article VII of this Code.

1. An unoccupied hazard, for purposes of this Subsection, shall be defined as any building or part thereof which is unoccupied with either doors, windows or other openings broken, removed or boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six months.

Chapter 120: Zoning Law shall be repealed and replaced with the following:

CHAPTER 120: ZONING LAW

ARTICLE I: GENERAL PROVISIONS

§ 120-1. Title.

The title of this chapter is the "Zoning Law of the Village of Rouses Point," and it shall include the text and the official Land Use District Map.

§ 120-2. Purposes.

The purposes of this chapter are to provide for orderly growth and change within the Village of Rouses Point and to provide for the health, safety and general welfare of existing and future residents. Further, this chapter is intended to implement the recommendations made in the Village of Rouses Point Comprehensive Land Use Plan, dated 1993.

§ 120-3. Regulated activities.

- A. The provisions of this chapter shall not be so construed as to limit or interfere with the development or use of public uses, buildings or structures used for governmental or municipal purposes, or with the construction, installation, operation and maintenance for public utility purposes of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone and telegraph lines, sewers and sewer mains and incidental appurtenances or with any highway or railroad right-of-way existing hereafter authorized by the Village of Rouses Point, the County of Clinton or the State of New York.
- B. A land use permit shall be required for any of the following actions:
 - (1) Construction of a new building or structure 144 square feet or larger in ground coverage.
 - (2) Enlargement of an existing building or structure.
 - (3) Change in the use of a building or of land.
 - (4) The placement of signs over three square feet in area.
- C. The following activities do not require a land use permit but must meet the requirements of this chapter:

(1) The construction or enlargement of buildings or structures with less than 144 square feet of ground coverage.

(2) The placement of signs up to and including three square feet.

D. The following activities are not regulated by this chapter and do not require a land use permit:

(1) Interior structural alterations or routine maintenance and improvement which does not expand the exterior dimensions of a structure.

(2) The erection of chimneys.

(3) Temporary yard sales, porch sales, garage sales and sales of a similar nature which are held less than seven days per year.

§ 120-4. Effect on other provisions.

A. This chapter shall replace and supersede §§ 83-3, 83-4, 83-5, 83-6 and 83-8 of Chapter 83, Mobile Homes, of the Code of the Village of Rouses Point.

B. This chapter shall replace and supersede § 50-4A of Chapter 50, Marina Parking, of the Code of the Village of Rouses Point.

ARTICLE II: LAND USE DISTRICTS AND MAP

§ 120-5. Establishment of districts.

For the purpose of this chapter, the Village of Rouses Point is hereby divided into the following land use districts:

- R7 Residential 7
- R9 Residential 9
- R10 Residential 10
- R12A Residential 12a
- R12B Residential 12b
- C1 Commercial 1
- C2 Commercial 2
- C3 Commercial 3
- C4 Commercial 4
- C5 Commercial 5
- C6 Commercial 6
- C7 Commercial 7
- M1 Mixed Use 1
- M2 Mixed Use 2
- M3 Mixed Use 3
- I-1 Industrial 1
- I-2 Industrial 2
- I-3 Industrial 3

§ 120-6. Land Use District Map.

Said districts are bounded as shown on the Village of Rouses Point Land Use District Map, which, with all explanatory matter, is hereby made part of this chapter.

§ 120-7. Interpretation of district boundary lines.

Land use district boundary lines generally follow property lines. Questions concerning the precise location of district boundary lines on the map shall be resolved by the Board of Appeals under its powers of interpretation.

§ 120-8. Lots in two or more districts.

If a lot lies in two or more land use districts, each portion of the lot shall be governed by the regulations of the district in which it lies. Upon special authorization of the Board of Appeals and after a public hearing, the provisions of the less restricted portion of the lot may be extended up to 30 feet into the more restricted portion. An extension of more than 30 feet shall require a variance or map amendment.

ARTICLE III: LAND USE DISTRICT REGULATIONS

§ 120-9. Interpretation of Permitted Use Chart.

- A. Land uses designated by an "X" on the permitted use chart (§ 120-10) are allowed uses within the district.
- B. Land uses designated by an "S" on the permitted use charts are uses allowed by special use permit. The Planning Board must review and approve all uses allowed by special use permit before a land use permit may be issued.
- C. A use shall be deemed prohibited within a land use district unless it is listed as a permitted use or as use allowed by special use permit within that district.

§ 120-10. Permitted Use Chart.

The Permitted Use Chart is included at the end of this chapter.

§ 120-11. Dimensional Requirements Chart.

The Dimensional Requirements Chart is included at the end of this chapter.

§ 120-12. Application of dimensional requirements.

- A. When establishing measurements to meet required setbacks, measurements shall be taken from the street right-of-way or lot line to the furthest protruding part of the use or structure. This shall include such projecting facilities as porches, carports and attached garages.
- B. "In line with neighboring structures" shall mean that a building is located at the average setback of buildings on any adjoining lots on either side. Lots located across a street shall not be considered to be adjoining lots for purpose of this determination.

§ 120-13. Height limitation exceptions.

The height limitations of § 120-11 shall apply to all structures except church steeples, chimneys, non-commercial antennas, flagpoles and transmission poles and cables.

§ 120-14. Green space buffer.

- A. The development or use of land within industrial land use districts (I-1, I-2 and I-3 Districts) shall provide for a minimum green space buffer of 75 feet between adjoining property located in a residential or mixed-use district (R7, R9, R12A, R12B, M1, M2 and M3 Districts).
- B. Any commercial use located within a commercial district (C1, C2, C3, C4, C5, C6 and C7 Districts) shall provide for a minimum green space buffer of 30 feet between adjoining property located in a residential district.
- C. The green space buffer must be maintained as a vegetated area. No driveways, parking lots or storage of materials or vehicles is permitted nor shall the buffer be used as a work area.

§ 120-15. Manufacture of hazardous chemicals.

The manufacture of hazardous chemicals is prohibited in all land use districts except for the manufacture of hazardous chemicals used in the manufacture of pharmaceuticals, which is permitted as a special use in Industrial 2 (I-2) and Industrial 3 (I-3) land use districts.

ARTICLE IV: SUPPLEMENTAL REGULATIONS

§ 120-16. Number of residential structures permitted.

There shall be only one residential structure per lot; except that two, but not more than two, residential structures may be placed upon a single lot, provided that all structures are situated such that future division into two lots shall meet all requirements of this chapter and a variance shall be required from the Zoning Board of Appeals.

§ 120-17. Corner lots.

On corner lots, the sides facing both streets shall be considered front yards. On the other sides, one shall be considered a rear yard and the other a side yard at the owner's option.

§ 120-18. Frontage.

Each new building lot shall front upon a public street by either minimum street frontage of at least 15 feet or a right-of-way easement at least 15 feet wide.

§ 120-19. Temporary placement of mobile homes.

A permit for the temporary placement of a mobile home may be granted by the Board of Appeals for a maximum period of six months, provided that the mobile home is used only for construction purposes, scientific purposes or educational purposes and does not interfere with or is not a danger to the health, safety, welfare or well-being of the surrounding property owners or the community.

§ 120-20. Travel trailers, motorized homes and camping trailers.

No travel trailer, motorized mobile home or camping trailer shall be inhabited or used for living or sleeping quarters within the Village for more than 14 consecutive days per year per lot unless the same shall be located in an approved mobile home or travel trailer park or marina with a moored boat.

§ 120-21. Off-street parking.

- A. All uses shall be provided with sufficient off-road parking to accommodate all vehicles for customers and employees during peak use periods.
- B. All off-road parking space shall not be less than nine feet by 20 feet. Driveway area may be used to supply such space in the case of single-family or two-family residences. Other uses shall provide such space in addition to the driveway area.
- C. No nonresidential parking space shall be located within three feet of a side lot line.
- D. No multifamily dwelling parking space shall be located within five feet of a neighboring residential property line.

- E. Existing uses must comply with off-road parking requirements if the use changes, if the use expands its gross floor area by 25% or more during a three-year period or if the use is discontinued for a period of one year and seeks to be reestablished.
- F. With the exception of one- and two-family residences, all off-street parking spaces shall be designed to eliminate the need to back vehicles out onto a public street.
- G. In commercial, industrial or mixed-use districts, off-street parking may be supplied on a different lot with parking spaces that are located within 400 feet of the use and if the owner of the use either owns or leases the property upon which the parking space is located. In no case shall off-street parking for a nonresidential use in a commercial, industrial or mixed use district be located in a residential land use district (R7, R9, R12A or R12B).
- H. In calculating the number of required parking spaces, fractional portions shall be rounded to the next highest whole number.

I. Minimum requirements for the Commercial 1 (C1) land use district are as follows:

Use	Number of Spaces
Residential	1 per dwelling unit
All uses other than residential	None

J. Land use districts other than the C1 District.

(1) Minimum requirements for all land use districts other than the Commercial (C1) District are as follows:

Use	Number of Spaces
Single-family dwelling	2
2-family dwelling	3
Multifamily dwelling for senior citizens only	1 per unit
All other multifamily dwellings	1 1/2 per dwelling unit
Boarding- or rooming houses	2, plus 1 per guest room
Professional and business offices	1 per 300 square feet of office floor space
Retail stores and service shops	1 per 200 square feet of retail/service floor area
Shopping center	1 per 200 square feet of gross leasable area

Church, meeting hall, auditorium other place of public assembly	1 per 5 seats or 75 square feet of seating area where fixed seating is not provided
Eating and drinking establishments	1 per 3 seats
Funeral homes	1 per 5 seats
Motel/hotel or tourist accommodation	1 per each sleeping room
Industrial use	0.65 per employee on largest shift, plus visitor parking
Bowling alley	4 per alley
Marina or yacht club	1 1/2 per slip, mooring or other docking space
Motor vehicle repair establishment	1 per 200 square feet of floor area

(2) For uses not specifically listed, the requirement shall be the same as for the most similar use listed.

K. The Planning Board shall have the authority to lower or raise the required number of parking spaces at the time of special use approval. Requirements may be lowered if the applicant can demonstrate the need for fewer parking spaces.

§ 120-22. Off-road loading.

Except in the Commercial 1 (C1) land use district, business uses shall provide sufficient off-road loading spaces on the site for the loading and unloading of any trucks which are anticipated to use the site. Each loading space shall be at least 12 feet by 35 feet. No loading space shall be located within front, side or rear building setbacks.

§ 120-23. Signs.

A. Definitions.

DIRECTIONAL SIGN -- A sign conveying instructions regarding pedestrian and/or vehicular movement with respect to the premises on which it is located, such as the entrance and exit of a parking area.

FREESTANDING SIGN -- A sign attached to the ground by poles, or other sign which is not affixed to a building.

INTERNALLY LIT SIGN: Any sign deriving its illumination from an internal source, and shall include all plastic signs lighted from behind, as well as all neon signs, and all lighted awnings lighted in a way as to give the awning the appearance of being lighted.

OFF-PREMISES ADVERTISING SIGN/BILLBOARD -- A sign which is located on a parcel of land other than that parcel where the business, service or event advertised is located.

PROJECTING SIGN -- A sign which is attached to a building such that it projects out perpendicular to the building.

WALL SIGN -- A sign which is affixed flat to the side of a building or one which is painted upon the side of a building.

B. The following are prohibited in all land use districts:

- (1) Moving, flashing, blinking or animated signs.
- (2) The use of banners, pennants, ribbons or streamers intended to attract attention or for advertising, except that said items can be used temporarily, provided that said use does not exceed three days within a month with any part of a day counting as one day.
- (3) Internally lit signs.
- (4) Off-premises advertising signs [as distinguished from directional signs; see Subsection B(5) below].
- (5) Any sign not specifically permitted in Subsection B below.

C. Permitted signs.

- (1) Temporary signs, including "for sale" or "for rent" signs, political signs and signs announcing a community event or event conducted by a not-for-profit organization are permitted. However, said signs must be removed within seven days after the date of said sale, lease, election or event.
- (2) Each home occupation is permitted one sign not to exceed 12 square feet in area, and the top of the sign shall not exceed eight feet from the grade measured from the highest point of mounting the sign.
- (3) Each business is permitted signs as follows:
 - (a) Businesses shall be permitted up to two (2) signs as described in (b) – (d) below except businesses on corner lots which shall be permitted one (1) additional wall or projecting sign.
 - (b) In C1, M3, R7, R9 and R12B Districts: one wall sign not to exceed one square foot in area per each linear foot of business unit building frontage on that side and one projecting sign not to exceed 12 square feet in area. Maximum height of signs shall be 15 feet.
 - (c) In C6, C7, M2 and R12A Districts: one (1) wall sign not to exceed one square foot in area per each linear foot of business unit building frontage on that side, and either one

freestanding sign not to exceed 36 square feet in area or one projecting sign not to exceed 20 square feet in area. Maximum height of signs shall be 15 feet.

(d) In C2, C4, C5, M1, I-1, I-2 and I-3 Districts: one wall sign on each side of a building not to exceed one square foot in area per each linear foot of business unit building frontage on that side, and either one freestanding sign not to exceed 50 square feet in area or one projecting sign not to exceed 20 square feet. Maximum height of signs shall be 15 feet.

(4) Each shopping center or other property containing more than one establishment on a lot is permitted in addition one suspended sign not exceeding eight square feet in size for each business establishment is permitted. Such signs shall be attached to the freestanding sign.

(5) Off-premises directional signs under four square feet in area are permitted.

D. In residential land use districts (R7, R9 and R12A) and in the M2 District, all signs shall be constructed of wood or metal material, and illumination shall be by means of indirect lighting only. Backlighted signs, i.e., signs using internal lighting, are not permitted.

E. Placement of signs. No sign shall obscure a line of sight for traffic or otherwise constitute a traffic hazard. All freestanding signs shall be placed at least 20 feet from any side lot line and five feet from the highway right-of-way. No freestanding sign shall be placed between three and 10 feet above ground level. Wall signs shall not extend beyond the edge of the building upon which they are placed. Projecting signs shall not extend beyond five feet from the building to which they are attached.

F. The area of a sign shall be computed as including the entire surface within the frame of a sign. For a sign consisting of letters painted on or attached onto a building, the sign area shall be calculated by multiplying the average height of the letters by the distance between the first and last letters. In the case of a freestanding sign with lettering on both the front and the back, the areas of both sides of the sign shall not be added together for purposes of computing the total area of the sign.

G. Sign height shall be measured from the distance from the highest portion of the sign to the finished grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.

§ 120-24. Junk.

No junk, as defined herein, shall be kept out of doors.

§ 120-25. Animals.

Fowl, hogs, cows, horses, goats or other farm animals shall not be permitted within the Village limits.

§ 120-26. Traffic hazards; sight lines.

Structures, vehicles, fences, hedges, trees, shrubbery and other material shall not constitute a traffic hazard nor obscure the line-of-sight of traffic. In no event shall any structures, vehicles, trees, fences, hedges, shrubbery, signs, snow, debris or other material be placed within three feet of the Village right-of-way.

§ 120-27. Satellite dishes.

Satellite television antennas (dishes) two feet in diameter or more shall be located in the rear yard of all lots and shall comply with all rear and side yard building setback requirements. Satellite television antennas two feet in diameter or less shall be allowed in the front yard of a lot; however the same must be physically attached to the residence and must comply with all applicable setback requirements.

§ 120-27.1. Corner visibility.

No structures, vehicles, trees, fences, hedges, shrubbery, snow, debris or other material shall be maintained on any corner lot within a triangular area formed by the lot lines along the streets to the points on such lines a distance of 40 feet from their intersection and a line connecting such points.

§ 120-27.2. Storage containers.

- A. The use of all truck boxes and shipping containers, with or without wheels attached, for the storage of goods and materials is prohibited, except that the use of truck boxes and containers shall be allowed for temporary use for new home construction or renovations of a home for no longer than six months.
- B. The use of a truck box or container with or without wheels attached, for storage at a lawfully established commercial/industrial site shall be allowed, provided a special use permit is granted.

ARTICLE V: DESIGN AND DEVELOPMENT STANDARDS

§120-28. Intent.

The purpose of this section is to ensure that commercial and multi-family development supports the Village downtown as a prosperous business environment and the waterfront as a destination for visitors and a center of activity for the community.

For generations, commercial areas in upstate New York have reflected the traditional pattern of small businesses, schools, professional offices, personal services and public buildings located within walking distance of the main street. Industrial buildings were sited within or near the village center, usually close to residential neighborhoods. Most buildings were sized to fit the needs of the community and its limited market area. The physical pattern of streets, buildings and neighborhoods in Rouses Point was in place prior to the automobile. Buildings were constructed close to one another along the street edge, shared design features and were of similar scale and form. They had prominent entrances and many windows to display wares and make the building inviting to passersby.

The economic and social vitality of the Village depends on maintaining its attractiveness, economic viability of businesses, and hospitable atmosphere for residents and visitors. These standards and guidelines intend to do that by:

- A. creating a flexible and sensible set of expectations, some requirements and some suggestions, that do not inhibit growth or become a hardship for local property owners;
- B. supporting a design approach that creates a high quality, pedestrian-oriented environment, without prescribing an architectural style or attempting to mimic historic buildings;
- C. encouraging compatibility through the use of variations in building elements to achieve individual building identity rather than uniformity;
- D. connecting the Lake Street area to the lakefront with a sense of creativity and a connection to the past; and
- E. meeting the expectations of tourists and outdoor enthusiasts arriving by land and water.

§120-28.1. Applicability.

- A. These standards apply to properties located in the C6, C1 and C4 Districts that meet the following criteria:
 - (1) All newly constructed nonresidential buildings and multi-family buildings of more than three units.
 - (2) All conversions of an existing building from a residential use to a nonresidential use.
 - (3) Any substantial rehabilitation of existing structures, including additions or landscapes, where the cost of improvements, as verified by the Code Enforcement Officer, exceeds 50% of the assessed value.

(4) Improvements to existing properties where the cost of improvements is less than 50% of assessed value shall comply with the applicable standards related to the specific improvement. For example, a new or reconstructed lighting plan must comply with the standards related to lighting even if the cost of improvements does not exceed the threshold for whole property compliance.

- B. The standards do not apply to existing residential structures of three or fewer units.
- C. Any building, parking area or sign or approved permit that lawfully exists as of the date of adoption, which would not otherwise be permitted under these standards, may be continued as a legal non-conforming lot or structure in the same manner as it existed prior to the effective date of these standards.

§120-29. Definitions.

- A. For the purpose of this article, the term “standard” and “guideline” shall have the following meaning:

STANDARD -- A standard is a level that requires conformity and uses the term "shall or must." A standard addresses a specific subject and is a requirement. Relief from a standard almost always requires a variance from the Zoning Board of Appeals, unless otherwise stated or the applicant demonstrates that it would clearly be unreasonable or undesirable to do so under all circumstances, in which case the applicant may offer, and the Planning Board or Zoning Board of Appeals may approve an alternative standard, criterion or action.

GUIDELINE -- A guideline is a level that is preferred and recommended, and uses the term "should or may." A guideline addresses a specific subject and is a strong suggestion but is not a requirement. Guidelines will be discussed with the Planning Board during Site Plan Review.

- B. The following additional definitions apply to this Article.

ADDITION -- New construction added to an existing building or structure.

ALTERATION -- Construction or other modification that changes one or more of the exterior features of a structure or building, including, but not limited to, the erection, construction, reconstruction, addition, sand blasting, water blasting, chemical cleaning or removal of any structure, but not including changes to the color of exterior paint.

BELT COURSE -- A molding or projecting course running horizontally along the face of a building. Beltcourses are typically constructed of stone, tile, brick, shingles or other similar material.

BUFFER -- An area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesirable views, noise and glare, effectively providing greater privacy to neighboring land uses. Typical buffers include, but are not limited to, plant materials, walls, fences and/or significant land area to separate the uses.

CANOPY -- A projection over a niche or doorway, often decorative or decorated; a roof over an accessory structure including but not limited to gasoline pumps and an ATM.

CORNICE -- The projection at the top of a wall or the top course or molding of a wall when it serves as a crowning member.

FAÇADE -- The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building facing a frontage line.

FULL CUTOFF OR FULL SHIELDED TYPE FIXTURE -- An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

GLARE -- Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

LANDSCAPING -- The combination of natural elements such as trees, shrubs, groundcovers, vines, or other organic and inorganic materials, which are installed for purposes of creating an attractive and pleasing environment, screening unsightly views, and reducing environmental impacts.

LIGHT FIXTURE -- The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

MASSING -- The three-dimensional shape of a building(s) height, width, and depth.

PARAPET -- The portion of a wall that extends above the roofline.

PEDESTRIAN WALKWAY -- A surfaced walkway, separate from the traveled portion of a public or private right-of-way, parking walkway lot or driving aisle.

PLINTH -- The part of a wall or façade of a building immediately above the ground usually stine or brick. Also the block beneath a column.

SCALE -- The size or proportion of a building element or space relative to the structural or functional dimension of the human body.

STOREFRONT -- The traditional "main street" façade bound by a structural pier on either side, the sidewalk on the bottom and the lower edge of the upper façade at the top.

TEXTURE -- The visual and tactile quality of a surface apart from its color and form. A building texture refers to the variations in the exterior façade and may be described in terms of roughness of the surface material, the patterns inherent in the material or the patterns in which the material is placed.

§120-30. Standards and Guidelines.

A. General Building Design Standards.

(1) Standards.

- (a) Employ building types and detailing on new development, additions and alterations that are compatible with the historic character of Village buildings in massing, height, size, proportion and external treatment.

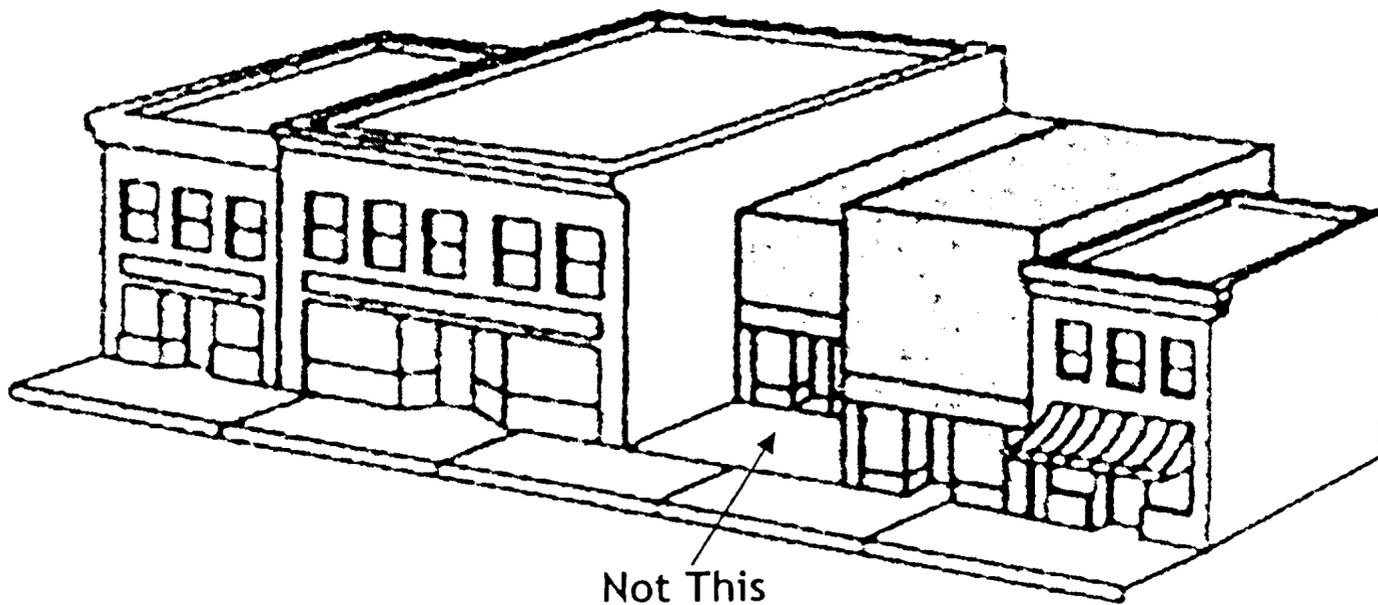
(2) Guidelines.

- (a) Mixed-use, multistory (2 to 3 story) structures are preferred.

B. Building Orientation and Entrances.

(1) Standards.

- (a) Place buildings at the front of the site, parallel to the street or in line with neighboring structures, with an accentuated primary entrance facing the public right-of way to maintain a consistent setback and create a traditional street and sidewalk frontage.
- (b) Buildings on corner lots must continue the established setback along both street frontages.



Place infill buildings along the same setback as existing buildings

(2) Guidelines.

- (a) Preserve or create view corridors to Lake Champlain whenever possible.

- (b) Primary and secondary building and site entry points should be easily recognizable from parking areas and from the street.
- (c) Emphasize main entries with a change in roofline, additional projecting features, design accents, porches, canopies, etc.
- (d) Pedestrian sheltering elements such as porches, traditional canopies and awnings with free-hanging valances are encouraged. Crown, umbrella, bubbled or domed awnings should not be used.
- (e) The length of any façade should generally not exceed 50 feet maximum horizontally. Shop fronts should be broken down even further; 30 feet or less is preferred.
- (f) Facades may be broken up through the use of bay windows, porches, building extensions, recessed doorways and other architectural treatments.

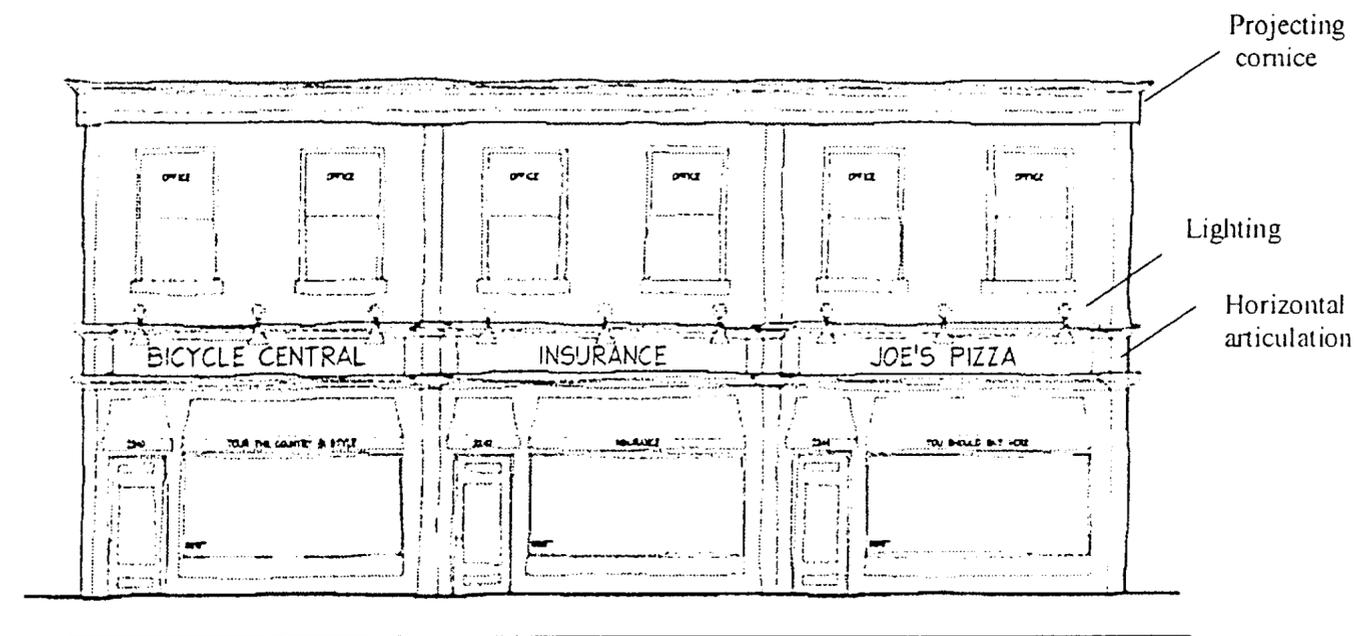
C. Walls.

(1) Standards.

- (a) Any exterior wall facing a street, the lake, a parking area, walking area or other public right-of-way shall not be a blank wall without windows or doors. Blank walls shall be broken up with such elements as, but not limited to, windows, doors or architectural treatments as described in Subsection (2)(b) below.

(2) Guidelines.

- (a) Walls or portions of walls without windows should use architectural treatments, materials, colors and details that are similar to the front façade.
- (b) Examples of architectural treatments include: masonry (other than flat concrete block), concrete or masonry plinth at the base of the wall, belt courses of a different texture or color, projecting cornices or canopies, decorative tilework, medallions, translucent glass, vertical/horizontal details or lighting fixtures.



D. Building Materials.

(1) Standards.

- (a) Anodized or galvanized metal may not be used for buildings and roofs, but may be used for repair of existing structures with anodized or galvanized metal exteriors. This shall not preclude the use of modern metal roofing materials.

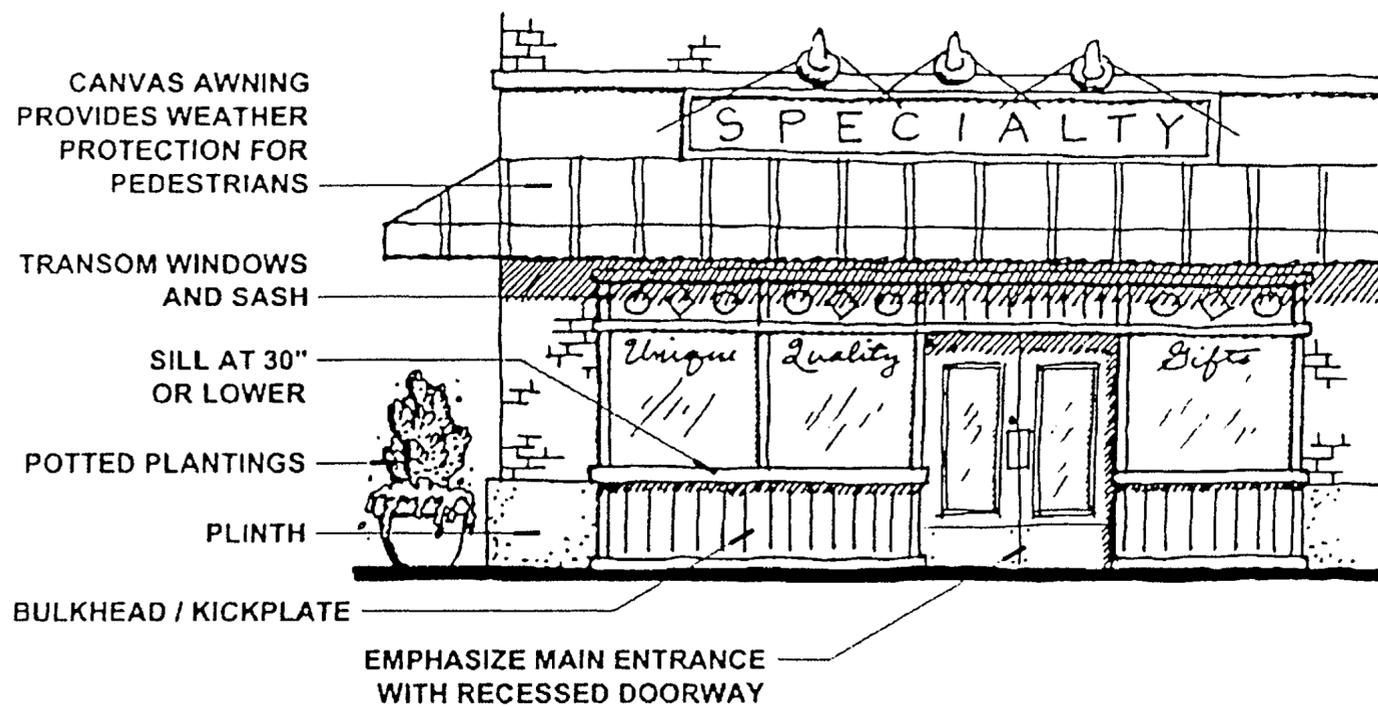
(2) Guidelines.

- (a) Smaller, human scale and natural materials such as stone, brick, wood, shingles, slate, terra cotta, glass and metal are preferred. High quality imitation materials may also be appropriate. The use of highly reflective or glossy materials should be used sparingly.
- (b) Muted and traditional colors are preferred, with contrasting textures and tones used to add interest.

E. Windows and Doors.

(1) Standards.

- (a) Doorways must be clearly accentuated.
- (b) Windows shall reflect any discernable pattern of window openings that is established among adjacent structures in terms of style, configuration and size.
- (c) On street level primary facades, window openings must be large enough to make the building appear transparent, open and inviting. Storefront windows shall make up at least 50% of the first floor façade. "Transparent" storefronts are not necessary for some businesses, such as professional offices. For such businesses, it is at least preferable to maintain the size of original storefront windows.
- (d) Smoked, reflective, or black glass in windows are not allowed.
- (e) Plexiglas or replacement materials other than of glass are not allowed.



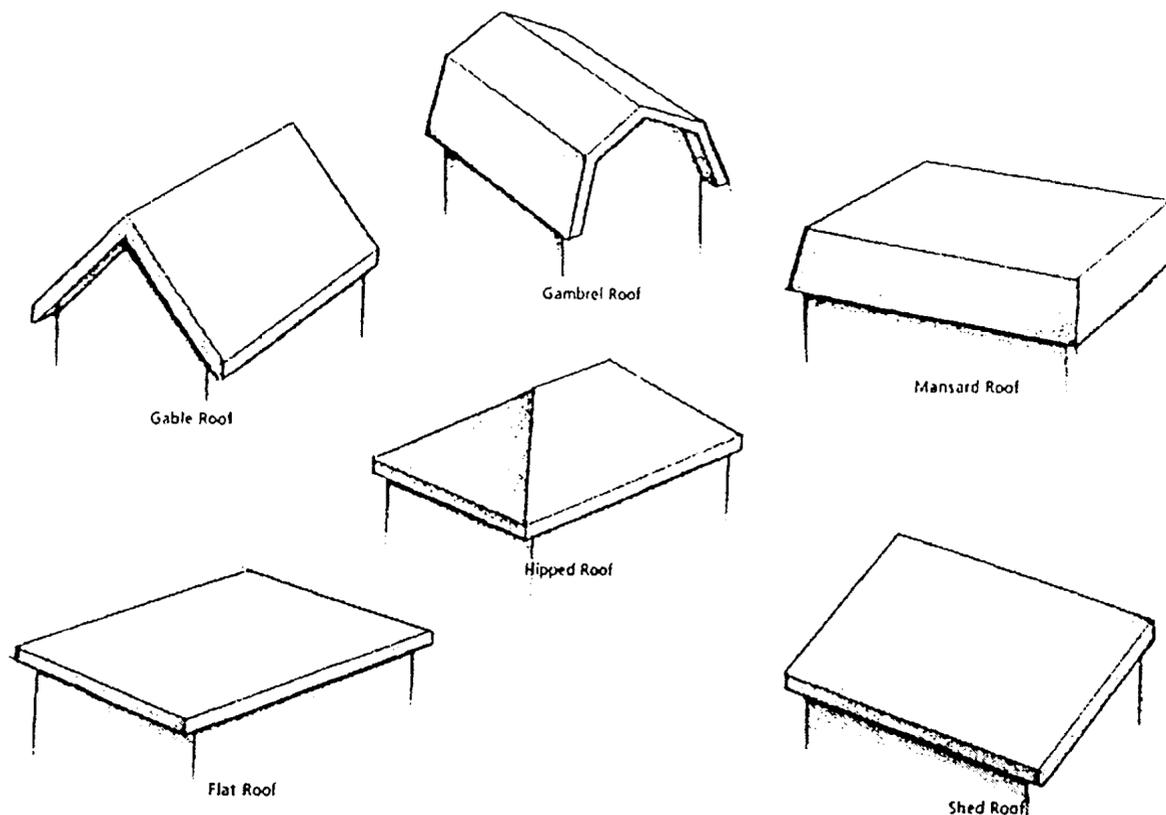
(2) Guidelines.

- (a) Clear, colorless glass without tinting is preferred for all display windows. Stained glass, colored or translucent glass should be used for design accents.
- (b) Street level windowsills should be lower than 30 inches above finished grade at the building line.
- (c) When windows are replaced or repaired, replacement windows should match the original window in style, configuration and size.
- (d) Upper-story windows should relate to first-story windows in shape, form, and pattern, size and proportion.
- (e) In conjunction with the window opening requirements for street level windows in Subsection E.1.(c) above, windows on the front facades of upper stories shall make up at least 25% of the upper story front façade.

F. Roofs.

(1) Standards.

- (a) Roofs shall be proportional to the rest of the building and be in keeping with the character of adjacent buildings.
- (b) Structures with sloping roofs must take measures to ensure that falling snow, ice and rain does not create a hazard for pedestrians.



(2) Guidelines.

- (a) Rooftop mechanical apparatus, except solar arrays and green roof systems, should be hidden or screened to the greatest degree possible.
- (b) Sloping roof structures should consider the use of dormers and gables to give the facade more visual prominence.
- (c) Hip or gable roofs are preferred. Flat roofs with a parapet are appropriate if they are in keeping with surrounding buildings. False mansard-style roofs should be avoided.

G. Refuse Storage Areas.

(1) Standards.

- (a) Refuse must be stored inside the building or outdoors in a location out view from primary and secondary building entrances.
- (b) Outdoor refuse storage areas must be entirely screened by a fence or enclosure with walls or opaque fencing and must remain locked and closed.

(2) Guidelines.

- (a) In general, refuse areas should not be located closer than 10 feet from any property lines.
- (b) The enclosure should be constructed of stockade, wood board fence, brick or materials imitating brick or wood. If chain link fencing is used, it is preferred that it have vinyl slats.

H. Landscaping and Screening.

(1) Standards.

- (a) Where a principal building is set back 15 feet or more from the front lot-line, landscape treatment shall be provided to enhance architectural features, strengthen vistas and visual corridors and provide shade.
- (b) Planted buffers should be provided between parking areas and adjacent lots and streets.
- (c) Parking lot landscape areas should cover at least 15% of the total paved area of the parking lot.

(2) Guidelines.

- (a) Consider native or indigenous plants, which are compatible with the local weather conditions.

I. Lighting and Utilities.

(1) Standards.

- (a) The number of light fixtures and the intensity of lighting shall be appropriate to illuminate the location for safety, without glare to adjoining properties.
- (b) The total height of exterior lighting fixtures shall be a maximum of 14 feet for pedestrian walkways and 20 feet for parking lots adjacent to residential uses.
- (c) Blinking and flashing lights are prohibited. Exceptions to this rule include holiday lighting and emergency lighting or temporary construction lighting, as may be required by a public agency.

(2) Guidelines.

- (a) Decorative site lighting, display window lights, and architectural lighting, are encouraged to advertise the business and highlight building features and entries.
- (b) Full-cutoff and shielded fixtures are preferred.
- (c) Newly installed and renovated lighting and utility services should be underground whenever possible.



Decorative, full cutoff lighting is preferred.

J. Off-Street Parking.

(1) Standards.

- (a) Parking lots for new development shall be located to the side and rear of buildings whenever possible unless the property is directly adjacent to Lake Champlain.
- (b) Parking lots for new development located directly adjacent to Lake Champlain shall preferably be located on the side of the building to avoid lakefront parking lots. If that is not possible or practical as determined by the Planning Board, a rear or front location may be considered with consideration being given to which location will have the least aesthetic impact.

(2) Guidelines.

- (a) Where rear parking is provided, a secondary rear entrance is encouraged.
- (b) Shared access driveways to parking lots between properties is preferred to reduce the number of curb cuts.

K. Relation of Development to the Lakefront.

(1) Standards.

- (a) Existing lakefront linkages and views must be retained.

(2) Guidelines.

- (a) For new development to be located on lots directly adjacent to Lake Champlain, the following development guidelines shall be taken into consideration by the Planning Board.
 - 1. Where feasible and appropriate, designs should integrate options for outdoor waterfront dining and passive recreational activities such pedestrian walkways and seating.
 - 2. Shallow building lots which orient to the street and the water should be “double-fronted” providing a pedestrian-friendly facade and entrance on both the street and lakefront sides.
 - 3. On larger lots, consider clustering buildings to frame views to the water.
 - 4. Provide perpendicular connections between the waterfront and the street whenever possible.

L. Signage.

(1) Standards.

- (a) Signage at entrances and storefronts shall be simple and legible.
- (b) Style, colors and materials used on signage must complement the style, colors and materials of the building itself.
- (c) External sign lighting must be no brighter than needed to read the sign, and must not spill over onto other areas. Bulbs may not be visible from the street.

ARTICLE VI: NONCONFORMING LOTS, USES AND STRUCTURES

§ 120-31. Applicability.

This article shall apply to those land uses, structures and lots of record which legally existed at the time of enactment or amendment of this chapter, but which are not in compliance with the regulations or standards herein.

§ 120-32. Intent.

The intent of this article is to provide for limited development upon existing undersized lots and to allow nonconforming uses to continue but not to encourage their expansion.

§ 120-33. Existing undersized lots of record.

- A. A single-family dwelling may be constructed on any recorded lot held in single and separate ownership prior to adoption of these regulations without regard to the minimum lot area, minimum lot width and minimum lake or river frontage required by Article III of this chapter, provided that such lot does not adjoin any other lot or lots held by the same owner such that the owner might combine two or more lots in order to meet minimum requirements. Minimum front, side and rear building setbacks for new structures shall be 1/2 the minimum requirements specified in § 120-11 of this chapter. The establishment of a use other than a single-family dwelling on such lots shall require a variance.
- B. Existing buildings located on undersized lots of record may be reconstructed to occupy the same ground area as the original structure, provided that a variance is obtained from the Zoning Board of Appeals.
- C. Existing buildings located upon undersized lots of record may be expanded without the issuance of a variance, provided that minimum front, side and rear building setbacks are met.

§ 120-34. Nonconforming building setbacks.

Existing buildings which are placed closer to front, side or rear lot lines than permitted by Article III of this chapter shall not be expanded so as to encroach farther into the required setback without the issuance of a variance. Expansions within front, side or building setbacks are permitted without issuance of a variance if they are in line with the existing building, as illustrated below.

§ 120-35. Nonconforming uses.

Uses of land or structures which lawfully existed at the time these regulations were enacted, and which would be prohibited or restricted by these regulations, may be continued subject to the following conditions:

- A. Enlargement of buildings. Buildings containing a nonconforming use may be enlarged by an amount not to exceed 1/4 the size of the building without issuance of a variance by the Board of

Appeals, provided that the minimum building setbacks and maximum lot coverage requirements are met. If only a portion of a building contains a nonconforming use, then that square footage may be increased by 1/4 by using additional space within the structure, but not by constructing an addition to the structure.

- B.** Expansion of area. The area of a lot occupied by a nonconforming use which does not involve a building, such as a nonconforming automobile sales lot or an equipment storage area, may be expanded by 25%, provided that all dimensional and screening requirements stated in this chapter for such use are satisfied.
- C.** Replacement of nonconforming single-wide mobile homes. See § 83-13.
- D.** Unsafe structures. Any structure or portion thereof declared unsafe by proper authority may be restored to a safe condition.
- E.** Restoration. If a building is destroyed by fire, flood or other act of God, then it may be rebuilt or restored to house the specific use that existed at the time of its destruction, but it shall not be rebuilt for any other nonconforming use. It may be enlarged by the amount permitted in Subsection A above.
- F.** Discontinuance. Whenever a nonconforming use has been discontinued for a period of one year, the use shall not thereafter be reestablished, and all future uses shall be in conformity with these regulations.
- G.** Changes. Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a nonconforming use.
- H.** Ownership. Any nonconforming use on a parcel of property which is conveyed to another party may be continued, provided that such use is reestablished within one year of the sale pursuant to Subsection F above. This excludes mobile homes and mobile home parks as stated in § 83-13 of this Code.

ARTICLE VII:

THIS ARTICLE IS RESERVED

ARTICLE VIII: SPECIAL USE STANDARDS AND PERMITTING PROCEDURES

§ 120-36. Applicability.

All uses listed as special uses in Article III shall require review and approval by the Planning Board before a land use and development permit may be issued by the Code Enforcement Officer.

§ 120-36.1 Authorization.

All special uses shall require review and approval of a special use permit by the Planning Board before a land use and development permit may be issued. A special use is considered to be an allowable use in a district, provided that sufficient conditions and safeguards are established to protect the health, safety and welfare of the public in general and the residents of the surrounding area in particular. In its review, the Planning Board shall have the authority to attach such conditions and safeguards as it deems appropriate in order for the proposed use to comply with the following general and specific standards. No special use shall be approved unless the following standards are met.

§ 120-37. General standards for all special uses.

- A. Impact upon surrounding properties. The proposed use shall not cause a significant adverse impact upon nearby properties by reason of traffic, noise, fumes, odors, vibration, flashing lights, litter, surface water or groundwater contamination, air pollution, drainage, visual impact, excessive nighttime lighting, creation of a safety hazard, risk of fire or explosion or other adverse condition; nor shall the proposed use significantly impair the future development of surrounding properties.
- B. Vehicular access. Proposed vehicular access points shall be adequate in width, grade, alignment and visibility; shall not be located too near road intersections or places of public assembly; and shall meet similar safety considerations.
- C. Emergency vehicle access. All proposed buildings, structures, equipment and materials shall be readily accessible for fire and police protection.
- D. Screening. Parking and loading areas which, in the judgment of the Planning Board, may have an adverse visual impact upon neighboring residential properties shall be reasonably screened by vegetation or by fencing at all seasons of the year from the view of such properties.
- E. Drainage and erosion control. Adequate provision shall be made for drainage of the site and to ensure that stormwater runoff does not create an adverse impact upon nearby lands or waterways.
- F. Lighting. Exterior lighting shall not be directed so that it shines onto adjoining residential properties or onto public roads. High-intensity lighting shall be minimized.

- G. Utilities and municipal services. Adequate provision shall be made for water supply and sewerage disposal, electrical service and solid waste disposal. The proposed use shall not create a burden on municipal or county services.
- H. Lake Champlain water quality. The proposed use shall not have an adverse impact upon the water quality of Lake Champlain, particularly in the location of a Village water supply intake.

§ 120-38. Visual compatibility in C1, C6 and M2 Districts.

The purpose of this section is to maintain the existing visual character along Lake Street and within the downtown commercial district. Within Commercial 1 (C1), Commercial 6 (C6) and Mixed-Use 2 (M2) Districts, all special uses shall be in general visual harmony with the surrounding properties. Building design, color, signage and landscaping shall be keeping with the neighborhood.

§120-39. Drive-through Window Facilities.

- A. Due to potential impacts on traffic volume, vehicular and pedestrian circulation, and the environment, the following additional standards are required for the permitting of drive-through windows.

(1) Site location criteria. The site of the drive-through window shall meet all of the following criteria:

- (a) The drive-through shall not be located within 100 feet of a lot line of any existing residential use;
- (b) The use shall not substantially increase traffic on streets in Residential and Mixed Use Districts;
- (c) The site shall be adequate in size and shape to accommodate said use and to accommodate all yards, parking, landscaping, and other required improvements; and
- (d) The use shall not substantially lessen the usability and suitability of an adjacent Residential or Mixed Use Districts for residential use.

(2) General design standards. All the following must be provided for the primary use to be granted a building permit for a drive-through window:

- (a) Lighting: All lighting on the exterior of the building shall be of an indirect nature, emanating only from fixtures located under canopies or hoods, under eaves of buildings and at ground level in the landscaping. Freestanding pole lights shall not exceed a maximum height of 14 feet and shall be so arranged and shielded that there shall be no glare or reflection onto adjacent properties or public rights-of-way.
- (b) Signs should be placed and waiting lanes should be designed so that waiting cars do not block sidewalks or public streets.
- (c) Landscaping, waiting-lane devices, and overall design should not prevent vehicles from safely and efficiently leaving waiting lanes.

- (d) Traffic circulation.
 - 1. A traffic study addressing both on-site and off-site traffic and circulation impacts is required.
 - 2. Pedestrians must be able to enter the establishment from the parking lot or sidewalk without crossing the waiting or exit lines.
 - 3. Waiting lanes shall be designed for the maximum length possible. At a minimum, waiting lanes should accommodate average peak monthly traffic flow, allowing 23 feet per vehicle. Applicants must provide data about the peak flows of the business to determine the minimum waiting needed.
 - 4. The waiting lane shall be independent of any on-site parking, parking maneuvering areas, public streets or traffic ways serving other on and/or off-site uses.
- (3) Site plan requirements. In addition to the general requirements for Site Plan review, drive-through window site plans must also include the following features:
 - (a) Design and placement of signs to ensure that they facilitate the safe and smooth flow of traffic.
 - (b) Details of pedestrian and vehicular circulation.
 - (c) Details of waiting lanes, including location and design of curbs, gates, bollards and chains, pavement markings and similar devices.

§120-40. Gasoline and auto fuel station.

A. Definitions

- (1) A “canopy” means any structural protective cover that is not enclosed on any of its 4 sides and is provided for a service area designate for the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and similar products.
- (2) A “fuel pump” means any device that dispenses automotive fuel and/or kerosene. A fuel pump may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.
- (3) A “pump island” means a concrete platform measuring a minimum of 6 inches in height from the paved surface on which fuel pumps are located.

B. General Standards

- (1) Gasoline and/or fuel pumps shall not be located closer to any side or rear lot line than the minimum setbacks for buildings as specified in § 120-11 herein.

- (2) No building, parking or service area shall be closer than 100 feet to any existing residential structure.
- (3) Adequate space shall be provided for safe pull-off, parking, waiting lines and service, so as to prevent any interference with the roadway or shoulder. Gasoline pumps shall be located at least 15 feet from the street line (front property line).
- (4) Fuel pumps and canopied areas are preferred to be located between the principal building and the side or rear lot line and not between the building and the street.
- (5) All permitted accessory services shall occur within enclosed buildings.
- (6) Principal buildings shall be oriented to the street.
- (7) Outdoor storage of motor vehicles shall be prohibited at all times. Premises shall not be used for the sale, rent or display of automobiles, recreational vehicles, trailers, boats or other vehicles.

C. Canopies

- (1) Canopies shall not exceed 16 feet in height from finished grade to the underside of the canopy.
- (2) Canopies shall be architecturally integrated with the principal building and all other accessory structures on the site through the use of the same or compatible materials, colors and roof pitch.
- (3) Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface more than 2 inches.

§120-41. Storage of junk vehicle wastes.

All junk wastes as a result of servicing motor vehicles, such as discarded parts, shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent lots.

§120-42. Mobile home parks.

All mobile home parks shall comply with Chapter 83, Mobile Homes, of the Code of the Village of Rouses Point, New York.

§120-43. Campgrounds and travel trailer parks.

- A.** The minimum lot size for campground/travel trailer parks shall be two acres.
- B.** Each campground/travel trailer park shall have adequate access to a public highway; and each camp/travel trailer site shall be serviced from interior roadways.

- C. The campground/travel trailer park shall be divided into campsites. The corners of each campsite shall be clearly marked, and each campsite shall be numbered for identification.
- D. The minimum size of each camp/travel trailer campsite shall be 2,500 square feet.
- E. There shall be a minimum of 30 feet green space buffer surrounding the campground/travel trailer park. No campsite or portion thereof, building, structure or roadway shall be placed within the buffer area.
- F. No campsite shall be located within 50 feet of the mean low-water mark of Lake Champlain.
- G. The Planning Board may require that the campground/travel trailer park be substantially screened from the view of public roads and neighboring properties.
- H. Each campground/travel trailer park shall comply with all applicable rules and regulations of the New York State Department of Health and the Clinton County Health Department.
- I Adequate plans shall be made for the collection and disposal of garbage, rubbish and solid wastes generated within the park.

§120-44. Marinas.

- A. All marinas shall provide and maintain at their own expense a parking lot of sufficient size to provide for 1 1/2 spaces per each boat docking or mooring space.
- B. All marinas shall provide and maintain at their own expense adequate fire lanes allowing access by appropriate fire-fighting apparatus to all areas of the marina, including but not limited to parking lots and boat docking and mooring slips. Parking lot roads designated as fire lanes shall be maintained free of obstructions at all times.

§ 120-45. Site plan approval.

As part of its review and approval of a special use, the Planning Board shall review and approve a site plan for the proposed use.

§ 120-46. Application for special use approval.

All applications for special use approval shall consist of the following:

- A. Site plan map.
 - (1) Three copies of a site plan map (one to be retained for Village records, one to be returned to the applicant and one for referral to county if necessary), drawn to scale, to include as applicable:
 - (a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.

- (b) North arrow, scale and date.
- (c) Boundaries of the property plotted to scale.
- (d) Existing watercourses and bodies of water.
- (e) Proposed grading and drainage.
- (f) Location, proposed use and height of all buildings and site improvements, including culverts, drains, retaining walls and fences.
- (g) Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.
- (h) Location of outdoor storage, if any.
- (i) Description of the method of sewage disposal and location of facilities.
- (j) Identification of water source, if applicable.
- (k) Location, size and design and construction materials of all proposed signs.
- (l) Location and proposed development of all buffer areas.
- (m) Location and design of outdoor lighting facilities.

(2) The Planning Board may, at its discretion, require that such site plan be prepared by a New York State licensed engineer or architect.

B. Accompanying data, to include the following as applicable:

- (1) Application form and fee.
- (2) Name and address of applicant and any professional advisors.
- (3) Authorization of owner if applicant is not the owner of the property in question.
- (4) Short environmental assessment form.
- (5) Any additional endorsements, certifications or approvals required by the Planning Board.
- (6) Other information as the Planning Board may reasonably require to assess the proposed project.

§ 120-47. Waiver of submission requirements.

The Planning Board may waive one or more submission requirements in the case of minor projects of an uncomplicated nature.

§ 120-48. Planning Board Review Process.

Special Use Permit applications to the Planning Board shall be processed using the procedure outlined in Subsections A-F below.

- A. Review.
- (1) The Planning Board shall undertake a preliminary review of a Special Use Permit application at its first regularly scheduled monthly meeting after the application is submitted. At the preliminary review the Board shall determine whether the application is complete. If the application is deemed to be incomplete, then the applicant shall be notified, in writing, of what further information is required. If the application is considered to be complete, then the Board shall precede to schedule a public hearing.
 - (2) Pursuant to the New York State Environmental Quality Review Act (SEQRA), the Planning Board in their initial review of an application shall determine that no further action is necessary to fulfill the requirements of said act or require that the applicant submit a full environmental assessment form (EAF) for their review. Upon review of the full EAF the Planning Board shall issue either a negative or positive declaration. The application shall not be considered complete until the requirements of SEQRA are fulfilled.
- B. The Planning Board shall schedule a public hearing within 62 days of receipt of a complete application and shall provide notice of such hearing by publication in a newspaper of general circulation in the Village at least five days prior to the date thereof. The Planning Board shall mail notice of the Special Use Permit hearing to the applicant at least 10 days prior to the hearing.
- C. Planning Board Referral to County Planning Board. Where the consideration for a special use permit involves land within 500 feet of an adjoining municipality, or from the boundary of any existing or proposed county or state park, or from the right-of-way of any existing or proposed state or county highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county, or state or county-owned land on which a public building is situated, the application shall be referred to the Clinton County Planning Board at least 10 days before the public hearing and acted upon in accord with the provision of Section 239 of New York State General Municipal Law.
- D. Within 62 days of the final public hearing the Planning Board shall render a decision to approve, disapprove or approve with modifications or conditions. Said time period may be extended by mutual consent of the applicant and the Board.
- F. All decisions shall be in writing, shall be filed with the Village Clerk within five business days of the decision and a copy thereof shall be provided to the applicant.

§ 120-48.1. Conditions.

In its review of a proposed special use the Planning Board may impose any conditions it deems necessary to serve the interests of the public health, safety and general welfare and to improve compatibility with surrounding properties. Such conditions may include but shall not be limited to:

- A. Requiring landscaping or vegetative screening.
- B. Increasing building setback.
- C. Limiting the size of buildings, parking areas or facilities.
- D. Specifying the location and design of entrances, exits and off-street parking space.
- E. Requiring that materials be stored indoors or certain activities be conducted indoors.
- F. Requiring noise barriers.
- G. Requiring stormwater retention ponds or other drainage and pollution control devices.

ARTICLE IX: VARIANCES AND APPEALS

§ 120-49. Board of Appeals.

The Board of Appeals (Board) shall have the authority to review and approve requests for variances, to hear appeals from a decision of the Code Enforcement Officer and to decide any question involving the interpretation of a provision or definition contained in this chapter.

§ 120-50. Application.

A property owner(s) or his agent(s) may initiate a request for a variance by filing an application with the Board of Appeals using forms supplied by the Board. The application shall include a copy of the tax map which shows the property and neighboring uses of property and a map drawn to scale showing all existing and proposed structures, driveways, property lines, neighboring buildings, if applicable, and natural features of the site, including wetlands and drainageways. Neighbors within a five-hundred-foot radius of the subject property are to be notified, in accordance with the law, of any application for a variance at said property.

§ 120-51. Variance policy.

The granting of variances shall be principally for those seeking an area variance. A use variance shall only be granted if the provisions of § 120-53 of this chapter are strictly met.

§ 120-52. Requirements for area variances.

- A. Area variances may be granted where the dimensional or physical requirements of this chapter cannot be reasonably met, including but not limited to: minimum lot size, minimum lot width, minimum road frontage, minimum side and rear yards, minimum green space buffer, maximum lot coverage by buildings, maximum height of buildings and size or height of signs.
- B. In making its determination the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community. In making such determination the Board shall also consider:
 - (1) Whether an undesirable change in the character of the neighborhood will be produced or a detriment to nearby properties will be created by the granting of the area variance.
 - (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - (3) Whether the requested variance is substantial.
 - (4) Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.
 - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the Board of Appeals but shall not necessarily preclude the granting of the area variance.

- C. Any area variance granted shall be the minimum necessary for the applicant to make reasonable use of the property.

§ 120-53. Requirements for use variances.

- A. A use variance may be granted to allow land to be used for a purpose which is otherwise not permitted by this chapter.
- B. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that the zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals all of the following:
 - (1) That for each and every permitted use or special permitted use within the zone where the property is located the applicant cannot realize a reasonable return, provided that lack of return is substantial and is established by competent financial evidence.
 - (2) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
 - (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood.
 - (4) That the alleged hardship has not been self-created.
- C. Any use variance granted shall be the minimum necessary to address the unnecessary hardship proved by the applicant.

§ 120-54. Approval of variances with conditions.

In the granting of variances the Board of Appeals shall have the authority to impose such reasonable conditions as are related to the use of the property and/or the period of time the variance shall be in effect. Such conditions shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

§ 120-55. Appeals.

Any appeal from a decision of the Code Enforcement Officer shall be made within 60 days after the Code Enforcement Officer makes and files said decision.

§ 120-56. Stay upon appeal.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer certifies to the Board of Appeals that, by reason in the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings may not be stayed otherwise than by restraining order which may be granted by the Board of Appeals or by a court of record.

ARTICLE X: BOARD OF APPEALS REVIEW PROCEDURES

§ 120-57. Applicability.

This article shall apply to the review procedure for variances and appeals from a decision of the Code Enforcement Officer.

§ 120-58. Procedural steps.

Applications to the Board of Appeals shall be processed in the following steps. The Board of Appeals shall comply with all of the requirements of §§ 7-712-a and 7-712-b of the Village Law.

A. Review.

(1) The Board of Appeals shall undertake a preliminary review of an application at its first regularly scheduled monthly meeting after the application is submitted. At the preliminary review the Board shall determine whether the application is complete. If the application is deemed to be incomplete, then the applicant shall be notified, in writing, of what further information is required. If the application is considered to be complete, then the Board shall precede to schedule a public hearing.

(2) Pursuant to the New York State Environmental Quality Review Act (SEQRA), the Board of Appeals in their initial review of an application shall determine that no further action is necessary to fulfill the requirements of said act or require that the applicant submit a full environmental assessment form (EAF) for their review. Upon review of the full EAF the Board of Appeals shall issue either a negative or positive declaration. The application shall not be considered complete until the requirements of SEQRA are fulfilled.

B. The Board shall schedule a public hearing within 62 days of receipt of a complete application and shall provide notice of such hearing by publication in a newspaper of general circulation in the Village at least five days prior to the date thereof.

C. As required by state law, certain applications shall be forwarded to the Clinton County Planning Board (pursuant to § 120-68). Applications for a variance or an appeal from a decision of the Code Enforcement Officer must be mailed to the Clinton County Planning Board at least five days prior to the hearing

D. The Board of Appeals shall conduct a public hearing on the matter.

E. Within 62 days of the final public hearing the Board shall render a decision to approve, disapprove or approve with modifications or conditions. Said time period may be extended by mutual consent of the applicant and the Board.

F. All decisions shall be in writing, shall be filed with the Village Clerk within five business days of the decision and a copy thereof shall be provided to the applicant.

§ 120-59. Meeting procedures.

- A. Meetings shall be held at such times as the Board may determine or at the call of the Chairman.
- B. A quorum shall consist of three members, but in order to approve a special use or a variance, or reverse a decision of the Code Enforcement Officer, an affirmative vote of at least three members shall be required.
- C. The Board shall keep minutes of its proceedings showing the vote of each member upon each question.
- D. All meetings and hearings of the Board shall be public.
- E. Every decision of determination of the Board of Appeals shall be in writing and shall be filed in the office of the Village Clerk within five business days and shall be public record.

§ 120-60. Costs.

Costs required are to be paid by the applicant for the Board of Appeals process and shall be established by resolution of the Village Board of Trustees.

ARTICLE XI: ADMINISTRATION AND ENFORCEMENT

§ 120-61. Land use and development permits.

- A. Except for exempt actions listed in § 120-3B and C of this chapter, no building or structure shall be erected, altered or moved or use instituted until a land use and development permit has been issued.
- B. Parking lots for places of public assembly and commercial or business uses shall require a land use and development permit for placement.
- C. When establishing measurements to meet required setbacks, measurements shall be taken from the road right-of-way or lot line to the furthest protruding part of the use or structure. This shall include such projecting facilities as porches, carports and attached garages.
- D. A land use and development permit issued under this chapter shall expire one year from the date of issue if construction is not substantially begun.
- E. Any use that has been discontinued for a period of 12 months or longer shall be considered abandoned and may not be reinstated without applying for a new land use and development permit.
- F. Applications for land use and development permits shall be submitted to the Code Enforcement Officer or Village Clerk and shall include three copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be used, the size and location on the lot of existing and proposed structures and accessory structures, the distance from the building line to all lot lines, road lines, waterfront property lines and streams and such other information as may be necessary for the enforcement of this chapter. This information, and other relevant application data, shall be provided on forms issued by the Village Clerk or Code Enforcement Officer.
- G. Permit fees shall be established by resolution of the Village Board.
- H. Temporary permits may be issued by the Code Enforcement Officer, upon approval by the Board of Appeals, for a period not exceeding one year. Such temporary permits are conditioned upon agreement by the owner or operator to remove any nonconforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time. Such permits may be renewed.

§ 120-62. Certificate of occupancy.

No land shall be occupied or used and no building or structure hereafter used or changes made in the use until a certificate of occupancy has been issued by the Code Enforcement Officer stating that the building, structure or proposed use thereof complies with the provisions of this chapter.

§ 120-63. Code Enforcement Officer; duties.

- A. This chapter shall be enforced by the Code Enforcement Officer, who shall be appointed by the Village Board.

- B. The duties of the Code Enforcement Officer shall be to:
- (1) Approve and/or deny land use and development permits.
 - (2) Scale and interpret zone boundaries on the Land Use District Map.
 - (3) Approve and/or deny certificates of occupancy.
 - (4) Refer appropriate matters to the Board of Appeals.
 - (5) Revoke land use and development permits where there is false, misleading or insufficient information.
 - (6) Revoke land use and development permits and/or certificates of occupancy where the applicant has varied from the terms of the application.
 - (7) Investigate violations, issue stop-work orders and refer violations to the Village Board.
 - (8) Report at regular Village Board meetings the number of land use and development permits and certificates of occupancy issued and fees collected.

§ 120-64. Planning Board Duties.

- A. See Chapter 121 in the Village of Rouses Point Code.

§ 120-65. Board of Appeals.

- A. Creation. A Board of Appeals is hereby created. Said Board shall consist of five members. The Village Board shall appoint the members of the Board of Appeals on a staggered term basis in conformance with Village Law and shall appoint a Chairman and Vice Chairman. The Board of Appeals shall select a Secretary and may prescribe rules for the conduct of its affairs.
- B. Authority. The Board of Appeals shall have all of the authority as granted by Article 7 of the Village Law and the following specific authority with respect to this chapter:
- (1) Review and approval of variances.
 - (2) Review of appeals from a decision of the Code Enforcement Officer.
 - (3) To decide any question involving the interpretation of a provision or definition contained in this chapter.
 - (4) Submittal of advisory opinion to the Village Board for any proposed amendment to this chapter.

§ 120-66. Enforcement; penalties for offenses; appeals.

- A. Penalties. Any person owning, controlling or managing any such building, structure, land or premises wherein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this chapter shall be

guilty of a violation pursuant to the Penal Law of the State of New York and punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days or by both such fine and imprisonment. For each twenty-four-hour period such violation continues, every such person shall be deemed guilty of a separate offense. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agency or manager may be considered to be the "person" for the purpose of this section.

- B.** Alternative remedy. In the case of any violation or threatened violation of any of the provisions of this chapter or conditions imposed by a land use and development permit, in addition to other remedies herein provided, the Village may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, reconstruction, occupancy, moving and/or use to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises and to collect a penalty or fine assessed hereunder.
- C.** Stop-work order.
 - (1) The Village Board for the Village of Rouses Point herein grants the Code Enforcement Officer the administrative responsibility of determining in the first instance whether a violation has occurred and immediately terminating said violation by posting a stop-work order on the premises wherein the violation has occurred.
 - (2) The stop-work order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on the premises that all such actions specified on the stop-work order must be terminated immediately.
- D.** Appeal. Any person found to be in violation as described above may appeal the notice of violation to the Board of Appeals. Such appeal must be in writing and may be made no later than 60 days from the date of the notice. An appeal to the Board of Appeals shall stay enforcement, including the accumulation of fines and penalties, from the date such appeal is filed in the office of the Board of Appeals to the date of a determination by the Board of Appeals.
- E.** Misrepresentation. Any permit or approval granted under this chapter which is based upon or is granted in reliance upon any material misrepresentation or failure to make a material fact or circumstances known, by or on behalf of an applicant, shall be void. This subsection shall not be construed to affect the remedies available to the Village under § 120-66 A, B and C of this chapter.

§ 120-67. Amendments.

The Village Board may amend, supplement or repeal the regulations and provisions of this chapter after public notice and public hearing. Certain amendments require referral to the Clinton County Planning Board as described in §120-68 below.

§ 120-68. Referral to County Planning Board.

- A. State law requires that certain variances, special use permit approvals or zoning amendment actions be referred to the Clinton County Planning Board for their review prior to taking final action on the matter. Such actions are those which affect real property within 500 feet of any of the following:
- (1) A state or county highway.
 - (2) State or county land where a public building or institution is located.
 - (3) A state- or county-owned park or recreation area.
 - (4) The Village boundary.
- B. If the County Planning Board does not respond within 30 days from the time it receives a complete application, final action may be taken on the matter without such report. The term "receives" as used in this subsection shall mean delivery at least one week in advance of the regularly scheduled County Planning Board meeting.
- C. In the event that the County Planning Board disapproves the proposal or approves it subject to modifications, then the local Board may override the county opinion only by a vote of a majority plus one of its members.
- D. The local Board shall send a copy of its final decision to the County Planning Board within seven days after the Board is contrary to a County Planning Board recommendation, then the local Board shall send a resolution fully stating the reasons for its contrary action.

ARTICLE XII: TERMINOLOGY

§ 120-69. Definitions, word usage and clarification of meanings.

A. Except where specifically defined herein, all words used in this chapter shall carry their customary meaning. Doubt as to the precise meaning of a word shall be clarified by the Board of Appeals under its powers of interpretation.

B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE -- A building or structure which is of secondary importance to the principal structure of the parcel and which is not used for human occupancy, including but not limited to garages, sheds and swimming pools. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.

ACCESSORY USE -- A use customarily incidental and subordinate to the principal use, and which is located on the same parcel with such principal use.

ADVERTISING SIGN -- A sign which is intended primarily for advertising a service or product.

AGRICULTURE -- The raising of crops and the selling of products grown on premises.

AMUSEMENT PARK -- An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

AREA VARIANCE -- The authorization by the Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable use regulations.

ARTIST STUDIO -- A workshop or workroom for the creation of fine art and crafts such as painting, sculpturing, photography or other handmade pieces of art. The space may include a residential unit and it may also include teaching area for small groups of ten or less. Also
ARTIST LOFT

BANK -- A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. Also
CREDIT UNION.

BED AND BREAKFAST -- A dwelling or building in which at least one (1), but not more than 4, sleeping rooms are provided as overnight/lodging facilities, with or without meals, for the accommodation of transient guests.

BOARD OF APPEALS -- The Village of Rouses Point Zoning Board of Appeals appointed for purposes of administering this chapter.

BOAT MAINTENANCE FACILITY -- Any building, land area or other premises, or portion thereof, used or intended to be used for the care, maintenance and/or repair of boats and/or marine products and accessories.

BOAT STORAGE, COMMERCIAL: A place, site or structure used to store more than 3 boats, not registered to family members for 30 consecutive days or more.

BUILDING -- Shelter having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or property.

BUILDING COVERAGE -- That percentage of the plot or lot area covered by the area of buildings.

CAMPGROUND -- Any parcel of land on which are located two or more cabins, tent sites, shelters, travel trailer sites or other accommodations of a design or character suitable for seasonal or other temporary living purposes, and which is used for economic gain.

CAR WASH - A structure or building designed for the washing, waxing, cleaning or similar treatment of automobiles as its principle function.

CHILD-CARE CENTER -- A program or facility caring for children. Said care shall be provided for a period of time of more than 3 hours per day but less than 24 hours on any given day for any given child by an individual, association, corporation, institution or agency whose activities including providing child day care or operating a facility where child day care is provided as defined in Section 390 of the New York State Social Services Law.

CHURCH -- A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. It includes churches, synagogues, temples, mosques, or other such places of worship and religious activity.

CLUB -- Any organization catering to members and their guests, or premises and buildings for recreational or athletic purposes and not open to the general public, which are not conducted primarily for economic gain. The term "club" shall include membership clubs, lodges, fraternal organizations, mutual benefits societies and other like organizations. A hunting lodge shall not be considered a club.

CODE ENFORCEMENT OFFICER -- The official designated to administer and enforce this chapter.

COMMERCIAL USE -- Any use involving the sale, rental or distribution of goods or services, either retail or wholesale, such as stores, offices or the provision of recreational facilities for a fee.

COMMERCIAL WASTE -- Solid waste generated by commercial and institutional processes which is not industrial, hazardous or construction and demolition debris waste.

CONSTRUCTION AND DEMOLITION DEBRIS -- Solid waste resulting from the construction, remodeling, repair and demolition of structures and roads and solid waste consisting of vegetation

resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related cleanup. Such waste includes but is not limited to bricks, concrete and other masonry materials, wood, wall coverings, plaster, drywall, plumbing fixtures, insulation, roofing shingles, asphaltic pavement, glass, electrical wiring and metals that are incidental to any of the above.

CULTURAL FACILITY -- A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

DIRECTIONAL SIGN -- A nonilluminated sign intended primarily for the purpose of informing the traveling public where a business is located and what products or services are available there.

DISPOSAL -- A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, burned, incinerated or placed into any or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.

DOCK -- A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

DOCKOMINIUM -- A multi-boat slip docking facility in which each boat slip is individually owned.

DRIVE-THROUGH FACILITY -- Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. A drive-through facility is considered an accessory use. A gasoline service station is not considered a drive-through facility for purposes of this chapter.

DWELLING -- A building or part thereof used as living quarters. For purposes of this chapter, the terms "dwelling unit," "one-family dwelling," "two-family dwelling" and "multifamily dwelling" shall not include a motel, hotel, boardinghouse or tourist home.

DWELLING UNIT -- A building or part thereof used as living quarters for one family, containing independent cooking and sleeping facilities.

ENTERTAINMENT AND RECREATION FACILITY, COMMERCIAL -- Any establishment that is operated, maintained, or devoted to amusement of the general public, whether privately or publicly owned, where entertainment is offered by the facility. Entertainment facilities shall include, but not be limited to, theaters, bowling alleys, movie theaters, dance halls or clubs, video arcades, skating rinks, batting cages, and miniature golf courses. Entertainment facilities shall not include adult entertainment businesses, taverns, pubs, golf courses or parks.

ESSENTIAL USE/SERVICE -- Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities which provide an essential

use or service the public has a legal right to demand and receive. Cellular telephone transmission towers are not considered to be an essential use or service.

EXCAVATION -- A lot or part thereof used for the purpose of extracting stone, sand, gravel or minerals for sale, as a commercial operation.

FAMILY -- One or more persons related to each other by blood, marriage or adoption, or not more than four individuals who are not related, living together as a single housekeeping unit.

FUNERAL HOME -- A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services. Such facilities shall not include crematoriums.

GASOLINE SERVICE STATION -- Any establishment which sells gasoline to the public, to include service stations, convenience stores, car washes and any other facility which sells gasoline.

GREENHOUSE -- A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Also NURSERY.

GROSS LEASABLE AREA -- The gross size of the floor area of a commercial/retail facility which is leasable.

HAZARDOUS CHEMICALS -- Solid, liquid or gaseous substances which pose a potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed, including but not limited to hazardous substances designated by the United States Environmental Protection Agency under Section 311 of the Clean Water Act (40 CFR 116).

HAZARDOUS WASTE -- A waste or combination of wastes, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness or may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed.

HEAVY INDUSTRY -- Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

HEIGHT OF BUILDING -- Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the eaves and ridge for other types of roofs. Cupolas, steeples, chimneys and television antennas are excluded in height computations.

HOME OCCUPATION -- An occupation conducted in a dwelling unit or garage which is clearly secondary to the property's residential use which:

- (1) Does not change the outside appearance of the dwelling.
- (2) Is not visible from the road except for one sign as permitted by this chapter.
- (3) Does not result in the outside storage or display of anything.
- (4) Does not create a hazard to persons or property.
- (5) Does not create any adverse impact upon neighboring properties.
- (6) Does not generate traffic or parking in excess of what is normal for a residential use.

HOTEL: A facility offering transient lodging accommodations on a daily rate to the general public. It may provide additional services such as restaurants, meeting rooms, and recreational facilities. Also INN

INDUSTRIAL USE -- Any use involving the act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity.

INDUSTRIAL WASTE -- Solid waste generated by manufacturing or industrial processes.

JUNK -- The outdoor storage or deposit of any of the following:

- (1) One or more junk vehicles.
- (2) One or more abandoned mobile homes or travel trailers.
- (3) One or more appliances, including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions.
- (4) One or more pieces of junk farm equipment.
- (5) One more abandoned or irreparably damaged pieces of indoor furniture, including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers.

JUNK EQUIPMENT/VEHICLES -- Any which:

- (1) Is either abandoned, wrecked, stored, discarded, dismantled or partly dismantled.
- (2) Is not in working order.
- (3) Has remained unused for more than 6 months.

JUNKYARD -- The outdoor storage or deposit of any of the following:

- (1) Five or more junk vehicles.
- (2) Two or more abandoned mobile homes or travel trailers.
- (3) Five or more pieces of junk equipment.

- (4) Five or more pieces of junk farm equipment or construction equipment, except farm equipment stored on an active farm.
- (5) Five or more abandoned or irreparably damaged pieces of indoor furniture, including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers.
- (6) Any combination of the above that totals five items.

KENNEL -- An establishment in which more than five dogs more than six months old are housed, groomed, bred, boarded, trained or sold.

LAND USE AND DEVELOPMENT PERMIT -- A document issued by the Code Enforcement Officer authorizing the use of lots or structures in conformity with this chapter.

LARGE SHOPPING CENTER -- A parcel of land containing two or more retail or service establishments with total gross square footage exceeding 10,000 square feet.

LAUNDERETTE -- A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

LIGHT INDUSTRIAL USE -- Any manufacturing or assembly facility which does not include the manufacture of hazardous chemicals; the use of petroleum based products except as incidental to the main industrial use; the outdoor storage of scrap metal or junk; the creation of solid, liquid or airborne hazardous wastes; the creation of significant undesirable smoke or airborne particulate matter except as incidental to the main industrial use; or the creation of noise which would have an adverse impact upon neighboring properties.

LOT -- Any parcel of land which individually or as part of a subdivision of land has been recorded in the County Clerk's office.

LOT FRONTAGE -- The portion of the lot abutting upon a street or road.

LOT LINE -- Property line bounding a lot.

LOT WIDTH -- The horizontal distance between the side lot lines measured at right angles to the depth, measured at a depth equal to the greater distance of the minimum required front yard setback or the distance from the public road to the nearest side of the building.

MANUFACTURED HOME -- A structure, transportable in one or more sections, which is built with a trailer hitch and a permanent chassis and wheels and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

MARINA --

- (1) Any waterfront facility which provides accommodation services for vessels by engaging in any of the following:

- (a) The sale of marina products or services.
 - (b) The sale, lease, rental or charter of two or more vessels of any type.
 - (c) The sale, lease, rental or any other provision of storage, wharf space or mooring for two or more vessels not registered to the owner of said facility, members of the owner's immediate family or overnight guests on said property.
- (2) Any campground or travel trailer park which provides boats coincidentally with the rental of camping spaces or rental of parking spaces for automobiles shall be deemed to be a marina. The term "marina" shall include quick launch facilities and dockominiums as defined herein. Boat repair and marina supply sales are permitted uses within marinas.

MOBILE HOME -- A movable or portable unit at least 32 feet in length which is designed and constructed to be towed on its own chassis, comprised of a frame, whether or not wheels are included, and designed to be used as a dwelling unit when connected to required utilities and was built prior to June 15, 1976. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. Modular homes or other dwelling units that are constructed in two or more main sections and transported to and permanently assembled on a site are not considered to be mobile homes. This definition excludes travel trailers.

MOBILE HOME PARK -- Any lot of record upon which two or more mobile homes occupied for dwellings or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

MODULAR HOME: A factory fabricated, New York State Building Code approved transportable building unit, designed to be used by itself or to be incorporated with similar units at a building site, into a modular structure and placed on a permanent foundation. Modular homes shall bear the New York State building code certification as factory-manufactured dwellings. For purposes of this Law a modular home is a single family home.

MOORING -- Any anchor, chain, buoy, pennant or other object by which a vessel is secured at one point.

MOTEL -- A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public where each accommodation unit maintains a separate outside entrance. A motel may contain accessory facilities such as restaurants, meeting rooms, retail business activities and related activities primarily to accommodate the occupants, but not open to the general public, including buildings designated as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

MOTOR VEHICLE REPAIR SHOP -- A building, or portion thereof, arranged, intended or designed to be used for making repairs to motor vehicles, including auto body shops.

MOTOR VEHICLE SALES, LEASE AND/OR RENTAL - The use of a building, land area, or other premises or portion thereof, for the display, sale, rental or lease of motorized vehicles including but not limited to automobiles, boats, motorcycles, recreational travel vehicles (RVs), including any warranty repair work and other repair service conducted as an accessory use.

MULTI-FAMILY DWELLING -- A building designed for, or occupied by, three or more families living independently of one another, to include row-type attached or semi-attached dwellings which share a common wall or portion thereof.

NONCONFORMING LOT -- Any legally created lot of record which existed on the effective date of this chapter and which does not conform to the minimum requirements of this chapter.

NONCONFORMING USE -- A use of land existing at the time of enactment of this chapter which is neither a permitted use nor allowed by special use permit in the zone where it is located.

NON-PROFIT -- A nonprofit organization shall include but not be limited to a not-for-profit organization, corporation, community chest, fund, or foundation organized and operated exclusively for religious, cultural, charitable, scientific, recreational, literary, agricultural, or educational purposes, and an organization exempt from taxation under Section 501 (c) of the Internal Revenue code organized or incorporated in this state or another state or having a principal place of business in this state or in another state.

NURSING HOME/ELDERLY CARE FACILITY -- Any building used as a group residence or extended care facility for the care of persons, including assisted living facilities and nursing homes, where compensation and/or reimbursement of costs is paid to an operator, pursuant to State or Federal standards, licensing requirements, or programs funding residential care services.

PARKING LOT -- An off-street, ground-level open area for the temporary storage of motor vehicles. Does not include an area used exclusively for the display of motor vehicles for sale as part of a motor vehicle sales establishment.

PARKING, SHARED -- Two or more land uses or a multi-tenant building that merge parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and result in a superior grouping of building(s).

PARKING SPACE -- A stall or berth which is arranged and intended for parking of a motor vehicle in a garage or parking lot.

PERSONAL SERVICE -- Includes barber, hairdresser, beauty parlor, shoe repair, photographic studio and businesses involving the care of a person or his or her apparel.

PRINCIPAL STRUCTURE -- The structure in which is conducted the principal use of the lot on which it is located.

PRIVATE SCHOOL -- A private facility furnishing comprehensive curriculum of academic instruction similar to that of a public school on the, pre-kindergarten, kindergarten, primary and/or secondary level.

PROFESSIONAL OR BUSINESS OFFICE -- Offices and related spaces for use as professional services as provided by medical practitioners, attorneys, architects, surveyors, engineers, accountants and similar professions.

PUBLIC FACILITY -- Any usage by a governmental agency or other agency providing a not-for-profit public service, including but not limited to libraries; public recreation facilities; schools; not-for-profit fire, ambulance and public safety buildings; and not-for profit hospitals for the care of human beings, nursing homes, convalescent homes, homes for adults, homes for the aged as the same are defined under the Public Health Law or the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.

QUICK LAUNCH FACILITY -- A commercial facility where vessels are stored, launched and stored again individually for periods of less than one week at a time.

RESEARCH AND TESTING FACILITIES -- A building or portion of a building in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for manufacturing or sales of products.

RESTAURANT -- An establishment at which food is served to patrons on the premises, which may include the serving of alcoholic beverages, provided that the serving of drinks is clearly secondary and accessory to the serving of food.

RETAIL SALES AND SERVICE ESTABLISHMENT -- A building or portion thereof engaged in selling goods, services or merchandise to the general public for personal and household consumption and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY -- Property that is publicly owned or upon which a governmental entity has an expressed or implied property interest (e.g. fee title or easement) held for a public purpose. Examples of such public purpose include, by way of example and not by limitation, a highway, a street, sidewalks, drainage facilities, a crosswalk, a railroad, a road, an electric transmission line, an oil or gas pipeline, a water main, a sanitary or storm sewer main, shade trees or for any other special use. The usage of the term "right-of-way" for subdivision platting purposes means that every right-of-way established and shown on a final plat is separate and distinct from the lots or parcels adjoining the right-of-way, and is not included, within the dimensions or areas of such lots or parcels. Rights-of-way involving maintenance by a public agency are dedicated to public use by the maker of the plat on which the right-of-way is established.

SELF STORAGE UNITS -- A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

SEPTAGE -- The contents of a septic tank, cesspool, dry well or other individual sewage treatment facility which receives domestic sewage wastes.

SEQRA – State Environmental Quality Review Act: a process whereby a review may be done on possible effects on the environment; an environment review before a government agency makes a decision.

SHORELINE OF LAKE CHAMPLAIN -- That line which adjoins the waters of Lake Champlain at the mean low-water mark.

SIDE BUILDING SETBACK -- The space on the side of a lot not occupied by a building, measured from the nearest side of a building to a side lot line and extending the full length of the lot.

SIGN -- Any material, structure or object, or part thereof, composed of lettered or pictorial matter which is located out of doors or on the exterior of a building, which is used for the purpose of bringing the subject matter thereof to the attention of others, but excluding any flag, emblem or insignia of a nation, political unit, school or religious group.

SINGLE-FAMILY DWELLING -- Detached building designed for or occupied by one family, not to include single-wide or double-wide mobile homes.

SITE PLAN REVIEW -- Examination of the intended layout, arrangement and design development on a single parcel of land.

SLAUGHTERHOUSE -- A facility for the slaughtering and processing of animals and the refining of their byproducts.

SMALL SHOPPING CENTER -- A parcel of land containing two or more retail or service establishments with total gross square footage of 10,000 square feet or less.

SOLID WASTE -- All materials or substances that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, medical and infectious waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

SPECIAL USE PERMIT -- An authorization of a particular land use which is permitted in this chapter subject to conditions which are designed to ensure that the proposed use will not adversely affect the neighborhood if such conditions are met.

STREET LINE -- Right-of-way line of a street as dedicated by a deed or record. Where the width of a street is not established, the street line shall be considered to be 25 feet from the center line of the road pavement.

STRUCTURE -- Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including garages, swimming pools, satellite dishes and outbuildings.

SUBDIVISION - Any tract of land which is hereafter divided into two or more parcels along an existing or proposed street, highway, easement or right-of-way, for sale or for rent as residential, commercial or industrial lots or plots regardless of whether the lot or plots to be sold or offered for sale or leased for any period of time are described by metes and bounds or by other methods of description. Any subdivision of land is considered a subdivision and the portion of property retained by the owner, if any, shall constitute one lot. For the purpose of this chapter, "subdivision" shall be divided into two categories further described as follows:

SUBDIVISION CONTROL – Regulates how land is split into lots, including the layout of the lots and improvements that will refer to Village Law 7-728 and 7-730.

SUBDIVISION, MAJOR - Any subdivision not classified as a Minor Subdivision, including but not limited to, subdivisions of 5 or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

SUBDIVISION, MINOR - Any subdivision containing not more than 4 lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map or this Zoning and Subdivision Law.

TAVERN -- An establishment used primarily for the serving of alcoholic beverages to the general public where food may be served as an accessory to the primary use. Also BAR, NIGHTCLUB.

TEMPORARY SIGN -- Any "for sale" or "for rent" sign, political sign or any sign announcing a community event or event conducted by a not-for-profit organization which is temporary in nature and is intended to be removed at the completion of the sale, rental, election or event.

TRUCK STOP – A site providing specialized facilities for retail fueling services for large trucks; the site may include related facilities including but not limited to restaurants and overnight parking.

TWO-FAMILY DWELLING -- A building containing separate living units for 2 families.

VARIANCE – permission granted to use property in a manner not allowed by the zoning law.

VARIANCE, AREA - The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE - The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. An increase in density or intensity of use shall be deemed to require a use variance if such increase is not allowed by right or by Special Permit.

VETERINARIAN AND ANIMAL HOSPITAL -- Any structure where animals or pets are given medical or surgical treatment, including short-term boarding of animals when boarding is for the purpose of monitoring recovery, but not including boarding or kenneling.

WAREHOUSE/DISTRIBUTION -- A facility characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

**§120-10
Village of Rouses Point
Permitted Use Chart**

KEY: X = Permitted
S = Permitted after special use approval
Blank = Not permitted

Districts	R7	R9	R10	R12A	R12B	M1	M2	M3	C1	C2	C3	C4	C5	C6	C7	I-1	I-2	I-3
Residential Uses																		
Single-family dwelling	X	X	X	X	X		X	X		X	X		X	X	X			
Two-family dwelling	X	X	X	X			X	X		X	X		X	X	X			
Multi-family dwelling	S	S	S			S	S	S	S	S	S	S	S	S	S			
Mobile home not in a mobile home park			X															
Residential dwelling units above first floor commercial (ground floor units prohibited)						X			X			X	X	X				
General Uses																		
Church	S	S	S			S	S	S						S				
Membership club						S	S	S	S	S	S	S	S	S	S			
Public facility						S	S	S	S	S	S	S	S	S	S			
Essential use/service						S	S	S	S	S	S	S	S	S	S			
Non-profit recreation facility						S	S	S		S	S	S	S	S	S			
Nursing home, elderly care facility						S	S	S		S	S		S	S	S			
Commercial Uses																		
Artist studio						X	X	X	X	X	X	X	X	X	X			
Cultural facility						X			X			X	X	X	X			
Antique, craft or gift shop	X	X	X	X		X	X	X	X	X	X	X	X	X	X			

**§120-10
Village of Rouses Point
Permitted Use Chart**

KEY: X = Permitted
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Districts	R7	R9	R10	R12A	R12B	M1	M2	M3	C1	C2	C3	C4	C5	C6	C7	I-1	I-2	I-3
Retail and service establishment, not otherwise listed in this chart						X		S	X	S	S	X	X		X			
Professional or business office						X	S	S	X	X	X	X	X	X	X	X	X	X
Personal service business (beauty shop, barber, tailor, similar businesses)	S	S	S	S	S	X	S	S	X	X	X	X	X	X	X			
Small shopping centers									X	S	S	X	X		S			
Large shopping center										S	S	S	X		S			
Motor vehicle sales, lease and/or rental										S	S				S			
Gasoline service station										S	S		S		S			
Motor vehicle repair/auto body shop										S	S				S			
Lawn, garden or farm equipment sales									S	S	S		X		S			
Greenhouse/Nursery						S		S		S	S		X		S			
Entertainment and Recreation Facility ₁						S			S	S	S		X		S			
Commercial																		
Campground, travel trailer park											S		S					
Hotel	S					S	S		X	S	S	X	X	S	S			

**§120-10
Village of Rouses Point
Permitted Use Chart**

KEY: X = Permitted
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Districts	R7	R9	R10	R12A	R12B	M1	M2	M3	C1	C2	C3	C4	C5	C6	C7	I-1	I-2	I-3
Bed-and-breakfast, Lodging House						X	S	X	X	S	S	X	S	X	S			
Marina; boat rental						S	S				S	X	S	X				
Restaurant						X	S	S	X	S	S	X	X	S	S			
Food or ice cream stand						X		S	S	S	S	X	X	S	S			
Motel, cabins						S				X	X	S	X	S	X			
Launderette						S		S	S	S	S	S	X		S			
Bank						X	S	S	X	S	S	X	X	S	S			
Private school						S		S	S	S	S	S	S		S			
Child-care center						S		S	S	S	S	S	S		S			
Funeral home						S	S	S	S	S	S	S	S	S	S			
Tavern, bar, nightclub									S	S		S	S		S			
Non-alcoholic adult club													S					
Self Storage Units																		S
Car Wash										S	S				S			
Industrial, Trucking and Warehousing Uses																		
Light industrial use												S	S			S	S	S
Heavy industrial use																		
Manufacture of pharmaceuticals																	S	S
Repackaging of pharmaceuticals													S				S	S
Other heavy industrial use																		

**§120-10
Village of Rouses Point
Permitted Use Chart**

KEY: X = Permitted
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Districts	R7	R9	R10	R12A	R12B	M1	M2	M3	C1	C2	C3	C4	C5	C6	C7	I-1	I-2	I-3	
Warehousing and distribution (a)												S	S			S			
Trucking business (b)													S			S			
Research and testing facilities												S	S			S	S	S	
Accessory Uses																			
Agriculture	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Customary accessory use, excluding those listed separately in this Chart	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Home occupation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
Drive-through window facility										S	S		S		S				

Not permitted in any district:

- | | |
|-------------------------------|--|
| Mobile Home Park | Junkyard/scrap yard |
| Hazardous waste disposal area | Solid waste disposal |
| Septage disposal | Fuel oil distribution |
| Amusement park | Mobile home sales |
| Truck stop | Veterinarian, animal hospital |
| Kennels | Well drilling or construction business |
| Slaughterhouse | Incinerators |
| Unlisted commercial use | |

**§120-11
Village of Rouses Point
Dimensional Requirements Chart**

Use abbreviations:

SF = Single-family residential

TF = Two-family residential

MF = Multifamily residential

Other = Nonresidential use unless otherwise distinguished

	Use			
R7, M3 and C7 Districts	SF	TF	MF	Other
Minimum lot size (square feet)	7,000	7,000	10,500	10,000
Minimum lot size per dwelling unit (square feet)		3,500	3,500	
Minimum lot width (feet)	50	50	70	70
Minimum lot depth (feet)	100	100	100	100
Minimum building setback from lot lines				
Principal structure				
Front (feet)	25*	25*	30	30
Each side (feet)	5	5	10	10
Rear (feet)	15	15	15	30
Accessory structure				
Front (feet)	25*	25*	30	30
Each side (feet)	5	5	10	10
Rear (feet)	5	5	5	30
Maximum building coverage (percent of lot)	25	25	30	30
Maximum building height (feet)	35	35	35	35

* = or in line with neighboring structures, whichever is less.

R9 and R10 Districts	SF	TF	MF	Other
Minimum lot size (square feet)	9,000	9,000	13,500	10,000
Minimum lot size per dwelling unit (square feet)		4,500	4,500	
Minimum lot width (feet)	60	60	80	80
Minimum lot depth (feet)	100	100	100	100
Minimum building setback from lot lines				
Principal structure				
Front (feet)	30*	30*	30	30
Each side (feet)	10	10	20	15
Rear (feet)	30	30	30	30
Accessory structure				
Front (feet)	5	5	15	15
Each side (feet)	5	5	5	5
Rear (feet)	5	5	5	5
Maximum building coverage (percent of lot)	25	25	30	35
Maximum building height (feet)	35	35	35	35

*= or in line with neighboring structures, whichever is less

R12A, R12B and C6 Districts	SF	TF	MF	Other
Minimum lot size (square feet)	12,000	12,000	18,000	20,000
Minimum lot size per dwelling unit (square feet)		6,000	6,000	
Minimum lot width (feet)	80	80	100	100
Minimum lot depth (feet)	120	120	120	120
Minimum building setback from lot lines				
Principal structure				
Front (feet)	30*	30*	30	30
Each side (feet)	15	15	25	15
Rear (feet)	30	30	40	30
Accessory structure				
Front (feet)	30*	30*	30	30
Each side (feet)	10	10	15	15
Rear (feet)	5	5	5	30
Maximum building coverage (percent of lot)	25	25	30	35
Maximum building height (feet)	35	35	35	35

*= or in line with neighboring structures, whichever is less

M2 District	SF	TF	MF	Other
Minimum lot size (square feet)	20,000	20,000	20,000	20,000
Minimum lot size per dwelling unit (square feet)	7,500		100	100
Minimum lot width (feet)	150		200	200
Minimum lot depth (feet)	200			
Minimum building setback from lot lines	50*	50	50	
Principal structure	25	30	30	
Front (feet)	50	50	50	
Each side (feet)				
Rear (feet)				
Accessory structure				
Front (feet)	50*	50*	50	50
Each side (feet)	10	10	20	20
Rear (feet)	10	10	10	10
Maximum building coverage (percent of lot)	20	20	20	20
Maximum building height (feet)	35	35	35	35

* = or in line with neighboring structures, whichever is less.

C1 District	SF	TF	MF	Other
Minimum lot size (square feet)				
Minimum lot size per dwelling unit (square feet)			3,000	
Minimum building height (feet)	40	40	40	40
Maximum Principal building setback from front lot line (feet)			10*	10*
Minimum building setback from lot lines				
Accessory Structure				

Structure shall only be located in the rear or side yard

* = or in line with neighboring structures, whichever is less.

C4 and M1 Districts	SF	TF	MF	Other
Minimum lot size per dwelling unit (square feet)			4,500	
Minimum building setback from lot lines				
Principal structure				
Front (feet)			10*	10*
Each side (feet)			10	10
Rear (feet)			25	25
Accessory structure				
Front (feet)	Shall only be located in the rear or side yard			
Each side (feet)	10	10	15	15
Rear (feet)	5	5	5	25
Maximum building coverage (percent of lot)			50	60
Maximum building height (feet)	35	35	35	35

*= or in line with neighboring structures, whichever is less

C2 and C3 Districts	SF	TF	MF	Other
Minimum lot size (square feet)	9,000	9,000	13,500	10,000
Minimum lot size per dwelling unit (square feet)		4,500	4,500	
Minimum lot width (feet)	60	60	80	80
Minimum lot depth (feet)	100	100	100	100
Minimum building setback from lot lines				
Principal structure				
Front (feet)	30	30	30	30
Each side (feet)	10	10	20	15
Rear (feet)	30	30	30	30
Accessory structure				
Front (feet)	30	30	30	30
Each side (feet)	10	10	15	15
Rear (feet)	5	5	5	30
Maximum building coverage (percent of lot)	25	25	30	50
Maximum building height (feet)	35	35	35	35

C5 District	SF-TF	MF	Commercial	Industrial
Minimum lot size (square feet)	10,390	16,335	50,000	50,000
Minimum lot size per dwelling unit (square feet)		5,445		
Minimum lot width (feet)	75	150	150	150
Minimum lot depth (feet)	100	150		
Minimum building setback from lot lines				
Principal structure				
Front (feet)	25	30	30	100, 75*
Each side (feet)	10	20	25, 0**	25
Rear (feet)	35	30	35	25
Accessory structure				
Front (feet)	25	30	30	100, 75*

Each side (feet)	10	20	25,0**	25
Rear (feet)	5	5	35	25
Maximum building coverage (percent of lot)	35	35	40	40
* 100 Ft. on State Highways, 75 Ft. otherwise				
** 25 Ft. on one side, none on the other				

I-1, I-2 and I-3 Districts

All Permitted Uses

Minimum building setback from lot lines	
Front (feet)	40
Each side (feet)	20
Rear (feet)	20
Maximum building coverage (percent of lot)	60
Maximum building height (feet)	60
Maximum green space buffer bordering residential or mixed-use zones (feet)	75