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Village of Phelps  
Local Law No. 4 of the year 2013.

A local law Amending Chapter 175 of the Village of Phelps Village Code.

Be it enacted by the Village Board of  
The Village of Phelps  
as follows:

Section 1. Title.

This Local Law shall be known as Amendments to Chapter 175 of the Village of Phelps Village Code.

Section 2. Intent.

It is hereby declared to be the intent of this local law to delete in its entirety § 175-5. Districts enumerated, in Chapter 175 of the Village of Phelps Village Code and to create a new § 175-5. Districts enumerated. It is also declared to be the intent of this local law to delete in its entirety §175-6. Zoning Map, in Chapter 175 of the Village of Phelps Village Code and to create a new §175-6 to be entitled Official Zoning Map. Finally, it is declared to be the intent of this local law to delete in its entirety § 175-7. Interpretation of boundaries, in Chapter 175 of the Village of Phelps Code and to create a new § 175-7 to be entitled Interpretation of District Boundaries.

It is hereby further declared to be the intent of this local law to delete in its entirety § 175-8. District Regulations, in Chapter 175 of the Village of Phelps Village Code and to create a new § 175-8. District Regulations, a new § 175-8.1. Zoning Districts Schedules of Regulations and a new § 175-8.2 Floodplain Overlay District Regulations.

It is hereby further declared to be the intent of this local law to delete Chapter 175, Article V, General Regulations, Section 175-9 Special Use Restrictions, in its entirety and replaced with a new Section 175-9 entitled Regulations Governing Special Use Permits.

It is hereby further declared to be the intent of this local law to make certain amendments to the special permit uses contained in Chapter 175-10 of the Village of Phelps Village Code.

Section 3. § 175-5. Districts enumerated. Chapter 175, Article III, Zoning Districts; Zoning Map; Boundaries is hereby deleted in its entirety and a new Article III, Zoning Districts, Zoning Map; Boundaries is hereby created to read as follows:

§175-5. Districts enumerated.

For the purposes of promoting the public health, safety and general welfare of the Village of Phelps, the Village Board hereby establishes the following zoning districts and zoning overlay district.

R-1-20	Residential Single Family 20,000 square foot lots
R-1-13.5	Residential Single Family 13,500 square foot lots
R-2	Residential Single Family 7,500 square foot lots
C-1	Commercial District
C-2	Commercial District
M-1	Industrial District
B-O	Business and Office District
FPO	Floodplain Overlay District

Section 4. § 175-6. Official Zoning Map. Is hereby created in its entirety to read as follows:

§ 175-6. Official Zoning Map.

The Zoning Districts and Zoning Overlay District established in §175-5 above herein are to be shown on a parcel base map of the Village of Phelps that has been prepared by the Ontario County Department of Planning and based upon records from the Ontario County Office of Real Property, adopted by Village Board Resolution and certified accurate by the Village Clerk as of a certain date. Said map shall then be known as the Official Zoning Map for the Village of Phelps. Each subsequent rezoning of land authorized by the Village Board shall be documented upon the Official Zoning Map and upon certification by the Village Clerk, the Official Zoning Map shall be amended. No amendment to this Official Zoning Map which portrays matters affecting the zoning designation of land on the map shall become effective until such change and entry has been made on said zoning map and has been attested to by the Village Clerk. All zoning map changes shall be made within fifteen (15) business days from Village Board action to approve.

Section 5. § 175-7. Interpretation of boundaries. Is hereby created in its entirety to read as follows:

§ 175-7. Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the mapped zoning districts, or overlay zoning district, as shown on the Official Zoning Map, the following rules shall apply:

(2)

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines of these rights-of-ways.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following the municipal limits of the Village of Phelps shall be construed as following such municipal limits.
- D. Boundaries indicated as following the center lines of streams or other water bodies shall be construed to follow such center lines, except for the boundaries of the mapped Floodplain Overlay District (FPO). The FPO boundaries are based upon the official mapping of the Flood Insurance Rate Maps, prepared by the Federal Emergency Management Agency (FEMA) and adopted by the Village Board as part of the National Flood Insurance Program for the Village of Phelps.
- E. Boundaries indicated as parallel to or extensions of features identified in subsections A through D above herein shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined in writing by the Code Enforcement Officer based upon the scale of the Official Zoning Map. Any appeal to this determination shall be to the Village of Phelps Zoning Board of Appeals.
- F. Where physical or cultural features on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through E above herein, the Village of Phelps Zoning Board of Appeals shall interpret the zoning district boundaries.

Section 6. § 175-8. District Regulations. Is hereby created in its entirety to read as follows:

§175-8. Districts Regulations.

The zoning regulations set by this Chapter shall be the minimum regulations within each district and shall apply uniformly to each class or kind of structure, building, or use of land, except as hereinafter provided:

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

- B. No building or structure shall hereafter be erected or altered which:
- (1) Exceeds the height limitation for any structure within a specified district;
  - (2) Accommodates or houses a greater number of dwelling units specified within a district;
  - (3) Occupies a greater percentage of lot area; or
  - (4) Has narrower or smaller yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Chapter and the requirements of the New York State Uniform Fire Prevention and Building Code.
- C. No part of a yard or other open space, or off-street parking or loading space required about or in connections with any building for the purpose of complying with the regulations set forth herein, shall be included as part of a yard, open space or off-street parking or loading space primarily required for any other building except as provided herein.
- D. No yard or lot existing at the time of enactment of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet or exceed the minimum requirements established herein.
- E. No person shall strip, excavate, stockpile, or otherwise remove or relocate topsoil except in connection with the approved construction or alteration of: a building; a structure; parking lot or road; or a swimming pool.
- F. No movement of earth or soil erosion shall be permitted at any time in any district which adversely affects conditions on any other property.
- G. Whenever natural features such as trees, brooks and drainage channels exist, the retention of the maximum amount of such features consistent with the intended use of the property shall be encouraged.
- H. Except as specifically provided herein, no lot shall have erected upon it more than one (1) principal building. No yard or other open space provided about any building for the purpose of complying with the provisions of this Chapter shall be considered to provide a yard or open space for any other building.

- I. No start of construction shall commence until final subdivision or site plan approval has been granted by the Village Planning Board and the subdivision plat map filed in the Ontario County Clerk's Office. In special circumstances, the Village Board of Trustees may grant approval for site preparation in advance of final approval upon application for permission made to the Village Board of Trustees and consultation with the Planning Board. Said application shall be supported by good and sufficient reasons for starting in advance of final approval and must contain adequate surety for the performance of the work and the ability to restore the site to its original condition should final approval not be granted.

Section 7. § 175-8. Zoning District Regulations. Is hereby created in its entirety to read as follows:

§ 175-8.1. Zoning District Regulations. A new subsection of this Chapter is hereby created to read as follows:

§ 175-8.1. Zoning Districts Schedules of Regulations.

The Zoning Schedules, provided at the end of this Chapter, are for the established zoning districts enumerated in § 175-5 of this Chapter and are hereby adopted and made part of this Chapter. These schedules set forth the permitted principal uses; permitted accessory uses; special permitted uses subject to Planning Board approval; minimum lot sizes, including lot area, lot width and lot depth; minimum yard dimensions, including minimum front, side and rear yard set backs; maximum height of buildings, or structures; and maximum percentage of lot coverage for each zoning district.

Section 8. § 175-8. Floodplain Overlay District Regulations. Is hereby created in its entirety to read as follows:

§ 175-8.2. Floodplain Overlay District Regulations. A new subsection of this Chapter is hereby created to read as follows:

§ 175.8.2. Floodplain Overlay District Regulations.

The Floodplain Overlay District (FPO) shown on the Official Zoning Map identifies the approximate boundaries for the federally mapped areas of Special Flood Hazard that have been identified within the Village of Phelps. These mapped areas are established under the provisions of the National Flood Insurance Program. These areas identify the existence of an established area of Special Flood Hazard that requires documentation of compliance with the provisions established in Chapter 93 of the Village Code entitled "Flood Damage Prevention."

Section 9: Chapter 175, Article V, General Regulations, Section 175-9 Special use restrictions, is hereby deleted in its entirety and replaced with a new Section 175-9 entitled Regulations Governing Special Use Permits to read as follows:

#### REGULATIONS GOVERNING SPECIAL USE PERMITS

§175-9. Regulations Governing Special Use Permits – Authority.

- A. The Village of Phelps Planning Board is hereby empowered to grant Special Use Permit approval in accordance with the provisions of Article 7 of the New York State Village Law and the powers reserved to the Village pursuant to the Municipal Home Rule Law. Those identified Site Development Permit applications requiring Special Use Permit approval as a pre-requisite shall be regulated as set forth in this Section.
- B. The Village Planning Board shall generally require that all provisions of this Article shall be complied with, but where it is deemed appropriate by the Village Planning Board any of these provisions contained in Sections 175-10 through – 10.17 inclusive, may be waived by the Board based on its findings as set forth in the public record on said application.

Section 10: Chapter 175, Article V, General Regulations, Section 10 Special use regulations is hereby deleted in its entirety and replaced with new Sections 175-10 through 175-10.17 to read as follows:

§ 175-10. Regulations Governing Special Use Permits - General Provisions,

The uses specified in this Section are hereby declared to possess unique characteristics requiring that each proposal for any such use shall be considered by the Village Planning Board as an individual case. Upon application complying with the requirements of Article V, Site Plan Review, Special Use Permits may be approved by the Village Planning Board and issued by the Code Enforcement Officer in accordance with the administrative procedures set forth in Article VI and only after the Planning Board has found that each and all of the following standards have been met:

- A. The proposed special use is consistent with the goals, objectives, and policies of the Village's Comprehensive Plan, as may be amended from time to time and with each of the specific purposes set forth in this Zoning Law.
- B. Each proposed special use shall be based upon a statement of operation submitted by each applicant and, if granted, shall continue to remain in effect for the property as long as all conditions of approval are complied with.
- C. Each proposed Special Use Permit shall be subject to compliance with all provisions of the New York State Uniform Fire Prevention and Building Code as may be amended from time to time.

(6)

- D. The location, size, and use of the structures involved with a proposed Special Use Permit, nature and intensity of the Special Use Permit operations, size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the zoning district where the Special Use Permit may be allowed.
- E. The operation of the proposed special use is no more objectionable to the users of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.
- F. No site preparation or construction associated with a proposed special use shall commence nor shall existing structures be removed or occupied for any special permit use until final Site Plan approval has been granted by the Village Planning Board and permits have been issued by all governmental agencies.
- G. The Village Planning Board may impose additional conditions or restrictions as it may deem necessary prior to approving any Special Use Permit application in order to protect public health and safety, the quality of the Village's natural resource base and the value of property.
- H. The Code Enforcement Officer (CEO) shall make an annual on-site visit to each property authorized as a special use, or upon receipt of a formal complaint concerning the Special Use Permit. The purpose of said visits are to insure that the use is being operated in accordance with the conditions specified by the Village Planning Board. The CEO upon determining that a violation exists shall provide the property owner with a written notice of violation and order the violation be corrected within 30 days of the written notice date. If after the 30 day period the CEO determines that a violation of this law, or the conditions imposed by the Village Planning Board continues to exist, the Certificate of Occupancy or Certificate of Compliance may also become null and void. Failure to comply within the time period specified may also result in the need for a new Special Use Permit application to be submitted and approved by the Planning Board prior to the re-establishment of said use.
- I. Special Use Permits shall be valid only for the time specified by the Planning Board in the resolution of approval. Where no time is specified the Special Use Permit shall continue to remain in effect provided all other provisions set forth in the Section remain.
- J. The procedure and standards for the renewal of Special Use Permits shall be the same as for an initial application for a Special Use Permit. The renewal fee shall be the amount specified in the Village Board Fee Schedule. In addition to meeting standards for obtaining the initial Special Use Permit, the applicant for renewal shall demonstrate that all conditions required under the terms of the previous Special Use Permit have been complied with.

- K. Special Use Permits for the re-use of existing structures within the B-O Business & Office District, located along Main Street; the re-use of existing structures within the M-1 Industrial District and the C-1 and C-2 Commercial Districts, may be determined by a finding of the Planning Board to be exempt from having a Site Plan approved as a pre-requisite to their issuance. The Planning Board's findings to exempt such applications may include, but is not limited to, the lack of any physical alteration to a site involving such elements as drainage facilities, off-street parking facilities, new exterior entrances, new driveways, or facade improvements.

§175-10.1 Public Utility Facilities

- A. Public Utility Facilities, as defined in Article II, Chapter 70 of the Village Code, may be allowed as a special permit use in the R-1-20, R-1-13.5 and R-2 zone districts upon the approval of a Special Use Permit by the Village Planning Board.
- B. The Village Planning Board shall determine the following prior to approving a Special Use Permit for essential services:
- 1) The proposed installation in a specific location is necessary and convenient for the efficiency of the essential service or the satisfactory and convenient provision of service to the area in which the particular use is located.
  - 2) The design of any building in connection with such facility shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.
  - 3) Adequate and attractive fences and other safety devices will be provided.
  - 4) A buffer strip not less than fifteen (15) feet in depth shall be provided around the perimeter of the property.
  - 5) Adequate off-street parking shall be provided.
  - 6) All other applicable requirements of this Local Law shall be met.

§175-10.2 Motor Vehicle Service Stations, Auto Repair Shops and Automobile Service Stations or Filling Stations.

The Village Planning Board may approve a Special Use Permit for motor vehicle service stations, and auto repair shops in the C-1 and C-2 Commercial Districts, provided that the following standards and conditions are maintained:

- A. In addition to the information required in the special permit application and enumerated in Section 175-10.2 herein, the Site Plan submitted shall also show the location and number of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, number and location of fuel pumps to be installed; and proof that fuel tanks will be registered and operated in accordance with applicable State and/or Federal laws.
- B. Such uses shall be screened from adjacent uses by a buffer area not less than ten (10) feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the Village Planning Board, will be adequate to prevent the transmission of headlight glare across the district boundary line. The Village Planning Board shall determine on an individual case basis how close to the right-of-way the landscaped buffer shall be required to be installed. Such buffer screen shall have a minimum height of six (6) feet above the ground. If said shrubbery becomes decayed and fails to provide an adequate screen, the Code Enforcement Officer shall direct the property owner to replace said shrubs.
- C. The entire area of the site traveled by motor vehicles shall be hard surfaced.
- D. All repairs of motor vehicles, except for minor servicing, shall be performed in a fully enclosed building. No motor vehicle parts, or partially dismantled motor vehicles shall be stored outside of an enclosed building.
- E. Motor vehicle service stations may include facilities for the sale of food, household items and convenience merchandise, provided that the sale of such items takes place entirely within an enclosed building.
- F. No commercial parking shall be allowed on the premises of a motor vehicle service station or auto repair shop, except for a vehicle associated with the service station's operation.
- G. Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.
- H. No building or structure, including gasoline pump or automotive service appliances, shall be erected within fifty (50) feet of any street line.

- I. No motor vehicle service station or auto repair shop may display more than two (2) unregistered vehicles for sale or repair outside of an enclosed building at any one time.
- J. No motor vehicle service station or auto repair shop shall have more than two (2) driveways on any public street fronting the site. The driveway width on any street shall not exceed one third of the total site frontage on each street.
- K. No driveway shall be closer than fifty (50) feet to the intersection of two street corner lot lines, or within ten (10) feet of an adjacent lot line.
- L. No automobile service station or filling station shall be established within 200 feet of and no driveway to any such use (measured along the street line on the side of the street which such driveway would cross) of the boundary line of any Residential District, or of any school, church, park, playground, hospital, public library, institution for dependent children, or any place of public assembly designed for the simultaneous use of 100 persons or more, regardless of the district where the subject premises are located.
- M. No automobile service station or filling station and no outdoor gasoline or oil pump shall be established on a lot that is within 1000 feet of another lot measured along the same street frontage on which there is an existing automobile service station or filling station or outdoor gasoline or oil pump or of another lot for which a Building Permit has been issued for the erection of a proposed automobile service station or filling station.

#### §175-10.3 Semi-Public Buildings and Grounds

The Village Planning Board may approve a Special Use Permit for semi-public buildings and grounds, excluding the provision of family or group family day care as first defined in New York State Social Services Law, Sections 390 (l) (d) and (e) which are exempt from the provisions of this Chapter, of an institutional, health, educational, recreational, religious or cultural nature in any district, provided that the following standards and provisions are maintained.

- A. A statement setting forth the details of the operation of the use.
- B. The applicant shall provide the Village Planning Board with evidence of approval, certificate of need, license or other similar document required to initiate or expand such a use from any and all appropriate regulating agencies.
- C. The proposal shall meet the minimum area and yard requirements for such uses as specified in the Schedule of Regulations contained elsewhere within this Chapter.

- D. The proposed use shall meet the minimum off-street parking and loading and unloading requirements of this Chapter as well as provisions for landscaping, buffering, signs and access ways.
- E. The Village Planning Board, in considering the request for a Special Use Permit, may impose conditions it deems necessary to protect the health, safety and public welfare of the Village.

#### §175-10.4 Townhouse Dwelling Unit Developments

The Village Planning Board may approve a Special Use Permit for Townhouse Dwelling Units to be developed in the R-1-20 and R-1-13.5 Residential Districts provided that the following standards and provisions are maintained:

- A. A site development plan shall be submitted in conformance with the requirements of Section 175-11, of the Village Code. Said site development plan may be submitted simultaneously with an application for preliminary subdivision plan approval in accordance with the provisions of the Village Code.
- B. The minimum tract of land proposed for Townhouse development shall be three (3) acres.
- C. The maximum tract of land proposed for Townhouse development shall be ten (10) acres.
- D. Density. Overall site density shall not exceed three (3) dwelling units per gross acre, and not more than six (6) dwelling units shall be allowed on any one (1) acre of land.
- E. Individual dwelling unit lot size.
  - 1) The minimum lot area for each Townhouse dwelling unit shall be three thousand five hundred (3,500) square feet.
  - 2) The minimum lot width at the main building line shall be twenty-five (25) feet.
  - 3) The minimum lot depth shall be one hundred forty (140) feet.
- F. Minimum habitable floor area per Townhouse dwelling unit shall be:
  - 1) Townhouse unit, three (3) bedrooms - one thousand (1,000) square feet.
  - 2) Townhouse unit, two (2) bedrooms - eight hundred fifty (850) square feet.

- G. Each Townhouse dwelling unit grouping shall contain not more than seven (7) units.
- H. No exterior wall in a Townhouse dwelling unit grouping shall exceed one hundred (100) feet in length unless there is a lateral offset of at least eight (8) feet in its alignment not less frequently than along each one hundred (100) feet of length of such exterior wall.
- I. Parking requirements. Requirements for off-street parking as provided for elsewhere in the Village Code shall be met, except that the location of off-street parking lots may be modified to conform with the approved site plan, provided that such lots shall not be located within the front yard or the required side yard setback. Paved pedestrian walkways, with appropriate lighting, shall be provided from off-street parking areas to all living units each parking area is intended to serve. In addition to the standards required in this Chapter, the following standards must be met:
- 1) A minimum of two (2) paved parking spaces shall be provided for each Townhouse dwelling unit, one (1) of which shall be completely enclosed and covered.
  - 2) Appropriate screening at least 6 feet in height shall be provided as to prevent glare from headlights.
- J. Utilities.
- 1) All public utilities, electric, gas, cable television and telephone lines shall be installed underground.
  - 2) An adequate supply of public water shall be provided to each Townhouse dwelling unit.
  - 3) All Townhouse dwelling units shall be connected to public sewers.
- K. Open Space. Prior to final approval, the ownership and maintenance responsibilities of all open space on any site shall be determined. In the event that land is to be dedicated to the Village, all such offering(s) shall be reviewed and acted upon by the Village Board prior to final approval.
- L. Recreation Space. There shall be at least four hundred (400) square feet of common open space for recreation, active and/or passive, for each Townhouse dwelling unit. Said recreation area shall be maintained by a homeowner's association established by the developer.

## § 175-10.5 Kennels

The Village Planning Board may approve a Special Use Permit for kennels in the R-1-20 and the R-1-13.5 Residential Districts provided that the following standards and provisions are maintained:

- A. No site preparation or construction shall commence nor shall existing structures be occupied until final Site Plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.
- B. The minimum lot area for such uses shall be five (5) acres.
- C. Shelters for animals within kennels shall not be closer than two hundred (200) feet to any street or property line.
- D. No outdoor area enclosed by fences for the use of animals shall be permitted within a front yard. Fenced areas shall be setback not less than one hundred (100) feet from any side or rear property line.
- E. Adequate provisions are made for disposing of animal waste.
- F. All noise and odors shall not become a nuisance to adjacent property owners.

## §175-10.6 Satellite TV Dishes or Antennae

- A. Satellite TV dish antennae five (5) square feet in area or greater may be allowed as a special permitted use in any District upon the approval of a Special Use Permit by the Village Planning Board.
- B. No more than one Satellite TV dish antennae per property.
- C. Satellite TV dish antennae of the size specified above herein may be located on the ground or on buildings in the C-1 and C-2 Commercial District; but shall be restricted to ground locations in the R-1-13.5 and the R-1-20 Residential Districts.
- D. No dish antennae shall be more than twelve (12) feet in diameter and more than sixteen (16) feet above the surface to which it is attached.
- E. No ground mounted dish antennae shall be located closer to the street or front lot line than the front of the building to which the dish is an accessory use within the required setbacks established for accessory uses for each district.

- F. The required setbacks established for accessory uses for each district shall apply in regulating the location of satellite dish antennae.
- G. The location and design of a dish antennae shall attempt to reduce to a minimum the visual impact on surrounding properties through the use of architectural features, earth berms, screening, and/or landscaping that harmonizes with the elements and characteristics of the property. The materials used in the construction of the antennae shall not be unnecessarily bright, shiny, garish or reflective.

§ 175-10.7 Produce Markets, Farm and Craft Markets, Antique Shops and Garden Centers

The Village Planning Board may approve a Special Use Permit for produce markets, farm and craft markets, antique shops and garden centers, in the C-1, C-2 and BO Districts provided that the general conditions of this Chapter are met and that the following standards are met with respect to sales in outdoor areas or the display of goods for sale other than within a building:

- A. The specific area(s) designated for the outside display of goods for sale must be delineated on a Site Plan approved by the Planning Board and no goods may be displayed for sale outside the designated area(s).
- B. The specific area(s) designated for the outside display of goods for sale may not be located any nearer to any property line than would be a building for the display of goods for sale and all site lighting associated with the outside display shall be directed away from adjacent property.
- C. Goods for sale may only be displayed within the designated area(s) for a period not exceeding forty-eight hours within any calendar week and shall not be stored in a vehicle parked on the site when goods are not on display.
- D. The Planning Board shall impose such additional conditions as it finds necessary to ensure an appropriate balance of outdoor and indoor display of goods for sale.

§175-10.8 Research, Engineering and Light Manufacturing

The Village Planning Board may approve a Special Use Permit for a research, engineering or light manufacturing use within the B-O, C-2 and M-1 Districts, described as specially permitted in Article V provided that the following standards are satisfied and maintained:

- A. No land, building, or premises may be used in any way which will cause or result in:
  - 1) Dissemination of dust, smoke, observable gas or fumes, odor, noise, vibrations, excessive light beyond the immediate site of the building or buildings in which such use is conducted;

- 2) Menace to neighboring properties by reason of fire, explosion, or other physical hazard, including radiation;
  - 3) Harmful discharge of waste materials, including refuse and air-borne or water-borne wastes; or
  - 4) Unusual traffic hazards or congestion.
- B. There shall be no outside parking of machinery or equipment, except during business hours.
  - C. There shall be no outside storage of material, raw, processed or partially processed, in bulk or packages. There shall be no outside stock piles or storage racks.
  - D. All equipment for the handling of material and processes shall be enclosed in a suitable building. Equipment as used in this section includes, but is not limited to, conveyors, elevators, storage silos, hoppers, storage tanks and unloading docks.
  - E. All waste, scrap, refuse, empty containers, drums, bottles and cartons shall be stored in suitable closed containers and in accordance with all other District regulations.
  - F. Notwithstanding any other provisions, side and rear setbacks adjacent to any Residential District shall be a minimum of 75 feet, of which 20 feet thereof shall be used to create a screened buffer zone. Such screening shall not be less than four feet in height and may be accomplished by deciduous and/or evergreen plantings or by a fence of acceptable design. All such buffers and screenings shall be properly maintained by the owner or owners of the screened industrial property.

§175-10.9

Adult Use and Entertainment Establishments

The Village Planning Board may approve a Special Use Permit for an Adult Use and Entertainment Establishment as first provided for in Section 175-37 of the Village Code provided that the following standards are maintained:

- A. All Adult Uses shall be conducted in an enclosed building.
- B. Regardless of the building location or distance, no one who is passing by an enclosed building having a use governed by the provisions of this Chapter shall be able to visually see any specified anatomical area or any specified sexual activity by virtue of any display which depicts or shows said area or activity. This requirement shall apply to any display, decoration, sign, window or other opening.
- C. No building shall be painted in garish colors or such other fashion as will effectuate the same purpose as a sign without the Planning Board's approval.

- D. No loudspeakers or sound equipment shall be used as part of an Adult Use Entertainment Establishment that can be discerned by the public from public and/or semipublic areas.
- E. Parking of registered vehicles on the site shall be permitted only during the hours of operation.
- F. No dwelling unit shall be allowed as part of any Adult Use or Entertainment Establishment.

§175-10.10 Major Home Occupations

The Planning Board may approve a Special Use Permit and a Site Plan for a Major Home Occupation to be erected and/or maintained only on a parcel of land located in the R-1-13.5 Residential District, the R-1-20 Residential District and the R-2 Residential District provided that the following standards and provisions are complied with:

- A. The special permitted home occupation use will always be second and subordinate to the principal residential use of the premises and that the major home occupation will not harm other residential uses of the property or adversely affect neighboring premises. Under no circumstance shall a special permitted major home occupation become so extensive that it predominates the principal permitted residential use of the premises. Finally, family or group family day care as first defined in New York State Social Services Law, Section 3069 (l) (d) and (e) are exempt from the provisions of having to comply with these regulations.
- B. A major home occupation, as defined in Chapter 175 of the Village Code, shall first require the issuance of a Special Use Permit by the Planning Board. The Planning Board may condition or restrict the Special Use Permit for a major home occupation if, in the Board's judgment, such restriction is required to minimize the impact of the use upon the neighborhood or district. No Special Use Permit shall be issued unless the Planning Board makes a finding that all of the following criteria have been met:
  - 1) The property is in full compliance with the provisions of the Village Code;
  - 2) The major home occupation is determined to be clearly subordinate to the permitted principal residential use of the premises;

- 3) No other major home occupation is conducted upon the premises;
  - 4) The Special Use Permit must be issued to the owner of the premises who is an actual resident of the premises;
  - 5) No more than two employees, whether full-time or part-time and whether paid or unpaid, who are not residents of the premises shall be permitted;
- C. The major home occupation must be carried on within an existing or proposed building on the premises. A major home occupation located within the principal dwelling unit may not exceed 25% of the total gross floor area, or 500 square feet of the principal dwelling unit whichever is less. A major home occupation may not be located in both a portion of the principal dwelling unit and a portion of an accessory structure located on the premises;
- D. The major home occupation shall be subject to Site Plan approval by the Planning Board;
- E. The major home occupation must be fairly transparent and unobtrusive. The standard, fairly transparent and unobtrusive, requires that the non-residential character of the home occupation shall not be apparent to the Planning Board. The Planning Board shall consider the following standards when making this determination:
- 1) Noise. The Board must find that the noise produced by the major home occupation is not likely to create any potentially significant adverse impact upon the adjacent neighborhood; and that the type of noise and times of day of noise generation are not inconsistent with the primary residential use of the premises and the adjacent neighborhood.
  - 2) Pedestrian traffic. The Board must find that the major home occupation is not likely to produce more pedestrian traffic to and from said premises than would exist in the case of a residence without a major home occupation and that the timing of such traffic is not inconsistent with traffic likely to be generated by the primary residential use.
  - 3) Vehicular traffic. The Board must find that the major home occupation is not likely to produce significantly more vehicular traffic to and from said premises than would exist in the case of a residence without a major home occupation; and that timing of such traffic is not inconsistent with the primary residential use.

- 4) Parking. The Board must find that the major home occupation does not create a need for more than three additional off-street parking spaces. In addition, such off-street parking spaces shall not be provided on the lot in such a manner as to create the backing of vehicles onto a public highway. Furthermore, such off-street parking spaces shall be adequately landscaped so as to provide a visual buffer between the parking spaces and adjacent properties, or public rights-of-way.
  - 5) Lighting. The Board must find that the major home occupation does not create light trespass onto adjacent properties or public rights-of-way which would be inconsistent with the Village's lighting standards.
  - 6) Aesthetics. If any change is proposed to the exterior of the building, the Board must find that the change will not materially alter a characteristic architectural feature of the building, such as fascia, window style or roofline.
  - 7) Trash. The Board must find that the major home occupation does not create additional waste products that are not properly contained within receptacles normally associated with the principal residential use of the premises. Where there is found to be additional waste products associated with a major home occupation that cannot be stored within such receptacles then there must be provision for adequately securing such waste products within a screened and landscaped facility. Such a facility should be located behind the principal dwelling unit, or behind the accessory structure used for the major home occupation and must be effectively screened from adjacent properties and the public right-of-way.
  - 8) Exterior Display. The Board must find that the major home occupation does not involve the exterior display or storage of goods, materials, equipment or inventory.
- F. One commercial speech sign shall be permitted as provided for elsewhere in this Chapter.
- G. Any Special Use Permit, issued hereunder, shall be personal to the permittee, and no permit shall be transferable or run with the land. The Special Use Permit shall terminate upon the Planning Board's finding of a change in the performance standards, or upon any change in ownership of the property.
- H. In applying the above criteria, the Planning Board may consider the following:
- 1) The size of the lot (i.e. acreage, lot width and depth, shape, etc.);
  - 2) The size and/or number of vehicles (including machinery) used in connection with such major home occupation;

- 3) The density and/or character of the neighborhood and the proximity of neighboring properties and residences;
  - 4) The necessity for screening and/or buffering of the major home occupation from adjacent properties or public rights-of-way; and
  - 5) The size and type of highway (i.e. state, county, Village) upon which such major home occupation is located along.
- I. Revocation of home occupation permits. A major home occupation permit shall be deemed revoked upon the occurrence of any of the following:
- 1) a subsequent home occupation permit is issued;
  - 2) there is a substantial change in the nature of the home occupation;
  - 3) the home occupation is not commenced within six months of the issuance of a permit;
  - 4) the home occupation ceases operation or is discontinued for a period of one year for any reason; and
  - 5) the person for which the permit was issued no longer resides on the premises.
- J. Application. Each application for a major home occupation permit shall be:
- 1) on a form provided by the Code Enforcement Officer which has first been approved by the Village Board;
  - 2) accompanied by a complete site plan, drawn to scale, showing the location of all buildings or structures on the premises and the area where the proposed home occupation will be conducted; and
  - 3) accompanied by an application fee, in the amount established by the Village Board, prior to the issuance of the permit.

§175-10.11 Personal Wireless Communications Facilities

The Planning Board may approve a Special Use Permit and a Site Plan for a personal wireless communications facility to be erected and maintained only on a parcel of land located in the R-1-13.5 and the R-1-20 Residential Districts, the C-1 and C-2 Commercial Districts, the B-O Business and Office District and the M-1 Industrial District provided that the following standards and provisions are complied with:

- A. Approvals required for personal wireless telecommunications facilities.
- 1) Telecommunications facilities comprised of collocated antennas (and accessory structures) shall be permitted on an existing tower or structure in any of the zoning districts listed above, upon the approval of a Site Plan by the Planning Board. Where collocation antennas exist, the period of approval for the collocated antenna shall be five years or the authorized franchise period remaining on the permit from the Federal Communications Commission.
  - 2) Telecommunications facilities requiring construction of a new tower shall require the following permits and/or approvals:
    - i) on municipal-owned property at any height, a tower shall be permitted upon the approval of a Site Plan by the Planning Board;  
or
    - ii) on privately owned land where a tower is proposed, both a Special Use Permit and Site Plan approval are required.
- B. The minimum lot size shall be four (4) acres.
- C. . Not more than one tower shall be permitted on any parcel of land.
- D. The minimum setback for each communications tower from any property line shall be the height of the tower to be erected plus 20 feet.
- E. No tower shall exceed 200 feet above finished grade without evidence that an additional tower located within the cell area will not provide adequate coverage to at least 90% of the population within said cell.
- F. No tower shall be erected within a federal or state freshwater wetland or on a slope greater than fifteen percent (15%).
- G. Any cutting of trees which exceed four inches in diameter, measured at a height of four feet above ground, to provide for the placement of a tower shall first be approved by the Planning Board, as part of any preliminary Site Plan application. Clear-cutting of trees beyond what is deemed necessary by the Planning Board to install and maintain the tower shall be prohibited.
- H. The tower shall be designed to withstand a sustained wind of 90 miles per hour with a one-half-inch radial ice load.

- I. A minimum radius of 2,000 feet must be maintained between any proposed tower and any existing tower, whether located in the Village or in the adjacent Town of Phelps.
- J. All towers shall be enclosed by a fence not less than eight feet in height above ground level with adequate security measures along the top of the fencing to deter vandalism.
- K. No tower shall contain any signage except that identifying a health, safety or general welfare message, including but not limited to the owner of the tower, an emergency telephone number and tower site identification (i.e., number) and address.
- L. Any person proposing to erect or alter a structure that may affect navigable air space must notify the Federal Aviation Administration (FAA) of the construction before it begins. Notice is required if the construction or modification would be more than 200 feet above ground level and, in other circumstances, within 20,000 feet of instrument equipped public airports, or, in other circumstances, within 10,000 feet of airports with shorter runways. The FAA requires 30 days notice prior to construction of a tower, construction that may cause electromagnetic interference or that may cause transmitted signals to be reflected upon ground-based or air born air navigation or communications equipment. Upon review of the proposed construction or modification, the FAA may order an aeronautical study and will ultimately determine whether the construction or modification represents a hazard to air navigation. Obstructions to air navigation may be subject to FAA standards on location, marking and lighting.
- M. No tower or accessory structure shall be illuminated unless required by the Federal Aviation Administration (FAA); or elsewhere it is deemed to be appropriate by the Planning Board to identify towers for air-ambulance flights.
- N.. The tower, all attachments, antennas and accessory equipment and structures shall either be a galvanized finish or painted gray above the surrounding tree line and painted gray, green, black or similar color at or below the tree line and designed to blend into the natural surroundings below the surrounding tree line unless other colors are mandated by the FAA for the tower.
- O. All tower guys shall be designed to provide ice shattering to prevent damage to performs at guy cable terminus.

- P. Each personal wireless telecommunications facility base and accessory structure(s) shall be adequately screened from any adjacent public right-of-way. To accomplish this screening, at least one row of native evergreen shrubs or other screening acceptable to the Planning Board which is capable of forming a continuous hedge at least 10 feet in height, within two years of planting shall be required and maintained.
- Q. All utility connections shall, to the greatest extent practical, be buried. This requirement may be waived, in whole or in part, by the Planning Board, if, in its opinion such underground facilities would be impractical due to natural conditions.
- R. The applicant shall comply with Federal Communications Commission (FCC) regulations. Any determinations by the FCC that radio emissions exceed permitted FCC standards shall immediately terminate the Special Use Permit.
- S. Unless specified elsewhere in these regulations, a Special Use Permit for the erection and maintenance of a communications tower shall be for a maximum of two years. Such Special Use Permit shall be considered for renewal based upon the terms and conditions imposed with the original permit. Where compliance has been shown, the Planning Board may issue a Special Use Permit for an additional two-year period.
- T. In the event that a communications tower is no longer used for the purpose specified in the application or the communications facility ceases operation for a period of 90 days, such tower, structures or facilities shall be dismantled and removed from the site within 120 days if found to be in a safe condition. In the event that the Code Enforcement Officer finds the tower not to be in a safe condition, written notice to this effect shall be given to the applicant and to the owner of the property directing removal of said tower within 30 days of receipt of written notice. The applicant and/or the property owner shall be required to restore the site to the condition then existing on the approval date of the initial Special Use Permit, absent grading and plantings required above herein.
- U. The applicant shall provide an automatically renewing security bond to the Village which shall be in an amount adequate to guarantee that the tower and related site improvements are built, maintained and removed in accordance with the conditions imposed by the Village and the Special Use Permit. Said security bond shall be in a form and of a sufficient amount which is subject to approval of the Village Attorney. The Village Attorney shall establish an amount of security upon consultation with the Village Engineer.
- V. All facilities shall have a backup source of power suitable for sustaining uninterrupted service to the public during periods of power outages. The Planning Board shall require either a power generator or battery pack source of energy capable of sustaining 24 hours of service.

- W. All facilities shall allow shared use of emergency communications equipment, at no charge, provided that the equipment and antennas to be added to the tower do not interfere with the existing equipment or overload the design for the tower.
- X. Each tower constructed shall be designed to accommodate up to three (3) telecommunications providers.
- Y. Access to towers and facilities shall be from access points established as part of Site Plan approval.
- Z. Accessory equipment may be located within an existing building, or in a newly constructed equipment building, located within an enclosed compound area on the site. The maximum size of the accessory equipment building shall be limited to 400 square feet in gross floor area. Where collocation of antennas occur, each separate provider shall be entitled to one accessory equipment building not exceeding 400 square feet in area and located within an enclosed compound area on the site.
- AA.. Each application for a Special Use Permit or Site Plan approval for a personal wireless telecommunications facility shall be accompanied by a plan which shall reference all existing personal wireless telecommunications facilities in the Village and in the abutting Town of Phelps, which provide service to areas within the Village. In addition, said plan shall include any changes in these facilities that may occur within the following twenty-four-month period, including plans for new locations and the discontinuance or relocation of existing personal wireless telecommunications facilities.
- BB. Additional prerequisite which the Planning Board shall consider prior to taking action to issue a Special Use Permit for personal wireless telecommunications facilities: a report from a professional engineer which shall:
- 1) describe the need in the Village for the proposed structure, its installation and use; and
  - 2) describe the appropriateness of the proposed site for meeting said need including factors such as the following:
    - (i) availability of alternative, less intrusive sites or opportunities for collocation;
    - (ii) physical features and the general character, present and probably future use and density of development in the neighborhood;
    - (iii) distance from existing and planned residential development and public rights-of-way;

- (iv) suitability and adaptability of the site for the proposed structure; considering for example, the topography, natural buffers, screening and fencing;
  - (v) size of the site chosen for the proposed facilities, keeping in mind a parcel with an unoccupied area of sufficient size so that all portions of the site could accommodate a toppled tower;
  - (vi) noise, glare, vibration, electrical disturbance or other objectionable consequences of the proposed installation; and
  - (vii) the effect of the proposed facilities and use on the other properties in the neighborhood, whether such installation or use will materially affect the value, use or enjoyment of neighboring properties.
- 3) identify the geographic coordinates of the tower as further defined on the applicant's FCC license application using either North American Datum (NAD-27) or (NAD-83); and clearly state on the Site Plan and Special Use Permit application which datum is being used.
  - 4) demonstrate that the tower is structurally sound.
  - 5) describe how many and what kind of antennas are proposed and how many and what kinds of antennas are possible on the tower.
  - 6) demonstrate that the site can contain on-site substantially all icefall or debris from tower failure.
  - 7) include a copy of the applicant's FCC construction permit, including any requirements from the Federal Aviation Administration (FAA).
  - 8) include a copy of the certificate of need issued by the Public Service Commission.
  - 9) include a letter of intent committing the tower owner to negotiate in good faith for shared use by the third parties in the future. This letter, which shall be filed with the Village Code Enforcement Officer prior to the issuance of a Special Use Permit by the Planning Board, shall commit the tower owner and his or her successors in interest to:
    - i) respond in a timely manner to a request for information from a potential shared-use or collocation antenna;
    - ii) negotiate in good faith for shared use by third parties;

- iii) allow shared use if an applicant agrees in writing to pay reasonable charges; and
  - iv) make no more than a reasonable charge for shared use, based upon generally acceptable accounting principles.
- 10) evidence that existing facilities do not have space on which planned equipment can be placed so it can function effectively. This shall include, but not be limited to, the following:
- i) the applicant shall contact the owners of all existing or approved towers;
  - ii) the applicant shall provide each contacted owner with the engineer's report required herein;
  - iii) the applicant shall request each contacted owner to assess the following:
    - (a) whether the existing tower could accommodate the antenna to be attached to the proposed tower without causing structural instability or electromagnetic interference;
    - (b) if the antenna cannot be accommodated, assess whether the existing tower could be structurally strengthened or whether the antennas and related equipment could be protected from interference;
    - (c) whether the owner is willing to make space available; and
    - (d) the projected cost of shared use.
- 11) include a complete environmental assessment and visual addendum which includes:
- i) how the facilities can be blended with the view shed, including any attempts at camouflage; and
  - ii) computer-enhanced photos of the proposed tower, both before and after construction, from all adjacent public rights-of-way.
- CC. Additional prerequisites for the Planning Board to consider prior to taking action to issue a Site Plan approval for personal wireless telecommunications facilities:
- 1) a Site Plan map shall be prepared, acceptable in form and content to the Planning Board, which shall be prepared to scale and in sufficient detail and accuracy and which shall show the following:

- (a) the location of property lines and permanent easements;
- (b) the location of the communications tower, together with guy wires and guy anchors and accessory site features such as building, access, power, telephone and landscaping of the site;
- (c) a side elevation or other sketch of the communications tower showing the proposed antennas;
- (d) the locations of all structures on the property and on any adjacent property within 10 feet of the property line, together with the distance of these structures to the proposed communications tower;
- (e) the names of adjacent landowners;
- (f) the location, nature and extent of any proposed fencing, utility easements and access road; and
- (g) a view shed map or visual simulation showing the view from surrounding properties of the proposed communications tower and antennas.

§175-10.12                      Tourist Homes (Bed & Breakfast)

The Planning Board may approve a Special Use Permit for a Tourist Home to be operated on a parcel of land located in the R-1-13.5, the R-1-20, R-2, C-2 and B-O Districts subject further to meeting the standards set forth herein.

- A. The minimum lot size, frontage and setback requirements shall conform to the specifications set forth in the Zoning Schedule of this Chapter for a single-family dwelling in the respective zoning district.
- B. The dwelling proposed for occupancy as a tourist home shall contain at least 3 but not more than five lodging rooms for hire and further shall not violate provisions of the New York State Fire Prevention and Building Code.
- C. Meals may be served on premises only to residents and registered guests.
- D. The owner/operator(s) of the tourist home shall reside on the premises and shall be the only permanent occupant(s) on the premises.

- E. Each lodging room shall have one off-street parking space assigned and there shall be a minimum of two additional off-street parking spaces provided. The owner/operator of the tourist home shall have a private garage to accommodate personal vehicles. The off-street parking area shall not be located adjacent to the tourist home and must be illuminated.
- F. All site lighting shall comply with the Lighting Standards elsewhere in the Village Code.
- G. Commercial speech signage may be permitted as provided for further in Chapter 175-15 of the Village Code.
- H. The exterior of the building shall be maintained consistent with the architectural character of the dwelling prior to its use as a tourist home.
- I. Landscaping shall be required and a buffer screening provided to ensure that the tourist home use does not create a nuisance for adjoining property owners.
- J. All access to the lodging rooms shall be provided through the main entrance of the tourist home.

§175-10.13 Construction Company / Contractor Storage Yard

The Village Planning Board may approve a Special Use Permit for a Construction Company/Contractor Storage Yard operation in the M-1 Industrial District, provided the following standards and conditions are maintained:

- A. The minimum lot size shall be three (3) acres and not more than thirty percent (30%) of the total lot area may be used for structures, the parking of vehicles, or equipment.
- B. No Special Use Permit for a construction company/contractor storage yard may be permitted where there is a dwelling unit on the subject property.
- C. Not more than fifteen percent (15%) of the total lot area may be used for the stockpiling of material used by the contractor for a storage yard.
- D. Unless the owner has a valid mining permit issued by the New York State Department of Environmental Conservation, there shall be no excavation of materials allowed on a Construction Company/Contractor Storage Yard Site. Otherwise, all aggregate material shall be trucked onto the site and stored in an area approved by the Planning Board as part of Site Plan approval.

- E. There shall be a well landscaped buffer, at least ten feet in width and extending around the entire border of the property unless the applicant can demonstrate the use of existing site topography (including an existing gravel pit) in such a manner that it will screen the use from any adjacent property or right-of-way.
- F. There shall be a maintenance building provided that is sized to enable repairs and maintenance of all equipment used on conjunction with the Construction Company. The design of the maintenance building shall complement, to the greatest extent practical, existing adjacent structures within 500 feet of the property boundary. All bays to be located in the building shall be oriented away from any adjacent residential dwelling. All repairs and maintenance of equipment shall be performed within the enclosed structure. Said facility shall also meet all federal and state regulations for employee safety, environmental protection and security of operation and the owner shall provide the Village copies of all inspection reports by any regulatory agency. No storage of used parts shall be permitted on the site outside an enclosed building.
- G. Any fuel-dispensing unit or storage tank shall meet State Department of Environmental Conservation Regulations for Bulk Storage.
- H. Any stockpile of aggregate material shall be maintained by the owner to prevent the blowing of dust onto adjacent properties.
- I. The Planning Board shall set hours of operation that protect the general welfare of the residents of adjacent residential sites.
- J. All site security lighting shall comply with the Lighting Regulations contained in the Village Code.
- K. Except for the stockpile areas, the entire travel area of the site shall be a dust free surface (i.e. millings, stone and oil, blacktop, concrete).
- L. There shall be a designated parking area for all company vehicles, for all employee vehicles and for visitors to the site.
- M. Unless connected to public sewer service, each Construction Company/Contractor Storage Yard Site shall have an approved on-site waste water treatment facility.
- N. There shall be only one driveway serving the site. The driveway shall be designed to enter onto the public highway at grade level for a minimum distance back from the travel lane of forty (40) feet in length. Said driveway shall be blacktopped. Any aggregate material that spills from a vehicle entering or exiting the site shall be cleaned up within 24 hours of the spill. All driveway radii shall be designed to accommodate the turning movement of the Company's largest vehicle.

- B. Used heavy construction equipment and machinery may be offered for sale on the site. However, not more than two pieces of such equipment may be offered for sale at any one time. The location of such activity shall be determined by the Planning Board as part of either Site Plan approval, or any amendment to an approved site plan.
- C. Each Construction Company/Contractor Storage Yard Site shall provide appropriate highway entrance signs as may be required by the Village Highway Superintendent, the County Highway Superintendent, or the Resident Engineer for the State Department of Transportation.
- D. Each application for a Special Use Permit shall not be deemed complete until a signed statement of operations has been submitted.
- E. Each proposed Special Use Permit shall be subject to compliance with all provisions of the New York State Uniform Fire Prevention and Building Code as may be amended from time to time.

§175-10.14                      Single-family Dwelling Conversions

The Village Planning Board may approve a Special Use Permit for the conversion of a single-family dwelling into a two-family or multi-family dwelling, which are located within the R-2, BO and the C-2 Districts provided the following standards and conditions are maintained:

- A. The structure is first a legally permitted single family dwelling and one of the dwelling units is occupied by the owner of the property.
- B. Each dwelling unit shall be self-sufficient with its' own bathroom, kitchen and living area. There shall be no sharing of any features.
- C. There is adequate off-street parking comprised of one space per dwelling unit plus two additional spaces for every second or more dwelling units being proposed. Each parking space shall be a minimum of ten feet by twenty feet in size, made of a hard durable surface, located in the side or rear yard portion of the lot and designed so as to prevent the backing of vehicles onto Main Street (State Route 96). In no event shall a parking space be allowed which will cause the headlights of automobiles to directly trespass onto adjacent property.

- D. There is to be a designated area used exclusively for the storage of approved trash receptacles with a minimum area to accommodate one large tote or two 20 gallon trash containers per dwelling unit. The designated area shall be located in either the side or rear yard portion of the lot. No trash shall be allowed to be stored outdoors, or placed along the curb, for a period greater than 12 hours of scheduled pick-up. No trash shall be allowed to be stored in plastic trash bags unless fully enclosed within an approved receptacle. All designated areas for trash receptacles shall be maintained at all times.
- E. No parking of an unregistered vehicle shall be permitted to occupy an off-street parking space.
- F. All barbeque devices shall not be allowed within the front yard portion of a site.
- G. Site Plan approval is a pre-requisite for any conversion of a single-family dwelling to a multi-family dwelling.
- H. All requirements of the State Uniform Fire Prevention and Building Code shall be documented by the Code Enforcement Officer as a condition of Planning Board approval.
- I. There shall be no free-standing commercial speech signage advertising dwelling units for rent or lease that are placed in the front or side yard portion of an approved lot. All such advertising signage shall be placed either in a window, or on the front of the structure near the main entrance. Said sign shall identify the availability of space and a telephone number to contact. In no event shall such an advertising sign be allowed to be displayed once there is no longer dwelling units available.

§175-10.15 Expansion of Non-Conforming Uses

The Village Planning Board may consider the proposed expansion of a non-conforming use in any zoning district provided the following standards applicable to granting a special permit for authorizing the expansion of a non-conforming use are approved by and conducted by the Planning Board:

- A. The location and size of the non-conforming use, the nature and intensity of the operations involved in or conducted in connection with it, the size and site in relation to it, the location of the site in relation to it, the location of the site in respect to streets giving access thereto. Conditions shall be in place such that the expansion will not be inconsistent with the orderly development of the district in which the use is located.

- B. Screening or other protective measures shall be adequate to protect any adjacent properties from objectionable aspects of any such expansion of the non-conforming use.
- C. Off-street parking areas shall be of adequate size for the particular use, and access drives shall be laid out so as to achieve maximum safety and minimum inconvenience to adjacent properties.
- D. The Village Planning Board may prescribe any condition that it deems necessary or desirable to aid it in making a determination on the application and to protect the interests of the community and adjacent properties.
- E. Public Hearing:

Before authorizing a Special Use Permit to expand a non-conforming use, the Village Planning Board shall give public notice and hold a public hearing on the application for such permit in the same manner as required by law for a Special Use Permit.

- F. Limitations:
  - 1) A Special Use Permit authorizing the expansion of a non-conforming use shall be deemed to authorize only the particular use or uses specified in the permit and shall apply only to the area specified in the permit.
  - 2) A Special Use Permit issued under this section shall expire within six (6) months from the date of issuance if the non-conforming use is not expanded or enlarged.

#### §175-10.16 Warehouse and Distribution Facilities

The Village Planning Board may approve a Special Use Permit for a Warehouse and/or Distribution Facility upon a site located within the B-O Business and Office zoning district provided the following standards applicable to granting a special permit and that Site Plan approval is granted by the Planning Board:

- A. The minimum lot area shall be two (2) acres.
- B. A minimum area of 700 square feet of storage (or maneuvering) space shall be required for each tractor trailer on the site. A minimum of 400 square feet of storage (or maneuvering) space shall be required for each truck on the site.

- C. Such use shall only be conducted in space served by loading berths or docks and is accessed from portions of the building or buildings not visible from the Lot Frontage, any customer entry of any main use of the building or buildings, or a façade of any main use.
- D. Adequate provisions shall be provided for off-street parking of all vehicles which would use the facility, and provided further that access and service drives are located so as to avoid unsafe on-site operation conditions.
- E. The Planning Board shall determine that the operation of the Warehouse or a Distribution Facility will not cause operational or safety hazards to the users and patrons of the main uses at the site. The Board may require traffic studies and operation data from the applicant detailing the hours of operations, number of employees, number of trucks and trailers and the number of trips generated by the proposed special use.
- F. No storage or transfer of hazardous materials shall be permitted. Permitted materials to be warehoused shall be classified as low-hazard or moderate-hazard materials as defined or enumerated in the New York State Uniform Fire Prevention and Building Code.
- G. No loading, unloading or transfer operations shall be permitted on the street, at the curb or within the required Front Yard Area of the Lot.
- H. All off-street travel and parking surfaces shall be permanently improved to prevent any nuisance because of dust.
- I. No Warehouse or Distribution Facility operation shall be permitted within fifty (50) feet of any residence.
- J. No Warehouse or Distribution Facility operations shall operate in the hours between 10:00 p.m. and 7:00 a.m.
- K. All site lighting shall not trespass onto adjacent streets or properties. An illumination pattern shall be provided to the Planning Board as part of a Site Plan Application.
- L. No Warehouse or Distribution Facility operation, including the parking of motor vehicles, shall be permitted within fifty (50) feet of any residence.
- M. The Planning Board shall require suitable landscaping and fencing or other measures to mitigate the effects of odor, noise and visual impacts.
- N. The Planning Board shall limit or prohibit outdoor storage of any materials other than motor vehicles.

- O. All vehicle repairs (including washing) shall be conducted within an enclosed building, except for gasoline dispensing units.
- P. All gasoline sales shall be restricted to vehicles used solely in conjunction with the Warehouse or Distribution Facility. There shall be no sale of gasoline or oil products to the general public.
- Q. Only one vehicle (including trailers) may be displayed and offered for sale to the public at any one time.

§175-10.17 Two Family Dwelling Units

The Village Planning Board may approve a Special Use Permit for the use of land for Two Family Dwelling Units within the R-2 Residential zoning district provided the following standards applicable to granting a special permit are approved by the Planning Board and Site Plan approval is granted by the Planning Board:

- A. The minimum lot size, frontage and setback requirements shall conform to the specifications set forth in the R-2 District.
- B. Each Dwelling Unit shall be served by public water and sanitary sewer with separate utility meters and shut-off valves.
- C. Not more than five (5) Two Family Dwelling Units may be allowed on a Lot containing less than one (1) acre of land.
- D. Each Dwelling Unit shall have its own individual driveway access to a public street.
- E. Each Dwelling Unit shall have not less than two (2) off-street parking places.
- F. The minimum living area to be provided in each Two Family Dwelling Unit shall equal or exceed the minimum area required for single-family dwellings in the R-2 Residential District.
- G. Each Two Family Dwelling Structure shall resemble a single-family dwelling structure in its outward appearance.
- H. The Planning Board may require a traffic study to determine that the street system serving the site is adequate to carry the anticipated traffic flows and that the proposed Two Family Dwellings will not create a burden or nuisance for adjoining property owners.

- I. The Planning Board shall specify the minimum amount and location of landscaping and buffer screening to be provided to ensure that the use does not create a nuisance for adjoining properties.
- J. No site preparation or construction shall commence until a Final Site Plan has been approved by the Planning Board and all permits issued by government agencies involved.

Section 11. Chapter 175, ARTICLE VI, ADMINISTRATION AND ENFORCEMENT, is hereby deleted in its entirety and is hereby replaced in its entirety to read as follows:

ARTICLE VI  
ADMINISTRATION AND ENFORCEMENT

§ 175-18. Procedure for new construction; structural alteration of an existing building, or change in use; Building Permit criteria.

- A. General sequence of steps. All persons desiring to undertake any new construction, structural alteration of an external feature of a building, or changes in the use of a building or lot shall apply to the Code Enforcement Officer for a Building Permit by filling out the appropriate application form and by submitting the required fee. The Code Enforcement Officer will issue the Building Permit where there is no identified need for Site Plan approval, Special Use Permit approval, or any variances (hereinafter referred to as action). Where there is a determined need for any of these three actions, then the Code Enforcement Officer shall refer the application to the appropriate board for action. If any of these three actions are involved, no Building Permit shall be issued until the respective board has taken action upon the applicant's request. After the Building Permit has been issued to the applicant, he or she may proceed to complete the action identified. Upon completion of such action, the applicant is required to notify the Code Enforcement Officer who shall conduct a final inspection and issue either a Certificate of Compliance or a Certificate of Occupancy.
- B. Building Permit types. The classes of Building Permits that may be issued by the Code Enforcement Officer (CEO) include the following.
  - 1) A Building Permit for a permitted residential use involving a legally existing structure may be issued by the CEO regardless of whether or not there is any exterior renovation to the structure or building.
  - 2) A Building Permit for a non-residential use or structure, where there is no change in use and no external alteration may be issued by the CEO.

- 3) A Building Permit for a Special Permitted Use identified in Sections 175-10 through 175-10.17 of this Chapter may be issued by the Code Enforcement Officer after first obtaining a Special Use Permit and Site Plan approval from the Planning Board.
- 4) A Building Permit may be issued after an appeal to or a request for a variance is granted by the Zoning Board of Appeals in accordance with the provisions of New York State Village Law.
- 5) A Building Permit for a residential structure that does not yet exist that meets all requirements of this Chapter.
- 6) A Building Permit for a non-residential use or structure that does not yet exist that meets all requirements of this Chapter after first obtaining Site Plan approval from the Planning Board.
- 7) A Building Permit for a change in use of an existing non-residential building or structure where there is no external alteration that does not involve a change in required on-site parking, loading, or site drainage alteration of an existing site.
- 8) A Building Permit for an existing non-residential building or structure where this is external alteration that does not involve a change in required on-site parking, loading, or alteration of existing on-site drainage.

§175-19 Code Enforcement Officer (CEO).

The duties of administering and enforcing the provisions of this Chapter are hereby conferred upon the Code Enforcement Officer (CEO), who shall have such powers as are conferred upon him/her by this Chapter and by Chapters 85 of the Village Code. He/she shall be appointed by the Village Board and shall carry out any directives from the Board relative to the duties of such position.

175-19-1 Duties of the Code Enforcement Officer (CEO).

- A. The Village CEO shall administer and enforce all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Law and the New York State Energy Code (see Chapter 85 of the Village Code) and those provisions set forth elsewhere in Chapters 57,61,81,93,97,101,107,124 and 175 of the Village Code.
- B. Upon approval of a variance by the Zoning Board of Appeals, the CEO shall be authorized to issue the necessary permits with the specific conditions to be imposed.
- C. The CEO is hereby authorized and empowered to issue appearance tickets pursuant to Section 150.20 of the New York State Criminal Procedure Law and Section 175-32 of the Village Code.

(35)

- D. The CEO shall prepare a monthly report for the Village Board. Said report shall cite all actions taken by the CEO, all permits and certificates issued; all complaints of violation received and all violations found and the action taken thereon.
- E. The CEO, or when the CEO is not available, the Assistant CEO is hereby authorized and empowered to make interpretations. The Assistant CEO is empowered to make interpretations when the CEO may be determined to have a conflict of interest in making such interpretation or in the absence of the CEO.
- F. The Village CEO shall administer and enforce those provisions set forth elsewhere in Chapters 57,61,81,93,97,101,107,124 and 175 of the Village Code.
- G. The CEO shall be responsible for communicating with appropriate village officials to ensure that all public meetings are held in adequate facilities.
- H. The CEO shall be responsible for ensuring that all village files pertaining to an application authorized in the various chapters of the Village Code set forth above herein are maintained for public inspection.
- I. The CEO shall be responsible for notifying applicants of the specific reasons for denial of an application.
- J. The CEO shall maintain a current list showing the variances and Special Use Permit Permits.

§175-20 . Issuance of Certificates and Permits.

The Certificates and Permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this Chapter. A Site Development Permit shall be a prerequisite for an application for a Building Permit for the erection or alteration of a Building, Structure or Use thereof or for the change in the use of any land area or existing Building except Fences, Signs, Decks, Accessory Structures larger than 120 square feet in area, and Above Ground Swimming Pools. Permits issued pursuant to this Section shall expire in twelve (12) months if work has not commenced and is completed. Should all work not be completed, the CEO shall cancel the Permit effective the last day of the twelve (12) month period. The CEO may also grant an extension to the Permit, to commence at the end of the original twelve (12) month period, of up to twelve (12) months for time to complete and include any conditions or requirements deemed necessary or desirable.

Applicants shall justify the need, in writing, for the proposed extension. Unless such an extension is requested and approved, further work as described in the canceled permit shall not proceed until a new Permit has been obtained. If a project is not initiated within six (6) months of the issuance of the new Permit, the new Permit issued shall be considered null and void.

A. Site Development Permit.

The CEO is hereby empowered under the procedures and requirements specified in Section 175-21 of this Chapter to issue a Site Development Permit for any plans regarding the excavation or grading of property, where he/she shall determine that such plans are not in violation with the provisions elsewhere in the Village Code.

B. Building Permit.

No Building or Structure shall be erected, demolished, moved, added to or structurally altered or changed in use without a Building Permit issued by the CEO except in conformity with the provisions of this Chapter and the New York State Uniform Fire Prevention and Building Code, unless he/she receives a written order from the Zoning Board of Appeals in the form of an administrative review or variance; or from the Planning Board for subdivision, Special Use Permit, or Site Plan approval; or from the Village Board for a Temporary Use Permit, as provided elsewhere in the Village Code.

C. Temporary Use Permit.

Upon written direction of the Village Board, the CEO is hereby empowered to issue a Temporary Use Permit. A Temporary Use Permit shall only be effective for a period of not to exceed six (6) months; said permit may be extended by the Village Board not more than once, for an additional period not to exceed twelve (12) months, not to exceed a total of eighteen (18) months, and only if the Village Board has proof that at the end of said extension(s) the temporary use shall cease.

D. Zoning Compliance Certification.

- 1) It shall be unlawful to use any Building or premises, in whole or in part created, erected, changed, converted, altered or enlarged until the CEO has reviewed the application for Zoning Compliance. No Building or Site Development Permit shall be issued until such certification has been made on the application form.
- 2) The CEO shall certify that all conditions of approval that may have been first granted by either the Planning Board, or Zoning Board of Appeals have been complied with.

E. Special Use Permit.

Upon written direction of the Village Planning Board, the CEO is hereby empowered to issue a Special Use Permit as provided for by this Chapter.

- 1) Uses permitted by special permit shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in Article V in addition to all other requirements of this Chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- 2) The CEO shall inspect the premises of a use authorized and approved with a Special Use Permit as provided elsewhere in this Chapter.

F. Operating Permits.

Applications for these permits are further provided for in Chapter 85-1, Section 8, of the Village Code, entitled Operating Permits.

§175-21. Application Procedures

A. Site Development Permits.

No Development of a site shall be allowed except pursuant to a Site Development Permit issued by the CEO. The CEO shall in no case, except under a written order of the Zoning Board of Appeals issue any permit for any Building or Structure or use where the proposed construction, alteration or use thereof would be in violation of any provision of this Chapter.

- 1) All applications for Site Development Permits shall be made to the CEO on forms provided by the Village Office.
- 2) Where the proposed use is for the expansion of an existing single family dwelling or an accessory use or Structure in a residential district, the CEO shall consider the application for compliance with this Chapter and may either issue or deny the permit applied for. When the application is for any other permitted use or special permitted use in any zone, the CEO shall, refer copies of such plans, drawings and statements to the Planning Board for Site Plan approval in accordance with Article VII of this Chapter.

- 3) All Site Development Permit applications referred to the Planning Board shall be reviewed to determine: that the proposed site development plan is consistent with the goals and objectives of the Village's Comprehensive Plan, and these Development Regulations; that the proposed improvements are sufficient to adequately serve the proposed use; that adjacent properties are protected from potential negative impacts; that potential adverse environmental impacts are identified; and appropriate mitigation measures have been proposed.

B. Site Development Permit Applications.

Each application for a Site Development Permit shall be accompanied with a plan of the site. The materials to be submitted with each application shall clearly show the conditions on the site at the time of the application, the features of the site which are to be incorporated into the proposed use or Building, and the appearance and function of the proposed use or Building. The application shall include a Site Plan in compliance with Chapter 175, Section 11 of the Village Code.

C. Temporary Use Permits.

- 1) All applications for Temporary Use Permits shall be made to the CEO on forms provided.
- 2) The CEO, after determining that an application is in proper form, shall transmit copies of the application and all supporting documents to the Village Board for a Temporary Use Permit.
- 3) The application shall include a site development plan of the temporary use and subject parcel drawn to scale which includes all of the data specified in Article VII of this Chapter.
- 4) In approving an application, the Village Board may impose any modifications or conditions (including time limits) it deems necessary to conform to the goals and objectives of the Village's Comprehensive Plan and its principles of land use and development and to protect the health, safety or general welfare of the public.
- 5) If an application is approved by the Village Board, the CEO shall be furnished with a copy of the approving resolution and shall issue the permit applied for in accordance with the conditions imposed by the Board.

- 6) If any application is disapproved by the Village Board, the reasons for such denial shall be set forth in the Village Board resolution and a copy of such resolution shall be transmitted to the CEO. The CEO shall deny the application by providing the applicant with a copy of the Village Board's reasons for disapproval.

D. Certificates of Compliance/Occupancy.

- 1) Within seven (7) days after the completion of the development identified within the issued permit or before the expiration date of said permit, the applicant shall notify the CEO by stating that such action has been completed.

The CEO shall determine the need for an as built survey map where a question arises regarding the placement of a Building, Structure or other development on a lot.

Within seven (7) days of receipt of this notification, the CEO shall conduct a final inspection of the premises to determine whether the new construction/use complies with the requirements of this Chapter.

If the CEO determines that said Building or use complies with the provisions of the Village Code, He/she shall issue a Certificate of Compliance/Occupancy. If it is determined that the provisions specified herein are not fully complied with, the CEO shall specify the violations and the terms and conditions for remedying these violations. A Certificate of Compliance/Occupancy shall not be issued until such violations are corrected.

- 2) No non-conforming Building or use shall be changed without a Certificate of Compliance/Occupancy having first been issued by the CEO. The Certificate of Compliance/Occupancy shall state specifically wherein the non-conforming use differs from the provisions of this Chapter.

§175-22. Violations.

If the CEO shall find that any of the provisions of this Chapter are in violation, he/she shall notify, in writing, the person responsible for such violation indicating the nature of the violation and ordering the action to correct it. In his/her efforts to attain compliance the CEO shall have the authority to order discontinuance of illegal uses of land, Buildings or Structures; removal of illegal Buildings or Structures, or of illegal additions, alterations or structural changes; stop work; or discontinuance of any illegal work being done. On the serving of the notice by the CEO to the owner of any property violating any of the provisions of this Chapter, the Certificate of Compliance/Occupancy, as appropriate, for such Building or use shall be held null and void by the CEO. New Certificates of Compliance/Occupancy shall be required for any further use of such Building or premises.

§175-23. Complaints.

All alleged complaints of a violation of any of the provision(s) of the Village Code shall be in writing, signed by the persons making the complaint and submitted to the CEO at the Village Hall. No telephone communications shall be accepted and only electronic forms of communications in a PDF document will be accepted. Within thirty (30) days of receipt of a written complaint, the CEO will provide a written response to the complainant.

§175-24. Public Notification.

In addition to the requirement for posting a public notice sign on the subject parcel under review and the publishing of a legal notice, as provided for under Village Law, the CEO shall also provide written notification, by U.S. Mail, of an application pending before either the Planning Board, or Zoning Board of Appeals, to all property owners within the Village of Phelps that are located within a distance of 500 feet from the boundary of the subject parcel. Where a subject parcel under review is located within 500 feet from the municipal boundary, the CEO shall provide written notice(s) to the clerk(s) of adjacent municipalities. Said notices shall be provided at least ten (10) days prior to the date of any scheduled public hearing.

§ 175-25. Fees.

Each application for a permit provided for by this Chapter shall be accompanied by a fee, payable in cash, check, or other method as authorized by the Village Board. Fees shall be established annually by resolution of the Village Board as set forth in the Fee Schedule adopted by resolution by the Village Board at its annual organizational meeting and attached as Schedule III to this Chapter.

§175-26. Powers and Duties of Planning Board.

- A. Site Plans. The Planning Board is hereby empowered to review and approve, approve with modifications, or disapprove Site Plans in accordance with the provisions of this Chapter and Article 7 of New York State Village Law; and may adopt such rules and regulations as it deems necessary to exercise the powers so granted.
- B. Special Use Permits. The Planning Board is hereby empowered to grant Special Use Permit approval in accordance with the provisions of Article 7 of the New York State Village Law and the powers reserved to the Village pursuant to the Municipal Home Rule Law.
- C. Subdivision Plats. The Planning Board is hereby empowered to review and approve, approve with modifications, or disapprove Subdivisions in accordance with the provisions of Article 7 of New York State Village Law and other pertinent Chapters of the Village Code; and may adopt such rules and regulations as it deems necessary to exercise the powers so granted.
- D. Review of Applications before the Village Zoning Board of Appeals. The Planning Board is hereby empowered to make recommendations to the Zoning Board of Appeals when requested by said Board concerning site related design and other anticipated impacts upon the environment.

Section 12. Schedules of Zoning District Regulations

§175-8. Schedule of Regulations is hereby deleted in its entirety and replaced with the following Sections 175-8 and 175-8.1, Schedules of Zoning District Regulations. The actual Schedules of Regulations is to be attached at the end of Chapter 175 of the Village of Phelps Village Code.

The Schedules of Zoning District Regulations set forth the permitted principal uses; permitted accessory uses; permitted special uses; minimum lot sizes, including lot area, lot width and lot depth; minimum yard dimensions, including minimum front yard, minimum rear yard and minimum side yards; maximum heights of buildings and structures; and maximum percentage of lot coverage.

§175-8.1. List of Zoning District Schedules

The following Zoning Districts are hereby established as part of Chapter 175 of the Village of Phelps Village Code and delineated upon the Village's Official Zoning Map:

R-1-20	Residential
R-1-13.5	Residential
R-2	Residential
C-1	Commercial
C-2	Commercial
B-O	Business & Office
M-1	Industrial
FPO	Floodplain Protection Overlay

Section 13. Conflict with other Laws.

Interpretation.

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

Section 14. Separability.

Should any Section or provision of this Chapter be determined by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part(s) so decided to be unconstitutional or invalid.

Section 15. Effective Date.

This local law shall take effect upon adoption by the Village Board as provided by law after filing with the Secretary of State.

**(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. 4 of 2013 of the **Village of Phelps** was duly passed by the Phelps Village Board on November 11, 2013, 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<sup>1</sup>.)**~~

~~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.~~

~~**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 2005 of the City of \_\_\_\_\_ 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 \_\_\_\_\_~~

<sup>1</sup> 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.

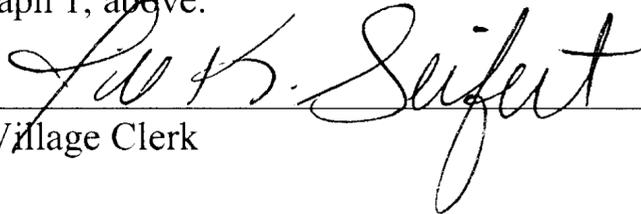
\_\_\_\_\_, 20\_\_\_, became operative.

**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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

  
\_\_\_\_\_  
Village Clerk

(Seal)

Date: November 12, 2013

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

STATE OF NEW YORK  
COUNTY OF ONTARIO

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

  
\_\_\_\_\_  
Attorney to the Village

**Village of Phelps**

Date: 12/3/13

**SCHEDULE I  
ZONING SCHEDULE  
VILLAGE OF PHELPS, ONTARIO COUNTY, NEW YORK**

Zone District	Permitted Uses Special Use Permit Only	Minimum Lot Size Area SF/Acre	Minimum Lot Width (FT)	Minimum Setback Requirements				Principal Use Building Ht. (FT)	Maximum Building Coverage On Lot (%)	
				Principal Building Front	Building Rear	Building Side	Accessory Bldg. Rear Side			
<b>B-O Business and Office</b>	Professional Offices (1)	10,000 S.F.	100	30	20	20	20	20	60	60
	Business Offices	10,000 S.F.	100	30	20	20	20	20	60	60
	Day-care Center	10,000 S.F.	100	30	20	20	20	20	60	60
	Church, parish house, convent or rectory	20,000 S.F.	100	30	20	20	20	20	60	60
	Essential Services	20,000 S.F.	100	30	20	20	20	20	60	60
	Public Buildings and Grounds	1 AC	200	30	20	20	20	20	35	40
	Food Processing (2)	1 AC	200	30	20	20	20	20	35	40
	All Uses first Permitted in the R-2 District	7,000 S.F.	100	30	20	20	20	20	60	60
	*Warehouse and Distribution Facilities (3)	1 AC	200	30	20	20	20	20	35	40
	*Semi-Public Buildings and Grounds (4)	1 AC	200	30	20	20	20	20	35	40
	*Satellite TV Dish or Antennae (5)	----	----	----	----	----	----	----	----	----
	*Expansion of Non-Conforming Uses (6)	20,000 S.F.	100	30	20	20	20	20	60	60
	*Research, Engineering and Light Manufacturing (7)	10,000 S.F.	100	30	20	20	20	20	60	60
*Personal Wireless Communications Facilities (8)	3 AC	225	50	40	25	40	40	35	20	
*Tourist Homes (B&B) (9)	20,000 S.F.	100	25	25	15	25	15	35	20	
*Single-Family Conversions (10)	10,000 S.F.	100	30	20	20	20	20	60	60	
*Produce Markets, Farm and Craft Markets, Antique Shops and Garden Centers (13)	1 AC	175	100	40	20	30	20	35	35	
Permitted Accessory Uses										
Off-street parking and loading Signs (12)	(11)	10,000 S.F.	100	30	20	20	20	20	----	20

(Continues on next page)

**SCHEDULE I  
ZONING SCHEDULE  
VILLAGE OF PHELPS, ONTARIO COUNTY, NEW YORK**

**B-O Business  
and Office (Continued)**

- (1) Includes the Office of a lawyer, doctor, dentist, Chiropractor, or any activity or service licensed pursuant to the provisions of the Education Law of the State of New York.
- (2) Food Processing includes preparing and catering activities for private parties and/or banquets.
- (3) Must be an Accessory Use of the Property.
- (4) Semi-Public Buildings and Grounds are further regulated in Section 175-10.3 of this Chapter of the Village Code.
- (5) Satellite TV Dishes or Antennae are further regulated in Section 175-10.6 of this Chapter of the Village Code.
- (6) Expansion of Non-Conforming Uses are further regulated in Section 175-10.8 of this Chapter of the Village Code.
- (7) Research, Engineering and Light Manufacturing is further regulated in Section 175-10.10 of this Chapter of the Village Code.
- (8) Personal Wireless Communications Facilities are further regulated in Section 175-10.13 of this Chapter of the Village Code.
- (9) Tourist Homes (Bed & Breakfasts) are further regulated in Section 175-10.14 of this Chapter of the Village Code.
- (10) Single-Family Dwelling Conversions are further regulated in Section 175-10.16 of this Chapter of the Village Code.
- (11) Off-street Parking and Loading is further regulated in Section 175-13 of this Chapter of the Village Code.
- (12) Signs are further regulated in Section 175-15 of this Chapter of the Village Code.
- (13) Produce Markets, Farm and Craft Markets, Antique Shops and Garden Centers are further regulated in Section 175-10.7 of this Chapter of the Village Code.

**SCHEDULE I  
ZONING SCHEDULE  
VILLAGE OF PHELPS, ONTARIO COUNTY, NEW YORK**

Zone District	Permitted Uses *Permitted Special Use Permit Only	Minimum Lot Size Area SF/Acre	Minimum Lot Width (FT)	Minimum Setback Requirements				Maximum Principal Building Ht. (FT)	Building Coverage On Lot (%)	
				Principal Building		Accessory Bldg.				
				Front	Rear	Side	Rear			Side
<b>C -1 Commercial (8)</b>	Retail and Service Use	10,000 S.F.	90	25	20	20	20	20	35	50
	Shopping Centers, Plazas	5 AC	250	100	40	20	30	30	35	50
	Offices of Business, Professional or Financial Organizations	1 AC	100	90	40	20	30	20	35	35
	Public Buildings and Grounds	1 AC	100	90	40	20	30	20	35	35
	Funeral Home	1 AC	150	90	40	20	30	20	35	35
	Tourist Home (B&B)	1 AC	100	90	40	20	30	20	35	35
	Church or other place of worship	1 AC	100	90	40	20	30	20	35	35
	Public Utility Facilities	1 AC	175	100	40	20	30	20	35	35
	Laundromat, with or without a dry	1 AC	175	90	40	20	30	20	35	35
	*Semi-public Buildings and Grounds (1)	1 AC	175	100	40	20	30	20	35	35
	*Motor Vehicle Service Stations and Auto Repair Shops (2)	1 AC	175	100	40	20	30	20	35	35
	*Satellite TV Dish or Antennae (3)	10,000 S.F.	90	25	20	20	20	20	35	50
	*Produce Markets, Farm and Craft Markets, Antique Shops and Garden Centers (4)	1 AC	175	100	40	20	30	20	35	35
	*Expansion of Non-Conforming Uses (5)	10,000 S.F.	90	25	20	20	20	20	35	50
*Personal Wireless Communications Facilities (6)	3 AC	225	50	40	25	40	20	35	20	
Permitted Accessory Uses										
All Accessory Uses permitted in the R-1 & R-2 Districts										
Signs (7)										
Off-street loading spaces (9)										

SCHEDULE I  
ZONING SCHEDULE  
VILLAGE OF PHELPS, ONTARIO COUNTY, NEW YORK

**C-1 Commercial District (8)  
Continued**

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- (1) Semi-Public Buildings and Grounds are further regulated in Section 175-10.3 of this Chapter of the Village Code.
- (2) Motor Vehicle Service Stations and Auto Repair Shops are further regulated in Section 175-10.2 of this Chapter of the Village Code.
- (3) Satellite TV Dishes or Antennae are further regulated in Section 175-10.6 of this Chapter of the Village Code.
- (4) Produce Markets, Farm and Craft Markets, Antique Shops and Garden Centers are further regulated in Section 175-10.7 of this Chapter of the Village Code.
- (5) Expansion of Non-Conforming Uses are further regulated in Section 175-10.8 of this Chapter of the Village Code.
- (6) Personal Wireless Communications Facilities are further regulated in Section 175-10.13 of this Chapter of the Village Code.
- (7) Signs are further regulated in Section 175-15 of this Chapter of the Village Code.
- (8) Yard requirements may be increased in accordance with the provisions in Section 175-14. C. of this Chapter of the Village Code.
- (9) Off-street loading space is further regulated in Section 175-13 of this Chapter of the Village Code.

**SCHEDULE I  
ZONING SCHEDULE  
VILLAGE OF PHELPS, ONTARIO COUNTY, NEW YORK**

Zone District	Permitted Uses *Permitted Special Use Permit Only	Minimum Lot Size Area SF/Acre	Minimum Lot Width (FT)	Minimum Setback Requirements			Maximum Principal Building Ht. (FT)	Building Coverage On Lot (%)	
				Principal Building Front	Building Rear	Accessory Bldg. Side			
<b>C -2 Commercial (8)</b>	Retail and Service Use	10,000 S.F.	90	25	20	20	20	35	50
	Shopping Centers, Plazas	5 AC	250	100	40	20	30	35	50
	Offices of Business, Professional or Financial Organizations	1 AC	100	90	40	20	30	35	35
	Public Buildings and Grounds	1 AC	100	90	40	20	30	35	35
	Theatre	1 AC	150	90	40	20	30	35	35
	Funeral Home	1 AC	150	90	40	20	30	35	35
	Church or other place of worship	1 AC	100	90	40	20	30	35	35
	Laundromat, with or without a dry Cleaning pick-up station	1 AC	175	100	40	20	30	35	35
	Public Utility Facilities	1 AC	175	100	40	20	30	35	35
	*Semi-public Buildings and Grounds (1)	1 AC	175	100	40	20	30	35	35
	*Motor Vehicle Service Stations and Auto Repair Shops (2)	1 AC	175	100	40	20	30	35	35
	*Satellite TV Dish or Antennae (3)	10,000 S.F.	90	25	20	20	20	35	50
	*Produce Markets, Farm and Craft Markets, Antique Shops and Garden Centers (4)	1 AC	175	100	40	20	30	35	35
	*Expansion of Non-Conforming Uses (5)	10,000 S.F.	90	25	20	20	20	35	50
	*Personal Wireless Communications Facilities (6)	3 AC	225	50	40	25	40	35	20
	*Research, Engineering and Light Manufacturing (10)	1 AC	175	100	40	20	30	35	35
	*Tourist Home (B&B)	1 AC	100	90	40	20	30	35	35
*Single-family Dwelling Conversions(11)	10,000 S.F.	90	25	20	20	20	35	50	
Permitted Accessory Uses									
All Accessory Uses permitted in the R-1 & R-2 Districts									
Signs (7)									
Off-street loading spaces (9)									

SCHEDULE I  
ZONING SCHEDULE  
VILLAGE OF PHELPS, ONTARIO COUNTY, NEW YORK

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**C-2 Commercial District (8)  
Continued**

- (1) Semi-Public Buildings and Grounds are further regulated in Section 175-10.3 of this Chapter of the Village Code.
- (2) Motor Vehicle Service Stations and Auto Repair Shops are further regulated in Section 175-10.2 of this Chapter of the Village Code.
- (3) Satellite TV Dishes or Antennae are further regulated in Section 175-10.6 of this Chapter of the Village Code.
- (4) Produce Markets, Farm and Craft Markets, Antique Shops and Garden Centers are further regulated in Section 175-10.7 of this Chapter of the Village Code.
- (5) Expansion of Non-Conforming Uses are further regulated in Section 175-10.8 of this Chapter of the Village Code.
- (6) Personal Wireless Communications Facilities are further regulated in Section 175-10.13 of this Chapter of the Village Code.
- (7) Signs are further regulated in Section 175-15 of this Chapter of the Village Code.
- (8) Yard requirements may be increased in accordance with the provisions in Section 175-14. C. of this Chapter of the Village Code.
- (9) Off-street loading space is further regulated in Section 175-13 of this Chapter of the Village Code.
- (10) Research, Engineering and Light Manufacturing is further regulated in Section 175-10.10 of this Chapter of the Village Code.
- (11) Single-family Dwelling Conversions are further regulated in Section 175-10.16 of this Chapter of the Village Code.

**SCHEDULE I  
ZONING SCHEDULE  
VILLAGE OF PHELPS, ONTARIO COUNTY, NEW YORK**

Zone District	Permitted Uses *Permitted Special Use Permit Only	Minimum Lot Size Area SF/Acre	Minimum Lot Width (FT)	Minimum Setback Requirements				Maximum Principal Use Building Ht. (FT)	Maximum Building Coverage On Lot (%)	
				Principal Building		Accessory Bldg.				
				Front	Rear	Side	Rear			Side
<b>M-1 - Industrial</b>	Warehouse/storage facilities	1 AC	175	100	50	25	40	25	60	30
	Manufacturing assembly	2 AC	200	100	50	80	50	80	60	40
	Lumber yards	2 AC	200	100	50	50	40	25	48	30
	Truck, mini-bike, motorcycle, tractor, snowmobile sales and service	2 AC	200	100	50	40	40	25	35	30
	Auto sales	2 AC	200	100	50	50	40	25	35	30
	Modular/Manufactured homes and recreational vehicles sales	2 AC	200	100	50	50	40	25	35	40
	Machine and sheet metal shops	1 AC	175	100	50	50	25	40	48	30
	Upholstering, welding and monument works	1 AC	175	100	25	25	40	25	30	30
	Building materials yards, excluding concrete plants	2 AC	200	100	50	50	40	50	48	40
	Printing, publishing and bookbinding	1 AC	175	100	50	50	25	40	35	30
	Public buildings and Grounds	1 AC	175	100	50	50	40	50	35	40
	Public utilities	1 AC	175	100	50	50	40	50	35	30
	*Semi-public Buildings and Grounds (1)	2 AC	200		50	50	40	50	35	40
	*Expansion of Non-conforming Uses (2)	10,000 S.F.	100	30	20	20	20	20	60	50
	*Research, Engineering and Light Manufacturing (3)	1 AC	175	100	40	40	20	30	35	35
	*Adult Use and Entertainment Establishments (4)	----	----	----	----	----	----	----	----	----
	*Personal Wireless Communications Facilities (5)	3 AC	225	50	40	25	40	40	20	35
* Construction Company/Contractor Storage Yard (6)	5 AC	250	100	50	80	80	50	80	48	30
*Satellite TV Dish or Antennae (9)	1AC	175	30	20	20	20	20	20	--	35
Permitted Accessory Uses										
Off-street parking and loading Signs (8)			30	20	20	20	20	20	----	20

(Continues on next page)

SCHEDULE I  
ZONING SCHEDULE  
VILLAGE OF PHELPS, ONTARIO COUNTY, NEW YORK

**M-1 Industrial  
(Continued)**

- (1) Semi-Public Buildings and Grounds are further regulated in Section 175-10.3 of this Chapter of the Village Code.
- (2) Expansion of Non-Conforming Uses are further regulated in Section 175-10.8 of this Chapter of the Village Code.
- (3) Research, Engineering and Light Manufacturing is further regulated in Section 175-10.10 of this Chapter of the Village Code.
- (4) Adult Use Entertainment Establishments are further regulated in Sections 175-38 and 175.10.11 of this Chapter of the Village Code.
- (5) Personal Wireless Communications Facilities are further regulated in Section 175-10.13 of this Chapter of the Village Code.
- (6) Construction Equipment Storage and Repairs are further regulated in Section 175-10.15 of this Chapter of the Village Code.
- (7) Off-street Parking and Loading is further regulated in Section 175-13 of this Chapter of the Village Code.
- (8) Signs are further regulated in Section 175-15 of this Chapter of the Village Code.
- (9) Satellite TV Dishes or Antennae are further regulated in Section 175-10.6 of this Chapter of the Village Code.

**SCHEDULE I  
ZONING SCHEDULE**

**VILLAGE OF PHELPS, ONTARIO COUNTY, NEW YORK**

Zone District	Permitted Uses *Permitted Special Use Permit Only	Minimum Lot Size Area SF/Acre	Minimum Lot Width (FT)	Minimum Setback Requirements			Maximum Principal Building Ht. (FT)	Maximum Building Coverage On Lot (%)
				Principal Front	Building Rear	Accessory Bldg. Side		
<b>R-1-13.5 Residential</b>	Single Family Dwelling	13,500 S.F.	100	25	25	15	35	20
	Convalescent Home	20,000 S.F.	100	25	25	15	35	20
	Church, parish house, convent or rectory	20,000 S.F.	100	25	25	15	35	20
	Essential Services	20,000 S.F.	100	25	25	15	35	20
	Cemetery	3 AC	225	50	40	20	35	10
	Public Buildings & Grounds	1 AC	100	90	40	20	35	35
	Cluster Residential Development (10)	15 AC	250	--	--	--	--	20
	*Public Utility Facility (1)	1 AC	200	25	25	15	35	20
	*Semi-Public Buildings & Grounds (2)	1 AC	200	25	25	50	35	20
	*Townhouse Dwelling Unit Devel. (3)	3 AC	225	50	40	20	35	30
*Kennels (4)	5 AC	225	50	40	25	16	20	
*Satellite TV Dish or Antennae (5)	-----	-----	---	---	---	---	---	---
*Expansion of Non-Conforming Use (6)	20,000 S.F.	100	25	25	15	35	20	
*Major Home Occupation (7)	20,000 S.F.	100	25	25	15	35	20	
*Personal Wireless Comm. Fac. (8)	3 AC	225	50	40	25	35	20	
*Tourist Homes (B&B) (9)	20,000 S.F.	100	25	25	15	35	20	

- (1) Public Utility Structures are further regulated in Section 175-10.1 of this Chapter of the Village Code.
- (2) Semi-Public Buildings and Grounds are further regulated in Section 175-10.3 of this Chapter of the Village Code.
- (3) Townhouse Dwelling Unit Developments are further regulated in Section 175-10.4 of this Chapter of the Village Code.
- (4) Kennels are further regulated in Section 175-10.5 of this Chapter of the Village Code.
- (5) Satellite TV Dishes or Antennae are further regulated in Section 175-10.6 of this Chapter of the Village Code.
- (6) Expansion of Non-Conforming Uses are further regulated in Section 175-10.8 of this Chapter of the Village Code.
- (7) Major Home Occupations are further regulated in Section 175-10.12 of this Chapter of the Village Code.
- (8) Personal Wireless Communication Facilities are further regulated in Section 175-10.13 of this Chapter of the Village Code.
- (9) Tourist Homes (Bed & Breakfast) are further regulated in Section 175-10.14 of this Chapter of the Village Code.
- (10) Cluster Residential Development is limited to single family detached and two family detached dwelling units. Public water and sewer service is required. Cluster Residential Development is permissive not mandated in the R-1-20 Residential District. Minimum size tract shall be 15 acres.

**SCHEDULE I  
ZONING SCHEDULE  
VILLAGE OF PHELPS, ONTARIO COUNTY, NEW YORK**

Zone District	Permitted Principal Uses *Permitted Special Use Permit Only	Minimum Lot Size Area SF/Acre	Minimum Lot Width (FT)	Minimum Setback Requirements			Requirements Accessory Bldg. Side	Maximum Principal Building Ht. (FT)	Building Coverage On Lot (%)
				Principal Front	Building Rear	Side			
<b>R-1-20 Residential</b>	Single Family Dwelling	20,000 S.F.	100	25	25	15	25	35	20
	Convalescent Home	20,000 S.F.	100	25	25	15	25	35	20
	Church, parish house, convent or rectory	20,000 S.F.	100	25	25	15	25	35	20
	Essential Services	20,000 S.F.	100	25	25	15	25	35	20
	Cemetery	3 AC	225	50	40	20	40	35	10
	*Public Utility Facilities (1)	1 AC	200	25	25	15	20	35	20
	*Semi-Public Buildings & Grounds (2)	1 AC	200	25	25	50	50	35	20
	*Townhouse Dwelling Unit Devel. (3)	3 AC	225	50	40	20	40	35	30
	*Kennels (4)	5 AC	225	50	40	25	40	16	20
	*Satellite TV Dish or Antennae (5)	----	----	---	---	---	---	---	---
	*Expansion of Non-Conforming Use (6)	20,000 S.F.	100	25	25	15	25	35	20
	*Major Home Occupation (7)	20,000 S.F.	100	25	25	15	25	35	20
	*Tourist Homes (B&B)	20,000 S.F.	100	25	25	15	25	35	20
	*Personal Wireless Comm. Fac. (8)	3 AC	225	50	40	25	40	35	20
	Permitted Accessory Uses								
Private Garage	20,000 S.F.	100	----	----	----	25	16	10	
Off-street Parking (10)	----	----	----	----	----	----	----	10	
Signs (11)	----	----	----	----	----	----	----	----	

- (1) Public Utility Facilities are further regulated in Section 175-10.1 of this Chapter of the Village Code.
- (2) Semi-Public Buildings and Grounds are further regulated in Section 175-10.3 of this Chapter of the Village Code.
- (3) Townhouse Dwelling Unit Developments are further regulated in Section 175-10.4 of this Chapter of the Village Code.
- (4) Kennels are further regulated in Section 175-10.5 of this Chapter of the Village Code.
- (5) Satellite TV Dishes or Antennae are further regulated in Section 175-10.6 of this Chapter of the Village Code.
- (6) Expansion of Non-Conforming Uses are further regulated in Section 175-10.8 of this Chapter of the Village Code.
- (7) Major Home Occupations are further regulated in Section 175-10.12 of this Chapter of the Village Code.
- (8) Personal Wireless Communication Facilities are further regulated in Section 175-10.13 of this Chapter of the Village Code.
- (9) Tourist Homes (Bed & Breakfast) are further regulated in Section 175-10.14 of this Chapter of the Village Code.
- (10) Off-street Parking is further regulated in Section 175-13 of this Chapter of the Village Code.
- (11) Signs are further regulated in Section 175-15 of this Chapter of the Village Code.

**SCHEDULE I  
ZONING SCHEDULE**

**VILLAGE OF PHELPS, ONTARIO COUNTY, NEW YORK**

Zone District	Permitted Principal Uses *Permitted Special Use Permit Only	Minimum Lot Size Area SF/Acre	Minimum Lot Width (FT)	Minimum Setback Requirements			Maximum Principal Building Ht. (FT)	Maximum Building Coverage On Lot (%)			
				Principal Building		Accessory Bldg.					
				Front	Rear				Side		
<b>R-2 Residential</b>	Single Family Dwelling	7,000 S.F.	65	20	20	10	20	10	35	30	
	Convalescent Home	7,000 S.F.	65	25	25	10	25	10	35	30	
	Church, parish house, convent or rectory	7,000 S.F.	65	25	25	10	25	10	35	30	
	Essential Services	7,000 S.F.	65	25	25	10	25	10	35	30	
	Cemetery	3 AC	225	50	40	20	40	20	35	10	
	Minor Home Occupation	7,000 S.F.	65	25	25	10	25	10	35	30	
	*Two-Family Dwelling	7,000 S.F.	65	20	20	10	20	10	35	30	
	*Multiple-Family Dwelling	7,000 S.F.	65	25	25	10	25	10	35	30	
	* Public Utility Facilities (1)	1 AC	200	25	25	10	25	10	35	30	
	*Semi-Public Buildings & Grounds (2)	1 AC	200	25	25	50	50	25	35	30	
	*Satellite TV Dish or Antennae (3)	-----	-----	---	---	---	---	---	---	---	---
	*Expansion of Non-Conforming Use (4)	7,000 S.F.	65	25	25	10	25	10	35	30	
	*Major Home Occupation (5)	7,000 S.F.	65	25	25	10	25	10	35	30	
	*Tourist Homes (B&B) (6)	7,000 S.F.	65	25	25	10	25	10	35	30	
*Single-Family Dwelling Conversions(*) (7)	7,000 S.F.	65	25	25	10	25	10	35	30		
Permitted Accessory Uses											
Private Garage Detached	7,000 S.F.	65	---	---	---	25	10	16	10	10	
Off-street Parking (8)	---	---	---	---	---	---	---	---	---	10	
Signs (9)	---	---	---	---	---	---	---	---	---	---	

\* Subject to site plan approval by the Village Planning Board. Single Family Conversions apply only to existing dwellings.

(1) Public Utility Facilities are further regulated in Section 175-10.1 of this Chapter of the Village Code.

(2) Semi-Public Buildings and Grounds are further regulated in Section 175-10.3 of this Chapter of the Village Code.

(3) Satellite TV Dishes or Antennae are further regulated in Section 175-10.6 of this Chapter of the Village Code.

(4) Expansion of Non-Conforming Uses are further regulated in Section 175-10.8 of this Chapter of the Village Code.

(5) Major Home Occupations are further regulated in Section 175-10.12 of this Chapter of the Village Code.

(6) Tourist Homes (Bed & Breakfast) are further regulated in Section 175-10.14 of this Chapter of the Village Code.

(7) Single-Family Dwelling Conversions are further regulated in Section 175-10.16 of this Chapter of the Village Code.

(8) Off-street Parking is further regulated in Section 175-13 of this Chapter of the Village Code.

(9) Signs are further regulated in Section 175-10 of this Chapter of the Village Code.