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JAN 26 1998

Town of Livonia, Livingston County, New York

Local Law No. 1 of the year 1998

*Alyson F. Sweeney*  
Secretary of State

A local law to amend the Zoning Ordinance of the Town of Livonia in its entirety.

Be it enacted by the Town Board of the Town of Livonia, Livingston County, New York as follows: The Zoning Ordinance of the Town of Livonia is hereby amended to read as follows:

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Chapter 86

ZONING

ARTICLE I

Intent, Applicability and Definitions

§ 86-1. Title.

This Chapter shall constitute and be known as "The Zoning Ordinance of the Town/Village of Livonia," New York, heretofore known as the "Livonia Zoning Ordinance" and may be cited as such.

§ 86-2. Intent.

- A. The intent of this Chapter is to encourage appropriate and orderly physical development; promote public health, safety, convenience and general welfare; classify, designate and regulate the location and use of buildings, structures and land for agricultural, residential, commercial, industrial or other uses in appropriate places; and, for said purpose, to divide into districts of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement.

This zoning Chapter is one of the key mechanisms for implementing the Comprehensive Plan's vision of guiding development in Livonia to provide a balance of developed uses and open space throughout Livonia; to create residential neighborhoods close to but not negatively impacted by recreation, employment and shopping opportunities; and to avoid the negative impacts of uncontrolled access and demands for inefficient expansion of public utilities.

These regulations are in accordance with a well considered Comprehensive Plan and have been made with reasonable concern for the character of each district and its suitability for particular uses.

- B. For the purposes of this Chapter, all terms used in the present tense include the future tense. All terms in the plural number include the singular number, and all terms in the singular number include the plural number, unless the natural construction of the term indicates otherwise. The term "person" includes a firm, association, organization, partnership, trust, company or individual. The term "shall" is mandatory and directory. The term "may" is permissive. The term "used" includes the terms "designated, intended or arranged to be used."

**§ 86-3. General applicability.**

- A. Except as herein provided, no building or land in the village of Livonia or in the town of Livonia outside the corporate limits of the village of Livonia shall be used or occupied nor shall any building or part thereof be erected, moved, or altered unless in conformity with the regulations of this Chapter. Existing buildings, structures, and uses which do not comply with the regulations of this Chapter shall be allowed to continue subject to the provisions of Article VIII of this Chapter relating to nonconformities.
- B. The provisions of this Chapter shall be separable in accordance with the following rules:
  - (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provision of this Chapter.
  - (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or structure, such judgment shall not affect the application of the said provision to any other property, building, or structure.

**§ 86-4. Applicability to variances, conditional use permits, and pending applications.**

- A. This Chapter shall become effective 10 days after publication of the notice of passage or upon filing with the Secretary of State, whichever is later.
- B. Any variance or conditional use permit which could be lawfully issued under the most recent provisions of this Chapter shall continue to be valid. Any variance or conditional use permit which could not be issued after the effective date of these regulations shall be allowed to continue subject to the provision of Article VIII relating to nonconformities.
- C. Any construction or alteration of a building or structure which has not yet obtained a certificate of occupancy but which has commenced construction at least ninety (90) days before the effective date in accordance with a valid building permit shall be allowed to complete construction. If such building or use is not in conformance with the regulations of this Chapter it shall be subject to the provisions of Article VIII relating to nonconformities.
- D. This Chapter and any amendments thereof shall apply to all applications pending and not yet finally decided on the date of adoption except that in any case where a public hearing has been held, the application shall be decided in accordance with the law in effect on the date of such hearing.

**§ 86-5. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

**ADULT** -- Any person eighteen (18) years of age or older. [A minor is any person under the age of eighteen (18)].

**ADULT BOOKSTORE** -- An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, videos, computer software, other periodicals, films or viewing on the premises by use of motion-picture devices or any other coin-operated means, and materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or male or female genitalia, anatomical areas or an establishment with a segment or section devoted to the sale or display of such material, and which establishment customarily excludes any minor by virtue of age.

**ADULT ENTERTAINMENT CABARET** -- A public or private establishment, or any part thereof, which presents any of the following entertainments or services on one (1) or more occasions for observation by patrons therein and which is operated for profit: topless female dancers; strippers; male or female impersonators; exotic dancers; topless waitressing, bussing or service; or service or entertainment where the servers or entertainers wear pasties or G-strings or both. "Adult entertainment cabarets" customarily exclude minors by reason of age.

**ADULT PEEP SHOW** -- A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

**ADULT THEATER** -- A theater that customarily presents motion pictures, films, videotapes or slide shows, that is open to the public generally but excludes any minor by reason of age whether or not they are accompanied by a parent or guardian.

**ADULT USE** - See "adult bookstore", "adult entertainment cabaret", "adult theater" and "adult peep show".

**AGRICULTURAL OR FARM BUILDING** -- Any building used for the housing of agricultural equipment, products, livestock or poultry, or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with and necessary to agricultural or farming operations as defined in this Article. The term "farm building" shall not include dwelling units.

**AGRICULTURAL OR FARMING OPERATION** -- The use of a parcel of land of five acres or more for gain in the raising of agricultural products, trees, nursery stock, livestock, poultry, or dairy products. It includes necessary farm buildings and the storage of necessary equipment. It also includes the use of a parcel of land of less than five (5) acres except that on such parcels, the raising of fur-bearing animals, livery or boarding stables, dog kennels and the raising of livestock or poultry for personal use or for sale and/or slaughter is excluded and therefore prohibited. No housing of

poultry or stabling of livestock or storage of manure or other odor or dust producing material shall be allowed within one hundred (100) feet of any lot line separating the farm operation from adjacent residences or other uses.

**AGRICULTURAL OPERATION, INTENSIVE** - The raising of livestock or processing of agricultural products such that the use of land and agricultural products grown on the premises is subordinate to the use of specialized buildings and equipment or agricultural products purchased elsewhere. No housing of poultry or stabling of livestock or storage of manure or other odor or dust producing material shall be allowed within one hundred (100) feet of any lot line separating the farm operation from adjacent residences or other uses.

**ALLEY** -- A public or privately-owned servicerway less than twenty-two (22) feet in width providing a secondary means of access to abutting properties.

**ALTERATION** -- As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

**APARTMENT** -- See "Dwelling, Multi-family".

**BAR OR TAVERN** - A business establishment with a New York State Liquor License authorizing sale of liquor for on-premises consumption in which liquor sales represent twenty-five (25) percent or more of sales receipts.

**BASEMENT** -- A story partly underground and having more than one-half (1/2) of its height above the average level of the finished grade at the front of the building.

**BED AND BREAKFAST INN** -- An owner-occupied dwelling unit that contains no more than four (4) guest rooms where lodging, with or without meals, is provided for compensation.

**BOARDING HOUSE** -- A dwelling where not less than five (5) or more than ten (10) unrelated persons are furnished sleeping accommodations or lodged for a fee with or without meals.

**BUILDING** -- Any structure having a roof supported by columns, piers or walls, including tents, lunch wagons, trailers, mobile homes, dining cars, camp cars or other structures on wheels, and intended for commerce, shelter, housing or enclosure of persons, animals or chattel.

**BUILDING, ACCESSORY** -- A subordinate building located on the same lot with the principal building, occupied by or devoted to an accessory use. Where an "accessory building" is attached to the principal building in a substantial manner, as by a wall or roof, such "accessory building" shall be considered part of the principal building.

**BUILDING, PRINCIPAL** -- A building in which is conducted the main use of the lot on which said building is located.

**BUILDING AREA** -- The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

**BUILDING HEIGHT** -- The vertical dimension measured from the average elevation of the finished grade adjoining the exterior walls of a building to the highest point of the roof for flat roofs, to the decline of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

**CAMP** -- Any area of land on which are located three (3) or less cabins, tents, trailers, shelters, or other accommodations of a design or character suitable for seasonal or other temporary living purposes.

**CAMPGROUND** -- A parcel of land used or intended to be used, by two (2) or more tents, travel trailers, or other recreational vehicles on a transitory or seasonal basis and conducted as a business or as part of a public use or private club.

**CELLAR** -- A story partly underground and having more than one-half (1/2) of its clear height below the average level of the finished grade at the front of the building.

**CERTIFICATE OF OCCUPANCY** -- A certificate issued by the Code Enforcement Officer signifying that a parcel of land is being used in a lawful manner with respect to the provisions of this Chapter.

**CLUB, PRIVATE** -- A nonprofit social organization whose premises are restricted to its members and their guests.

**CLUSTER DEVELOPMENT** -- A development of residential lots, each containing less area than the minimum lot area required for the district within which such development occurs, but maintaining the density limitation imposed by said minimum lot area through the provision of open space as a part of the subdivision plan.

**COMPREHENSIVE PLAN** - The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports, and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of Livonia.

**CURB LEVEL** -- The mean street grade established by municipal code or, in the absence of an established grade, the mean level of the existing curb or of the lot at the street line.

**DAY CARE CENTER** - A place other than an occupied residence providing or designed to provide day care for seven (7) or more persons on a regularly-scheduled basis for more than three (3) but less than twenty-four (24) hours per day.

DECK -- A single- or multi-level, floored, roofless structure, which is designed as an accessory use to a dwelling. Railings shall be limited to forty-two (42) inches high. Front, rear and side setbacks shall comply with all present setbacks as set forth in the applicable zoning district.

DEED OR TRACT RESTRICTIONS -- Legal language recorded in an instrument in the chain of title for a lot, which describes specifically limitations or restrictions on the use of the property.

DRIVE-IN FACILITY -- A use or portion of a use which by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product which may be consumed or used in a motor vehicle on the premises.

DRY CLEANING OUTLET - An establishment used primarily to collect and distribute articles or goods of fabric to be subjected to the process of dry cleaning, dyeing, or stain removal elsewhere. A dry cleaning outlet may also include equipment to press articles of fabric cleaned elsewhere or dry cleaning machines using only non-combustible and non-flammable solvents.

DWELLING -- A building or portion thereof used exclusively as the residence or sleeping place of one (1) or more persons.

DWELLING, ATTACHED OR ROW -- A single family dwelling with party walls separating it from adjacent units on both sides.

DWELLING, DETACHED -- A dwelling having no party wall in common with another building.

DWELLING, MULTI-FAMILY -- A building or portion thereof containing three (3) or more dwelling units designed or used for occupancy by three (3) or more families living independently of each other.

DWELLING, SINGLE-FAMILY -- A dwelling unit designed for or occupied exclusively by one (1) or more persons living as a single, nonprofit housekeeping unit.

DWELLING, SEMI-DETACHED -- A single-family dwelling separated by a party wall from only one (1) adjacent dwelling unit.

DWELLING, TWO-FAMILY -- A building containing two (2) dwelling units and used or intended to be used exclusively for occupancy by two (2) families living independently of each other, or two (2) single-family dwellings having a party wall in common.

DWELLING UNIT -- One (1) or more rooms providing living facilities for one (1) family or housekeeping unit, including equipment for cooking, living and sleeping purposes and provisions for the same.

DWELLING UNIT, ACCESSORY - An accessory use involving a separate and complete dwelling unit either in or added to an existing single-family

dwelling, or a separate accessory building on the same lot as the principal dwelling.

**FAMILY** -- One (1) person or a group of persons living together as a single household occupying a dwelling unit.

**FARM** -- See "Agricultural or Farming Operation."

**FARM CAMP** -- A camp located on a farm used or designated to be used for persons who are transient farm laborers and/or transient farm laborers and their families, whether or not for compensation.

**FLAMMABLE LIQUIDS** -- Shall be as defined by the New York State Uniform Fire Prevention and Building Code.

**FLOOR AREA, TOTAL** -- The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business. Said areas shall be measured between the inside face of exterior walls or from the center line of walls separating two (2) uses. Said areas shall not include areas below the average level of adjoining ground, garage space or accessory building space (include basement but not cellar).

**FOREST/WOODLAND** -- All areas of five (5) or more contiguous acres of woods or sensitive areas of less than five (5) acres that appear on the land conservation map.

**GARAGE** -- A secondary building used in conjunction with a primary building which provides for the storage of motor vehicles and in which no occupation, business or services for profit are carried on.

**GAS STATION** -- See "Motor Vehicle Service Station".

#### **HOME OCCUPATION**

Any occupation or profession, excluding retail sales to customers or motor vehicle repairs on the premises, which:

- (1) Can be conducted without substantial change in the appearance, character or traffic generation of the residence;
- (2) Is carried on by a member of the household residing in the dwelling unit;
- (3) Is clearly incidental and accessory or secondary to the use of the dwelling unit for residential purposes; and
- (4) Conforms to the following additional conditions:
  - (a) The occupation or profession shall be carried on wholly within the principal building.

- (b) Not more than two (2) persons outside the household residing in the dwelling shall be employed in the "home occupation."
- (c) There shall be no exterior display other than a sign, no exterior storage of materials and no other exterior indication of the "home occupation" or variation from the residential character of the principal building.
- (d) No offensive odor, noise, vibration, smoke, dust, heat or glare shall be produced, nor will the storage or handling of hazardous material be allowed.
- (e) No more than forty (40) percent of the floor area of the residence will be allowed for the use of the "home occupation."
- (f) The Joint Zoning Board of Appeals may grant a conditional use permit to house the "home occupation" in an accessory building, subject to the requirements of § 86-17B.

**HOMEOWNERS' ASSOCIATION** -- An organization of residential property owners residing within a particular development whom contractually agree to provide, reserve, and maintain commonly owned facilities and/or open space, in accordance with New York State law.

**HOTEL** -- A building containing rooms intended, designed, or used, rented or hired out to be occupied for sleeping purposes by transient guests and/or the general public.

**IMPERVIOUS SURFACE** -- The horizontal area of ground covered by a surface through which water cannot infiltrate such as buildings or asphalt driveways or parking areas.

**JUNKYARD** -- A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, or where automobile wrecking takes place, but not including pawnshops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing. All operations take place in enclosed buildings unless a conditional permit for outside storage or operations is obtained from the Joint Zoning Board of Appeals or Joint Planning Board pursuant to § 86-17B or § 86-20D.

**KENNEL** -- A lot or parcel of land where four (4) or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation, but not including a small animal hospital, clinic or pet shop. An adult dog is one of either sex, altered or unaltered, that has reached the age of four (4) months.

**LETTER OF CREDIT** -- A security which may be accepted as a guaranty of a requirement that certain improvements be made before the Code Enforcement

Officer issues a Certificate of Occupancy, including escrow agreements and other similar collateral and surety agreements acceptable in form and amount to the Municipal Attorney and Municipal Engineer and approved by the governing board.

LAND CONSERVATION AREA -- See § 86-68.

LANDSCAPED AREA -- That area of a site plan not consisting of structures or pavement. Landscaped area shall consist of those areas on a site plan that are planted, seeded, or provide similar vegetative or landscaped cover, including ponds.

LAUNDRY, SELF SERVE - A business establishment providing clothes washers and dryers for hire to be used by customers on the premises.

LIVESTOCK -- Any domestic animal such as cattle, horses, donkeys, mules, burros, sheep, hogs or goats of greater than three (3) months' age; provided, however, that this Chapter shall not apply to sheep, cattle or horses allowed to pasture on open range land where the individual pastures exceed ten (10) acres in area.

LOT -- A parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessory use and open spaces belonging to the same. A "lot," within the meaning of this Chapter, may or may not be a "lot" as shown on a subdivision plot or assessment record.

LOT AREA -- An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating "lot area."

LOT COVERAGE -- the percentage of the lot area covered by impervious buildings or structures but excluding parking areas, driveways, and walkways.

LOT DEPTH -- The mean horizontal distance between the front and rear lot lines, measured at right angles to the front lot line.

LOT LINES -- The property lines bounding the lot. In the case of a lot abutting more than one (1) street, any such lot line will be considered a front lot line.

LOT WIDTH -- The mean width measured at right angles to the front lot line, or for wedge-shaped lots, flag-shaped lots, or lots with side boundary lines not perpendicular to the front lot line, the width measured at the required minimum front setback.

MARINA -- A lot, building, structure, pier, dock or portion thereof located with shoreline frontage and access to navigable water and used for the launching, mooring, rental, sale, fueling and/or repair of watercraft and

including such boat storage and such sales of bait, tackle and marine supplies as may be accessory to such marinas.

**MOBILE HOME** -- A structure, transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein and complies with Part 1220 of the N.Y.S. Uniform Fire Prevention and Building Code and Federal HUD standards, excluding however, travel trailers, motorized homes, pickup coaches and camping trailers. This definition does not include modular manufactured homes as defined by the N.Y.S. Uniform Building Code.

**MOBILE HOME, DOUBLE-WIDE** -- A mobile home consisting of two (2) sections, combined at the site, with a width of no less than twenty (20) feet, while still retaining their individual chassis for possible future movement and complying with Part 1220 of the N.Y.S. Uniform Fire Prevention and Building Code and Federal HUD standards, excluding however, travel trailers, motorized homes, pickup coaches and camping trailers. This definition does not include modular manufactured homes as defined by the N.Y.S. Uniform Building Code.

**MOBILE HOME PARK** -- A parcel of land where two (2) or more mobile homes are parked or which is planned and improved for the placement of mobile homes by the public.

**MODULAR HOMES** -- A factory-manufactured home incorporates structures or components designed for residential occupancy, constructed by a method or system of construction whereby the structure or component is wholly or in substantial part manufactured in a manufacturing facility and is intended for permanent installation on a foundation at a building site. Such home shall be constructed and installed in accordance with the requirements of Subchapter B of the N.Y.S. Fire Prevention and Building Code and shall bear an insignia of approval issued by the N.Y.S. Fire Prevention and Building Code Council. Factory-manufactured homes shall be deemed to be one- or two-family or multiple dwellings. This definition does not include double-wide mobile homes as defined by the N.Y.S. Uniform Building Code.

**MOTEL** -- A building or group of buildings, whether detached or in connected units, used as individual sleeping units designed primarily for transient automobile travelers and providing accessory off-street parking and, if desired, restaurant facilities. The term "motel" shall also include tourist courts, motor lodges and similar uses.

**MOTOR VEHICLE REPAIR** -- Engine repair, body work, frame straightening, painting, upholstering, steam cleaning, electrical work, tune-ups and all other vehicle repair services not specifically listed in the definition of motor vehicle service stations.

**MOTOR VEHICLE SALES AREA** -- Any building, land area or other premises used for the display or sale of new or used automobiles, motorcycles, trucks, trailers, or boats, but not including any repair work other than warranty and other repair service conducted as an accessory use on such premises.

**MOTOR VEHICLE SERVICE STATION** -- Any building, land area, or other premises, or portion thereof, used or intended to be used for any one (1) or a combination of the following activities:

- (1) Retail dispensing or sales of motor vehicle fuels.
- (2) Retail dispensing or sales of motor vehicle lubricants, including oil changing and chassis lubrication where substantial disassembly is not required.
- (3) Retail dispensing or sales of motor vehicle coolants.
- (4) Hand or machine washing in a single bay motor vehicle wash.
- (5) Incidental repair or replacement of parts, such as windshield wiper blades, light bulbs, air filters, oil filters, batteries, belts, tires, fuses, lubrication of vehicles, and the like.

Motor vehicle wrecking, repair, parking or storing of motor vehicles for hire, and the operation of more than one (1) towing vehicle shall not be deemed permissible accessory uses of a "motor vehicle service station."

**MOTOR VEHICLE WASH** -- Any building or premises, or portion thereof, the use of which is devoted to the business of washing motor vehicles for a fee, whether by automated cleaning devices or otherwise.

**MOTOR VEHICLE WRECKING** -- The dismantling or disassembling of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**NONCONFORMING BUILDING** -- A building which in its design or location upon a lot does not conform to the regulations of this Chapter for the district in which it is located.

**NONCONFORMING LOT** -- A lot of record lawfully existing at the date of adoption of this Chapter or any amendment thereto which does not have the minimum width or contain the minimum area for the district in which it is located.

**NONCONFORMING USE** -- Any use of any building, structure or land lawfully existing at the date of adoption of this Chapter or any amendment thereto which does not conform to the use regulations of the district in which it is situated.

**OPEN SPACE and USABLE OPEN SPACE** -- An area or areas of a lot, including required yards, which is:

- (1) Open and unobstructed from ground to sky except by facilities specifically designed, arranged, and intended for use in conjunction with passive or active outdoor recreation or relaxation; and
- (2) Landscaped, maintained, or otherwise treated to create a setting appropriate to recreation or relaxation; and
- (3) Accessible and usable by the general public, business patrons, or residents of all dwellings or stores it is intended or required to serve.

**OUTPATIENT HEALTH CENTER** -- A business establishment providing primarily health services such as emergency care, laboratory facilities, or minor surgery to ambulatory patients rather than diagnostic treatment typical of a doctors' office.

**Joint Planning Board** -- The officially established Joint Planning Board of the Town and Village of Livonia.

**PLAT** -- A map, plan or layout of a village, town, section or subdivision indicating the location and boundaries of individual properties.

**PROPERTY LINE** -- See "Lot Lines".

**PUBLIC USES** - The words "public uses" as used in this Chapter, are intended to designate any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

- (1) Places of worship, cemeteries, parish houses and convents.
- (2) Public parks, playgrounds and recreational areas when authorized or operated by governmental authority.
- (3) Nursery schools, elementary schools, high schools, colleges or universities having curriculum approved by the Board of Regents of the State of New York
- (4) Public libraries and museums.
- (5) Not-for-profit fire, ambulance and public safety buildings.

**PUBLIC UTILITY** - Any facility or related equipment, including but not limited to all lines, pipes, transformers, poles, etc., performing an essential public service and subject to special governmental regulation. Non-essential components of public utility operations such as general storage and maintenance facilities are excluded from this definition.

**RESIDENTIAL CARE FACILITY** -- A community-based residence under public, voluntary, non-profit, or proprietary sponsorship which provides residential services and twenty-four hour supervision to four (4) or more persons. Such a facility is operated by sponsor-approved staff.

**RESTAURANT** -- Any establishment, however designed, at which food is sold for consumption on the premises to patrons seated within an enclosed building or elsewhere on the premises. A snack bar or refreshment stand at a public, semipublic or community swimming pool, playground, playfield or park, or an approved vendor operating the recreational facilities for the convenience of the patrons of the facility, shall not be deemed to be a restaurant.

**RIGHT-OF-WAY** -- A strip of land, either public or private, occupied or intended to be occupied by a street, sidewalk, trail, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or other similar use.

**ROADSIDE STAND** -- A permanent or temporary structure for the sale of agricultural products produced on the premises.

**SETBACK, MINIMUM FRONT** -- The least required horizontal distance between the front lot line and the principal building measured at the shortest point.

**SETBACK, MINIMUM REAR** -- The least required horizontal distance between the rear lot line and the principal building measured at the closest point.

**SETBACK, MINIMUM SIDE** -- The least required horizontal distance between the side lot line and the principal building measured at the closest point.

**SHOPPING CENTER, COMMUNITY** - A grouping of retail and service uses providing a wide range of such uses including apparel and/or home furnishings. Such centers typically range in size from one hundred thousand (100,000) to four hundred fifty thousand (450,000) square feet.

**SITE PLAN REVIEW** -- See Article XIV.

**STEEP SLOPE** -- Grade change of fifteen (15) or more percent.

**STORY** -- That portion of a building between the surface of any floor and the surface of the floor next above, and any portion of a building used for human occupancy between the topmost floor and the roof. For purposes of height measurement, in determining the permissible number of stories, a basement shall be counted, but a cellar shall not be counted.

**STORY, HALF** -- A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

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

**STREET LINE** -- That line determining the limit of the highway right-of-way of the public street, either existing or contemplated.

**STRUCTURAL ALTERATIONS** -- Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

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

**SWIMMING POOL, PRIVATE** -- A swimming pool operated as an accessory use to a residential dwelling unit or units located on an individual residential lot.

**SWIMMING POOL, PUBLIC** -- A public or privately owned pool open to the general public or on a membership basis and having appropriate dressing room facilities, recreation facilities and off-street parking area.

**TEMPORARY OR SEASONAL OCCUPANCY** -- The use of any premises, structure or use for living and/or sleeping purposes for one hundred eighty (180) days or less in any calendar year.

**TEMPORARY USE** -- An activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this Chapter. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

**TRAVEL TRAILER** -- A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses, and not for year-round living.

**USE** -- The specific purposes for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

**USE, ACCESSORY** -- A use clearly incidental and subordinate to the principal use whether located in a principal or accessory building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent, or purpose, the principal lawful use or building.

**USE, PRINCIPAL** -- The main use for which a building or lot is used or intended to be used.

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

**VARIANCE, USE** - The authorization by the Joint Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

**YARD, FRONT** -- An open space extending the full width of the lot between the front lot line and the principal building unoccupied and unobstructed by any buildings or structures from the ground upward.

**YARD, REAR** -- An open space extending the full width of the lot between the rear lot line and the required minimum rear setback unoccupied and unobstructed by any buildings or structures from the ground upward except those permitted by § 86-42.

**YARD, SIDE** -- An open space extending from the front yard to the rear yard between the side lot line and the required minimum side setback unoccupied and unobstructed by any buildings or structures from the ground upward except those permitted by § 86-42.

**ZONING BOARD** -- The officially established Joint Zoning Board of Appeals of the Town and Village of Livonia.

**ZONING PERMIT** -- A permit issued by the Code Enforcement Officer stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the district in which it is located.

**ARTICLE II**  
**Administration**

**§ 86-6. Enforcement.**

It shall be the duty of the Code Enforcement Officer to keep a record of all applications for permits and a record of all permits issued with a notification of all special conditions relating thereto. Such records shall be filed in the Building and Zoning Department and shall be available for use by the Board of Assessors of the Town of Livonia and the municipal clerk. The Boards of the Town or Village of Livonia shall issue no permit for the use of any property not in conformity with the requirements of this Chapter and all other regulations of the Town or Village of Livonia.

**§ 86-7. Duties of Code Enforcement Officer.**

- A. For the purpose of this Chapter, it shall be the duty of the Code Enforcement Officer, or any duly authorized assistants, to cause any plans, buildings or premises to be examined or inspected to determine that they are not in violation of the provisions of this Chapter and to issue certificates and permits as outlined in the following section.
- B. If in the course of work, the Code Enforcement Officer determines that any plans, buildings or premises are in violation of the

provisions of this Chapter, he/she shall order the responsible party in writing to remedy such conditions. Said written order shall specify the nature of the violation found to exist, the remedy ordered and the time permitted for such action, the penalties and remedies which may be invoked, and the violator's right of appeal, all as provided for by this Chapter.

- C. On the serving of notice by the Code Enforcement Officer to the owner of any violation of any of the provisions of this Chapter, the certificate of occupancy for such building or use shall be held null and void. A new certificate of occupancy shall be required for any further use of such building or premises.
- D. The Code Enforcement Officer shall maintain a permanent record of all matters considered and all action taken. Such records shall form a part of the records of the office and shall be available for use by the governing board and other municipal officials and available for inspection by the public.

**§ 86-8. Certificates and permits.**

- A. The certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this Chapter. A zoning permit or conditional use permit shall be a prerequisite to the erection or alteration of a building structure or use thereof, but only if the alteration increases the dimensions or changes the uses or exit facilities thereof.
- B. Zoning permit. The Code Enforcement Officer is hereby empowered to issue a zoning permit for any plans regarding the construction or alteration of any building or part of any building, or the change in the use of any land or building or part thereof, where it has been determined that such plans are not in violation of the provisions of this Chapter.
- C. Conditional use permit. Upon written direction of the Joint Zoning Board of Appeals or the Joint Planning Board, the Code Enforcement Officer is hereby empowered to issue any conditional use permit provided for by this Chapter. Conditional permit uses are those uses having some special impact or uniqueness which requires a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.
- D. Certificate of occupancy. The Code Enforcement Officer is hereby empowered to issue a certificate of occupancy which shall certify

that all provisions of this Chapter have been complied with in respect to the location and use of the building, structure or premises in question. The Code Enforcement Officer is also empowered to issue a certificate of occupancy for nonconforming uses, provided that the nonconforming use is defined and the sections of non-conformance with this Chapter are listed.

**§ 86-9. Application procedures.**

- A. Procedures for a zoning permit. All applications for a zoning permit shall be made to the Code Enforcement Officer in the detail specified in § 86-10 of this Article. Where the proposed use is a permitted agricultural operation or a single- or two-family residential use in a residential district, and not subject to the land conservation requirement of Article VII, § 86-68, the Code Enforcement Officer shall carefully consider the application for compliance with this Chapter and either issue or deny a zoning permit. When the application is for any other use in any district, a preliminary site plan application, in accordance with Article XIV shall serve as the Zoning Permit Application, and the Joint Planning Board shall be responsible for reviewing compliance with this Chapter and directing the Code Enforcement Officer to approve with conditions or deny an application.

Zoning permits shall be issued in duplicate and one (1) copy shall be posted conspicuously on the premises while any alterations are being completed.

- B. Procedures for appeal. Should an applicant choose to appeal a decision by the Code Enforcement Officer to deny issuance of a zoning permit, an application for an appeal shall be filled out, submitted along with supporting documents to the Building and Zoning Department office for referral to the Joint Zoning Board of Appeals for action. Where applicable under § 239-m and § 239-n of the General Municipal Law, one (1) copy of the application shall also be submitted to the County Planning Board.
- C. Procedures for conditional use permit. All applications for conditional use permits shall be made to the Building and Zoning Department office. The Code Enforcement Officer, after determining that an application is in proper form, shall transmit one (1) copy of the application and all supporting documents to the Joint Zoning Board of Appeals or the Joint Planning Board for action thereon. Where applicable under § 239-m and § 239-n of the General Municipal Law, one (1) copy of the application shall also be submitted to the County Planning Board.
- D. Procedures for a certificate of occupancy. Following the completion of the construction, reconstruction or alteration of any building, or where a change in the use of a structure is proposed, the

applicant shall transmit by registered mail or deliver in person to the Code Enforcement Officer a letter stating that such construction has been completed or that a new use has been proposed. Within seven (7) days of the receipt of this letter, the Code Enforcement Officer shall make all necessary inspections of the completed structure or proposed use to determine the conformance with this Chapter. A certificate of occupancy shall be issued only if the Code Enforcement Officer finds that the construction or proposed use comply with all the requirements and provisions of this Chapter.

**§ 86-10. Application details.**

**A. Application for a Zoning Permit (site plan review not required).**

Each application for a zoning permit shall be made on forms available from the Building and Zoning Department office. The materials to be submitted with the 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. At a minimum, the application shall include the following information and plans for both before and after conditions.

- (1) The location, use, design, dimensions, setbacks, and height of each use and building.
- (2) Location of any easements and water supply and sewage disposal facilities.

**B. Application for a Conditional Use Permit.**

Each application for a conditional use permit shall be made on forms available from the Building and Zoning Department office and shall contain at least the following information:

- (1) The applicant's name and address and interest in the subject property.
- (2) The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
- (3) The street address or legal description of the subject property.
- (4) An application for site plan approval, as required by Article XIV of this Chapter.

- (5) A written statement addressing each of the standards set forth in § 86-17B or § 86-20D and stating specifically how the proposed conditional permit use relates to and meets each such standard.
- (6) An agricultural data statement if the proposed use is located on or within five hundred (500) feet of a farm operation in a county agricultural district.
- (7) Any additional information which may be required to demonstrate compliance with any additional standards imposed on the conditional permit use by the particular provision of this Chapter authorizing the conditional use.

**§ 86-11. Application fees.**

Each application for a permit provided for by this Article shall be accompanied by a fee, payable in cash or other form of security, approved by the Municipal Attorney in accordance with the schedule adopted by resolution of the governing board.

**§ 86-12. Public hearing.**

The Joint Zoning Board of Appeals shall conduct a public hearing on applications referred to it by the Code Enforcement Officer in accordance with the procedures and requirements established in Town Law § 267-a and Village Law § 7-712-a for appeals and Town Law § 274-a and Village Law § 7-725-b for conditional use permits. The Joint Planning Board shall hold a public hearing on applications referred to it for conditional use permit and/or site plan review. For conditional use permits in residential and transitional districts requiring site plan approval from the Joint Planning Board, the hearing, may be a joint hearing with the Joint Planning Board and the Zoning Board of Appeals. Public notice of all such hearings shall be printed in a newspaper of general circulation at least five (5) days prior to the date of the hearing.

**§ 86-13. Joint Zoning Board of Appeals action on permit applications.**

Within sixty-two (62) days from the date of such public hearing, and following a report back by the County Planning Board when applicable, the Joint Zoning Board of Appeals shall by resolution either approve, approve with conditions, or disapprove the application so heard. In approving the application for a conditional use permit, the Board may impose reasonable conditions and restrictions directly related and incidental to the proposed conditional use permit.

- A. If an application is approved by the Joint Zoning Board of Appeals, the Code Enforcement Officer shall be furnished with a copy of the

approving resolution of the Board, and shall issue the permit applied for in accordance with the conditions imposed by the Board.

- B. If any application is disapproved by the Joint Zoning Board of Appeals, the reasons for such denial shall be set forth in the Board's resolution, and a copy of such resolution shall be transmitted to the Code Enforcement Officer. The Code Enforcement Officer shall deny the application accordingly by providing the applicant with a copy of the Board's reasons for disapproval.
- C. The Code Enforcement Officer shall maintain a record of all approved or denied applications. Such permanent record shall be available to the Municipal Clerk, the Town Assessor, and, where applicable, the County Planning Board.

**§ 86-14. Revocation and expiration of permits.**

- A. The Code Enforcement Officer may revoke a zoning permit at any time if it appears that the application is in any material respect false or misleading or that work being completed differs materially from that proposed in the application.
- B. Any zoning or conditional use permit not exercised within one (1) calendar year from its date of issuance shall become null and void.

**ARTICLE III**  
**Boards and Commissions**

**§ 86-15. Creation, appointment and organization of Joint Zoning Board of Appeals.**

A Joint Zoning Board of Appeals pursuant to General Municipal Law Articles 5-G and 5-J is hereby created by the Village and Town of Livonia.

The Joint Zoning Board of Appeals shall consist of five (5) members who shall be appointed and serve in the following manner. The governing board of the Town of Livonia shall appoint three members of the Joint Zoning Board of Appeals, one member to be appointed for a one-year term, one member to be appointed for a three-year term, and one member to be appointed for a five-year term. The mayor of the Village of Livonia, subject to the approval of the Board of Trustees of the Village of Livonia, shall appoint two members of the Joint Zoning Board of Appeals, one member to be appointed for a two-year term and one member to be appointed for a four-year term. Upon the expiration of the term of a member of the Joint Zoning Board of Appeals, that person or body which appointed the incumbent to the expiring term shall appoint his or her successor to a full five-year term. If a vacancy occurs other than by expiration of a term of office, that person or body which appointed the member who filled such office prior to the vacancy occurring shall appoint a successor for the balance of the term.

The Livonia Village Board of Trustees and the Town Board of the Town of Livonia shall annually and jointly select the Chairperson for the Joint Zoning Board of Appeals from the membership thereof. In the absence of such selection by the governing boards, such joint board may select one of its members to serve as Chair.

**§ 86-16. Minimum requirements for Joint Zoning Board of Appeals members.**

- A. **Training.** Each board member is required to complete three (3) hours of training per calendar year for a total of fifteen (15) hours of training during each five (5) year term. At the discretion of the remaining members of the Joint Zoning Board of Appeals, failure to comply with this requirement may be grounds for removal from the board.
- B. **Attendance.** Each board member shall be required to attend seventy-five (75) percent of the scheduled meetings in each calendar year. At the discretion of the remaining members of the Joint Zoning Board of Appeals, failure to attend the required number of meetings without good cause may be grounds for removal from the board. In addition, failure to attend three (3) consecutive meetings without good cause may be grounds for removal from the board.

**§ 86-17. Powers and duties of Joint Zoning Board of Appeals.**

The Joint Zoning Board of Appeals shall have all the powers and duties prescribed by § 267b of the Town Law and § 7-712b of Village Law of the State of New York and by this Chapter. These powers and duties are more particularly specified as follows:

- A. Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this Chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
  
- B. Conditional use permits. To hear and decide upon application for such permits as specified in this Chapter. A permit for any conditional permit use shall be granted only if evidence is presented which establishes that:
  - (1) The proposed building or use will be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this Chapter, and where applicable, the Subdivision Code.
  
  - (2) The proposed building, or hours of operation, or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.
  
  - (3) The proposed building or use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations.
  
  - (4) The proposed building or use will be adequately served by essential public facilities and services.
  
  - (5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this Chapter authorizing such use.
  
  - (6) All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping, and screening.
  
  - (7) If appropriate, a performance bond or other suitable financial guarantee has been provided to assure compliance with the conditions of the conditional use permit.

- C. Variances. When in its judgment the public safety, convenience, and welfare will be served, the Joint Zoning Board of Appeals may vary or modify the application of the regulations or provisions of this Chapter relating to the use, construction or alteration of structures or use of the land. In such cases, the Board is empowered to grant exceptions in harmony with the general purpose and intent of this Chapter. Variances will be granted in appropriate and specific cases only after public notice and hearing and subject to such appropriate conditions and safeguards the Joint Zoning Board of Appeals may impose.

As used in this Chapter, a variance is authorized for height, area, size of structure, size of yards and open spaces or for establishment or expansion of a use otherwise not allowed. A variance shall not be granted solely because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

(1) Variance procedures.

- (a) An application for the approval of a variance shall be made, by an owner of an interest in the lot, to the Building and Zoning Department on forms available therefrom, accompanied by the necessary fees and documents as provided in this Chapter and the regulations issued hereunder.
- (b) The application shall be accompanied by a map drawn to an appropriate scale and showing all existing and proposed characteristics of the site and adjacent properties necessary for consideration of the variance request. For applications where site plan approval is also required, a preliminary site plan in accordance with Article XIV of this Chapter shall be required.
- (c) An application for a use variance in or within five hundred (500) feet of an agricultural operation in a county agricultural district shall be accompanied by an agricultural data statement.
- (d) The application for a use variance shall be accompanied by an affidavit by the applicant explaining that application of zoning regulations has caused unnecessary hardship. For a use variance, the affidavit must prove each of the following:
  - [1] the applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence;

- [2] that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - [3] that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - [4] that the alleged hardship has not been self-created.
- (e) An application for an area variance shall be accompanied by a narrative answering the following:
- [1] whether granting such variance has the potential to produce undesirable change in the character of the neighborhood or a detriment to nearby properties;
  - [2] whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - [3] whether the requested area variance is substantial;
  - [4] whether the proposed variance could have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - [5] whether the alleged difficulty was self-created.
- (f) The Joint Zoning Board of Appeals shall fix a time and place for a public hearing thereon and shall provide for the giving of notice as follows:
- [1] A notice shall be published in the official newspaper of the Town or Village at least five (5) days prior to the date thereof.
  - [2] The Building and Zoning Department shall mail a copy of such notice thereof to the applicant and a copy of such notice to all agencies, municipalities, authorities, etc., as prescribed in § 267a of the Town Law, § 7-712-a of Village Law, and § 239-n of the General Municipal Law.
  - [3] The applicant shall be required to erect a sign or signs giving notice of such public hearing and the

purpose thereof, which sign(s) shall be prominently displayed on the premises facing each public street or road on which the property abuts. The sign(s) shall be furnished to the applicant for this purpose by the Building and Zoning Department and shall be set back fifteen (15) feet from the property line and shall not be less than two (2) nor more than six (6) feet above the grade at said property line. Said sign shall be displayed for a period of not less than ten (10) days immediately preceding the public hearing date or any adjournment date thereof. The applicant shall file with the Building and Zoning Department, prior to the public hearing, an affidavit regarding compliance with the provisions of this section and that the sign(s) will be removed from the premises and returned to the Building and Zoning Department within three (3) days after such public hearing is held. The Building and Zoning Department shall collect from the applicant a fee as currently fixed by the appropriate governing board, as a deposit per sign, which sum shall be refunded to the applicant upon the return of said sign in good condition.

- (g) The Board shall approve, with or without conditions, or disapprove the application within sixty-two (62) days of the public hearing as specified in § 267a of Town Law and § 7-712a of the Village Law and shall communicate its action, in writing, to the applicant, and to the Code Enforcement Officer within one (1) week of the time of the meeting at which it decided upon the application. When applicable, compliance shall be required in accordance with the provisions of § 239-m and § 239-n of the General Municipal Law.
- (h) The Code Enforcement Officer shall, upon receipt of the notice of approval and upon application by the applicant, collect all required fees and issue a building permit or such other approval permitting the variance, subject to all conditions imposed by such approval.

**§ 86-18. Creation, appointment, and organization of Joint Planning Board.**

A Joint Planning Board pursuant to General Municipal Law Articles 5-G and 5-J is hereby created by the governing boards of the Town and Village of Livonia. Said Board shall consist of seven (7) members who shall be appointed and serve in the following manner.

The governing board of the Town of Livonia shall appoint four members of the Joint Planning Board, one member to be appointed for a one-year term, one member to be appointed for a three-year term, one member to be appointed for a five-year term, and one member to be appointed for a seven-year term. The mayor of the Village of Livonia, subject to the approval of the Board of Trustees of the Village of Livonia, shall appoint three members of the Joint Planning Board, one member to be appointed for a two-year term and one member to be appointed for a four-year term, and one member to be appointed for a six-year term. Upon the expiration of the term of a member of the Joint Planning Board, that person or body which appointed the incumbent to the expiring term shall appoint his or her successor to a full seven-year term. If a vacancy occurs other than by expiration of a term of office, that person or body which appointed the member who filled such office prior to the vacancy occurring shall appoint a successor for the balance of the term.

The Livonia Village Board of Trustees and the governing board of the Town of Livonia shall annually and jointly select the Chairperson for the Joint Planning Board from the membership thereof. In the absence of such selection by the governing boards, such joint board may select one of its members to serve as Chair.

**§ 86-19. Minimum requirements for Joint Planning Board members.**

- A. Training. Each board member is required to complete three (3) hours of training per calendar year for a total of twenty-one (21) hours of training during each seven (7) year term. At the discretion of the remaining members of the Joint Planning Board, failure to comply with this requirement may be grounds for removal from the board.
- B. Attendance. Each board member shall be required to attend seventy-five (75) percent of the scheduled meetings in each calendar year. At the discretion of the remaining members of the Joint Planning Board, failure to attend the required number of meetings without good cause may be grounds for removal from the board. In addition, failure to attend three (3) consecutive meetings without good cause may be grounds for removal from the board.

**§ 86-20. Powers and duties of Joint Planning Board.**

The Joint Planning Board shall have the powers and duties as specified below.

- A. **Plats.** The Joint Planning Board will approve plats showing lots, blocks or sites, with or without streets or highways, and conditionally approve preliminary plats and pass and approve the development of plats already filed in the office of the Clerk of the County of Livingston if such plats are entirely or partially undeveloped.
- B. **Street Changes.** The Joint Planning Board will approve or disapprove changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the office of the Clerk of said county and the laying out, closing off or abandonment of streets, highways, or public areas under the provisions of the Town or Village highway laws.
- C. **Site Plan.** The Joint Planning Board will approve, approve with conditions or deny site plans in accordance with Article XIV of these regulations.
- D. **Conditional use permits.** To hear and decide upon application for such permits as specified in this Chapter. A permit for any conditional permit use shall be granted only if evidence is presented which establishes that:
- (1) The proposed building or use will be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this Chapter, and where applicable, the Subdivision Code.
  - (2) The proposed building, or hours of operation, or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.
  - (3) The proposed building or use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations.
  - (4) The proposed building or use will be adequately served by essential public facilities and services.
  - (5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this Chapter authorizing such use.
  - (6) All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping, and screening.

- (7) If appropriate, a performance bond or other suitable financial guarantee has been provided to assure compliance with the conditions of the conditional use permit.

**§ 86-21. Conflict with other laws.**

Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the higher standards shall govern.

**§ 86-22. Amendments.**

- A. The regulations, restrictions, uses and boundaries provided in this Chapter and the Official Map may be amended, supplemented, changed, modified or repealed in accordance with the provisions of § 264 and 265 of Article 16 of the Town Law for all property in the Town of Livonia outside the Village of Livonia and in accordance with § 7-706 and 7-708 of the Village Law for all property located within the Village of Livonia and all other applicable laws of the State of New York and in accordance with the following procedures:
- B. Whenever any person, firm or corporation desires that any amendments or changes be made in this Chapter, including the text and/or the Zoning Map as to any property in Livonia, there shall be presented to the appropriate governing board a petition requesting such change or amendment. The petition shall clearly describe the property and its boundaries and shall indicate the existing zoning district and the requested zoning district. The petition shall also show existing highways, municipal boundary lines and state parks, if such exist, within five hundred (500) feet of the proposed zoning change. The petition shall also list the name and addresses of all property owners bordering the proposed change. A filing fee pursuant to regulations adopted by the governing board shall be paid at the time of filing the petition.
- C. All such amendments shall be referred to the Joint Planning Board for review and recommendation.

## **Violations**

### **§ 86-23. Enforcement.**

It shall be the duty of the Code Enforcement Officer and any duly authorized assistants to enforce the provisions of this Chapter or of any determination of the Joint Zoning Board of Appeals and/or the Joint Planning Board.

### **§ 86-24. Penalties for offenses.**

The violation of any of the provisions of this Chapter is an offense and shall subject the person violating the same to a fine not exceeding five hundred dollars (\$500) or to imprisonment not exceeding fifteen (15) days, or both.

### **§ 86-25. Continued violation.**

Each week's continued violation shall be considered a separate and distinct offense.

### **§ 86-26. Severability.**

Nothing contained in this Article shall preclude the municipality or its agents from seeking such other relief as may be lawful in order to compel adherence to the terms of this Chapter and otherwise enforce the same.

## **ARTICLE V Districts**

### **§ 86-27. Districts established.**

Livonia is hereby divided into the following types of districts, which shall be differentiated according to use and area and hereafter used and developed for the purposes designated:

- NR Neighborhood Residential District
- ARC-3 Agricultural Residential Conservation-3 District
- ARC-5 Agricultural Residential Conservation-5 District
- TD Transitional Development District
- CC Core Commercial District
- GC Gateway Commercial District
- WD Waterfront Development District
- SC Shopping Center District
- I Industrial District

### **§ 86-28. Official Zoning Map.**

The above districts shall be located, bounded and described as shown on the Zoning Map of Livonia, which has been designated the Official Map of the Town and Village, now on file in the Building and Zoning Department and, together with the boundaries and the designations therein, is made part of this Chapter.

**§ 86-29. Interpretation of district boundaries.**

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

- A. Distances shown on the Zoning Map are perpendicular or radial distances from street lines measured back to the zone boundary line, which lines in all cases, where distances are given, are parallel to the street line.
- B. Where district boundaries are indicated as approximately following the center of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.
- C. Where district boundaries are so indicated that they approximately follow the lot line, such lot lines shall be construed to be said boundaries.
- D. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
- E. Where the boundary of a district follows a railroad line or is parallel thereto, such boundary shall be deemed to be located, or shall be measured from a point, midway between the main tracks of said railroad line.
- F. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Livonia, unless otherwise designated. If no distance is given, the dimension shall be determined by the use of the scale shown on said Zoning Map.
- G. If an uncertainty still exists as to a boundary line following review of the above items, then the Joint Zoning Board of Appeals shall determine such boundary location.

**§ 86-30. Regulations.**

Except as herein provided, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the allowable uses and standards for development set forth for each district by this Chapter, nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the area and bulk requirements, off-street parking requirements, landscaping requirements, and all other regulations designated in this Chapter for the district in which such building or use is located. In the event of any such unlawful encroachment or reduction, such building or use certificate of occupancy shall become void.

**ARTICLE VI**  
**Zoning District Regulations**

**§ 86-31. NR Neighborhood Residential District.**

A. Intent. The purpose of the NR Neighborhood Residential district is to accommodate a variety of residential development at a density of three (3) to eight (8) dwelling units/acre in land areas where public water and sanitary sewer services are available, and at a lower density where the extension of such utilities is anticipated but not yet in place. A primary goal of this district is to efficiently utilize existing municipal services, while providing convenient access to employment, retail, service, institutional, and recreational centers. This shall be achieved by integrating residential neighborhoods, open spaces, scenic vistas, and natural features in order to maintain community character and identity. Incentive zoning or density bonuses may be granted in accordance with § 86-66, on the condition that specific physical, environmental, and cultural amenities would benefit the community.

B. Permitted uses.

Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations especially site plan approval in accordance with Article XIV, landscaping in accordance with Article IX, overall development in accordance with Article VII regulations applicable to all districts, and if applicable subdivision approval in accordance with Chapter 69.

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Double wide mobile home.
- (4) Multi-family dwelling subject to the requirements of Article VII § 86-59.
- (5) Day care facility located in a private dwelling and regulated by § 390 of the Social Services Law of the State of New York.

- (6) Unless exempted by New York State Agricultural and Markets Law Article 25AA, only agricultural or farming operations, excluding intensive agricultural operations, in lawful existence as of the date of adoption of these regulations shall be allowed to continue and shall be considered a permitted or conforming uses subject to the regulations of the Agricultural Residential Conservation-3 District.

C. Accessory uses.

- (1) Uses customarily incidental to the above.
- (2) Home occupation located in principal building.
- (3) Garage and accessory building.
- (4) Fence.
- (5) Gardening and horticultural use, including greenhouse.
- (6) Tool house, shed, and similar building for storage of domestic supplies and non-commercial recreational equipment.
- (7) Private garage, parking space and car port for licensed and operable passenger cars and trucks.
- (8) Parking in accordance with Article X.
- (9) Signage in accordance with Article XI.
- (10) Landscaping in accordance with Article IX.

D. Uses permitted with a conditional use permit from the Joint Zoning Board of Appeals, subject to the requirements of § 86-17B. Such uses are subject to the general development standards for specific uses found in Article VII regulations applicable to all districts, to site plan approval in accordance with Article XIV, to landscaping requirements in accordance with Article IX, and to other standards as may be required under site plan review by the Joint Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.

- (1) Accessory dwelling unit, subject to the requirements of Article VII, § 86-60.
- (2) Residential care facility.
- (3) Public utility.
- (4) Public use, such as places of worship, park or school.
- (5) Bed and breakfast inn.
- (6) Funeral home.

- (7) Day care center.
- (8) Mobile home park subject to the requirements of Article VII, § 86-61.
- (9) Home occupation located in an accessory building.
- (10) Roadside stand for the sale of produce primarily grown on the premises subject to the requirements of Article VII, § 86-63 and the site plan review requirements of Article XIV.

E. Lot size.

	<u>Single Family Dwelling</u>	<u>Minimum Area</u>	<u>Minimum Width</u>
(1)	With public water and sanitary sewer	15,000 sq. feet feet	90
(2)	With public water only	20,000 sq. feet feet	100
(3)	With no public utilities feet	40,000 sq. feet	150

	<u>Two Family Dwelling</u>	<u>Minimum Area</u>	<u>Minimum Width</u>
(1)	With public water and sanitary sewer	20,000 sq. feet feet	90
(2)	With public water only	40,000 sq. feet feet	100
(3)	With no public utilities feet	80,000 sq. feet	150

Lot size for multi-family and mixed residential developments shall be guided by the multi-family density standard of eight (8) units per acre.

F. Lot coverage. Maximum lot coverage including buildings and structures shall not exceed twenty-five (25) percent of the area of the parcel.

G. Minimum required setbacks.

- (1) Front: 30 feet (village road)  
50 feet (all other roads)  
(including all yards of a corner or through lot which front on an improved street).
- (2) Side: 15 feet.

(3) Rear: 30 feet  
(including at least one yard of a corner or through lot).

H. Height. The maximum permitted height of any structure or dwelling shall not exceed thirty-five (35) feet, except that chimneys attached to such structures may extend five (5) feet above the highest point of the building.

I. Minimum driveway spacing. The minimum distance between driveways whether on the same parcel or adjacent parcel shall be as specified in the access management standards of Article XV.

**§ 86-32. ARC-3 Agricultural Residential Conservation - 3 District.**

A. Intent. The purpose of the ARC-3 Agricultural Residential Conservation-3 District is to accommodate limited residential development at a density of .33 dwelling units/acre. Suitable locations are outside of neighborhood service centers, and where public water and/or sewers are not presently available and where extension of such facilities is discouraged by the Comprehensive Plan. This district is created to encourage the preservation of open space, and natural features while accommodating the coexistence of residential, agricultural and other land based operations.

B. Permitted uses. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations especially site plan approval in accordance with Article XIV, landscaping in accordance with Article IX, overall development in accordance with Article VII regulations applicable to all districts, and if applicable subdivision approval in accordance with Chapter 69.

(1) Single-family dwelling.

(2) Two-family dwelling.

(3) Double wide mobile home.

(4) Day care facility located in private dwelling and regulated by § 390 of the Social Services Law of the State of New York.

(5) Roadside stand for the sale of produce primarily grown on the premises subject to the requirements of Article VII, § 86-63 and the site plan review requirements of Article XIV.

(6) Agricultural or farming operation, excluding intensive agricultural operation.

C. Accessory uses.

(1) Uses customarily incidental to the above.

(2) Home occupation located in principal building.

- (3) Garage and accessory building.
- (4) Fence.
- (5) Gardening and horticultural use, including greenhouse.
- (6) Tool house, shed, and similar building for storage of domestic supplies and non-commercial recreational equipment.
- (7) Private garage, parking space and car port for licensed and operable passenger cars and trucks.
- (8) Parking in accordance with Article X.
- (9) Signage in accordance with Article XI.
- (10) Landscaping in accordance with Article IX.

D. Uses permitted with a conditional use permit from the Joint Zoning Board of Appeals, subject to the requirements of § 86-17B. Such uses are subject to the general development standards for specific uses found in Article VII regulations applicable to all districts, to site plan approval in accordance with Article XIV, to landscaping requirements in accordance with Article IX, and to other standards as may be required under site plan review by the Joint Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.

- (1) Public use, such as a place of worship, park or school.
- (2) Public utility.
- (3) Campground subject to the requirements of Article VII, § 86-
- (4) Excavation operation subject to the requirements of Article VII, § 86-53.
- (5) Bed and breakfast inn.
- (6) Intensive agricultural operation.
- (7) Kennel/animal boarding subject to the requirements of Article VII, § 86-51.
- (8) Accessory dwelling unit, subject to the requirements of Article VII, § 86-60.
- (9) Home occupation located in an accessory building.

E. Lot size.

- (1) Minimum area of three (3) acres.

- (2) Minimum width of two hundred fifty (250) feet.
- F. Lot coverage. Maximum lot coverage including buildings and structures shall not exceed ten (10) percent of the area of the parcel.
- G. Minimum required setbacks.
  - (1) Front: 75 feet  
(including all yards of a corner or through lot which front on an improved street).
  - (2) Side: 15 feet.
  - (3) Rear: 30 feet  
(including at least one yard of a corner or through lot).
- H. Height. The maximum permitted height of any structure or dwelling shall not exceed thirty-five (35) feet, except that chimneys attached to such structures may extend five (5) feet above the highest point of the building.
- I. Minimum driveway spacing. The minimum distance between driveways whether on the same parcel or adjacent parcel shall be as specified in the access management standards of Article XV.

**§ 86-33. ARC-5 Agricultural Residential Conservation - 5 District.**

- A. Intent. The purpose of the ARC-5 Agricultural Residential Conservation-5 District is to maintain and provide land area within the town for residential development at a density of .20 dwelling units/acre where public water and/or sewers are not available, in order to preserve agricultural operations as well as rural open spaces which define the character of Livonia. This district is created to encourage the preservation of open space, and natural features while accommodating the coexistence of residential, agricultural and other land based operations.
- B. Permitted uses. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations especially site plan approval in accordance with Article XIV, landscaping in accordance with Article IX, overall development in accordance with Article VII regulations applicable to all districts, and if applicable subdivision approval in accordance with Chapter 69.
  - (1) Single-family dwelling.
  - (2) Two-family dwelling.
  - (3) Double wide mobile home.

- (4) Day care facility located in a private dwelling and regulated by § 390 of the Social Services Law of the State of New York.
- (5) Roadside stand for the sale of produce primarily grown on the premises subject to the requirements of VII, § 86-63 and the site plan review requirements of Article XIV.
- (6) Agricultural or farming operation, excluding intensive agricultural operation.

C. Accessory uses.

- (1) Uses customarily incidental to the above.
- (2) Home occupation located in principal building.
- (3) Garage and accessory building.
- (4) Fence.
- (5) Gardening and horticultural use, including greenhouse.
- (6) Tool house, shed, and similar building for storage of domestic supplies and non-commercial recreational equipment.
- (7) Private garage, parking space and car port for licensed and operable passenger cars and trucks.
- (8) Parking in accordance with Article X.
- (9) Signage in accordance with Article XI.
- (10) Landscaping in accordance with Article IX.

D. Uses permitted with a conditional use permit from the Joint Zoning Board of Appeals, subject to the requirements of § 86-17B. Such uses are subject to the general development standards for specific uses found in Article VII regulations applicable to all districts, to site plan approval in accordance with Article XIV, to landscaping requirements in accordance with Article IX, and to other standards as may be required under site plan review by the Joint Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.

- (1) Public use, such as a place of worship, park or school.
- (2) Public utility.
- (3) Campground subject to the requirements of Article VII, § 86-62.
- (4) Excavation operation subject to the requirements of Article VII, § 86-53.
- (5) Bed and breakfast inn.

- (6) Intensive agricultural operation.
  - (7) Kennel/animal boarding subject to the requirements of Article VII, § 86-51.
  - (8) Accessory dwelling unit, subject to the requirements of Article VII, § 86-60.
  - (9) Home occupation located in an accessory buildings.
- E. Lot size.
- (1) Minimum of five (5) acres.
  - (2) Minimum width of three hundred fifty (350) feet.
- F. Lot coverage. Maximum lot coverage, including buildings and structures, shall not exceed ten (10) percent of the area of the parcel.
- G. Minimum required setbacks.
- (1) Front: 75 feet  
(including all yards of a corner or through lot which front on an improved street).
  - (2) Side: 15 feet.
  - (3) Rear: 30 feet  
(including at least one yard of a corner or through lot).
- H. Height. The maximum permitted height of any structure or dwelling shall not exceed thirty-five (35) feet, except that chimneys attached to such structures may extend five (5) feet above the highest point of the building.
- I. Minimum driveway spacing. The minimum distance between driveways whether on the same parcel or adjacent parcel shall be as specified in the access management standards of Article XV.

**§ 86-34. TD Transition Development District.**

- A. Intent. The purpose of the TD Transitional Development District is provide mixed or multi-family residential development at a density up to eight (8) dwelling units/acre. In existing mixed use areas of the village or hamlet areas and subject to a conditional use permit, small commercial uses may also be appropriate, generally in existing buildings. Generally these are areas near commercial/service centers, acting as transition between neighborhood residential development densities and commercial/industrial densities, and where public water and sanitary sewers are available or shall be encouraged.

- B. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations especially site plan approval in accordance with Article XIV, landscaping in accordance with Article IX, overall development in accordance with Article VII regulations applicable to all districts, and if applicable subdivision approval in accordance with Chapter 69.
- (1) Single-family dwelling, provided that:
    - (a) The dwelling is part of a mixed residential development.
  - (2) Two-family dwelling.
  - (3) Accessory dwelling unit, subject to the requirements of Article VII, § 86-60.
  - (4) Multi-family dwellings at a density of up to eight (8) units per acre, subject to the requirements of Article VII § 86-59.
  - (5) Day care facility located in a private dwelling and regulated by § 390 of the Social Services Law of the State of New York or a commercial day care center.
  - (6) Bed and breakfast inn.
  - (7) Public use such as a place of worship, park or school.
  - (8) Residential care facility.
  - (9) Funeral home.
  - (10) Home occupation located in principal building.
  - (11) Unless exempted by New York State Agriculture and Markets Law Article 25AA, only agricultural or farming operations, excluding intensive agricultural operations, in lawful existence as of the date of adoption of these regulations shall be allowed to continue and shall be considered permitted or conforming uses subject to the regulations of the Agricultural Residential Conservation-3 District.
  - (12) Parking in accordance with Article X.
  - (13) Signage in accordance with Article XI.
  - (14) Landscaping in accordance with Article IX.
- C. Uses permitted with a conditional use permit from the Joint Zoning Board of Appeals, subject to the requirements of § 86-17B. Such uses are subject to the general development standards for specific uses found in Article VII regulations applicable to all districts, to site plan approval in accordance with Article XIV, to landscaping requirements in accordance with Article IX, and to other standards as may be required under site plan review by the Joint Planning

Board to assure development and operation of the use without a detrimental impact on adjacent uses.

- (1) Mobile home park.
- (2) Public utility.
- (3) Low intensity professional office, service, retail, restaurant or bar use including mini storage facilities. Generally use should occupy less than 2,000 square feet; however, larger uses with low traffic generation and operational characteristic may be allowed.
- (4) Home occupation located in accessory building.
- (5) Private clubs.

D. Lot size.

Single family and two-family - fifteen thousand (15,000) square feet.

Multi-family - five thousand (5,000) square feet/dwelling unit.

Mobile home park - five (5) acres.

Lot widths for residential uses shall be as in the Neighborhood Residential District.

Commercial use -

Required lot size, including area and width, shall be established by the Joint Planning Board during the site plan review and approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principal and accessory uses and associated parking, loading, and planted open space areas while respecting setback requirements and on-site circulation needs including pedestrians, vehicles and emergency vehicles.

If the lot size cannot meet the applicable standards of the proposed use for circulation parking, landscaping, lot coverage, and setbacks, the Joint Planning Board may require a reduction in the scale or intensity of the use or the combination of principal and accessory uses and/or specially permitted uses before taking action on a site plan. The Joint Planning Board is also required to refer applications which cannot meet the requirements of this section to the Joint Zoning Board of Appeals for a variance in accordance with § 86-17C.

- E. Lot coverage. Maximum lot coverage including buildings and structures shall not exceed thirty (30) percent of the area of the parcel.
- F. Minimum required setbacks.
- (1) Front: 50 feet  
(including all yards of a corner or through lot which front on an improved street).
  - (2) Side: 20 feet.
  - (3) Rear: 30 feet  
(including at least one yard of a corner or through lot).
- G. Height. The maximum permitted height of any structure or dwelling shall not exceed forty (40) feet, except that chimneys attached to such structures may extend five (5) feet above the highest point of the building.
- H. Minimum driveway spacing. The minimum distance between driveways whether on the same parcel or adjacent parcel shall be as specified in the access management standards of Article XV.

**§ 86-35. CC Core Commercial District**

- A. Intent. The intent of the Core Commercial District is to implement the vision of the Livonia Comprehensive Plan to provide use and development regulations appropriate to revitalization of the historic Livonia commercial center. Within the Core Commercial District, particular attention should be paid to facade treatments and signage, pedestrian circulation, and if applicable building location and vehicle circulation so that the historic village development pattern remains intact.
- B. Permitted uses. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations especially site plan approval in accordance with Article XIV, landscaping in accordance with Article IX, overall development in accordance with Article VII regulations applicable to all districts, and if applicable subdivision approval in accordance with Chapter 69.
- (1) Professional offices occupying less than forty thousand (40,000) square feet of building area including medical and other business offices such as but not limited to attorneys, accountants, architects, engineers, doctors, dentists, other medical specialists, psychiatrists, psychologists, therapists, chiropractors, insurance, travel or real estate agents and offices of not-for-profit organizations.
  - (2) Services occupying less than forty thousand (40,000) square feet of building area, excluding motor vehicle services and

including consumer, personal and business services such as but not limited to banks, self-serve laundries and dry cleaning outlets, tailors, repair shops (shoe, appliance, etc.), barber shops, beauty salons, tanning salons, copy shops, video stores, and art, craft, or dance schools.

- (3) Retail sales occupying less than forty thousand (40,000) square feet of building area, excluding sale of motor vehicles or fuel, and including stores selling goods at retail to individual and business customers such as but not limited to sales of food including food preparation for retail sale on the premises, shoes, clothing, home furnishings, appliances, computers and electronic equipment, hardware, paint and wallpaper, sport/hobby equipment, books, luggage, cards and gifts, jewelry, liquor, drugs, fabrics, and flowers.
- (4) Indoor commercial recreation facilities occupying less than forty thousand (40,000) square feet of completely enclosed building area including facilities for fitness activities such as running, swimming, competitive sports, bowling, or skating, and other recreational uses such as arcades, performing arts center or pool halls, and other similar activities.
- (5) Bed and breakfast inn.
- (6) Day care centers as defined by section 390 of the Social Services Law of the State of New York.
- (7) Mixed use structures combining permitted commercial use(s) on the first floor or street side of a building and residential use on the upper floor(s) or to the rear of the building.
- (8) Multi-family dwellings in lawful existence as of the date of adoption of these regulations shall be allowed to continue and shall be considered a permitted or conforming use subject to the regulations of multi-family dwellings in the Neighborhood Residential District.
- (9) Private clubs.
- (10) Public use such as a place of worship, park, or school.

C. Accessory uses.

- (1) Signs in accordance with Article XI.
- (2) Parking in accordance with Article X.
- (3) Garage or other accessory building necessary to store materials, vehicles, or equipment related to the lawful principal use of the property.

D. The following uses are permitted upon approval of a conditional use permit from the Joint Planning Board in accordance with the requirements of § 86-20D. Such uses are subject to the general

development standards for specific uses found in Article VII regulations applicable to all districts, to site plan approval in accordance with Article XIV, to landscaping requirements in accordance with Article IX, and to other standards as may be required under site plan review by the Joint Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.

- (1) Bar, tavern or any use other than a restaurant or an adult use which is licensed to provide alcoholic beverages for on-premises consumption.
- (2) Restaurant, including accessory outdoor dining facilities.
- (3) Accessory outdoor sales or storage of goods, materials, or equipment subject to the requirements of Article VII, § 86-54.
- (4) Public utility.
- (5) Use larger than forty thousand (40,000) square feet but less than one hundred thousand (100,000) square feet.
- (6) Drive-in facility.
- (7) Hotel/motel.
- (8) Motor vehicle service station, or sales, repair, or washing establishment subject to the requirements of Article VII, § 86-65.
- (9) Convenience store with retail fuel sales subject to the requirements of Article VII, § 86-65.

E. Prohibited uses. Prohibited uses shall be as follows:

- (1) Commercial operations whose principal activity is the storage, production, processing or sale of hazardous or radioactive materials, as defined by the United States Department of Transportation in Title 49 of the United States Code.
- (2) Commercial and agricultural operations which in any part involve the slaughtering or processing of animals or fish, including the parts thereof.
- (3) Airports, landing strips and heliports.
- (4) Racetracks or racing operations for automobiles, snowmobiles, stock cars, minicars, motorcycles or model cars or airplanes and any other similar racing operations, facilities or uses.
- (5) Expansion of preexisting nonconforming residential uses.
- (6) Wholesale bulk fuel storage.
- (7) Landfills.

(8) Commercial feed lots.

F. Development standards.

(1) Lot coverage. If adjacent buildings are built to the lot line, one hundred (100) percent lot coverage may be required at the discretion of the Joint Planning Board. Otherwise, up to thirty (30) percent of the lot area may be required to be set aside as planted open space. Also at the discretion of the Joint Planning Board and in accordance with the requirements of Article VII, § 86-66 Incentive Zoning, a portion of this area may be unenclosed impervious surface area designed for the enhancement of the pedestrian environment and in no way used by motor vehicles.

(2) Minimum required setbacks.

Front: 20 feet or average of block.

Side: Zero setback and fire wall encouraged, otherwise,  
10 feet.

Rear: 25 feet or average of block.

(3) Maximum height: 40 feet.

(4) Minimum lot width: 50 feet.

(5) Minimum driveway spacing. The minimum distance between driveways whether on the same parcel or an adjacent parcel shall be as specified in the access management standards of Article XV.

(6) Lot size. Required lot size shall be established by the Joint Planning Board during the site plan review and approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principal and accessory uses and associated parking, loading, and planted open space areas while respecting setback requirements and on-site circulation needs including pedestrians, vehicles and emergency vehicles.

If the lot size cannot meet the applicable standards of the proposed use for circulation, parking, landscaping, lot coverage, and setbacks, the Joint Planning Board may require a reduction in the scale or intensity of the use or the combination of principal and accessory uses and/or conditionally permitted uses before taking action on a site plan. The Joint Planning Board is also required to refer applications which cannot meet the requirements of this section to the Joint Zoning Board of Appeals for a variance in accordance with § 86-17C.

(7) Streetfront architectural features. Streetfront facades, particularly on "infill" lots, should be respectful of and sympathetic to adjacent buildings' stringcourse, cornice, and

water table heights, rhythm and proportion of windows and doors, and the scale and massing of architectural elements. pedestrian amenities should be an integral part of the design, including exterior lighting, signage, awnings, canopies, curb cuts, entrances, and display windows.

**§ 86-36. GC Gateway Commercial District.**

- A. Intent. The intent of the Gateway Commercial District is to provide conveniently located areas of moderately intense commercial uses located in free standing buildings, multi-tenant buildings and neighborhood shopping centers. Gateway Commercial Districts are expected to accommodate a range of local and nationally known businesses with local or regional clientele.

Suitable locations are generally easily accessible from major roads. Parcel/building conditions including building type and size, lot size, adjacent uses, and availability of parking may vary widely within the district. Such conditions may limit the development/redevelopment options for a particular site. Uses in a Gateway Commercial District should provide an appealing pedestrian environment including linkages to other uses while accommodating motor vehicles. Such districts may vary in size and scope from five (5) acres or less providing a limited range of commercial services to motorists, to areas of one hundred (100) or more acres where a wider range of commercial uses serving the need of local and regional residents, area businesses, and tourists and other transients are appropriate.

- B. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations especially site plan approval in accordance with Article XIV, landscaping in accordance with Article IX, overall development in accordance with Article VII regulations applicable to all districts, and if applicable subdivision approval in accordance with Chapter 69.

- (1) Professional offices occupying less than forty thousand (40,000) square feet of building area, including medical and other business offices such as but not limited to attorneys, accountants, architects, engineers, doctors, dentists, other medical specialists, psychiatrists, psychologists, therapists, chiropractors, insurance, travel or real estate agents and offices of not-for-profit organizations.
- (2) Services occupying less than forty thousand (40,000) square feet of building area, excluding motor vehicle services and including consumer, personal and business services such as but not limited to banks, self-serve laundries and dry cleaning outlets, tailors, repair shops (shoe, appliance, etc.), mini storage, barber shops, beauty salons, tanning salons, copy shops, video stores, and art, craft or dance schools.
- (3) Retail sales occupying less than forty thousand (40,000) square feet of building area, excluding sale of motor vehicles

or fuel and including stores selling goods at retail to individual and business customers such as but not limited to sales of food including food preparation for retail sale on the premises, shoes, clothing, home furnishings, appliances, computers and electronic equipment, hardware, paint and wallpaper, sport/hobby equipment, books, luggage, cards and gifts, jewelry, liquor, drugs, fabrics, and flowers.

- (4) Indoor commercial recreation facilities occupying less than forty thousand (40,000) square feet of building area in a completely enclosed building including facilities for fitness activities such as running, swimming, competitive sports, bowling, or skating, and other recreational uses such as arcades, performing arts center or pool halls, and other similar activities.
- (5) Bed and breakfast inns.
- (6) Day care centers as defined by section 390 of the Social Services Law of the State of New York.
- (7) Mixed use structures combining permitted commercial use(s) on the first floor or street side of a building and residential use on the upper floor(s) or to the rear of the building.
- (8) Unless exempted by New York State Agricultural and Markets Law Article 25AA, only agricultural or farming operations, excluding intensive agricultural operations, in lawful existence as of the date of adoption of these regulation shall be allowed to continue and shall be considered a permitted or conforming uses subject to the regulations of the Agricultural Residential Conservation-3 District.
- (9) Restaurants, including accessory outdoor dining facilities.
- (10) Private clubs.
- (11) Public use such as a place of worship, a park, or a school.

C. Accessory Uses.

- (1) Signs in accordance with Article XI.
- (2) Parking in accordance with Article X.
- (3) Garage or other accessory building necessary to store materials, vehicles, or equipment related to the lawful principal use of the property
- (4) Commercial outdoor dining facilities accessory to lawful restaurant use.

D. The following uses are permitted upon approval of a conditional use permit from the Joint Planning Board in accordance with the requirements of § 86-20D. Such uses are subject to the general

development standards for specific uses found in Article VII regulations applicable to all districts, to site plan approval in accordance with Article XIV, to landscaping requirements in accordance with Article IX, and to other standards as may be required under site plan review by the Joint Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.

- (1) Bar, tavern or any use other than a restaurant or adult use which is licensed to provide alcoholic beverages for on-premises consumption.
- (2) Residential care facility.
- (3) Outdoor commercial recreation facility such as a batting cage, driving range, miniature golf course, water or amusement park, performing arts center or uses of a similar nature.
- (4) Accessory outdoor sales or storage of goods, materials, or equipment subject to the requirements of Article VII, § 86-54.
- (5) Movie theater.
- (6) Public utility.
- (7) Use larger than forty thousand (40,000) square feet.
- (8) Drive-in facility.
- (9) Hotel/motel.
- (10) Outpatient health center.
- (11) Motor vehicle service station or sales, repair, or washing establishment subject to the requirements of Article VII, § 86-65.
- (12) Convenience stores with retail fuel sales subject to the requirements of Article VII, § 86-65.
- (13) Warehouse and distribution facilities, provided that adequate areas for fleet parking shall be provided. A minimum area of seven hundred (700) square feet of storage (or maneuvering) space shall be required for each tractor trailer on site. A minimum of four hundred (400) square feet of storage (or maneuvering) space shall be required for each truck on the site.

E. Prohibited uses. Prohibited uses shall be as follows:

- (1) Commercial operations whose principal activity is the storage, production, processing or sale of hazardous or radioactive materials, as defined by the United States Department of Transportation in Title 49 of the United States Code.

- (2) Commercial and agricultural operations which in any part involve the slaughtering or processing of animals or fish, including the parts thereof.
- (3) Airports, landing strips and heliports.
- (4) Racetracks or racing operations for automobiles, snowmobiles, stock cars, minicars, motorcycles or model cars or airplanes and any other similar racing operations, facilities or uses.
- (5) Expansion of preexisting nonconforming residential uses.
- (6) Wholesale bulk fuel storage.
- (7) Landfills.
- (8) Commercial feed lots.

F. Development standards.

- (1) Lot coverage. A minimum of thirty (30) percent of the lot area shall be set aside as planted open space. Building coverage shall not exceed thirty-five (35) percent of the lot area. At the discretion of the Joint Planning Board and in accordance with the requirements of Article VII, § 86-66 Incentive Zoning, a portion of required open space and/or non-building areas may be devoted to shared driveways or cross access easements or enhancement of the pedestrian environment.
- (2) Minimum required setbacks.

	<u>yard abutting commercial or industrial district or use</u>	<u>yard abutting a residential or transitional district or use</u>
	Front: 40 feet	40 feet
	Side: 20 feet	100 feet
	Rear: 50 feet	100 feet

- (3) Maximum height: 40 feet.
- (4) Minimum lot width: 75 feet.
- (5) Minimum driveway spacing. The minimum distance between driveways whether on the same parcel or an adjacent parcel shall be as specified in the access management standards of Article XV.
- (6) Lot size. Required lot size shall be established by the Joint Planning Board during the site plan review and approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principal and accessory uses and associated parking, loading, and planted open space areas while respecting setback

requirements and on-site circulation needs including pedestrians, vehicles and emergency vehicles.

If the lot size cannot meet the applicable standards of the proposed use for circulation, parking, landscaping, lot coverage, and setbacks, the Joint Planning Board may require a reduction in the scale or intensity of the use or the combination of principal and accessory uses and/or conditionally permitted uses before taking action on a site plan. The Joint Planning Board is also required to refer applications which cannot meet the requirements of this section to the Joint Zoning Board of Appeals for a variance in accordance with § 86-17C.

**§ 86-37. WD Waterfront Development District.**

- A. Intent. The intent of the Waterfront Development District is to implement the vision of the Livonia Comprehensive Plan by encouraging water-dependent and water-enhanced commercial uses in appropriate areas along Conesus Lake.
- B. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations especially site plan approval in accordance with Article XIV, landscaping in accordance with Article IX, overall development in accordance with Article VII regulations applicable to all districts, and if applicable subdivision approval in accordance with Chapter 69.
  - (1) Retail or service uses occupying less than forty thousand (40,000) square feet of building area and providing water dependent or water enhanced products or services.
- C. Accessory uses.
  - (1) Signs in accordance with Article XI.
  - (2) Parking in accordance with Article X.
  - (3) Garage or other accessory building necessary to store materials, vehicles, or equipment related to the lawful principal use of the property.
- D. The following uses are permitted upon approval of a conditional use permit from the Joint Planning Board in accordance with the requirements of § 86-20D. Such uses are subject to the general development standards for specific uses found in Article VII regulations applicable to all districts, to site plan approval in accordance with Article XIV, to landscaping requirements in accordance with Article IX, and to other standards as may be required under site plan review by the Joint Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.

- (1) Bar, tavern or any use other than a restaurant or an adult use which is licensed to provide alcoholic beverages for on-premises consumption.
- (2) Restaurant, including accessory outdoor dining facilities.
- (3) Outdoor, water-oriented, commercial recreation facility such as a water park or private club.
- (4) Accessory outdoor sales or storage of goods, materials, or equipment subject to the requirements of Article VII, § 86-54.
- (5) Public utility.
- (6) Use larger than forty thousand (40,000) square feet but less than one hundred thousand (100,000) square feet.
- (7) Drive-in facility.
- (8) Hotel/motel.
- (9) Convenience store with retail fuel sales subject to the requirements of Article VII, § 86-65.
- (10) Marina, boat service, repair, or rental establishment and accessory retail, docking, launching or storage facilities.
- (11) Public use such as place of worship, park, or school.
- (12) Bed and breakfast inn.
- (13) Private clubs.

E. Prohibited uses. Prohibited uses shall be as follows:

- (1) Commercial operations whose principal activity is the storage, production, processing or sale of hazardous or radioactive materials, as defined by the United States Department of Transportation in Title 49 of the United States Code.
- (2) Commercial and agricultural operations which in any part involve the slaughtering or processing of animals or fish, including the parts thereof.
- (3) Airports, landing strips and heliports.
- (4) Racetracks or racing operations for automobiles, snowmobiles, stock cars, minicars, motorcycles or model cars or airplanes and any other similar racing operations, facilities or uses.
- (5) Expansion of preexisting nonconforming residential uses.
- (6) Wholesale bulk fuel storage.
- (7) Landfills.

(8) Commercial feed lots.

F. Development standards.

(1) Lot coverage. A minimum of thirty (30) percent of the lot area shall be set aside as planted open space. Building coverage shall not exceed forty (40) percent of the lot area. At the discretion of the Joint Planning Board and in accordance with the requirements of Article VII, § 86-66, Incentive Zoning, a portion of required open space and/or non-building areas may be devoted to shared driveways or cross access easement or enhancement of the pedestrian environment.

(2) Minimum required setbacks.

Front or roadside: 35 feet from a state highway.  
20 feet from a driveway, shared access road, or dedicated local road.  
Side: 15 feet.  
Rear or waterside: 25 feet from mean high water level.

(3) Maximum height: 35 feet.

(4) Minimum lot width: 50 feet.

(5) Minimum driveway spacing. The minimum distance between driveways whether on the same parcel or an adjacent parcel shall be as specified in the access management standards of Article XV.

(6) Lot size. Required lot size shall be established by the Joint Planning Board during the site plan review and approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principal and accessory uses and associated parking, loading, and planted open space areas while respecting setback requirements and on-site circulation needs including pedestrians, vehicles, and emergency vehicles.

If the lot size cannot meet the applicable standards of the proposed use for circulation, parking, landscaping, lot coverage, and setbacks, the Joint Planning Board may require a reduction in the scale or intensity if the use or the combination of principal and accessory uses and/or conditionally permitted uses before taking action on a site plan. The Joint Planning Board is also required to refer applications which cannot meet the requirements of this section to the Joint Zoning Board of Appeals for a variance in accordance with § 86-17C.

(7) Applications for redevelopment of properties in the Waterfront Development District are encouraged to consider use of incentive zoning as outlined in Article VII § 86-66.

§ 86-38. SC Shopping Center District.

- A. Intent. The intent of the Shopping Center District is to provide appropriate standards for development of unified large scale shopping facilities. Incorporation of other large scale non-retail uses may also be appropriate.
- B. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations especially site plan approval in accordance with Article XIV, landscaping in accordance with Article IX, overall development in accordance with Article VII regulations applicable to all districts, and if applicable subdivision approval in accordance with Chapter 69.
- (1) Community shopping center.
  - (2) Services, excluding motor vehicle services and including consumer, personal and business services such as but not limited to banks, self-serve laundries, dry cleaning outlets, tailors, repair shops (shoe, appliance, etc.), barber shops, beauty salons, tanning salons, copy shops, video stores, and art, craft, or dance schools.
  - (3) Retail sales excluding sale of motor vehicles or fuel and including stores selling goods at retail to individual and business customers such as but not limited to sales of food including food preparation for retail sale on the premises, shoes, clothing, home furnishings, appliances, computers and electronic equipment, hardware, paint and wallpaper, sport/hobby equipment, books, luggage, cards and gifts, jewelry, liquor, drugs, fabrics, and flowers.
  - (4) Indoor commercial recreation facilities in a completely enclosed building including facilities for fitness activities such as running, swimming, competitive sports, bowling, or skating, and other recreational uses such as arcades, performing arts center or pool halls, and other similar activities.
  - (5) Drive-in facility.
  - (6) Restaurant, including accessory outdoor dining facilities.
  - (7) Bar or tavern or any use other than a restaurant or an adult use which is licensed to provide alcoholic beverages for on-premises consumption.
  - (8) Unless exempted by New York State Agricultural and Markets Law Article 25AA, only agricultural or farming operations, excluding intensive agricultural operations, in lawful existence as of the date of adoption of these regulation shall be allowed to continue and shall be considered a permitted or conforming uses subject to the regulations of the Agricultural Residential Conservation-3 District.

(9) Public uses such as a place of worship, park, or school.

C. Accessory uses.

(1) Signs in accordance with Article XI.

(2) Parking in accordance with Article X.

(3) Garage or other accessory building necessary to store materials, vehicles, or equipment related to the lawful principal use of the property

(4) Commercial outdoor dining facility.

D. The following uses are permitted upon approval of a conditional use permit from the Joint Planning Board in accordance with the requirements of § 86-20D. Such uses are subject to the general development standards for specific uses found in Article VII regulations applicable to all districts, to site plan approval in accordance with Article XIV, to landscaping requirements in accordance with Article IX, and to other standards as may be required under the site plan review by the Joint Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.

(1) Professional offices including medical and other business offices such as but not limited to attorneys, accountants, architects, engineers, doctors, dentists, other medical specialists, psychiatrists, psychologists, therapists, chiropractors, insurance, travel or real estate agents and offices of not-for-profit organizations.

(2) Outdoor commercial recreation facility such as a batting cage, driving range, miniature golf course, water or amusement park, performing arts center or uses of a similar nature.

(3) Accessory outdoor sales or storage of goods, materials, or equipment subject to the requirements of Article VII, § 86-54.

(4) Movie theater.

(5) Public utility.

(6) Hotel/motel.

(7) Outpatient health center.

(8) Motor vehicle service station or sales, repair, or washing establishment subject to the requirements of Article VII, § 86-65.

(9) Convenience stores with retail fuel sales subject to the requirements of Article VII, § 86-65.

E. Prohibited uses. Prohibited uses shall be as follows:

- (1) Commercial operations whose principal activity is the storage, production, processing or sale of hazardous or radioactive materials, as defined by the United States Department of Transportation in Title 49 of the United States Code.
- (2) Commercial and agricultural operations which in any part involve the slaughtering or processing of animals or fish, including the parts thereof.
- (3) Airports, landing strips and heliports.
- (4) Racetracks or racing operations for automobiles, snowmobiles, stock cars, minicars, motorcycles or model cars or airplanes and any other similar racing operations, facilities or uses.
- (5) Expansion of preexisting nonconforming residential uses.
- (6) Wholesale bulk fuel storage.
- (7) Landfills.
- (8) Commercial feed lots.

F. Development standards.

- (1) Lot coverage. A minimum of thirty (30) percent of the lot area shall be set aside as planted open space. Building coverage shall not exceed thirty (30) percent of the lot area. At the discretion of the Joint Planning Board and in accordance with the requirements of § 86-66 Incentive Zoning, a portion of required open space or non-building areas may be devoted to shared driveways or cross access easements or enhancement of the pedestrian environment.
- (2) Minimum required setbacks.

<u>yard abutting commercial or industrial district or use</u>	<u>yard abutting a residential or transitional district or use</u>
Front: 50 feet	50 feet
Side: 20 feet	100 feet
Rear: 50 feet	100 feet

- (3) Maximum height: 40 feet.
- (4) Minimum lot width: 400 feet for individual lot.  
100 feet in planned development.
- (5) Minimum driveway spacing. The minimum distance between driveways whether on the same parcel or an adjacent parcel shall be as specified in the access management standards of Article XV.

- (6) Lot size. Required lot size shall be established by the Joint Planning Board during the site plan review and approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principal and accessory uses and associated parking, loading, and planted open space areas while respecting setback requirements and on-site circulation needs including pedestrians, vehicles and emergency vehicles.

If the lot size cannot meet the applicable standards of the proposed use for circulation, parking, landscaping, lot coverage, and setbacks, the Joint Planning Board may require a reduction in the scale or intensity of the use or the combination of principal and accessory uses and/or conditionally permitted uses before taking action on a site plan. The Joint Planning Board is also required to refer applications which cannot meet the requirements of this section to the Joint Zoning Board of Appeals for a variance in accordance with § 86-17C.

**§ 86-39. I Industrial District.**

- A. Intent. The intent of the Industrial District is to identify and set aside areas of Livonia which are most appropriate for industrial-related uses. Accommodation of new industrial uses is intended to maintain a balanced tax base and provide employment opportunities for local residents. Suitable locations for industrial uses are easily accessible from state highways and are appropriately buffered from residential and commercial uses.
- B. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations especially site plan approval in accordance with Article XIV, landscaping in accordance with Article IX, overall development in accordance with Article VII regulations applicable to all districts, and if applicable subdivision approval in accordance with Chapter 69.
- (1) Professional offices including medical and other business offices such as but not limited to attorneys, accountants, architects, engineers, doctors, dentists, other medical specialists, psychiatrists, psychologists, therapists, chiropractors, insurance, travel or real estate agents and offices of not-for-profit organizations.
  - (2) Research and development facilities.
  - (3) Service industries of the type that provide service to other industries rather than the needs of the retail customers.
  - (4) Equipment rental or mini storage establishments involving no outdoor storage of materials or equipment.

- (5) Production, processing and assembly operations, provided that such uses are conducted entirely within an enclosed building and such operations will not exceed the performance standards of Article VII, § 86-67. The following allowed uses are typical of the intent of this section:
- (a) Manufacture of electrical, electronic or optical instruments or devices.
  - (b) Light manufacturing, assembly or fabrication of small machine parts, office and household machinery or appliances or tool and die products.
  - (c) Light fabrication of metal products such as metal foil, sheet metal products and household furnishings.
  - (d) Light fabrication of paper products such as packaging materials, office and household supplies, stationery and toys.
  - (e) Packaging of products from previously prepared materials such as cloth, plastic, paper, leather or precious or semiprecious metal or stones.
  - (f) Graphic arts and related light-printing operations.
  - (g) The processing of plastics and chemical products from manufactured or refined products into finished goods.
  - (h) Light fabrication of wood products from premilled and finished wood materials.
  - (i) Wholesale production of food products.
- (6) Unless exempted by New York State Agricultural and Markets Law Article 25AA, only agricultural or farming operation excluding intensive agricultural operation, in lawful existence as of the date of adoption of these regulations shall be allowed to continue and shall be considered as permitted or conforming uses subject to the regulations of the Agricultural Residential Conservation-3 District.
- (7) Warehouses and distribution facilities limited to wholesale trade, provided that adequate areas for fleet parking shall be provided. A minimum area of seven hundred (700) square feet of storage (or maneuvering) space shall be required for each tractor trailer on-site a minimum of four hundred (400) square feet of storage (or maneuvering) space shall be required for each truck on the site.

C. Accessory uses.

- (1) Signs in accordance with Article XI.
- (2) Parking in accordance with Article X.

- (3) Garage or other accessory building which are necessary to store materials, vehicles, or equipment related to the lawful principal use of the property.
- (4) Accessory use providing food, recreation, or day care services to employees of a lawful principal use.

D. The following uses are permitted upon approval of a conditional use permit from the Joint Planning Board in accordance with the requirements of § 86-20D. Such uses are subject to the general development standards for specific uses found in Article VII regulations application to all districts, to site plan approval in accordance with Article XIV, to landscaping requirements in accordance with Article IX, and to other standards as may be required under the site plan review by the Joint Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.

- (1) Day care center.
- (2) Public utility.
- (3) Hotel/motel.
- (4) Motor vehicle sales or repair facility subject to the requirements of Article VII, § 86-65.
- (5) Adult use subject to the following standards:
  - (a) No adult use shall be allowed within five hundred (500) feet of another existing adult use, measured from building to building.
  - (b) No adult use shall be located on a lot within five hundred (500) feet of the boundaries of any zoning district which is zoned for residential uses.
  - (c) No adult use shall be located on a lot within one thousand (1,000) feet of a lot occupied by recreational facilities, a preexisting school, place of worship, cemetery, park or playground or other areas where large numbers of minors travel or congregate.
  - (d) An establishment will be considered an adult use if more than twenty-five (25) percent of the total area, sales or inventory is used for adult use.
  - (e) No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating the human genitalia, the pubic region, buttocks or female breasts from any public rights-of-way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other building opening.

- (6) Private landing strip or heliport. Such facilities must conform to all Federal Aviation Administration regulations and standards.
- (7) Outdoor storage of goods, materials, or equipment subject to the requirements of Article VII, § 86-54.
- (8) Any facility for which the prime purpose is the processing or handling of waste or recycled materials.
- (9) Intensive agricultural operation.

E. Prohibited uses. Prohibited uses shall be as follows:

- (1) Industries whose principal activity is the storage, production, processing or sale of hazardous or radioactive materials, as defined by the United States Department of Transportation in Title 49 of the United States Code.
- (2) Commercial or agricultural operations which in any part involve the slaughtering or processing of animals or fish, including the parts thereof.
- (3) Airports.
- (4) Commercial recreation facility.
- (5) Residential uses not accessory to a commercial use or expansion of preexisting nonconforming residential uses.
- (6) Wholesale bulk fuel storage.
- (7) Landfills.
- (8) Commercial feed lots.

F. Development standards.

- (1) Lot coverage. A minimum of thirty (30) percent of the lot area shall be set aside as planted open space. Building coverage shall not exceed thirty-five (35) percent of the lot area. At the discretion of the Joint Planning Board and in accordance with the requirements of Article VII, § 86-66 Incentive Zoning, a portion of required open space or non-building areas may be devoted to shared driveways or cross access easements or enhancement of the pedestrian environment.

(2) Minimum required setbacks.

	yard abutting commercial or residential	yard abutting a
<u>district or use</u>	<u>industrial district or use</u>	<u>or transitional</u>
feet	Front: 50 feet	50
	Side: 20 feet	100 feet
	Rear: 50 feet	100 feet

(3) Maximum height: 40 feet.

(4) Minimum lot width: 250 feet for individual lot.  
100 feet in planned development.

(5) Minimum driveway spacing. The minimum distance between driveways whether on the same parcel or an adjacent parcel shall be as specified in the access management standards of Article XV.

(6) Lot size. Required lot size shall be established by the Joint Planning Board during the site plan review and approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principal and accessory uses and associated parking, loading, and planted open space areas while respecting setback requirements and on-site circulation needs including pedestrians, vehicles and emergency vehicles.

If the lot size cannot meet the applicable standards of the proposed use for circulation, parking, landscaping, lot coverage, and setbacks, the Joint Planning Board may require a reduction in the scale or intensity of the use or the combination of principal and accessory uses and/or conditionally permitted uses before taking action on a site plan. The Joint Planning Board is also required to refer applications which cannot meet the requirements of this section to the Joint Zoning Board of Appeals for a variance in accordance with § 86-17C.

(7) Hours of Operation

Industrial operations adjacent to residential or transitional districts may operate 24 hours daily if setbacks and screening are adequate to completely isolate such residential or transitional districts from potential impacts of operations.

§

86-40.

Reserved

**ARTICLE VII**  
**Regulations Applicable to All Zoning Districts**

**§ 86-41. Principal buildings.**

No single-family or two-family residential 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 principal building.

**§ 86-42. Permissible structures within minimum required side or rear setbacks.**

- A. A detached accessory building with a total floor area of 120 square feet or less and a maximum height of ten (10) may be located no closer than four (4) feet from a side or rear lot line.
- B. Fences six (6) feet or less in height, excluding dog runs, may be located along the side or rear lot line.
- C. Unenclosed steps or stairways providing access to the first story of a building may extend into any required setbacks. Decks and porches shall not extend into required setbacks.

**§ 86-43. Access to improved street.**

No permit for the construction of any building shall be approved unless such structure has access from an improved street or a street on an official map, plan, approved subdivision, or duly filed plat in accordance with § 280-9 of Town Law or § 7-736-2 of Village Law.

**§ 86-44. Clear vision at intersections.**

Clear vision shall be maintained on corner lots in a triangle formed by the street lines of such lots to a point thirty five (35) feet from the intersection and a line connecting those points. Within that area no fence, wall, hedge, screen planting, bushes or shrubbery shall be permitted higher than two (2) feet above the average finished grade of the lot. Trees shall be permitted within the area only if maintained and trimmed so that no branches or foliage are less than eight (8) feet above the average finished grade of the lot.

**§ 86-45. Widening of right-of-way.**

Where a building lot has frontage on a street which is proposed for right-of-way widening, the required front setback shall be measured from such proposed right-of-way line.

**§ 86-46. Lots in more than one district.**

All the uses, buildings and facilities, yards, open space, off-street parking and required landscaping must be contained within the district in which the use is permitted.

**§ 86-47. Corner/through lots.**

The locations of all buildings on corner lots and on lots extending through between two (2) parallel streets shall comply with the following requirement: any yard fronting on an improved street shall be a front yard, one other yard shall be a rear yard, any other yards shall be a side yard.

**§ 86-48. Creation of a new lot.**

When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this Chapter, either with respect to any existing structures or use or any proposed structures or use.

**§ 86-49. Travel trailers.**

Except as permitted by § 86-57 Temporary Uses and Structures, no person shall use or occupy any travel trailer, tent trailer, tent, or motor home for living or sleeping quarters within Livonia except for more than ten (10) days, unless such use is carried on within a campground.

**§ 86-50. Keeping of livestock.**

Keeping, sheltering, harboring or maintaining livestock, except as part of an agricultural or farming operation, shall be subject to the following standards:

- A. The minimum size parcel for keeping, sheltering, harboring, or maintaining livestock shall be five (5) acres.
- B. A maximum of two (2) livestock may be kept, sheltered, harbored, or maintained per the minimum five (5) acres.
- C. One (1) additional livestock may be kept, sheltered, harbored, or maintained for every additional two and five-tenths (2.5) acres over the minimum of five (5) acres.

**§ 86-51. Kennels.**

Kennels shall be subject to the following requirements:

- A. Demonstration that the kennel will not create nuisance conditions for adjoining properties due to noise or odor.
- B. Demonstration that all animals will be confined to the property.
- C. Demonstration of adequate methods for sanitation and sewage disposal.
- D. Every kennel and its associated outside dog runs shall be located at least two hundred (200) feet from the nearest dwelling (other than the owner or user of the property) and at least one hundred (100) feet from any lot line.

**§ 86-52. Dumping of waste material.**

Dumping, piling or accumulation of refuse, garbage (other than in closed containers which are regularly emptied in a lawful manner), waste materials, scrap or other noxious substances is prohibited.

**§ 86-53. Filling and excavating.**

- A. Any excavation or filling, including removal of topsoil, shall require site plan review by the Joint Planning Board in accordance with the requirements of Article XIV.
- B. Placement of fill must be in accordance with Livonia Design Criteria and Construction Specifications for Land Development, particularly sections relating to drainage, erosion control, and flood hazard prevention. Installation or improvement of natural or constructed drainage channels may be required to assure adjacent property owners are not negatively impacted by fill activities.
- C. Any grade alteration which involves removal of vegetation, but no built improvements on an area greater than five thousand (5,000) square feet, shall be seeded to provide an effective cover crop within the first season after initiation of the grade change operation.
- D. Only unregulated fill materials such as uncontaminated soil, asphalt, brick, stone, concrete, glass, and organic debris from the premises may be used in such fill activities.

**§ 86-54. Outdoor storage of materials and equipment.**

- A. No material of any kind shall be stored outdoors in any zoning district, except a one- or two-family lot, unless:
  - (1) Allowed as part of an approved site plan;
  - (2) Used in the construction or alternation of a structure on the same lot or in the same development and stored for not more than one year or not more than sixty (60) days after completion of construction, whichever is less; or

- (3) Such outdoor storage is limited to machinery, equipment, or supplies essential to the operation of a farm or storage of any products grown on the premises of a farm or nursery.
- B. No more than one (1) unregistered, unlicensed motor vehicle is allowed to be stored outside on any lot except in accordance with § 86-65 motor vehicle fueling, service, sales or repair establishment.
- C. No front yard shall be used for any open storage or other storage of boats, motor homes, camping trailers, utilities trailers or other similar equipment.
- D. All enclosed storage shall be within structures which meet the requirements of the New York State Uniform Fire Prevention and Building Code. Storage in mobile homes not connected to public utilities or tractor trailer bodies is not allowed in any district.
- E. No outdoor storage in an Industrial or Shopping Center district shall occur within one hundred (100) feet of a residential or transitional district. Outdoor storage in a Gateway, Core or Waterfront District shall provide a combination of distance and appropriately dense plantings or structural landscaping elements to provide a buffer equivalent to a one hundred (100) foot setback from residential or transitional uses or districts.

**§ 86-55. Ponds.**

A pond or any artificial body of water over a depth of two (2) feet must be set back a minimum of one hundred (100) feet from all property lines and existing septic systems.

**§ 86-56. Fences, walls, and other structural screening elements.**

- A. A building permit is required prior to installation of a fence unless prohibited by the New York State Agriculture and Market law.
- B. Any fence shall have its most pleasant or decorative side facing the adjacent properties. The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.
- C. The height of all fences shall be measured from the average finished grade of the lot at the base of the fence.
- D. Fences six (6) or less feet in height are exempt from the setback requirement. Higher fences are allowed only in commercial and industrial districts and must be setback from the property line. In no case shall the height of a fence exceed its setback from an adjacent lot.
- E. Fences incorporating barbed wire, electric current or similar materials or devices shall be allowed only when necessary for agricultural or public utility operations and unless part of an

agricultural operation, shall be subject to a minimum ten (10) foot setback.

- F. The Joint Planning Board, as part of subdivision or site plan review, may require a fence or other screen to shield adjacent residences or other uses from undesirable views, noise or light.
- G. Fences shall be maintained to provide functional, visual, and structural integrity.
- H. Fences designed to maim or injure prospective intruders are prohibited except as authorized in Subsection "E" above.
- I. All fences shall be in compliance with § 86-44 regarding clear vision at intersections.
- J. No fence erected in a lakeshore area shall unduly impair views to the lake from neighboring lots.

**§ 86-57. Temporary uses and structures.**

Temporary use permits may be issued by the Code Enforcement Officer for a period not exceeding one (1) year for nonconforming uses incident to housing and construction projects, including such structures and uses as the storage of building materials and machinery, the processing of building materials, a real estate office located on the tract being offered for sale, or a temporary dwelling such as a recreational vehicle with appropriate provisions for water supply and sewage disposal used during construction of a dwelling, provided that such permits are conditioned upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit or issuance of any applicable certificate of occupancy. Such permits may be renewed upon application to the Code Enforcement Officer for additional periods not exceeding one (1) year.

**§ 86-58. Swimming pools.**

Residential swimming pools shall comply with New York State Uniform Fire Prevention and Building Code regulations, Section 720. Pool and deck placement shall comply with structure setback requirements of the applicable zoning district.

**§ 86-59. Multi-family dwellings.**

- A. Driveways for ingress and egress shall be as required by the Livonia Design Criteria and Construction Standards for Land Development.
- B. The minimum distance between buildings in a multi-family project shall be twenty-five (25) feet. No multi-family dwelling or required recreation area shall be closer to a preexisting single-family or two-family dwelling than fifty (50) feet.

- C. Parking areas may be located in any yard other than the front yard, but no closer than twenty (20) feet from any property line and shall comply with all other regulations of the district in which the use is located.
- D. Every multi-family dwelling building in a project shall have minimum setback of twenty (20) feet from all interior roads, driveways and parking areas.
- E. Each multi-family dwelling project shall provide a recreation area or areas furnished with suitable equipment at a standard of one hundred (100) square feet for each dwelling unit with a minimum of one thousand six hundred (1,600) square feet per area.
- F. Multi-family dwellings must be served by public water and sanitary sewers.
- G. Development applications for multi-family dwelling units shall be subject to Site Plan Review by the Joint Planning Board in accordance with Article XIV.
- H. No multi-family building shall contain more than eight (8) dwelling units.

**§ 86-60. Accessory dwelling units.**

- A. The owner(s) of the lot upon which the accessory dwelling unit is located shall reside within the principal or accessory dwelling unit.
- B. A homeowner of a lawful single-family use shall be permitted one (1) accessory dwelling unit.
- C. An accessory dwelling unit may be located either in the principal building or in an accessory building.
- D. The area for an accessory dwelling unit shall not exceed forty (40) percent of the area of the principal dwelling unit.

**§ 86-61. Double wide mobile homes and mobile home parks.**

- A. All double-wide mobile homes and preexisting single-wide replacements installed and occupied pursuant to this section shall conform to the New York State Uniform Fire Prevention and Building Code.
- B. All mobile homes installed and occupied pursuant to this section shall also comply with such additional construction regulations as may be adopted by resolution of the governing board.
- C. All double-wide mobile homes and single-wide replacements must be skirted prior to the issuance of a certificate of occupancy.

- D. The minimum size of a mobile home park shall be five (5) acres.
- E. The minimum size of a lot in a mobile home park shall be eight thousand (8,000) square feet.
- F. Minimum required setbacks.
  - (1) Front: 20 feet (from an interior road).
  - (2) Side: 15 feet.
  - (3) Rear: 30 feet.
- G. No mobile home or communal recreation area in mobile home park shall be located closer to a pre-existing single-family or two-family dwelling than fifty (50) feet.
- H. Private roads providing access to individual lots in a mobile home park shall have a pavement as required by the Livonia Design Criteria and Construction Standards for Land Development.
- I. Every mobile home park shall provide common recreational open space furnished with suitable equipment at a standard of 100 square feet per dwelling unit with a minimum area of 1,600 square feet per area.
- J. Mobile home parks shall be served by public water and sanitary sewers.

**§ 86-62. Campgrounds.**

- A. Minimum size of a campground shall be five (5) acres.
- B. Campsites shall have a minimum area of two thousand five hundred (2,500) square feet and a minimum width of forty (40) feet.
- C. Roadways in the camp shall have a minimum width of twelve (12) feet for one-way traffic and eighteen (18) feet for two-way traffic.
- D. All roads and parking areas shall be paved or dust-treated.
- E. Suitable covered garbage and recycling receptacles shall be available.
- F. Plans for sewage disposal, water supply, waste disposal, and electrical hookups and the number and location of toilets, sinks, showers, water spigots, and dump stations shall receive approval of the New York State Department of Environmental Conservation and/or the Livingston County Health Department.
- G. Buildings shall be set back at least one hundred (100) feet from major streams and fifty (50) feet from minor streams.
- H. Natural vegetation shall be retained wherever possible.

**§ 86-63. Roadside stands.**

- A. If allowed by district regulations, produce, including fresh fruits, vegetables, flowers or other products of the soil, may be sold or offered for sale as an accessory use from a lot where a substantial portion of such produce is grown on the premises.
- B. Such sales may take place only during the period of May 1 through November 30 each year, except that apples, pumpkins, squash and honey produced on the premises may be sold year-round, and Christmas trees may be sold during the Christmas season. The hours of operation shall not be greater than 8:00 a.m. to 8:00 p.m. daily, local time.
- C. If such sales of produce are from a structure, such structure shall not exceed one thousand two hundred (1,200) square feet in area nor exceed thirteen (13) feet in height.
- D. The Joint Planning Board during site plan review shall ensure that the proposed structure is architecturally compatible with the surrounding neighborhood and that adequate off-street parking is provided.
- E. One (1) sign may be erected on the premises, attached to the stand, not exceeding one (1) foot in height and two (2) feet in length identifying the farm stand.
- F. Nothing herein contained shall be applicable to the sale of livestock or the bulk sale of produce.

**§ 86-64. Drive-in facilities.**

- A. All vehicle stacking areas shall be clearly identified through the use of pavement markings, signs, and/or curbing and landscaping features and shall be designed so they do not interfere with safe pedestrian and vehicle circulation on the site or along the public right-of-way.
- B. The length of stacking areas shall be determined by the maximum length of stacking required to serve vehicles during the facilities peak hour of operation.
- C. All drive-in establishment vehicle stacking areas shall be located a minimum of thirty (30) feet from any lot line adjoining a residential or transitional district.
- D. Any speaker system installed as part of a drive-in establishment shall be located a minimum of thirty (30) feet from any property line adjoining a residential or transitional district and shall not be routinely audible to human occupants of the adjacent residential property.

**§ 86-65. Motor vehicle fueling, service, sales, or repair establishments.**

- A. In addition to the information required for site plan review as specified in Article XIV, 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, the number and location of pumps to be installed and the type of structure and accessory buildings to be constructed.
- B. All fuel pumps shall be located at least twenty-five (25) feet from any street or property line.
- C. The entire area of the site traveled by motor vehicles shall be hard-surfaced.
- D. Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle shall be offered for sale on the site, except in accordance with an approved site plan. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed building.
- E. Up to ten (10) unlicensed motor vehicles may be temporarily stored at a repair or service establishment if adequate off-street parking spaces are available.
- F. Accessory goods for sale may be displayed outdoors on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be placed on the respective island if provided for in a suitable stand or tank.
- G. No motor vehicle establishment with fuel dispensing equipment shall be located within five hundred (500) feet of any public entrance to a church, school, library, hospital, charitable institution or place of public assembly. Such distance shall be measured in a straight line from said public entrance to the lot line nearest said entrance along the street line.

**§ 86-66. Incentive zoning.**

- A. Intent. The purpose of the incentive zoning provision is to offer incentives to applicants who provide amenities that assist Livonia in implementing specific physical, environmental, or cultural policies of the Comprehensive Plan.
- B. Applicability. Incentives may be offered to applicants in any district who offer an acceptable amenity to the community in exchange for the incentive.
- C. Allowable amenities. The selection of land or other amenities within a parcel to be considered for incentive zoning shall be made by the applicant and subject to the approval of the Joint Planning Board. The following amenities may be accepted by the governing board:

- (1) Permanent conservation of natural areas or agricultural lands.
- (2) Provision of passive/active open space.
- (3) Infrastructure improvements (sewer, water, roads).
- (4) Public access to waterfronts.
- (5) Provision of trail linkages.
- (6) Preservation of scenic views.
- (7) Provision of cross access easement or shared access.

D. Allowable Incentives. The following incentives may be granted by the local governing board to the applicant on a specific site:

- (1) Increases in dwelling unit density. Such density shall be limited to one (1) dwelling unit per acre unless public water and sewers are available.
- (2) Increases in lot coverage.
- (3) Changes in setback or height standards.
- (4) Change of use.

E. Criteria and procedure for approval. Applications for incentives in exchange for amenities shall be submitted to the governing board of the municipality in which the property is located. In order to preliminarily evaluate the adequacy of amenities to be accepted in exchange for the requested incentive, the following information shall be proposed by the applicant:

- (1) The proposed amenity.
- (2) The value of the proposed amenity.
- (3) A narrative which:
  - (a) Describes the benefits to be provided to the community by the proposed amenity.
  - (b) Provides preliminary indication that there are adequate sanitary sewers, water, transportation, waste disposal and fire protection facilities in the zoning district in which the proposal is located in order to accommodate additional demands, if any.
  - (c) Explains how the proposed amenity promotes implementation of physical, environmental, or cultural policies articulated in approved plans.
  - (d) Describes the requested incentive and its value.

- (4) The Joint Planning Board will review the proposal and report to the governing board with its evaluation of the adequacy with which the amenity(s) / incentives(s) fit the site and how they relate to adjacent uses and structures. The Joint Planning Board's review shall be limited to the planning, design and layout considerations involved with project review or such other issues as may be specifically referred by the local governing board.
  - (5) The local governing board will review the Joint Planning Board's report. The local governing board will notify the applicant as to whether it is willing to further consider the proposal and hold a public hearing thereon.
  - (6) All applicable requirements of the State Environmental Quality Review (SEQR) Act shall be complied with as part of the review and hearing process. In addition to other information that may be required as part of the environmental assessment of the proposal, the assessment shall include verification that the zoning district in which the proposal is to be located has adequate sanitary sewer, water, transportation, waste disposal and fire protection facilities to:
    - (a) Serve the remaining vacant land in the district as though it were developed to its fullest potential under the district regulations in effect at the time of the amenity/incentive proposal; and
    - (b) Serve the on-site amenity and incentive, given the development scenario described in Subsection 6 (a) above.
  - (7) Following the hearing and in addition to compliance with all SEQR requirements, the local governing board shall, before taking action, refer the proposal for review and comment to other governmental agencies as may be required and may refer the proposal to the Joint Planning Board and other boards and officials for review and comment. In order to approve an amenity/incentive proposal, the local governing board shall determine that the proposed amenity provides sufficient public benefit to provide the requested incentive. Thereafter, the Joint Planning Board is authorized to act on an application for site plan or subdivision approval pursuant to applicable regulations.
  - (8) Following preliminary plan approval and subject to meeting all conditions imposed on the preliminary plan, including all documentation required by the Municipal Attorney and local governing board on the amenity, the applicant may submit a final plan for review and approval.
- F. Cash payment in lieu of amenity. If the local governing board finds that a community benefit is not suitable on-site or cannot be reasonably provided, the local governing board may accept a cash

payment in lieu of the provision of the amenity. These funds shall be placed in a trust fund to be used by the local governing board exclusively for amenities specified prior to acceptance of funds. Cash payments in lieu of amenities are not to be used to pay general and ordinary governmental operating expenses.

**§ 86-67. Performance standards.**

**A. Applicability.**

- (1) Joint Planning Board action. All uses subject to the requirements of this section may be established and maintained if their operation is approved by the Joint Planning Board as being in conformance with the standards and regulations limiting dangerous and objectionable elements, such as dust, smoke, odor, fumes, noise or vibration. In approving the site plan, the Joint Planning Board shall decide whether the proposed use will conform to these applicable performance standards or any additional performance standards required by state or federal laws or which are generally recognized performance standards for a given industry.
- (2) Uses subject to the performance standards procedure.
  - (a) All uses subject to site plan review must comply with these performance standards.
  - (b) In addition, if the Code Enforcement Officer has reasonable grounds to believe that any other existing or proposed use violates any of the performance standards, such proposed use may be required to certify compliance with these performance standards or such existing use may be cited for violation of these regulations.

**B. Performance standards procedures.**

- (1) The Code Enforcement Officer as part of the sketch plan conference shall tentatively identify whether a proposed use will be required to certify compliance with any of the performance standards listed in this section. Certification may require signing a written statement or presentation of construction details and a description of the specifications for the mechanisms and techniques to be used in restricting the emissions of any dangerous and objectionable elements. The applicant shall also file with such plans and specifications an affidavit acknowledging understanding and stating agreement to conform to the same at all times. Any information which is designated by the applicant as a trade secret and submitted herewith will be treated as confidential under provisions of the New York State Freedom of Information Law. During the course of site plan review, the Joint Planning Board will determine if the applicant's proposal falls within the performance standards.

(2) Expert consultants.

The Joint Planning Board may require a report by one (1) or more expert consultants retained by the Joint Planning Board or retained by the applicant and approved by the Joint Planning Board to advise as to whether the proposed use will conform to the applicable performance standards. The consultant shall report to the Board within twenty (20) days, and a copy of the report shall be promptly furnished to the applicant. The cost of any such special reports by expert consultants shall be paid by the applicant. The applicant shall submit to the Joint Planning Board a written report showing the manner in which the proposed use will comply with the performance standards. Any building permit or certificate of occupancy shall be conditioned on, among other things, the applicant's paying the fee for services of such expert consultants as the Joint Planning Board may call upon for advice as to whether or not the applicant's completed buildings and installations will conform in operation to the applicable performance standards.

C. Performance standard regulations.

(1) Fire and explosive hazards. All activities involving and all storage of flammable and explosive materials shall be protected at all times with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in industry. Burning of waste materials in open fires is prohibited at any time. The relevant provisions of state and local laws and regulations shall also apply.

(2) Vibration.

(a) No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibrations produced exceed two-thousandths (0.002) g peak at up to a frequency of fifty (50) cycles per second, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment.

(b) Vibrations occurring at higher than a frequency of fifty (50) cycles per second or a periodic vibration shall not induce accelerations exceeding one-thousandth (0.001) g. Single-impulse periodic vibrations occurring at an average interval greater than five (5) minutes shall not induce accelerations exceeding one-hundredth (0.01) g.

(3) Noise.

(a) The maximum decibel level radiated by any use or facility at any lot lines shall not exceed the values in the designated octave bands given in Table I. The sound-pressure level shall be measured with a

second-level meter and associated octave-band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound-level Meters for Measurement of Noise and Other Sound, Z24.3-1944, American Standards Association, Inc., New York, and American Standard Specifications for an Octave-Bank Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, New York, shall be used.)

Table I

(decibels)	Frequency Band (cycles per second)	Maximum Permitted Sound-Pressure Level
	0 to 75	69
	75 to 150	60
	150 to 300	56
	300 to 600	51
	600 to 1,200	42
	1,200 to 2,400	40
	2,400 to 4,800	38
	4,800 to 10,000	35

- (b) Where any use adjoins a residential or transitional district at any point at the district boundary, the maximum permitted decibel levels in all octave bands shall be reduced by six (6) decibels from the maximum levels set forth in Table I.
- (4) Smoke. The density emission of smoke or any other discharge into the atmosphere during normal operations shall not exceed visible gray smoke of a shade equal to or darker than No. 2 on the standard Ringelmann Chart. (A Ringelmann Chart is a chart published by the United States Bureau of Mines, which shows graduated shades of gray for use in estimating the light-obscuring capacity of smoke). These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparent equivalent capacity.
- (5) Odor. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one (1) volume of odorous air emitted to four (4) volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, in Table III, Odor Thresholds, in Chapter 5, the Air Pollution Abatement Manual, Copyright 1959, by the Manufacturing Chemical Association,

Inc., Washington, D.C., as said manual and/or table is subsequently amended.

- (6) Fly ash, dust, fumes, vapors, gases and other forms of air pollution. No emission shall be permitted which can cause any damage to health, animals, vegetation or other forms of property or which can cause any excessive soiling at any point beyond the boundaries of the lot. The concentration of such emission on or beyond any lot line shall not exceed one-tenth (0.1) the maximum allowable concentration set forth in Section 12-29 of the Industrial Code Rule No. 12, relating to the control of air contaminants, adopted by the Board of Standards and Appeals of the New York State Department of Labor, effective October 1, 1956, and any subsequent standards.
- (7) Electromagnetic radiation. It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources or electromagnetic radiation, except that, for all governmental communications facilities, governmental agencies and government-owned plants, the regulations regarding such sources of electromagnetic radiation of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious reradiation, harmonic content or modulation of energy conducted by power or telephone lines. The determination of abnormal degradation in performance and of quality and proper design shall be made in accordance with good engineering practices, as defined in the latest principles and standards of the American Institute of Radio Engineers and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in interpretation of the standards and principles shall apply: American Institute of Electrical Engineers; Institute of Radio Engineers; and Electronic Industries Association.
- (8) Radioactive radiation. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property lines. The handling of such radioactive materials, the discharge of such materials into the air and water and the disposal of radioactive wastes shall be in conformance with the regulations of the Nuclear Regulatory Commission, as set forth in Title 10, Chapter 1, Part 20, as amended, and all applicable regulations of the State of New York.
- (9) Heat. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in

excess of five degrees Fahrenheit (5° F.), whether such change is in the air or on the ground, in a natural stream or lake or in any structure on such adjacent property.

(10) Glare.

(a) Direct glare. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be sixty degrees (60°) drawn perpendicular to the ground, and with the exception that such angle may be increased to ninety degrees (90°) if the luminary is less than four (4) feet above ground.

(b) Indirect glare. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface, not to exceed three-tenths (0.3) footcandle (maximum) and one-tenth (0.1) footcandle (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

(11) Liquid or solid waste. No discharge shall be permitted at any point into a public sewer or stream or into the ground, except in accord with standards approved by the State and Livingston County Departments of Health and local ordinances, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

§ 86-68. Land conservation.

A. Intent. The purpose of this land conservation section is to delineate and help to protect areas in Livonia where substantial development of the land, including changing the character or use of, may cause ecological harm, create a public health or safety problem or degrade significant community features such as scenic views or sites of historic or archaeological significance. Special or unusual conditions of topography, drainage, soil permeability, floodplain or other natural conditions, and the lack of proper facilities or improvements may result in the land not being suitable for development at the present time.

B. Derivation. Land conservation areas in Livonia have been derived generally on the basis of soils and existing land use studies and data and have been mapped to identify the following specific conservation areas: natural forest/woodland, wetland, steep slope, floodplain, major scenic overlook, stream corridor, watershed, and sites of historical/archaeological significance. The above mapped conservation areas are official supplemental guides to the Zoning Map to be used by Livonia in ascertaining what special conditions,

if any, should be imposed or precautions taken before allowing development to proceed.

C. Procedure for processing zoning permits using conservation areas maps. Whenever an application is made for a zoning permit in Livonia, the Code Enforcement Officer shall proceed as follows:

- (1) Identify the approximate location of the proposed building site and/or use and check to see if the site is situated in one (1) or more of the mapped conservation areas.
- (2) If the applicant's proposed development or use is found to be located well outside of any identified conservation area shown on the supplemental map<sup>1</sup>, the Code Enforcement Officer may issue a zoning permit, provided that all other requirements and conditions of this Chapter are met.
- (3) If the applicant's property is found to be located completely or partially within one (1) or more of the mapped conservation areas or bordering thereon, the Code Enforcement Officer shall accompany the applicant to the site to confirm the exact location and existing physical conditions.
- (4) If the Code Enforcement Officer confirms the location of the proposed development and/or use within any of the conservation districts, the activity proposed shall be subject to review by the Joint Planning Board in accordance with the site plan review requirements of Article XIV and the standards of this section.

D. The following is a list of the mapped land conservation areas and relevant review standards.

- (1) Forest/woodland.
  - (a) Whenever possible, the site plan shall be so designed as to minimize the number of trees thirty (30) feet and over in height which would have to be removed or would otherwise disturb the forest floor.
  - (b) Activities such as subdivisions, campgrounds, mobile home parks, and most commercial or industrial uses shall be guided in their layout by a qualified forester or landscape professional.
- (2) Wetland.
  - (a) Development activities in wetland and wetland buffer areas shall be regulated by state and federal permit requirements.

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<sup>1</sup>Editor's Note: The supplemental map is on file in the Building and Zoning Department.

- (b) The development and/or use shall be designed so as not to disturb the natural function and process of the wetland.
- (3) Steep slope.
- (a) The site plans submitted to the Joint Planning Board for review shall be prepared by a licensed architect or professional engineer and engineered specifically for the steep slope where the building will be placed.
  - (b) Architectural design of the house or structure shall be such as to minimize the amount of cutting into the embankment, general grading and removal of vegetative cover. A rectangular-shape structure which can be placed parallel to the contour of the hill and/or designing a cantilevered structure for maximum exposure above the ground is acceptable.
  - (c) Location of driveway, walkway, accessory buildings and structures and general grading shall minimize disturbance of steep slope areas and potential for erosion.
  - (d) Terracing, sodding, planting and the construction of retaining walls shall be performed as found necessary.
- (4) Floodplain. In accordance with National Flood Insurance specifications and Chapter 44 of the Town Code or Local Law No. 2 of 1995 of the Village Code, the following conditions shall apply:
- (a) Structures shall be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portion of the structure due to flooding.
  - (b) Construction materials and utility equipment that are resistant to flood damage shall be used.
  - (c) Construction methods and practices that will minimize flood damage shall be used.
  - (d) Adequate drainage shall be provided in order to reduce exposure to flood hazards.
  - (e) Public utilities and facilities shall be located on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage. Such utilities and facilities include sewer, gas, electrical and water systems.

- (5) Major scenic overlook.
- (a) No identified major scenic overlook shall be seriously threatened by any proposed new construction if the Joint Planning Board determines that a reasonable alternative exists. This may include the modification of the architectural design or relocation of the building site.
  - (b) If no reasonable alternative, as defined in Subsection D(5)(a) above, exists, site plan review approval may be withheld up to but no longer than one hundred twenty (120) days, during which time a municipal agency or a philanthropic organization can be given the opportunity to preserve the site by acquisition or other means.
- (6) Stream corridor. These regulations shall apply to streams shown on the Livonia base map, and any major drainageway.
- (a) No new public road or private road shall be located within twenty-five (25) feet of the mean high-water mark except for such portions as are necessary for crossing the stream. Where alternative access to the other side of the stream is available, new crossings shall be discouraged.
  - (b) New structures, except for fences, bridges, and fishing parking areas, shall not be constructed within twenty-five (25) feet of the mean high-water mark.
  - (c) A buffer strip consistent with the following standards shall separate all new structures except fences, bridges, and fishing parking areas from the stream.

SLOPE OF LAND	DEGREES FROM HORIZONTAL	WIDTH OF BUFFER STRIP IN CRITICAL AREA FROM MEAN HIGH WATER MARK
0	0	50
10	6	90
20	12	130
30	17	170
40	23	210
50	26	250
60	31	290
70	35	330
80	39	370
90	42	410

Source: Hartung, R.E., and Kress, S.W.; Woodlands of Northeast, United States Department of Agriculture (USDA), Soil Conservation Service (SCS), and Forest Service, Philadelphia, Pennsylvania, 1977.

- (d) New structures and roads shall be designed and constructed in accord with erosion control standards and storm water control standards contained in the supplemental stream conservation resource document. Refer to erosion and sediment control best management practices (BMP's) and storm water management BMP's from pages 65 to 93 in Chapter 6 of the New York State Department of Environmental Conservation (NYSDEC) Stream Corridor Management Manual.
- (e) Within the buffer strip identified hereunder, woody shrubs and trees shall be retained sufficient to maintain the stability of the stream bank and to minimize stream bank erosion and direct runoff. Forest management roads or skid trails shall not be allowed inside the mean high-water mark, except at necessary stream crossings, and they shall be allowed at a distance from the mean high-water mark that is consistent with the following criteria for establishing buffer strips for logging areas.

SLOPE OF LAND	DEGREES FROM HORIZONTAL	WIDTH OF BUFFER STRIP FOR LOGGING AREAS (feet)
0	0	50
10	6	50
20	12	65
30	17	85
40	23	106
50	26	125
60	31	145
70	35	165
80	39	185
90	42	205
100	45	225

Source: Hartung, R.E., and Kress, S.W.; Woodlands of Northeast, USDA, SCS, and Forest Service, Philadelphia, Pennsylvania, 1977.

- (f) To protect the water quality, bed and banks of a stream from the impacts associated with logging, no more than one-third (1/3) of the timber will be removed in a ten-year period within the buffer strip designated under Subsection D(6)(e) above. A professional timber harvesting program is required, including restoration measures for disturbed land and skid trail. A letter of credit may be required if deemed necessary by the governing board.
  - (g) Diseased vegetation and rotten or damaged trees or other vegetation presenting safety, environmental or health hazards may be removed. Firewood for personal use may be removed, within the limits of Subsection D(6)(f) above.
- (7) Conesus and Hemlock Lake Watersheds.
- (a) New structures shall be designed and constructed in such manner as to avoid undue adverse environmental impacts and in accord with erosion control standards and storm water control standards contained in the supplemental stream conservation resource document. Refer to erosion and sediment control best management practices and storm water management best management practices from pages 65 to 93 in Chapter 6 of the NYSDEC Stream Corridor Management Manual.
  - (b) Storm sewer outlets shall not be made directly to lakes, impoundments, streams or their tributary watercourses, without other treatment as specified in current engineering design criteria. Provision shall be made to discharge to the surface

at least one hundred (100) feet from lakes, impoundments, streams and their tributary watercourses.

(c) The dumping of more than two (2) cubic yards of snow removed from streets, road and parking areas directly into lakes, reservoirs, impoundments or streams is prohibited.

(d) Animal wastes.

[1] No concentration of animal wastes from an agricultural operation, including but not limited to manure piles, feedlots, barnyards and yarding areas, shall be located within a linear distance of two hundred fifty (250) feet from any lake, reservoir, impoundment or watercourse.

[2] Barnyards, feedlots, yarding areas and manure piles shall be separated from streams and water bodies by ditches or surface grading to prevent their runoff from entering streams and water bodies.

[3] Drainage from barnyards, feedlots, yarding areas or manure piles shall not be discharged directly to a lake, reservoir, impoundment or watercourse. Such drainage shall be dispersed over the surface of the ground at a minimum distance of two hundred fifty (250) linear feet from any lake, reservoir, impoundment or watercourse.

[4] Provision shall be made for satisfactory disposal of milk house waste either by surface or subsurface irrigation that prevents any discharge to any lake, reservoir, impoundment or watercourse. Such facilities shall be located at least one hundred (100) linear feet from the lake, reservoir, impoundment or watercourse.

(e) Industrial sludge and toxic chemicals. Toxic chemicals shall not be buried in the soil, spread upon the surface of the ground or allowed to enter surface waters.

(f) Fertilizer use.

[1] Open storage of chemical fertilizers for commercial use is prohibited.

[2] Fertilizer use for all applications shall be in accordance with best management practices.

(g) Pesticide and herbicide use.

[1] Use of lakes, reservoirs or streams for makeup water or washing of equipment is prohibited.

[2] Pesticides and herbicides shall be used in accordance with label instructions.

(h) Stockpiles.

- [1] Storage of chloride salts is prohibited within a linear distance of five hundred (500) feet of a lake, reservoir, impoundment or watercourse except in weather-proof buildings or watertight vessels.
  - [2] Calcium chloride shall be used instead of sodium chloride where possible to limit sodium input to area waters.
- (i) All land-disturbing activity, including general construction, highway construction, access road construction and maintenance, is prohibited except where remedial measures have been put in place to minimize erosion and sediment production as per the standards of the Livonia Design Criteria and New York State Guidelines for Stream Corridor Management and Erosion and Sediment Control.
- (8) Sites of historic or archaeological significance.
- (a) No sites of historic or archaeological significance shall be seriously threatened by any proposed new construction if the Joint Planning Board determines that a reasonable alternative exists. This may include the modification of the architectural design or relocation of the building site.

**ARTICLE VIII**  
**Nonconforming Uses, Buildings and Lots**

**§ 86-69. Nonconforming uses and buildings.**

- A. Except as otherwise provided in this Chapter, the lawful use of land or buildings existing on the date of the adoption of this Chapter may be continued although such use or building does not conform to the regulations specified in this Chapter. However, the following provisions shall apply to all such nonconforming uses:
- (1) No nonconforming lot shall be further reduced in size.
  - (2) No nonconforming building shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of non-conformance. This shall not be interpreted to prohibit additions to residential dwellings that do not impact the degree of nonconformance with regard to setbacks or minimum lot size.
  - (3) No nonconforming use may be expanded except by grant of a variance by the Joint Zoning Board of Appeals.
  - (4) Existing single-wide mobile homes lawfully in place may be replaced by single-wide mobile homes which meet the requirements of the N.Y.S. Uniform Fire Prevention and Building Code and Federal HUD standards and shall comply with Article VII § 86-61.

- B. **Discontinuance.** In any district, whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year, such nonconforming use shall not be reestablished, and all future uses shall be in conformity with the provisions of this Chapter. Such discontinuance of the active and continuous operation of such nonconforming use, or a part or portion thereof, for such period of one (1) year is hereby construed and considered to be an abandonment of such nonconforming use regardless of any reservation of an intent not to abandon the same or of an intent to resume active operations. If actual abandonment in fact is evidenced by the removal of buildings, structures, machinery, equipment and other evidences of such nonconforming use of the land and premises, the abandonment shall be construed and considered to be completed, and all rights to reestablish or continue such nonconforming use shall thereupon terminate.
- C. Except as allowed by § 86-70 regarding nonconforming lots, no building damaged by fire or other causes to the extent of more than fifty (50) percent of its value shall be repaired or rebuilt except in conformity with the regulations of this Chapter. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Code Enforcement Officer.
- D. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the assessed value of the building unless said building is changed to conform to the requirements of this Chapter.
- E. **Changes.** Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

**§ 86-70. Nonconforming lots.**

A residential lot existing at the time of passage of this Chapter which is less than the required area or width or cannot meet the required front setback for any residential use in the district and was owned or under contract for purchase by persons other than those owning or leasing adjoining lots at the time of adoption of these regulations may be used for residential purposes, provided that the lot has a front setback equal to at least sixty (60) percent of the required minimum and that minimum side and rear setback requirements can be met.

**ARTICLE IX  
Landscaping, Screening and Buffer Regulations**

**§ 86-71. Intent.**

The following standards are intended to implement the goals and policies of the Comprehensive Plan by assuring an acceptable degree of buffering between land uses, particularly between residential and non-residential uses; providing a balance between developed uses and open space; enhancing the visual and aesthetic

appearance of the community; and encouraging preservation of existing natural features. Specifically, these regulations are intended to:

- A. Provide natural visual screening of parking areas and along property boundaries to protect the existing visual quality of adjacent lands.
- B. Reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas.
- C. Provide natural buffers that reduce glare and noise, provide wildlife corridors, and protect wildlife habitats, wetlands, stream corridors and other significant environmental features.
- D. Moderate the microclimate of parking areas by providing shade, absorbing reflected heat from paved surfaces and creating natural wind breaks.
- E. Enhance the overall visual quality of the community by surrounding developed areas with a variety of plant materials that are consistent and compatible with the existing natural vegetation of the area.

**§ 86-72. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**BERM** - An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**BUFFER** - A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other, and/or to protect wildlife habitats, wetlands, stream corridors and other significant environmental features.

**DECIDUOUS** - A plant with foliage that is shed annually.

**EVERGREEN** - A plant with foliage that persists and remains green year-round.

**LANDSCAPED AREA** - The area required or permitted under this Article to be devoted to environmental improvement, which may include existing and new vegetation, berms, lighting, street furnishings and ornamental features which are integrated with the vegetation.

**PARKING AREA** - Off-street parking areas and loading and unloading areas required by Article X.

**SCREEN** - A method of reducing the impact of noise, glare, and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

**SHADE TREE** - Usually a large deciduous tree - rarely evergreen - planted for its high crown of foliage or overhead canopy.

SHRUB - A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground, may be deciduous or evergreen.

**§ 86-73. Applicability.**

These landscaping regulations shall apply to all uses in all districts. More specifically, requirements and procedures shall be as follows:

- A. Building permits for construction of new single-family or two-family dwellings shall require preservation of existing vegetation or planting to provide two (2) shade tree of two (2) inch caliper for each dwelling. Such tree(s) shall be located outside the public right-of-way in the front yard.
- B. Major residential subdivisions shall be required to submit landscaping plans in accordance with § 86-78 of this Article indicating appropriate landscaping of entrances, common open spaces and recreation areas, and perimeter buffer areas.
- C. Development activities requiring site plan approval shall submit as part of such approval a landscaping plan in accordance with § 86-78 of this Article.

**§ 86-74. General requirements.**

The following provisions shall apply to all uses in all districts.

- A. Existing site vegetation and unique site features such as stone walls shall be incorporated into landscaping plans to the maximum extent feasible. Existing healthy trees which are retained shall be credited against the requirements of these regulations in accordance with their size and location.
- B. Issuance of a certificate of occupancy shall require completion of lot grading, seeding and required landscaping or posting of a performance guarantee acceptable to the Code Enforcement Officer if the applicant cannot perform the work due to seasonal impracticalities.
- C. All required landscaping shall be of healthy stock, planted according to accepted horticultural practices. Landscaping plans shall clearly indicated who is responsible for plant maintenance during the first twelve (12) months after planting and a performance guarantee shall be posted for assuring replacement in kind of plants which die or become diseased within that time.
- D. All required landscaping shall be maintained in healthy condition. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this Article shall constitute a violation of these regulations.

- E. All plant materials adjacent to parking areas, loading areas, and driveways shall be protected by barriers, curbs or other means by damage from vehicles or from storm water runoff.
- F. Where existing conditions make compliance with these regulations not feasible, the Joint Planning Board, at its discretion, may approve planters, plant boxes, or pots containing trees, shrubs, and/or flowers to comply with the intent of these regulations.
- G. In cases where the edge of pavement within a public right-of-way does not coincide with the front lot line, the property owner shall landscape the area between the front lot line and the edge of the street pavement.

**§ 86-75. Streetscape landscape area.**

Non-residential uses shall provide landscaping along the street frontage suitable to the character of the area. Such landscaping may include a combination of natural areas, lawn areas, trees, shrubs, ground covers, berms or other landscaping elements. At a minimum, one (1) shade tree having a caliper of two (2) inches measured six (6) inches above the ground shall be planted within the minimum required front setback for each twenty-five (25) feet of lot frontage. The purpose of the landscaping is to enhance the appearance of the use on the lot but not to screen the use from view.

**§ 86-76. Buffer area landscaping.**

The purpose of buffer area landscaping is to provide protection from noise, headlight glare and visual intrusion or other potential negative impacts when two adjacent uses vary in intensity or character. A landscaped buffer area shall be required along all side and rear yard boundaries of a non-residential use abutting any existing residential or transitional use or any lot in a residential or transitional district, as well as along rear yard boundaries of major residential subdivisions where a rear yard abuts a road right-of-way. All buffer areas shall be located within the boundaries of the subject parcel and shall comply with at least one of the following standard options, based upon site conditions, scale, and subject to Joint Planning Board approval.

- A. A fifty (50) foot natural buffer where the existing topography and/or natural vegetation provides adequate screening from adjacent residential areas or roads.
- B. A twenty (20) foot heavily planted strip consisting of plantings of such type, height, spacing and arrangement which will effectively screen the activity on the lot from the adjacent residential area or roads.
- C. A twenty (20) foot strip with a solid wall, fence, or berm of a location, height, design and materials which will effectively screen the activity on the lot as well as conform with the character of the area.

**§ 86-77. Parking area landscaping.**

In addition to any required streetscape and buffer area landscaping, parking areas shall comply with the following minimum standards:

- A. All uses required to provide twenty (20) or more off-street parking spaces shall devote at least seven (7) percent of the proposed parking area to interior landscaped areas. Parking areas for over 300 cars may be required to devote ten (10) percent of the total parking area to interior landscaping. Landscaping shall include at least one (1) shade tree with a two (2) inch caliper measured six (6) inches above ground, for every ten (10) parking spaces or fraction thereof. Each interior landscaped area shall contain a minimum of one hundred (100) square feet and shall have minimum dimension in any direction of eight (8) feet.
- B. A landscaped area shall be provided along the perimeter of any parking area except that portion of the parking area which provides access to a street or parking facility on an adjacent lot. Vehicle accessways to adjacent lots shall not exceed twenty-four (24) feet in width and shall not exceed two (2) in number. The perimeter landscaped area shall have a minimum dimension of eight (8) feet, shall be planted with grass, shrubs or other appropriate materials, and shall include at least one (1) shade tree of not less than two-inch caliper measured six (6) inches from the ground, for every forty (40) feet along the perimeter of the parking area. In cases where the parking area adjoins a public sidewalk, the required landscaped area shall be extended to the edge of the sidewalk.
- C. Trees used in parking lots shall be hardy varieties which provide adequate shade and have growing habits compatible with the surrounding environment including exposure to road salt and proximity to overhead and underground utilities. Existing trees should be retained where appropriately located.

**§ 86-78. Landscaping plan.**

Based on the scale and location of the project the Code Enforcement Officer or Joint Planning Board shall determine whether the landscaping plan must be prepared by a licensed landscape architect, landscape designer or other professional.

All landscaping plans shall contain the following information:

- A. A title block with the name of the project, the name of the person preparing the plan, a scale, North arrow and date.
- B. All existing significant plant materials on the site.
- C. Existing and proposed structures.
- D. Topographical contours at two (2) foot intervals.
- E. Parking areas.

- F. Access aisles.
- G. Drainage patterns.
- H. Location, size, and description of all landscape materials existing and proposed, including all trees and shrubs; and shall identify those existing plant materials that are to be removed.
- I. Other information as may be required by the Code Enforcement Officer and/or the Joint Planning Board.
- J. Alternative landscaping plans may be submitted, provided that they meet the purpose and intent of these regulations.

**ARTICLE X  
Off-Street Parking and Loading Regulations**

**§ 86-79. Intent.**

The intent of this Article is to prevent or alleviate congestion on public streets and to promote the public safety and welfare by establishing standards for the provision of off-street parking and loading spaces.

**§ 86-80. Applicability.**

- A. In all districts, every industrial, business, institutional, recreational, residential or other use shall provide, at the time of any change of use or when any building or structure is erected, enlarged or increased in capacity, off-street parking for motor vehicles in accordance with the requirements of this and other applicable sections of these regulations, especially site plan approval in accordance with Article XIV, and landscaping in accordance with Article IX and access management standards of Article XV.
- B. Loading spaces shall be provided and maintained on the same premises with every building or structure erected, occupied, enlarged or intended to be used, involving the receipt or distribution by vehicles of material or merchandise.

No such activity shall use public right-of-way or parking area for standing, loading and unloading services.

- C. Bus, taxi, or passenger loading spaces may also be required depending on the use.

**§ 86-81. Location of required spaces.**

Parking and loading spaces shall be located in accordance with the following:

- A. For single-family detached, semi-detached, two-family, attached, and accessory dwelling units, off-street parking shall be provided on the same lot with the building it serves.

- B. For multi-family dwellings required off-street parking shall be located as close to the use as possible given site conditions and in no case more than two hundred (200) feet from the building it is required to serve.
- C. Access drives to any commercial or industrial district through any residential or transitional district shall not be considered to be a permitted use.
- D. The location, dimensions, and signage of handicapped parking shall meet the requirements of the New York State Uniform Fire Prevention and Building Code.

**§ 86-82. Computation of required spaces.**

- A. In places of public assembly in which patrons or occupants are accommodated in pews, benches, or other similar seating facilities, each 24 inches of such seating shall be counted as one (1) seat for the purpose of determining adequacy of parking.
- B. If spaces are provided on the basis of employees or students the number on the maximum shift or peak period shall be used.
- C. Unless otherwise specified, off-street parking standards are based on square feet of all floor area including the area of any accessory buildings.

**§ 86-83. Exceptions.**

At the discretion of the Joint Planning Board uses within five hundred (500) feet of a municipal parking lot or designated on-street parking may be wholly or partially exempted from off-street parking requirements. Such uses may be required to make a cash payment in lieu of providing off-street parking with such monies dedicated to expansion or improvement of public parking facilities within the same commercial district.

**§ 86-84. Alternate parking arrangements.**

- A. The collective provision of off-street parking areas for two (2) or more buildings or uses located on adjacent lots is permitted. Unless it has been demonstrated that joint use is appropriate in accordance with § 84C. below, the total of such off-street parking facilities shall not be less than the sum required for the various buildings or uses computed separately. Furthermore, the land upon which the collective facilities are located must be owned or leased by one (1) or more of the collective users.
- B. Off-site parking. Off-site parking meeting the location requirements of § 86-81 may be used to meet the requirements of this Article. Such off-site parking shall be subject to deed, lease, or contract restrictions acceptable to the municipal attorney binding the owner,

heirs, or assigns to maintain the required number of spaces available throughout the life of such use.

- C. Joint use. The off-street parking requirements of two or more uses, structures, or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their operations and parking needs do not overlap at any point in time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

**§ 86-85. Nonconforming parking and loading.**

No building or lot alterations nor change of use shall be allowed which would increase the degree of nonconformity with the off-street parking and loading regulations of this Article.

**§ 86-86. Off-street parking and loading standards by usage.**

The listed parking standards reflect reasonable standards for most uses in most locations. The Livonia governing board, in adopting these standards, is providing guidance to future developers, tenants and residents of uses requiring off-street parking and loading. From an environmental and cost perspective, it is always desirable to construct the least number of parking spaces to accommodate a particular use. The following general requirements apply to all off-street parking.

- A. Applicants are encouraged to provide evidence of lessor parking and loading demand if appropriate.
- B. The Joint Planning Board, at its discretion, may require less off-street parking or loading if warranted based on the information presented. In any case where less off-street parking is required, the Joint Planning Board reserves the right to require the set-aside of additional open space sufficient to accommodate the amount of off-street parking which would ordinarily be required.
- C. The Joint Planning Board also reserves the right to request additional information, such as but not limited to expected number of employees, students, expected attendance, or expected deliveries, relevant to judging the adequacy of listed parking and loading standards. Such information may result in application of off-street parking standards higher than those listed.
- D. For uses not listed, the required number of off-street parking or loading spaces shall be determined by the Joint Planning Board based on similarity to listed uses and information provided by the applicant.
- E. In all cases, provided off-street parking and loading should be sufficient to prevent frequent on-street parking outside designated

on-street parking areas by users or employees or the loading and unloading of passengers or materials from the public right-of-way in such a manner that is disruptive to traffic.

- F. In addition to the off-street parking required based on the following standards, one (1) appropriately sized parking space shall be available for each commercial vehicle used in any business conducted on or from the premises.
- G. The Joint Planning Board reserves the right to require off-street parking spaces suitable for vehicles with boats or trailers in tow.
- H. Parking of any tractor-trailer combination, except in conjunction with provision of a commercial service to an owner or occupant of the property, shall be prohibited in any residential or transitional district. Parking of one tractor without an attached trailer which is owned by or leased to the occupant of a dwelling is allowed subject to the availability of an off-street parking space which meets all the requirements of these regulations.
- I. Adequate off-street loading space(s) shall be provided for any commercial, institutional, or industrial use which involves receipt or distribution of goods.

Bar or Tavern	1 per 50 sq. ft.
Dwelling	2 per dwelling.
Home Occupation	1 per non-resident employee and at least one client parking space in addition to space(s) required for the dwelling.
Hotel/Motel	1 per sleeping room plus parking spaces as required for any accessory uses
Manufacturing	1.5 per 1,000 sq. ft.
Marina	.6 space for each slip, mooring, or quick launch storage berth
Motor vehicle services station	3 per service bay and parking for accessory retail uses.
Office, general (including office portion of manufacturing or warehouse use)	4 per 1,000 sq. ft.
Office, medical	5.7 per 1,000 sq. ft.
Places of public assembly (auditorium, church, etc.)	1 per 3 seats or 1 per 100 sq. ft. if no fixed seats.

Residential care facility	.3 per resident.
<b>Restaurant</b>	
sit-down low turnover (evening peak)	17 per 1,000 sq. ft.
sit-down high turnover (midday peak)	21 per 1,000 sq. ft.
Retail, general	3 per 1,000 sq. ft.
Retail, hard goods (furniture, appliances, vehicles)	2.5 per 1,000 sq. ft.
Service, personal care	2 per treatment station.
Service, other	3 per 1,000 sq. ft.
<b>Shopping Center</b>	
<400,000 sq. ft. Gross Leasable Area (GLA)	4 per 1,000 sq. ft. GLA.
400,000 to 600,000 sq. ft. GLA	4.5 per 1,000 sq. ft. GLA.
>600,000 sq. ft. GLA	5.0 per 1,000 sq. ft. GLA.
Warehouse	1 per 2,000 sq. ft.

**§ 86-87. Design standards for off-street parking spaces.**

- A. All off-street parking shall be in accordance with the Livonia Design Criteria and Construction Specifications for Land Development.
- B. The size of standard perpendicular off-street parking spaces shall be a minimum of nine (9) feet wide by twenty (20) feet long.
- C. All parking areas, passageways, and driveways serving commercial or industrial uses shall be illuminated adequately during the hours between sunset and sunrise when the parking area is in operation. Adequate shielding shall be provided by commercial and industrial uses to protect adjacent residential uses from the glare of such illumination and from that of automobile headlights.
- D. Off-street parking areas shall include landscaping in accordance with Article XV, § 86-77.

- E. Where parking spaces abut sidewalks, landscaped areas, lighting fixtures or fences, appropriate car stops shall be installed to prevent encroachment on or damage to such features.
- F. All off-street parking areas of more than twenty (20) spaces shall provide a snow storage area independent of required parking and loading areas.
- G. All required parking areas shall be independent of required emergency access lanes, loading areas, and drive-in queuing lanes.
- H. Driveway location shall be in accordance with the access management standards of Article XV. In general, no driveway to an off-street parking area shall be located closer than fifty (50) feet to the intersection of any two streets or within twenty (20) feet of any side lot line provided that sufficient distance will always remain for all required radii for said driveway. The distance from the driveway to the intersection shall be measured by extending the curb line of the intersecting street until it intersects the curb line, extending if necessary, of the driveway in question.
- I. Driveways shall be designed to provide for the safe and efficient movement of traffic between the roadway and the site, to eliminate the potential for stacking of vehicles along the public right-of-way, and to minimize interference with pedestrians and vehicles using the site and the public right-of-way. Driveway design standards shall be in accordance with the access management standards in Article XV.

**§ 86-88. Design standards for loading spaces.**

- A. Required loading spaces shall be twelve (12) by thirty-five (35) feet, with a fourteen (14) foot height clearance. If tractor trailer deliveries are expected at least one loading space twelve (12) by fifty-five (55) feet shall be provided.
- B. All required loading areas shall be independent of required emergency access lanes, parking areas, and drive-in queuing lanes.

**ARTICLE XI  
Sign Regulations**

**§ 86-89. Intent.**

The intent of these provisions is to promote and protect the public health, safety and welfare by providing comprehensive time, place and manner restrictions on signage which shall include controls on size, height, quantity, location, spacing, shape, scale, proportion, lighting, motion, design and appearance.

More specifically, the provisions of this Article are intended to accomplish the following:

- (1) Protect and enhance community appearance.
- (2) Encourage commercial signs and graphics to be designed so as to be functional and compatible with the aesthetic appearance of the building they are located on and the surrounding neighborhoods.
- (3) Reduce the frequency and magnitude of hazards to motorists and pedestrians caused by sign obstructions and distractions.
- (4) Preserve and create more attractive business and residential environments.
- (5) Conserve the value of buildings and properties and preserve existing neighborhood character.

**§ 86-90. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**"A" FRAME SIGN** -- A portable sign with two (2) or more steeply angled sides.

**ARCHITECTURAL FEATURE** -- A prominent or significant part or element of a building, structure or site.

**ATTENTION-GETTING DEVICE** -- Any flag, streamer, spinner, light, balloon or similar device or ornamentation used for purposes of attracting attention for promotion.

**AWNING AND/OR CANOPY** -- A roof-like protective cover over a door, entrance, window or outdoor service area that projects from the face of a structure and is constructed of durable materials, including but not limited to fabrics and/or plastics.

**AWNING AND/OR CANOPY SIGN** -- Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a "canopy".

**BANNER** -- Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges.

**BILLBOARD** -- A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any uses of premises wherein it is displayed or posted.

**BUILDING DIRECTORY SIGN** -- A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

**BUILDING FRONTAGE** -- The width of a building facing a street or public parking lot; in the case of a corner lot, it may be either frontage at the option of the applicant. Where a mall exists, "building frontage" shall mean that portion of the building perimeter facing a street or designated parking area; in the case of two (2) such perimeters, it may be either frontage at the option of the applicant.

**BULLETIN BOARD** -- See "changeable-copy sign."

**CHANGEABLE-COPY SIGN** -- A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

**COPY** -- Characters, letters or illustrations that can be changed or rearranged on a changeable-copy sign.

**DIRECTIONAL SIGN** -- Any sign limited to directional messages, principally for pedestrian or vehicular traffic, such as one way, entrance and exit.

**EXTERIOR ENTRANCE** -- A direct entrance from a public way to a habitable or tenantable space.

**FASCIA SIGNS** -- See "wall sign".

**FLAG** -- Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

**FREESTANDING SIGN** -- A sign supported by one (1) or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

**GRAPHIC SIGN** -- A sign which is an integral part of a building facade. The sign is painted directly on, carved in or otherwise permanently embedded in the facade".

**GROUND SIGN** -- See "freestanding sign".

**HANGING SIGN** -- See "projecting sign".

**HOLIDAY DECORATION SIGN** -- Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

**ILLUMINATED (DIRECTLY) SIGN** -- A sign designed to give forth artificial light directly from a source of light within such a sign.

**ILLUMINATED (INDIRECTLY) SIGN** -- A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs.

**LOGO** -- Any picture, shape or drawing, with or without letters or words, used to identify a product, service, business or organization.

**MARQUEE** -- Any hood, canopy, awning or permanent construction that projects from a wall of a building, usually above an entrance.

**MOBILE SIGNS** -- See "portable sign".

**NONCONFORMING SIGN** -- Any sign that does not meet the requirements of this Article.

**POLE SIGN** -- A sign that is mounted on a freestanding pole or other supports.

**POLITICAL SIGN** -- A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election or caucus.

**PORTABLE SIGN** -- A sign, whether on its own trailer, wheels or otherwise designed to be mobile and not structurally attached to the ground, a building, a structure or another sign.

**PROJECTING SIGN** -- Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure.

**REFLECTIVE SURFACE** -- Any material or device which has the effect of intensifying reflected light, such as Scotchlite (trademark), Dayglo (trademark) or glass beads.

**ROOF SIGN** -- A sign that is mounted upon the roof of a building.

**SANDWICH SIGN** -- See "A" frame sign.

**SEE-THROUGH LETTERED SIGNS** -- Letters on a sign with transparent background, such as lettering on a window.

**SIGN** -- Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors or on the exterior of any building or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

**SIGN, AREA** -- The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines said sign.

**SIGN PERMIT** -- No sign shall be hereafter erected, placed or maintained at any place in the Town of Livonia except as provided by this Article and only after a permit therefor has been obtained in compliance with the provisions of this Article, unless stated otherwise.

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

TENANT -- An occupant who temporarily holds or occupies land, a building or other property owned by another.

TENANT IDENTIFICATION SIGN -- A sign designed or intended to identify a tenant, occupant or establishment.

VEHICLE SIGN -- Signs displayed on licensed and registered motor vehicles which are used in conjunction with a business.

WALL SIGN -- A sign attached to and erected parallel to the face of a building and supported throughout its length by such building.

WINDOW AREA -- The total area of any single window pane or series of window panes separated by mullions.

WINDOW SIGN -- A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material or located inside within four (4) feet of the window, but not including graphics in connection with customary window display of products.

WINDOW SIGN, TEMPORARY -- A window sign not permanently affixed that does not identify the tenant, occupant or establishment and is limited to a maximum use of one hundred twenty (120) days.

ZONING DISTRICT -- The classification of lands as established in this Chapter of the Livonia Zoning Ordinance.

**§ 86-91. Applicability.**

Upon the adoption of this Article, all nonconforming signs shall cease and desist at the time when there is any one (1) or more of the following:

- A. A change in ownership.
- B. A change in activity.
- C. Failure to maintain signs.
- D. Destruction or damage of said sign to the extent of fifty-one (51) percent of its replacement cost as of the time of the destruction or damage.
- E. Creation of a hazard or disturbance to the health, safety and welfare of the general public as determined by the Code Enforcement Officer.

For the purpose of these regulations, the term "sign" does not include:

- A. Signs erected and maintained pursuant to and in discharge of any governmental function, including state or federal historic markers, or required by any law, ordinance or governmental regulation.

- B. Repainting, cleaning and other normal maintenance and repair of a sign or sign structure unless a structural change is made or if the repair is in violation of the sign regulations.
- C. Memorial tablets or signs, and locally designated historic markers not exceeding two (2) square feet in area.
- D. Flags, emblems or insignias of the United States, the State of New York, town, village, or counties, other countries and states, the United Nations or similar organizations of which this nation is a member.
- E. Signs for the direction or convenience of the public, including signs which identify rest rooms or locations of public telephones or traffic control devices; however, the total area shall not exceed two (2) square feet.

**§ 86-92. General regulations.**

Signs are important components of the streetscape. However, signs do more than communicate information. By the quality of their design, they can either contribute to or diminish the character or appearance of structures as a whole. They can serve as attractive accents, or they can clutter and detract from the street's character. The purpose of these general requirements is to promote the visual cohesiveness of the streetscape by encouraging signs to be harmonious with the architecture of each building and the character of the surrounding area.

- A. No sign shall be permitted in any zoning district except in compliance with the provisions of these regulations.
- B. No sign shall be erected, altered, moved or used without first obtaining a sign permit where required, and signs shall be used only for a permitted use, conditionally permitted use or for a nonconforming use which may lawfully continue in accordance with the terms of these regulations.
- C. The Joint Planning Board as part of site plan or subdivision review, or the Code Enforcement Officer in reviewing sign permits not subject to such review shall consider the compatibility of the sign's location, color(s), lettering, size, and overall design with on-site and adjacent architecture and community character.
- D. If any sign consists of banners, posters, pennants, ribbons, streamers, spinners, balloons, searchlights and other similar moving, fluttering or revolving, flashing, smoke generating or visual signal generation or animated devices that creates an adverse impact on safe traffic movements or strings of lights used for the purpose of advertising, illumination or attracting attention, the Code Enforcement Officer will have the authority to have the offending sign or part thereof removed.
- E. Pictorial designs, logos and trademarks shall be permitted, provided that they are incorporated in and made a part of a permitted sign

face and the area thereof is included in calculating the total permitted sign face area allowed under these regulations.

- F. No application for approval of signs or for a sign permit shall be processed or permitted unless permission is granted from the property owner.
- G. No sign shall project across or over a property line or lease line, nor be in a public right-of-way.
- H. All signs shall comply with applicable provisions of the State of New York Uniform Fire Prevention and Building Code.
- I. Roof signs shall not exceed eighteen (18) square feet in area and no more than half of the width of the building. For buildings with multilevel roofs, signs are permitted only on the lowest roof and shall not exceed ten (10) feet in height from the mounting point on the roof.
- J. Maintenance of all signs:
  - (1) All signs and all components thereof, including supports, braces and anchors, shall be kept in a good state of repair.
  - (2) If the message portion of a sign is removed or a business or other activity is no longer operating, it shall be the property owner's responsibility to assure that the abandoned sign is promptly removed or properly covered to the satisfaction of the Code Enforcement Officer.
- K. Every principal building or structure shall have street identification numbers subject to the provisions in the applicable Livonia Building Numbering Law.
- L. Billboards are prohibited in all zoning districts.
- M. Signs containing luminous material, sequin studded letters or lettering with fluorescent paint are prohibited.
- N. No sign shall be erected or allowed to exist so as to constitute a traffic hazard. No sign or other advertising structure as regulated by any of the provisions of this section shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or makes use of words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.

**§ 86-93. Location.**

Off-premises signs are not permitted except as follows. Signs permitted within this section may also be on-premises.

- A. Signs necessary for the direction, regulation and control of traffic, street name signs, legal notices, warnings at railroad crossings and other official signs which are similarly authorized or erected by a duly constituted governmental body.
- B. Temporary signs directing persons to temporary exhibits, shows or events and sponsored by a nonprofit organization may be erected subject to the requirements in § 86-94G and/or § 94J.
- C. Political signs shall be permitted to be displayed off-premises, provided that permission is granted by the owner of the property on which it is displayed and subject to the requirements in § 86-94F.
- D. Signs of civic organizations.

**§ 86-94. Permitted signs in all districts.**

The following signs are permitted in any appropriate district without a permit:

- A. A nameplate, which shall not exceed two (2) square feet in area on each side and must be attached to the building in some manner.
- B. Signs denoting the name and address of the occupants of the premises, which signs shall not exceed two (2) square feet in area on each side. Such signs shall comply with the Livonia Building Numbering Law.
- C. Signs advertising the sale, lease or rental of the premises upon which the sign is located, which sign shall not exceed six (6) square feet in area, provided that such sign is erected or displayed not less than five (5) feet from the property line. There shall not be more than one (1) such sign per lot except that on a corner lot two (2) signs, one (1) facing each street, shall be permitted. Such sign shall be removed within twenty-four (24) hours after the time of sale, lease or rental.
- D. Signs customarily incidental to places of worship, libraries, museums, social clubs or societies, which signs or bulletin boards shall not exceed sixteen (16) square feet in area and shall be located on the premises of such institution, provided that such signs or bulletin boards are erected or displayed not closer than ten (10) feet to any property line. There shall not be more than one (1) bulletin board per lot except that on a corner lot two (2) signs, one (1) facing each street, shall be permitted.
- E. Signs announcing no trespassing; signs indicating the private nature of the road, driveway or premises; and signs controlling the fishing or hunting on the premises, provided that the area of any one (1) side of any such sign shall not exceed two (2) square feet.
- F. Political signs shall be permitted to be displayed, provided that permission is granted by the owner of the property on which it is displayed. Such sign shall not exceed six (6) square feet in area, shall not be closer than ten (10) feet from any property line and

shall not project more than four (4) feet in height above the natural grade on which the sign is located. Political signs may be erected not more than sixty (60) days prior to the election or caucus to which they relate and shall be removed by the owner or occupant of the property not later than seven (7) days thereafter.

G. Signs/banners directing persons to temporary exhibits, shows or events and sponsored by a nonprofit organization may be erected subject to the following requirements:

- (1) Permission is granted by a property owner, including state, county, town, village, utility companies and businesses, in writing, that a sign may be erected.
- (2) Signs/banners shall not exceed thirty (30) inches in height and forty (40) feet in length.
- (3) Signs shall not be posted earlier than four (4) weeks before the occurrence of the exhibit, show or event and shall be removed within one (1) week after the exhibit, show or event.

H. Window signs are permitted in all districts, provided that the following standards are complied with:

- (1) See-through lettered window signs may not cover more than eighty (80) percent of the total window area.
- (2) An opaque sign may not cover more than twenty (20) percent of the total window area.
- (3) In the case of a door, a window sign may not cover more than ten (10) percent of the window space in which it is located.

I. Credit card advertisements or trade association emblems which are displayed together in an area which does not exceed one (1) square foot may be displayed. Such signs shall be displayed flat on window or door surfaces. The purpose of these signs shall be solely to offer a service and not to advertise the business.

J. One temporary sandwich or "A" frame sign is permitted to identify premises for sale, rent, lease or directional; to identify a promotional sales event; to identify special exhibits, shows or events; or to identify a business conducted on the property in which said sign shall not exceed six (6) square feet on each side to be used during the event/business hours only and not to exceed four (4) feet above the natural grade on which the sign is located. Such signs are subject to the requirements provided in this section. No such sign shall be located in the street right-of-way. Permanent sandwich or "A" frame signs are prohibited.

**§ 86-95. Permitted signs in residential and transitional zoning districts.**

A. Home occupation sign.

- (1) One (1) home occupation sign shall be permitted for an approved home occupation. Such sign shall be no larger than two (2) square feet in sign area, shall not be closer than ten (10) feet from any property line; and, if a ground sign, shall not exceed four (4) feet in height above the natural grade on which the sign is located. The sign may contain only the name and/or name of business and/or occupation of the resident. A sign permit is not required.
- (2) On any town roads internal to a subdivision, Subsection A(1) above shall apply.
- (3) A home occupation sign(s) shall be permitted for an approved home occupation on a state or county road other than A(1) and (2) above, provided that the sign shall not exceed ten (10) square feet in area of either of two (2) sides. The sign may contain only the name, products sold and/or name of the business and/or occupation of the resident; if a ground sign, shall not exceed six (6) feet in height above the natural grade on which the sign is located; and no more than two (2) signs shall be allowed for each such business or commercial activity conducted on the premises. A sign permit is not required.

**B. Development signs:**

- (1) Development signs shall be permitted at the main entrances of a development or subdivision of real property located outside the incorporated Village of Livonia, provided that such subdivision shall contain at least five (5) subdivision lots. A development sign shall be limited in height to not more than six (6) feet above the natural grade on which the sign is located and shall be limited to sixteen (16) square feet in area. All development signs shall be freestanding and composed of durable materials and shall be complementary in design to the development or the surrounding area. Development signs shall require a sign permit and be subject to the criteria and standards of this Article and additional standards required by the Joint Planning Board through the subdivision approval process.
- (2) If proposed for location in the public road right-of-way, permanent provisions for sign maintenance are required. Generally, such signs are only allowed if part of a subdivision with a homeowners association. Alternative long term maintenance arrangements must be acceptable to the Joint Planning Board.
- (3) If proposed for location on private property outside the public road right-of-way, the owner of the property on which the sign is located shall be responsible for maintenance of the sign. A note to this effect shall be shown on the subdivision plan.

- (4) Temporary development signs may be erected in suitable locations within the public road right-of-way or on adjacent public property. Such signs shall require a temporary sign permit. Such permits shall be for one (1) year and may be renewed subject to demonstration of adequate sign maintenance. Such signs shall be removed by the owner or subdivision applicant when the last lot is sold or upon failure to renew the temporary sign permit.
- C. Message signs. A message sign shall not exceed six (6) square feet in area, shall not be any closer than ten (10) feet from any property line and shall not project more than four (4) feet in height above the natural grade on which the sign is located. A sign permit is not required.
- D. Garage sale signs. One (1) non-illuminated sign on the premises, not exceeding four (4) square feet in area, advertising a garage sale shall be no closer than ten (10) feet to any side property line and shall project no more than four (4) feet in height above the natural grade on which the sign is located. Such signs shall be erected not more than seventy-two (72) hours prior to the garage sale and shall be removed at the conclusion of the garage sale. A sign permit is not required.
- E. Home improvement/contractor signs. Any temporary sign, not to exceed six (6) square feet in area, identifying the name and services of a contractor / engineer/ architect involved in a home improvement/contract or project within or upon the premises. Any such sign shall be placed no closer than ten (10) feet to any side property line shall project no more than four (4) feet in height above the natural grade on which the sign is located and shall not limit visibility for safe entrance into a highway or interferes with pedestrian traffic. The sign shall be removed after the completion of the improvement project but not to exceed one (1) year. A sign permit is not required.
- F. Townhouses or apartments. One (1) identification sign not to exceed sixteen (16) square feet in area, indicating only the name and street address of the project, shall be permitted for each project. Such sign shall not be closer than ten (10) feet to any property line and shall not project more than six (6) feet in height above the natural grade on which the sign is located. In the case of a wall sign, such sign shall not exceed twelve (12) square feet in area, indicating only the name and street address of the project. Identification signs shall be subject to the criteria and standards of this Article and the Joint Planning Board.
- G. Businesses in residential or transitional districts shall comply with the business district requirements for signs unless otherwise restricted in this Article.

**§ 86-96. Permitted signs in commercial and industrial districts.**

**A. Business identification signs.**

**(1) Walls signs.**

- (a)** One (1) wall sign not to exceed two (2) square feet for each linear foot of width of the front of the wall of the building, or portion of the building occupied by the business, or a maximum of one hundred (100) square feet, whichever is less.
- (b)** For multiple story buildings, wall signs shall only be permitted on the ground floor.
- (c)** The sign should identify the owner or enterprise conducting the business; the business engaged in upon the premises or products or services sold; or any combination of these.
- (d)** Where a building has frontage on more than one (1) street or public highway, one (1) wall sign is permitted for each street frontage.

- (2)** Building directory sign for a multiple-use structure. One (1) building directory sign indicating the name of the occupants of the building and the building number in order to direct persons to their proper destination once they are on site. Signs are to be no larger than sixteen (16) square feet in area on each side, including the nameplates of all the tenants or uses, and shall project not more than six (6) feet in height above the natural grade on which the sign is located. The proposed sign's construction shall complement the architectural style and materials of the building it will serve. The proposed sign shall be subject to Joint Planning Board review through the site plan approval process and shall require a sign permit. In determining the design, location and hours of illumination, the Board shall be guided by other pertinent sections of these regulations.

**B. One (1) projecting sign, provided that:**

- (1)** Such sign shall not exceed six (6) square feet in area and shall not project more than two (2) feet from the wall or surface to which they are mounted.
- (2)** Such sign shall be at least eight (8) feet to the bottom of the sign above the ground level immediately below and shall not in any way interfere with normal pedestrian or vehicular traffic.
- (3)** There shall be no more than one (1) projecting sign for each business or public entrance.

- (4) The supporting structure shall not be included in calculation of the sign area.
- C. One (1) on-premises freestanding business sign, provided that:
- (1) It indicates the name of the business. Such sign shall be no larger than twenty (20) square feet in area and shall not project more than ten (10) feet in height above the natural grade on which the sign is located. The proposed sign's construction shall complement the architectural style and materials of the building it will serve. The proposed sign shall be subject to Joint Planning Board review through the site plan approval process and shall require a sign permit. In determining the design, location and hours of illumination, the Board shall be guided by other pertinent sections of these regulations.
  - (2) Only one (1) such sign shall be permitted on each property. In the case of a lot occupied or intended to be occupied by multiple business enterprises (i.e., a neighborhood or community shopping center or plaza), one (1) freestanding sign indicating the name of the development and the individual businesses shall be permitted.
  - (3) Such a sign may be double-faced.
  - (4) All freestanding signs shall be located at least ten (10) feet from any property line. Where property abuts a public right-of-way, the freestanding sign shall be setback at least (10) feet from the right-of-way.
  - (5) The location of the sign is such so as not to interfere with visibility for vehicular/pedestrian traffic entering or leaving the lot or traveling on any street.
- D. Signs for direction, provided that such sign(s) do not exceed two (2) square feet in area. Such signs may indicate the entrance and exit to the property and location of parking. Such signs shall not project more than four (4) feet in height above the natural grade on which the sign is located and shall be no closer than five (5) feet to any property line.
- E. Temporary advertising or promotional banners.
- (1) Only one (1) such sign shall be displayed by any business at one time.
  - (2) The size of any such banner shall count towards the total square footage of business identification signs allowed by § 86-96 A. (1).
  - (3) No sign permit shall be required.

§ 86-97. Additional regulations.

- A. Vehicular signs. Signs displayed on licensed and registered motor vehicles which are used in conjunction with a business, provided that:
- (1) The primary use of such vehicle is the transportation of people or material for such business.
  - (2) The primary effect of such sign is to identify the vehicle as being used for such purpose.
  - (3) The vehicle is not parked or stored in a manner primarily intended to display the sign to passersby.
- B. Awnings and/or canopy signs. Awnings and/or canopy signs are movable or fixed ornamental roof-like structures extended from the face of a structure and constructed of durable materials, including fabrics, which may contain its own illumination and may display lettering or other business insignia.
- (1) No part of any awning or canopy shall:
    - (a) Project more than three (3) feet from the structure face to which it is attached.
    - (b) Extend above the height allowed for structures in the respective zoning districts.
    - (c) Extend into any setback areas.
    - (d) Be lower than eight (8) feet above the ground elevation of the wall face of the structure to which it is attached.
  - (2) A permit is required for the placement of awnings and/or canopy signs. Prior to the issuance of a sign permit, the applicant shall furnish to the Code Enforcement Officer plans and specifications for the proposed installation. The application may be referred to the Joint Planning Board prior to a sign permit being issued to consider the appropriate relationship between the size, design and shape of the awning and/or canopy sign and of the structure to which it will be attached, as well as the placement of the awnings and/or canopies on the structure.
- C. Changeable copy signs. Changeable copy signs require the issuance of a conditional use permit carrying special restrictions from the Joint Planning Board.

**§ 86-98. Application for permit; fees; issuance.**

- A. Application for a sign permit. Application for the permit shall be made in writing to the Code Enforcement Officer upon forms prescribed by and provided by the Code Enforcement Officer and shall contain the following information:
- (1) The name, address and telephone number of the applicant.
  - (2) Location of buildings, structures or land to which, or upon which, the sign is to be erected.
  - (3) A detailed drawing or blueprint showing a description of the construction details of the sign and showing the colors, lettering and/or pictorial matter composing the sign; position of lighting and other extraneous devices; and a location plan showing the position of the sign on any building or land and its position in relation to nearby buildings, structures or existing signs and to any private or public street or highway.
  - (4) Written consent of the owner of the building, structure or land to which or upon which the sign is to be erected in the event that the applicant is not the owner thereof.
  - (5) A copy of any required or necessary electrical permit issued for said sign or a copy of the application thereof.
- B. Fees.
- (1) The fees to be paid to Livonia for the erection of each sign and for each of the conforming signs now erected are listed on the schedule in the Building and Zoning office.
  - (2) The Code Enforcement Officer or other designated local official shall issue a permit number for each sign which shall be permanently attached to or displayed on each sign, billboard or structure so that it may readily be ascertained that a permit has been issued for each use.
- C. Issuance of permit. It shall be the duty of the Code Enforcement Officer, upon the filing of any application for a sign permit to erect a sign, to examine such plans, specifications and other plans submitted with the application and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If it shall appear that the proposed sign is in compliance with all the requirements of this Article and other laws and ordinances of Livonia, the Code Enforcement Officer shall then, within ten (10) days, issue a permit for the erection of the proposed sign. If the sign authorized under such permit has not been completed within six (6) months from the date of issuance of such permit, the permit shall become null and void, but may be renewed within ten (10) days from the expiration thereof for good cause, upon payment of an additional fee in accordance with the schedule available at the Building and Zoning Department office. If it shall

appear that the proposed sign is not in compliance with this Article or other laws and ordinances of Livonia, the Code Enforcement Officer shall deny the sign permit within ten (10) days of its receipt.

**ARTICLE XII**  
**Telecommunications Facilities**

**§ 86-99. Intent.**

The intent of these regulations is to promote the health, safety, and general welfare of the residents of Livonia. Specifically, these regulations are intended to:

- A. Provide standards for the safe provision of telecommunications consistent with applicable Federal and State regulations.
- B. Minimize the number of telecommunications towers in the community by encouraging shared use of existing and future towers, and use of existing tall buildings and other high structures.
- C. Minimize adverse visual effects from telecommunications facilities by requiring careful siting, visual impact assessment, and appropriate screening.

**§ 86-100. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**ANTENNA(E)** - A system of electrical conductors that transmit or receive electronic frequency signals. Such signals shall include, but not be limited to radio, television, cellular, paging, and personal communication services (PCS).

**ACCESSORY FACILITY** - Any facility or structure serving or being used in conjunction with a telecommunications tower, and located on the same lot as the telecommunications tower. Examples of such facilities include transmission equipment, and storage sheds, buildings or cabinets.

**TELECOMMUNICATIONS FACILITY** - Telecommunications towers, antenna(e), and accessory facilities used in connection with the provision of radio, television, cellular telephone, PCS, paging, and similar services.

**TELECOMMUNICATIONS TOWER or TOWER-** A structure on which transmitting and/or receiving antenna(e) are located. It includes without limit, free-standing towers, guyed towers, monopoles, and other similar structures.

**§ 86-101. Applicability.**

- A. No telecommunications facility shall be used, erected, moved, reconstructed, changed or altered except after approval of a conditional use permit, site plan, and in conformity with these regulations. No existing structures shall be modified to serve as a

telecommunications facility unless in conformity with these regulations.

B. These regulations shall apply to all zoning districts.

C. Exemptions to these regulations are limited to:

- (1) new uses which are accessory to residential uses such as satellite dishes, and television antenna(e);
- (2) amateur radio operators as licensed by the Federal Communications Commission (FCC);
- (3) lawful or approved uses existing prior to the effective date of these regulations, and;
- (4) where these regulations conflict with other laws and regulations of Livonia, the more restrictive shall apply, except for tower height restrictions which are governed by these conditional use standards.

**§ 86-102. General requirements.**

A. No conditional use permit or renewal thereof or modification of a current conditional use permit relating to a telecommunications facility shall be authorized by the Joint Zoning Board of Appeals or Joint Planning Board unless it finds that such telecommunications facility:

- (1) is necessary to meet the current or expected demand for service;
- (2) conforms with all applicable regulations promulgated by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and other federal agencies;
- (3) is considered a public utility in the State of New York;
- (4) is designed and constructed in a manner which minimizes visual impact to the extent practical;
- (5) is the most appropriate site among those available within the technically feasible area for the location of a telecommunications facility;
- (6) when including the construction of a tower, such tower is designed to accommodate future shared use by at least one (1) other telecommunication service provider. Any subsequent location of telecommunications equipment by other service providers on existing towers specifically designed for shared use shall not require a new or modified conditional use permit if there would be no increase in the height of the tower. However, the additional equipment will require site plan approval.

- B. A site plan, in conformance with Article XIV of this ordinance. The site plan shall show elevations, height, width, depth, types of materials, color schemes, and other relevant information for all existing and proposed structures, equipment, parking and other improvements. The site plan shall also include a description of the proposed telecommunications facility, and such other information that the Joint Planning Board requires.
- C. A completed Environmental Assessment Form (EAF), including a Visual EAF Addendum, pursuant to State Environmental Quality Review (SEQR). Particular attention shall be given to the visibility of the facility from key viewpoints identified in the Visual EAF, existing treelines and proposed elevations.
- D. A landscape plan delineating the existing trees or areas of existing trees to be preserved, the location and dimensions of proposed planting areas, including the size, type and number of trees and shrubs to be planted, curbs, fences, screening elevations of fences and material used.
- E. A safety analysis of the electromagnetic environment surrounding the proposed telecommunications facility must accompany any conditional use permit or site plan application, modification, or renewal thereof. The safety analysis shall be prepared by a qualified electromagnetic engineering specialist or health professional qualified to produce such analysis. The safety analysis must demonstrate that the general public electromagnetic radiation exposure does not exceed the standards set by Federal Regulations.
- F. The governing board may, at the expense of the applicant, employ its own consulting assistance to review the findings and conclusions of the safety analysis, visual analysis, or structural inspection provided by the applicant.

**§ 86-103. Co-Location.**

- A. The shared use of existing telecommunications facilities or other structures shall be preferred to the construction of new facilities. Any conditional use permit application, renewal or modification thereof shall include proof that reasonable efforts have been made to co-locate onto an existing telecommunications facility or upon an existing structure such as a silo, water tank, or emissions stack. The application shall include an adequate inventory report specifying existing telecommunication towers and structures exceeding seventy-five (75) percent of the height of the proposed tower within the applicant's cell grid area. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to the proposed location.
- B. The applicant must demonstrate that the proposed telecommunications facility cannot be accommodated on existing telecommunications facility sites in the inventory due to one of the following reasons:

- (1) the planned structure would exceed the structural capacity of existing and approved telecommunications facilities, or other structures, considering existing and planned uses for those facilities;
- (2) the planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
- (3) existing or approved telecommunications facilities or structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
- (4) other technical reasons make it impractical to place the equipment proposed by the applicant on existing facilities or structures;
- (5) the property owner or owner of the existing telecommunications facility or other structure refuses to allow such co-location.

**§ 86-104. Lot standards.**

- A. A lot leased or owned for the purpose of construction of a tower as part of a telecommunications facility shall not result in the creation of a nonconforming lot.
- B. All telecommunications facilities shall comply with the greater of the setback standards of the underlying zoning district, the fall zone of the tower, or the height of the tower.
- C. The entire fall zone may not include public roads and must be located entirely within property either owned or leased by the applicant or for which the applicant has obtained an easement, and may not contain any structure other than those associated with the telecommunications facility.

**§ 86-105. Lighting, screening and aesthetics.**

- A. Towers shall not be artificially lighted and marked beyond requirements of the Federal Aviation Administration (FAA). However, an applicant may be required to add FAA-style lighting and marking, if in the judgment of the Joint Planning Board, such a requirement would be of direct benefit to public safety.
- B. The use of any portion of a telecommunications facility for signs, promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, or balloons is prohibited.
- C. The facility shall have the least practical visual effect on the environment, as determined by the Joint Planning Board. Any tower that is not subject to FAA marking pursuant to Subsection A. of this section.

- (1) have a galvanized finish, or shall be painted gray above the surrounding tree line, and gray or green below the tree line, as deemed appropriate by the Joint Planning Board, or;
  - (2) be disguised or camouflaged to blend in with the surroundings, to the extent that such alteration does not impair the ability of the facility to perform its designed function.
- D. Accessory facilities shall maximize the use of building materials, colors, and textures designed to blend in with the natural surroundings.
- E. In addition to a Visual EAF Addendum, the Joint Planning Board may require visual and aesthetic information as it deems appropriate on a case by case basis. Such additional information may include, among other things, line-of-sight drawings and/or visual simulations.
- F. Proposed telecommunications facilities shall have appropriate vegetative screening around the tower base area and any accessory facilities to screen their view from neighboring residences, recreation areas, or public roads. Such screening shall include the maximum feasible retention of existing vegetation. The Joint Planning Board may similarly require screening adjacent to waterways, landmarks, refuges, community facilities, or conservation or historic areas within common view of the public.

**§ 86-106. Access and parking.**

- A. Access ways shall make maximum use of existing public or private roads to the extent practical. New access ways constructed solely for telecommunications facilities must be at least twenty (20), but no more than thirty (30) feet wide, and closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- B. The road surface (driveway) shall be centered within access ways and shall not comprise more than sixty (60) percent of the width of the access way.
- C. Parking areas shall be sufficient to accommodate the greatest number of service vehicles expected on the premises at any one time.
- D. Driveways or parking areas shall provide adequate interior turn-around, such that service vehicles will not have to back out onto a public thoroughfare.
- E. Equipment or vehicles not used in direct support, renovation, additions or repair of any telecommunications facility shall not be stored or parked on the facility site.

**§ 86-107. Security.**

- A. Towers and accessory facilities shall be surrounded by a fence or wall at least eight (8) feet in height of a reasonable design approved by the Joint Planning Board, but with limited visual impact. Barbed wire is not to be used in residential areas or on public property unless specifically permitted by the Joint Zoning Board of Appeals and/or by the Joint Planning Board as part of site plan review and conditional use approval.
- B. Motion-activated or staff-activated security lighting around the base of a tower or accessory facilities may be provided if such lighting does not project off the site. Such lighting should only occur when the area within the fenced perimeter has been entered.
- C. There shall be no permanent climbing pegs within thirty (30) feet of the ground of any tower.
- D. A locked gate at the junction of the access way and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public right-of-way.

**§ 86-108. Engineering and maintenance.**

- A. All telecommunications facilities shall be built, operated and maintained to acceptable industry standards, including but not limited to the most recent, applicable standards of the Institute of Electronic and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).
- B. All telecommunications facilities shall be inspected at least every fifth year for structural integrity by a New York State licensed professional engineer. A copy of the inspection report shall be submitted to the Code Enforcement Officer.

**§ 86-109. Removal.**

- A. The applicant shall submit an agreement, in writing, to remove all towers, antenna(e), accessory facilities, etc., if such facilities become technically obsolete or cease to be used for its originally intended purpose for more than twelve (12) consecutive months. Upon removal of said facilities, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soil.
- B. The applicant must submit an analysis, certified by a New York State licensed professional engineer, of the cost of removal of the telecommunications facility and surrounding property restorations.
- C. Prior to obtaining a Building Permit, the applicant must provide a financial security bond for the removal of the telecommunications facility, with Livonia as the designated assignee, in an amount approved by the Joint Planning Board, but not less than one hundred thousand (\$100,000) dollars.

Article XIII  
Residential Cluster Developments

§ 86-110. Cluster developments.

- A. Intent. The purpose of this development approach is to promote neighborhood residential development which offers variety in lot size, configuration, topography, and affordability. This development alternative shall result in design and development which promotes the most appropriate use of the land, facilitates the adequate and economical provision of streets and utilities and preserves the natural and scenic qualities of open land.
- B. Authority. Authorization is hereby granted to the Joint Planning Board, pursuant to § 278 of the Town Law and § 7-738 of the Village Law, to vary the zoning requirements as to lot size, lot width and setback requirements in connection with a proposed subdivision plat, subject to the standards and procedures contained herein. Such variations shall result in cluster developments. The Joint Planning Board is further authorized under appropriate Town and Village Law to require the use of the cluster development concept.
- C. Applicability. This authorization shall be applicable to residential and transitional zoning districts NR, ARC-3, ARC-5, and TD within Livonia, and shall be used only when the Joint Planning Board determines that its use will benefit the community.
- D. Permitted use. The permitted uses within a cluster development shall be the same as those otherwise permitted in the zoning district in which it is located.
- E. Development standards and controls. Except as specified herein, all development standards and controls normally applicable to other residential subdivisions and uses shall be applicable to a cluster development.
- (1) Density. The maximum permitted density within a cluster development shall not exceed the number of units that would be achieved within a conventional subdivision on the same parcel(s). A cluster subdivision shall include a minimum of five (5) lots.
- (2) A cluster development shall be oriented toward an identifiable feature which all residential units share in common (see Attachment 1). Neighborhood identity may be established by one or more of the following features:
- (a) Scenic View Shed. The lots of a neighborhood may be arranged such that a majority of the principal structures will take visual advantage of a field, wetland, woods, lake, stream, or other open space which could be described as a scenic view shed or has been identified in the Comprehensive Plan.

- (b) **Physical Amenity.** The lots of a neighborhood may be arranged such that a majority of the principal structures will face a green, playground, ball field, rock out cropping, stand of trees, public use, or other physical feature unique to that particular neighborhood.
  - (c) **Streetscape.** The lots may be arranged such that the principal structures face a street space enhanced with landscaping, street trees, boulevards, medians, or other landscaping techniques appropriate to local street design standards.
- F. The principal and accessory buildings on private lots, and the structures of neighborhood recreation open spaces are encouraged to convey a particular architectural style through the use of similar building components, materials, roof pitches, landscaping, and/or other construction techniques.
  - G. Public utilities including water supply, and sewage disposal facilities shall be provided in accordance with all applicable requirements of Livonia Design Criteria and Construction Specifications for Land Development and the New York State Departments of Health and Environmental Conservation.
  - H. The maximum permitted height of any structure or dwelling shall not exceed thirty-five (35) feet except that chimneys attached to such structures may extend five (5) feet above the highest point of the building.
  - I. Common open space totaling at least twenty-five (25) percent of the total development site shall be provided in perpetuity. At least ten (10) percent of the total land area within the cluster development shall consist of common open space which does not lie within the minimum required front, rear and side yards, as specified.
  - J. A homeowners' association or similar mechanism, for the long-term ownership and maintenance of common open space shall be provided, subject to approval of the Joint Planning Board. Provision, satisfactory to the Municipal Attorney, shall also be made for the long-term ownership and maintenance of roadways, drainageways and other improvement features within the cluster development.
  - K. Intersection spacing in a cluster development shall be in accordance with the access management standards of Article XV.

**ARTICLE XIV**  
**Site Plan Review and Approval**

**§ 86-111. Intent.**

The purpose of site plan review is to implement the recommendations of the Comprehensive Plan. Specifically, site plan review is intended to determine compliance with the objectives of this Chapter where inappropriate development may cause a conflict between uses in the same or adjoining zoning district by

creating conditions which could adversely affect the public health, safety, or general welfare.

**§ 86-112. Applicability.**

Prior to the issuance of a building permit, conditional use permit, variance, or other discretionary approval required from the Joint Planning Board or Joint Zoning Board of Appeals for construction, alteration or change of use in any district, except for a single family or two-family dwelling and related accessory uses, or a non-intensive agricultural operation permitted by right, but including all proposals for construction on property designated as land conservation areas under § 86-68, the Code Enforcement Officer shall require the preparation of a site plan. The Code Enforcement Officer shall refer the site plan to the Joint Planning Board for its review and approval in accordance with the standards and procedures set forth in this Article.

**§ 86-113. Sketch plan conference.**

- A. Applicants are encouraged to meet with the Code Enforcement Officer and/or the Joint Planning Board to review the basic site design concept and determine the information to be required on the preliminary site plan. The purpose of the sketch plan conference is to discuss with the applicant the project's conformity with the Livonia Comprehensive Plan, to determine whether the activity is subject to the Performance Standards of § 86-67 or the Land Conservation Standards of § 86-68, and to advise the applicant of other issues or concerns. The sketch plan conference provides an opportunity to indicate whether the proposal, its major features, is acceptable or whether it should be modified before expenditures for more detailed plans are made.
- B. Required data. Information to be included on the sketch plan is as follows:
  - (1) An area map showing the parcel under consideration for site plan review and all parcels, structures, subdivisions, streets, driveways, easements and permanent open space within two hundred (200) feet of the boundaries thereof or at the discretion of the Building and Zoning Department.
  - (2) A map of site topography at no more than five (5) foot contour intervals or at the discretion of the Building and Zoning Department. If general site grades exceed five (5) percent or if portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and topographic map showing contour intervals of not more than two (2) feet of elevation should also be provided.
  - (3) General identification of all existing natural features, and utilities on the site and in the area.
  - (4) The location of all existing and proposed structures on the site and designated uses for each.

- (5) Identification of existing zoning classification(s) of the property and all adjacent properties and any restrictions on land use of the site.

**§ 86-114. Preliminary site plan application.**

- A. Application for preliminary site plan approval. An application for preliminary site plan approval shall be made in writing to the Code Enforcement Officer and shall be accompanied by information drawn from the following checklist, as determined necessary by the Code Enforcement Officer at the sketch plan conference. All site plan information and building designs shall be prepared by a licensed architect or engineer.
- B. Preliminary site plan checklist.

Additional design standards and directions regarding the items to be shown on specific plan sheets may be found in the administrative checklist and Livonia Design Criteria and Construction Specifications for Land Development available from the Building and Zoning Department.

- (1) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
- (2) North arrow, graphic scale and date.
- (3) Boundaries of the property, plotted to scale.
- (4) The location of existing property lines, easements, structures, streets, driveways, and natural features within two hundred (200) feet of the proposed site or at the discretion of the Building and Zoning Department. Natural features shall include but are not limited to those features designated as conservation areas in accordance with § 86-68 or subject to other state or federal regulations which may restrict development.
- (5) Grading and drainage plan, showing existing and proposed contours. The drainage plan shall also clearly explain the methodology used to project storm water quantities and the resultant peak flow conditions.
- (6) Location, proposed use, hours of operation and height of all buildings. Summary of the amount of square footage devoted to each use requiring off-street parking or loading.
- (7) Number, location, design and construction materials of all parking and loading areas, showing access and egress. Location of reserved parking areas as required by the off-street parking regulations of Article X, § 86-86.
- (8) Provision for pedestrian access.

- (9) Size, type, location, and screening of all facilities used for recycling and disposal of solid waste.
- (10) Location, dimensions and vehicle capacity of drive-in facilities and related queuing lanes.
- (11) Building elevation(s) showing building massing, window and door spacing and treatments, and other architectural features; and indication of building materials suitable to evaluate architectural compatibility.
- (12) Location, purpose, and holder of all proposed easements or dedications for utilities, recreation, conservation or other purpose.
- (13) Location, size, screening and type of material for any proposed outdoor storage.
- (14) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- (15) Description of the type and quantity of sewage expected, the method of sewage disposal, and the location, design and construction materials of such facilities.
- (16) Description of the type and quantity of water supply needed, the method of securing water supply, and the location, design and construction materials of such facilities.
- (17) Location of fire and other emergency zones, including the location of fire hydrants.
- (18) Location, design and construction material of all energy-distribution facilities, including electrical, gas and wind power and solar energy and other public utility facilities such as cable or phone service.
- (19) Location, size, design, and construction materials of all proposed signs.
- (20) Location of proposed buffer areas, including existing vegetative cover.
- (21) Location, type, height, brightness and control of outdoor lighting facilities.
- (22) Size, location, and use of recreational areas for multi-family dwellings as required by § 86-59.
- (23) Identification of permanent open space or other amenity provided in conjunction with cluster or incentive zoning provisions.

- (24) A table summarizing each building footprint, total size in square feet and number of stories; the number of dwelling units and the amount of square feet devoted to each use type; size in square feet or acres of access, parking and circulation areas and the number of loading, queuing and parking spaces; size in square feet of landscaped and natural open space; and size in square feet and text of all signs.
  - (25) A landscaping plan and planting schedule in accordance with Article IX.
  - (26) Other elements integral to the proposed development as considered necessary by the Joint Planning Board, to include showing railroads or any other type of transportation facilities not specified.
  - (27) All forms and information pursuant to New York State Environmental Quality Review Act (SEQR).
  - (28) An agricultural data statement if the proposed use is located on or within five hundred (500) feet of a farm operation in a county agricultural district.
- C. Required fee. The fee will be established by the governing board and paid when the application is made.

**§ 86-115. Joint Planning Board review of preliminary site plan.**

The Joint Planning Board's review of a preliminary site plan shall include, as appropriate, but is not limited to, the following:

- A. General considerations as to:
- (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls for parking, loading, and drive-in facilities. Conformance with access management standards including, but not limited to, driveway spacing and provision of shared driveways and cross access easements.
  - (2) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience. In general sidewalks shall be required along all dedicated roads on lots within one thousand (1,000) feet of a school, park or residential concentration.
  - (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
  - (4) Location, arrangement, size, design and general architectural and site compatibility of buildings, lighting, signs, and landscaping.

- (5) Adequacy of storm water calculation methodology and storm water and drainage facilities to eliminate off-site run-off and maintain water quality.
  - (6) Adequacy of water supply and sewage disposal facilities.
  - (7) Size, location, arrangement and use of required open space and adequacy of such open space to preserve scenic views and other natural features, to provide wildlife corridors and habitats, to provide suitable screening and buffering; and to provide required recreation areas.
  - (8) Suitability of proposed hours of operation.
  - (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other similar nuisances.
  - (10) Adequacy of community services including fire, ambulance, and police protection, and on-site provisions for emergency services including fire lanes and other emergency zones, fire hydrants, and water pressure.
  - (11) Adequacy and unobtrusiveness of public utility distribution facilities including those for gas, electricity, cable television, and phone service. In general, all such utility distribution facilities shall be required to be located underground.
  - (12) Making provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary thereof.
  - (13) Conformance with the Livonia Comprehensive Plan and other planning studies.
  - (14) Conformance with density, lot size, height, yard and lot coverage and all other requirements of district regulations.
- B. Applicant to attend Joint Planning Board meeting. Applicant and/or duly authorized representative shall attend the meeting of the Joint Planning Board.
- C. Site plans shall also provide conformance with the performance standards of § 86-67 and the Livonia Design Criteria and Construction Specifications for Land Development.
- D. Consultant review. The Joint Planning Board may consult with the Code Enforcement Officer, Fire Commissioners, and other appropriate local and county officials and departments and its designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.

- E. Public hearing. The Joint Planning Board may conduct a public hearing on the preliminary site plan. If a public hearing is considered desirable by a majority of the members of the Joint Planning Board, such public hearing shall be conducted within sixty-two (62) days of the receipt of the application for preliminary site plan approval and shall be advertised in a newspaper of general circulation in Livonia at least five (5) days before the public hearing.

**§ 86-116. Joint Planning Board action on preliminary site plan.**

- A. Within sixty-two (62) days after public hearing or within sixty-two (62) days after the application was filed if no hearing was held, the Joint Planning Board shall act on the application for preliminary site plan approval. The Joint Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, disapproved or approved with modifications.
- B. The Joint Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan, and conformance with said modifications shall be considered a condition of approval. If the preliminary site plan is disapproved, the Joint Planning Board's statement will contain the reasons for such findings. In such a case, the Joint Planning Board may recommend further study of the site plan and resubmission to the Joint Planning Board after it has been revised or redesigned.

**§ 86-117. Final site plan approval procedure.**

- A. After receiving approval, with or without modifications, from the Joint Planning Board on a preliminary site plan, the applicant shall submit a final detailed site plan to the Joint Planning Board for approval. If more than six (6) months has elapsed since the time of the Joint Planning Board's action on the preliminary site plan and if the Joint Planning Board finds that conditions have changed significantly in the interim, the Joint Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review. The Joint Planning Board may also require a new public hearing. The final site plan shall conform substantially to the approved preliminary site plan. It should incorporate any modifications that may have been recommended by the Joint Planning Board in its preliminary review. All such compliance shall be clearly indicated by the applicant on the appropriate submission.
- B. The following additional information shall accompany an application for final site plan approval.
  - (1) Record of application for and approval status of all necessary permits from local, state and county officials.

- (2) Construction details and final material specification for all required improvements and such improvements to be in conformance with the Livonia Design Criteria and Construction Specifications for Land Development.
  - (3) An estimated project construction schedule.
  - (4) A legal description of all areas proposed for municipal dedication.
  - (5) A conservation easement or other recordable instrument executed by the owner for any permanent open spaces created and whether such open space is the result of site plan review, clustering, or incentive zoning provisions.
- C. If no building permit is issued within one (1) calendar year from the date of final site plan approval, the final site plan approval shall become null and void.

**§ 86-118. Referral to County Planning Board.**

Prior to taking action on the final site development plan, the Joint Planning Board shall refer the plan to the County Planning Board for advisory review and a report in accordance with § 239-m of General Municipal Law.

**§ 86-119. Joint Planning Board action on final site plan.**

- A. Within sixty-two (62) days of receipt of the application for final site plan approval, the Joint Planning Board shall notify in writing, its decision to the Building and Zoning Department.
- B. Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due and letter of credit if required, the Joint Planning Board shall endorse its approval on a copy of the final site plan. A copy of the approved final site plan shall be filed with the Building and Zoning Department, and may be provided to the applicant.
- C. Upon disapproval of a final site plan, the Joint Planning Board shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny a building permit to the applicant. The Joint Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.

**§ 86-120. Reimbursable costs.**

Costs incurred by the Joint Planning Board for consultation fees or other extraordinary expense in connection with the review of a proposed site plan or inspection of required improvements shall be charged to the applicant. Estimated review fees shall be deposited into an escrow account when making application for preliminary site plan approval. Estimated inspection fees shall be deposited into

an escrow account prior to Joint Planning Board endorsement of final site plan approval.

**§ 86-121. Letter of credit.**

No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or an irrevocable letter of credit has been posted for improvements not yet completed. The letter of credit shall be in accordance with Livonia Design Criteria and Construction Specifications for Land Development and shall be approved as to form by the Municipal Attorney and as to amount by the Municipal Engineer. The member of the Joint Planning Board designated to sign site plans shall not sign until a letter of credit, if required, has been received by the Building and Zoning Department and approved by the governing board.

**§ 86-122. Inspection of improvements.**

The Code Enforcement Officer shall be responsible for the overall inspection of site improvements. The applicant shall be responsible for advance notice for inspection coordination with officials and agencies, as appropriate. The Code Enforcement Officer may retain the services of a qualified private consultant to assist with inspection of site improvements.

**§ 86-123. Integration of procedures.**

Whenever the particular circumstances of a proposed development require compliance with either the conditional use procedure pursuant to § 86-16B of this Chapter, or the requirements for the Subdivision of Land in Chapter 69, the Joint Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.

**ARTICLE XV  
Access Management**

**§ 124 to 149 reserved**

**ARTICLE XVI  
Docks and Moorings**

**§ 86-150. Intent.**

**A. The intent of this Article is to:**

- (1) Maintain a safe recreational environment near the shore of Conesus Lake.
- (2) Allocate fairly the use of the Conesus Lake shore for mooring,
- (3) Minimize conflicts among neighboring property owners who use their shoreline for boat and other access to Conesus Lake.

- (4) Acknowledge that all lakeshore properties enjoy the right of free and open access to navigable waters of Conesus Lake.

**§ 86-151. Authority and Applicability.**

In addition to the authority granted by Town Law § 263 (zoning) and the Municipal Home Rule Law, this Article is adopted pursuant to:

- A. Town Law § 130, Subdivision 17(b), which allows towns to restrict and regulate the anchoring and mooring of vessels in any waters within or bounding the town to a distance of one thousand five hundred (1,500) feet.
- B. Navigation Law § 46-a(2), which authorizes the Town of Livonia to regulate the manner of construction and location of boathouses, moorings and docks within or bounding the Town of Livonia to a distance of one thousand five hundred (1,500) feet.
- C. This Article is not intended to restrict or regulate placement or operation of docks used by the State of New York, Livingston County or any municipality for public purposes.
- D. Regardless of whether a fee is charged, the casual rental of dock space which does not include launching, selling, servicing or leasing and which provides for storage and/or mooring of boats in no greater number than that permitted by § 86-153. of this Chapter shall not be considered a violation of this Chapter, provided that no sign or other visible indication of such rental shall be located on the parcel in question.

**§ 86-152. Definitions**

As used in this section, the following terms shall have the meanings indicated:

**DOCK** -- Any dock, wharf, structure or fixed platform extending out from the shore over the water built on floats, columns, open timber, piles or similar open work supports.

**HOIST** -- Any mechanical device whose purpose is to raise or lift a boat out of the water for waterside storage alongside a dock or wharf.

**MOORING, ANCHORING OR DOCKING FACILITY** -- A waterside area used for the berthing, anchoring or mooring of boats or other floating craft, whether manually, mechanically or sail powered. "Mooring" refers to tying up a boat to a permanently anchored floating object. "Anchoring" involves securing a boat temporarily to the lake bottom using an anchor. "Docking" refers to tying up a boat to a structure such as a dock, hoist or wharf which is attached to shore or affixed to the bottom and the shore.

**RIGHT-OF-WAY** -- A servitude imposed by law or contract giving the right of passage over another party's land. This right may be by deed, lease or prescriptive right.

**CONDITIONAL USE PERMIT -- See § 86-7C of this Chapter.**

**WAIVER -- Agreement between two (2) or more property owners allowing dock placement closer to common boundary line(s) than would be permitted by the terms of this Article.**

**WHARF -- A structure, as of stone or timber, built on the shore or projecting out into the lake so that boats may be secured alongside to load or unload or to be at rest.**

**§ 86-153. Permitted number of boats.**

- A. For the purpose of this regulation, the following shall not be subject to the limitations in this section: canoes, rowboats, rowing shells, kayaks, windsurfers, boats under fourteen (14) feet in length and other boats which normally do not require mooring or docking facilities.
- B. The number of boats permitted to be docked, moored or anchored for more than three (3) overnights or seventy-two (72) hours within any one-week period along a single lakeshore parcel, including all rights-of-way associated with such parcel, shall not exceed the following thresholds:

Lakeshore Frontage (feet)	Number of Boats Permitted
Less than 15	1
15 to 20	2
Each additional 20 feet	1

- C. Lakeshore frontage is measured along the shoreline at the mean low-water mark, between the boundaries of the lot as they intersect the shoreline.
- D. Clarification of nonconforming uses and structures. For the purpose of these regulations, seasonally mooring, docking or anchoring a specified number of boats off a lakeshore parcel shall be considered a preexisting nonconforming use, subject to the provisions of Article VIII, § 86-69 of this Chapter.
- E. Special regulations for existing subdivisions and shared accesses. The following provision applies when more than one (1) lot in existence on the effective date of this Article share access to Conesus Lake via a single lakeshore parcel: the number of boats permitted to be docked, moored or anchored off the lakeshore parcel may exceed the number stated in Subsection B of this section, provided that in no case shall the number of boats exceed one (1) for each lot that has a legal right-of-way to the lake.

- F. No mooring, anchoring or docking facility shall be constructed off a lakeshore parcel which is capable of and intended to accommodate, on a regular basis, a number of boats in excess of that permitted by Subsection B of this section.

**§ 86-154. Placement of boats and mooring facilities.**

- A. For the purpose of this section, lot line extensions shall be determined by projecting the parcel boundaries lakeward at the angle at which they meet the mean low-water mark; provided, however, that in no case shall a lot line extension be used in a manner which will prevent reasonable access to the navigable waters of Conesus Lake for any shoreline property.
- B. Docking, anchoring and mooring facilities shall be placed so that all boats secured to such facilities are contained within the lot line extension of the parcel. No mooring, anchoring or docking facility shall be located within ten (10) feet of any lot line extension.
- C. No boat shall be moored, docked or anchored within ten (10) feet of any lot line extension.
- D. Notwithstanding Subsection B and C above, when a lot contains less than twenty-two and one-half (22 1/2) feet of lake frontage, all mooring, anchoring and docking facilities shall be centered between the lot line extensions.
- E. Notwithstanding Subsection B. and C. above, docks and other mooring facilities serving a right-of-way shall be centered between the boundaries of the right-of-way, extended lakeward.
- F. Setback requirements for docks may be waived when two (2) or more adjoining property owners agree. The two (2) or more adjoining property owners must apply for and receive a dock setback waiver from the Code Enforcement Officer. The application for a waiver must include a diagram showing the size, location and configuration of the dock or mooring facility in relationship to the property lines.
- G. For the purpose of these regulations, mooring, anchoring and docking facilities placed and removed seasonally along lakeshore properties shall not be considered to be preexisting nonconforming structures, as regulated in Article VIII, § 86-69 of this Chapter, as to setbacks only.
- H. Placement of a dock or mooring on a lot which cannot meet the requirements of this section shall obtain a conditional use permit from the Joint Zoning Board of Appeals.

**§ 86-155. Docks and moorings requiring conditional use permits.**

- A. Owners of lots along coves or other irregularly shaped lots who are restricted as to placement of their facilities because of lot lines

intersecting before they extend one thousand five hundred (1,500) feet offshore may apply for a conditional use permit for mooring, anchoring or docking facilities from the Joint Zoning Board of Appeals.

B. The owner of the lakeshore parcel, or an authorized representative, applying for the conditional use permit shall submit the following with their application:

- (1) A survey map of the property and a sketch plan of neighboring properties.
- (2) The lot lines extended to demonstrate that the lot lines intersect before they extend one thousand five hundred (1,500) feet offshore.
- (3) The proposed placement of mooring, docking and/or anchoring facilities.
- (4) The names of adjoining property owners.
- (5) Any other information required by the Joint Zoning Board of Appeals to assist in its review, which may include the location of neighboring docking, anchoring or mooring facilities; the depth of water; and the type of boats proposed to be moored, docked or anchored.

C. In making its determination upon any application for a conditional use permit, the Joint Zoning Board of Appeals shall apply the following criteria:

- (1) Docking, mooring or anchoring facilities shall be placed so that they do not interfere with reasonable access to the lake by neighboring property owners.
- (2) Docking, mooring or anchoring facilities shall not be a hazard to navigation. The Joint Zoning Board of Appeals may request a determination from the County Sheriff regarding navigation and safety.
- (3) The Joint Zoning Board of Appeals shall take into account existing permits granted to the lakeshore property owner by New York State for any floating object or any grant, lease or easement providing for the use of underwater land.
- (4) In making its determination, the Joint Zoning Board of Appeals may use formulae commonly known as the "long lake method," "round lake method" and/or "base cove method" as each may be appropriate.

D. Any dock placed in violation of this section shall be removed upon direction of the Code Enforcement Officer whether or not an appeal or application for a conditional use permit is pending.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1998 of the ~~(County)~~(City)(Town)(Village) of Livonia was duly passed by the Town Board on January 8 1998, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_ in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. 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 \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_ in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\*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 chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, 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 19 \_\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, 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 of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

*Ormeo R. Lenny*

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

(Seal)

Date: January 23, 1998

(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 Livingston

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.

*Frank C. Ghebb*

Signature

Attorney for the Town

Title

County  
City of Livonia  
Town  
Village

Date: January 23, 1998