

25

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

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

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

STATE OF NEW YORK  
DEPARTMENT OF STATE

**FILED**

JUN 24 2002

MISCELLANEOUS  
& STATE RECORDS

County  
City of Deferiet  
Town  
Village

Local Law No. 1 of the year 20<sup>02</sup>

A local law amending the Village of Deferiet Zoning Law,  
*(insert title)*  
enacted as Local Law No. 4 of 1985, as amended.

~~Board of Trustees~~

Be it enacted by the \_\_\_\_\_ of the  
*(Name of Legislative Body)*

County  
City of Deferiet  
Town  
Village as follows:

Section I. Local Law No. 4 of 1985, as amended, be and is hereby amended to read in its entirety as set forth in the attached exhibit entitled "Village of Deferiet Zoning Law", incorporated herein and made a part of this Local Law.

Section II. This Local Law shall become effective when filed with the New York Secretary of State as required by law.

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

# **Village of Deferiet Zoning Law**

As Amended by Local Law No. 1 of 2002

**Village of Deferiet Zoning Law  
Table of Contents**

Article I	<b>General Provisions.....</b>	<b>1</b>
190-1	Purpose.....	1
190-2	Title.....	1
190-3	Application of Regulations.....	1
Article II	<b>Definitions.....</b>	<b>1</b>
190-4	Word usage; terms defined.....	1
Article III	<b>Establishment of Districts.....</b>	<b>7</b>
190-5	Zoning Districts.....	7
190-6	Adoption of Zoning Map.....	7
190-7	Interpretation of District Boundaries.....	7
Article IV	<b>Schedules.....</b>	<b>8</b>
190-8	Schedule I Use Controls.....	8
190-9	Schedule II Lot Dimensions.....	9
Article V	<b>Special Permit Review .....</b>	<b>9</b>
190-10	Permit Review Procedure.....	9
190-11	General Special Use Criteria.....	11
190-12	Specific Special Uses and Their Requirements.....	11
	1. Automobile Service Stations.....	11
	2. Adult Entertainment.....	12
	3. Industrial/Manufacturing Operations.....	12
	4. Mobile Home Park.....	12
	5. Telecommunication Facilities.....	13
Article VI	<b>Supplemental Regulations.....</b>	<b>13</b>
190-13	Sign regulations.....	13
190-14	Yard requirements.....	14
190-15	Off-street loading requirements.....	15
190-16	Off-street parking requirements.....	15
190-17	Buffer or transition zone.....	16
190-18	Swimming pools.....	16
190-19	Inoperative motor vehicles.....	16
Article VII	<b>Non-conforming Uses and Lots.....</b>	<b>16</b>
190-20	Non-conforming uses.....	16
190-21	Non-conforming lots.....	17
190-22	Change or Expansion of a Non-conforming Use or Structure.....	17
Article VIII	<b>Administration and Enforcement.....</b>	<b>17</b>
190-23	Zoning Permits.....	17
190-24	Zoning Officer.....	18
190-25	Certificate of Compliance.....	18
190-26	Zoning Board of Appeals.....	19
190-27	Planning Board.....	19
190-28	Violations and Penalties.....	19
190-29	Interpretation and Separability.....	20
Article IX	<b>Amendments.....</b>	<b>20</b>
Article X	<b>Effective Date.....</b>	<b>20</b>

## ARTICLE I GENERAL PROVISIONS

### 190- 1. PURPOSE

The purpose of the Deferiet Zoning Law is to promote and guide development in an orderly and efficient manner. This will reduce land use conflicts, promote traffic safety, enhance and protect the historical and recreational attributes of the Village, retain and improve land values, encourage quality development, ensure wise use of utilities, and promote the general health and welfare of Village residents. This Law is designed to protect existing development while providing some control of growth so that future development will not be a detriment to the Village and its residents.

### 190- 2. TITLE

This Law shall be known as the "Village of Deferiet Zoning Law".

### 190- 3. APPLICATION OF REGULATIONS

1. No building, structure, land or parts thereof shall be used, occupied, erected, moved or exteriors altered except in conformance with the requirements of this Local Law and only after a Zoning Permit is issued.
2. No building shall hereafter be erected or altered:
  - a. To exceed the maximum height requirements of the District in which they are located.
  - b. To have narrower or smaller rear yards, front yards, side yards, then are specified in this Law for the district in which such building is located.
3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Law shall be included as a part of a yard or other open space similarly required for another building.
4. A Zoning Permit shall not be required for routine maintenance and improvements (e.g. roof replacements, window replacements, siding replacements, etc.) that does not expand the exterior dimensions of the structure and does not involve a change in use.
5. Multiple principle commercial uses are permitted on one lot provided that each use meets the dimensional requirements set forth in Article IV 190- 2.

## ARTICLE II DEFINITIONS

### 190- 4. Word Usage; Terms Defined

When used in this Law, words in the present tense include the future and words of one gender include all genders. The singular number includes the plural and the plural includes the singular. The term "shall" is intended to be mandatory. Whenever a word or term is defined to "include" certain items or matters, such inclusion is intended to be by way of specification and not of limitation. The word lot includes the word plot or parcel. If interpretation or clarification of any word used in this Law is needed, it shall be provided by the Village Zoning Board of Appeals in accordance with such powers granted to them.

**ACCESSORY STRUCTURE/USES:** Any building or use which is subordinate to, and whose use is incidental to the principle building or use on the same lot or on adjoining lot under the same ownership.

**ADULT ENTERTAINMENT USE:** Any business, including but not limited to these specifically enumerated in this Law, which has more than ten (10) percent of the volume of its stock on trade

devoted to the display, viewing or dissemination of material distinguished or characterized by an emphasis on matter depicting, describing, or related to sexual activity or specified anatomical areas, including, but not limited to, any establishment that allows or promotes dancers, performers or employees, whether male or female, to display specified anatomical areas.

**AGRICULTURAL USE:** Land which is used for raising livestock or agricultural products, including farm structures and storage of agricultural equipment; riding and boarding stables; and as an accessory use the sale of agricultural products raised on the property.

**ALLEY:** A right of way or public street that provides one lane of travel. The following list of streets are alleys: Regis, Reynolds, Jenica Way, Post Office Way.

**ALTER/ALTERATION:** To change or rearrange any exterior structural part of the existing facilities of a building or structure, by enlarging the building or structure, whether by extending any side or increasing the height thereof, or to move the same from one location or position to another. It shall not be considered an alteration if there is no expansion of exterior dimensions. For instance: replacement of windows, doors, siding, roofing, etc., as well as interior alterations, shall not be considered an alteration for the purpose of this Law.

**ANTENNA:** A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include, but not be limited to, radio navigation, radio, television, microwave communications and wireless communications.

**AUTOMOBILE SERVICE STATION:** Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fuels, oils, or lubricants, or for the polishing, greasing, washing, servicing or repairs, and painting of motor vehicles. This also may include the sale petroleum products, pre-packaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods.

**BED AND BREAKFAST:** A private dwelling, structure, or part thereof, in which lodging is provided to nine (9) or fewer transient occupants for profit by the owner or operator which may or may not provide in-house food service to its guests.

**BUILDING:** Any structure having a roof supported by columns or by walls which is used or occupied for the shelter, housing or enclosure of animals, persons or property. The term, unless specified, includes both principle and accessory buildings.

**BUILDING AREA:** The total area, taken on a horizontal plane at main grade level, consumed by the principle building and all accessory buildings, excluding chimneys, uncovered porches, patios, terraces, steps and open areaways.

**BUILDING LINE:** The line formed by the face of the building/structure, nearest the lot line. This shall include measurement from such structures as chimneys, uncovered porches, patios, terraces, steps, open areaways, roof overhangs, cornices, eaves and other similar protrusions.

**CAR WASH:** A building, structure or facility which obtains commercial income from the washing, cleaning or waxing of motor vehicles. Such a use may be the principle function of the building or land on which it is situated, or an ancillary use thereof.

**CLUB, PRIVATE:** A building or use catering exclusively to club members and their guests for fraternal or recreational purposes.

**COMMUNITY FACILITY:** Non-profit or quasi public use, such as a church, library, religious gathering place, public or private school, hospital, museum, performing arts center, or municipally owned or operated building, structure, or land use for public purposes.

**DRIVE-IN SERVICES:** A commercial facility building or use which relies upon the motoring public for its business. Such facilities contain appropriate traffic/parking, arrangements to serve motor vehicles. Examples of such facilities include drive-in restaurants, banks, etc.

**DWELLING UNITS:** Any building used in whole or part for human habitation (mobile homes are defined separately).

- a. **DWELLING, SINGLE FAMILY:** A detached building, or a portion thereof, used or occupied as living quarters and containing separate cooking facilities. The term does not include tourist home, mobile home, institutional use, hotel, motel or tourist accommodations.
- b. **DWELLING, MULTIPLE:** A building, or a portion thereof, used or occupied as living quarters and containing separate cooking facilities. The term does not include tourist home, mobile home, institutional use, hotel, motel or tourist accommodations.

**ERECT:** To construct, build, re-erect, reconstruct, rebuild or excavate for a building or structure.

**ESSENTIAL SERVICE:** Services and utilities needed for the health, safety, and general welfare of the community, such as telephone, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities.

**FAMILY:** Any number of individuals living together as a single housekeeping unit.

**FENCE/WALL:** A structure of wood, stone or other materials commonly used as fencing materials or combination thereof intended for defense, security, screening, partitioning, or enclosure; or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads.

**FLOOR AREA:** The total horizontal area of all floors of a building excepting the basement and attic thereof measured along the faces of the interior walls.

**FUNERAL HOME:** An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for the observances held for a dead person as an incident to burial and cremation.

**GRADES, FINISHED:** Completed surfaces of ground, lawns, walks, paved areas and roads brought to finished (final) grade, as shown on plans relating thereto.

**HEIGHT:** The vertical distance measured from the average elevation of the main grade at the front of the building/structure to the highest point of the roof.

**HOME OCCUPATION:** Any accessory use of a service character customarily conducted within a dwelling by the resident thereof which is clearly secondary to the use of the dwelling for living purposes and does not substantially change the character thereof or have an exterior evidence of such use, other than an approved advertising sign and parking requirements associated therewith. Occupations such as physician, dentist, lawyer, insurance sales, beauty salon, musical instructor, seamstress shall be deemed to be home occupation uses. Not more than two (2) people plus the property owner shall be employed at such a use.

**HOTEL/Motel:** A building which has a common entrance, and general dining room; and provides for more than nine (9) occupants for short or extended periods of time.

**INDUSTRIAL/MANUFACTURING OPERATIONS:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials.

**INOPERATIVE MOTOR VEHICLE:** Any motor vehicle which is unregistered or inoperative for a period of six successive months or more.

**KENNEL/VETERINARY SERVICES:** A building, portion thereof or use which is used in the treatment, convalescence of ailing animals or the boarding of animals.

**LAW:** For the purpose of this act the word Law shall refer to the "Zoning Law of the Village of Deferiet", unless otherwise specified.

**LOT:** A circumscribed area of land which is described in a deed or depicted or filed on a subdivision plat, either of which has been legally and duly recorded or filed in the Jefferson County Clerk's Office.

**LOT AREA:** Total area within the property lines excluding any part thereof lying within the boundaries of a public street, or proposed public street or area of an easement or right of way for vehicular ingress and egress.

**LOT, CORNER:** A parcel of land at the junction of and bounded on two or more intersecting streets.

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

**LOT LINE:** Any line dividing one lot from another or from the street or waterway.

- a. **LOT LINE, FRONT:** The lot line adjoining any street/highway right-of-way line, not including alleys or the Black River. If a lot adjoins two or more streets or highways, it shall be deemed to have a front lot line respectively on each.
- b. **LOT LINE, REAR:** The lot line opposite and most distant from the front lot line which is not classified as a front line in its own right.
- c. **LOT LINE, SIDE:** Any lot line other than the front or rear lot lines.

**LOT OF RECORD:** Any lot which individually or as a part of a subdivision has been recorded in the County Clerk's Office and for which proof can be given that the lot was intended for development prior to adoption of this Law.

**LOT WIDTH:** The horizontal distance between the side lot lines measured at the required setback lines.

**MEDICAL FACILITY:** Any building, portion of a building or use thereof which is used in the diagnosis and/or treatment of medical ailments.

**MOBILE HOME:** Manufactured housing built on a chassis and factor designed to be less than 18 feet in width. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This does not include recreational vehicles or sectional pre-fabricated houses.

**MOBILE HOME PARK:** Any lot under single ownership on which two or more mobile homes are located, regardless of whether or not a charge is made for accommodations.

**MODULAR HOME:** A dwelling unit which is manufactured in two or more sections off-site and transported to the construction/placement site and assembled there. All modular homes shall only be permitted on a permanent foundation. Modular homes will be considered single family dwellings.

**MOTEL:** A building, or group of buildings, whether detached or in connected units, used as individual sleeping or living quarters with direct outside access and related office, with or without restaurant facilities, designed primarily for transient travelers, and provided with accessory off-street parking facilities.

**NON-CONFORMING USE:** A use, lot or structure legally and substantially existing at the effective date of this Local Law which does not conform to the requirements of this Local Law.

**NURSING HOME:** A dwelling where persons are lodged and furnished with meals and nursing care for commercial purposes. This shall not include homes for the mentally handicapped, drug or alcohol re-habilitation patients.

**OFFICE:** Establishments such as, but not limited to, engineers, architects, attorneys, banks and trust companies, credit agencies, investment companies, insurance agents, brokers, and buyers, sellers, agents and developers of real estate.

**OFF-STREET PARKING FACILITY:** A space for parking off the public streets and places in the Village.

**PARKING SPACE:** An off-street space available for the parking of one motor vehicle and having an area of not less than nine (9) feet wide by eighteen (18) feet long exclusive of passageways and access thereto, and having direct access to a street or highway.

**PERMITTED USE:** Any principal or accessory use allowed as of right under the provisions for the district in which the land, building or structure is located and that does not require a special use permit review.

**PLANNING BOARD:** The Planning Board of the Village of Deferiet.

**POOL, SWIMMING:** A structure or facility constructed to hold water at least three (3) feet deep and used by either private or public parties for recreational purposes.

**PRINCIPLE BUILDING:** A building in which is conducted the main or principle use of the lot on which such building is located.

**PRINCIPLE USE:** The main or principle purpose for which any land, building or structure is used or occupied.

**RECREATION AREA/FACILITY:** A municipally or privately owned and operated swimming pool, open space, tennis court, athletic field, hiking trail, fishing access or similar area or facility for recreational use.

**RECREATION VEHICLE:** A vehicle which is (1) built on a chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) self-propelled or permanently tow-able by a light-duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel and seasonal use.

**RECREATION VEHICLE PARK:** Any lot or parcel of land upon which two or more recreation vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**RESTAURANT:** Any establishment at which food is sold for consumption to patrons seated in an enclosed building or on the premises.

**RETAIL STORE or SERVICE, LARGE:** A store of commercial or service nature with 7,500 square feet or more of gross floor area.

**RETAIL STORE or SERVICE, SMALL:** A store of commercial or service nature with less than 7,500 square feet of gross floor area.

**SCHOOL:** Includes parochial, private, public and nursery school; college university and accessory uses; and shall exclude commercial operated school of beauty culture, business, dancing, driving, music and similar establishments.

**SELF-SERVICE STORAGE FACILITY:** A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

**SERVICE STATION:** (See definition for Automobile Service Station).

**SEXUAL ACTIVITIES:** Any act of masturbation, fellatio, sadomasochism, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such a person be female, breast.

**SHOPPING CENTER:** Two or more commercial establishments, built on a site that is planned, developed, owned and managed as an operating unit related in location, size, and type of shops to the trade area that the unit serves.

**SIGN:** Any kind of billboard, sign-board, pennant, or other shape or device or display, used as an advertisement, announcement, or direction. Such a notice may be incorporated onto a building surface, be free standing, or attached.



**ADVERTISING:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered on the premises or elsewhere than where the sign is located.

**DEFINED ANATOMICAL AREAS:** Human male or female genitals, pubic area or buttocks with less than a full opaque covering, or female breast with less than fully opaque covering of any portion thereof below the top of the nipple, or covered male genitals in a discernibly turgid state.

**DRIVEWAY:** A public thoroughfare for motor vehicles which affords the primary means of access.

**FRONT YARD LINE/ HIGHWAY/ALLEY RIGHT OF WAY:** The dividing line between a lot and a road right of way line or in the case of a lot encompassing a road or street right of way, the right of way line for public travel. Where the width of the road is not established the road line shall be considered to be the edge of the shoulder or the interior edge of a sidewalk, if any.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term includes dwelling units, buildings, swimming pools, platforms, stadiums, towers, but is not intended to include conventional sidewalks, driveways, curbs, or hedges.

**TELECOMMUNICATION FACILITY:** Any structure on which transmitting or receiving antenna(e) are located.

**TRUCK TERMINAL:** A lot, building or structure therein used principally for the transient storage of registered and licensed trucks, tractor trailers, vans, or other motor vehicles used for bulk transport, loading and unloading of materials and including any refueling, cleaning or repairs associated therewith.

**WAREHOUSE:** A facility that stores goods for future transport, truck terminals and distribution centers not for the public.

**YARD:** Generally determined to mean that unoccupied open space (from the ground upward) between the building line and the nearest lot line or street line.

- a. **YARD, FRONT:** The area between the front building line and the front lot line and extending the full width of the lot.
- b. **YARD, REAR:** The area between the rear building line and the rear lot line and extending the full width of the lot.
- c. **YARD, SIDE:** The area extending from the front yard to the rear yard between the required side building line and the side lot line.

**ZONING OFFICER:** The Zoning Officer is the person appointed by the Village Board to carry out the regulations of this Law.

**ZONING PERMIT:** A permit issued under this Local Law by the Zoning Enforcement Officer evidencing compliance with the requirements of this Local Law prior to any change in use or construction or exterior alteration of any structure.

ARTICLE III ESTABLISHMENT OF DISTRICTS

190- 5. Zoning Districts

For the purpose of promoting the health, safety and general welfare of the community, the land within the Village of Deferiet is divided into the following seven (7) zoning districts:

Residential 1 (R-1)

Residential 2 (R-2)

Residential 3 (R-3)

Business 1 (B-1)

Business 2 (B-2)

Multi-Use (MU)

Industrial (IND)

~~Black River Protection Overlay~~ RIVER DISTRICT.

190- 6. Adoption of Zoning Map

These zoning districts are shown, defined, and bounded on a map entitled "Zoning Map, Village of Deferiet, Jefferson County, New York dated September 5, 2001 and are further described by this Law. This Law includes both explanatory materials and the Map. The Law (as well as any amendments thereto) must be filed in the Office of the Village Clerk. The Clerk shall certify (by recording the nature and date) of any changes to the Law or Map.

190- 7. Interpretation of District Boundaries:

1. Where uncertainty exists with respect to the exact boundaries of districts as shown on the Zoning Map, the final decision will be made by the Village Zoning Board of Appeals.
2. District boundary lines generally follow or parallel, at set distances, center lines of roads, waterways, railroads, existing lot lines, and other man-made and natural features. The Zoning Officer shall be given the authority to scale these districts from the Zoning Map and relate them to accurate ground points when they are not appropriately delineated on the Map.

190-B. Schedule I Use Controls

District	Purpose	Permitted Uses	Special Permit Uses
Residential 1	To provide single-family residential uses and compatible development	Accessory Uses, Single-Family Dwellings	Recreation Facilities/Areas, Community Facilities, Bed and Breakfasts, Home Occupations, Essential Services
Residential 2	To provide single-family residential uses and compatible development with smaller lots	Accessory Uses, Single-Family Dwellings	Recreation Facilities/Areas, Community Facilities, Bed and Breakfasts, Home Occupations, Essential Services
Residential 3	To promote larger lot single-family and multiple family residential uses and compatible opportunities	Accessory Uses, Multi-Family Dwellings, Single-Family Dwellings	Home Occupations, Bed and Breakfasts, Essential Services
Business 1	To promote commercial development in the Village Center	Accessory Uses, Single-Family Dwellings	Home Occupations, Medical Facility, Restaurant, Small Retail, Private Clubs, Bed and Breakfasts, Essential Services, Office, Recreation Facility/Area, Community Facility, Religious Institution
Business 2	To provide for larger-lot commercial development	Accessory Uses, Single-Family Dwellings	Automobile Service Station, Convenience Store, Car Wash, Essential Services, Home Occupations, Hotel/Motel, Medical Facility, Office, Private Clubs, Religious Institution, Restaurant, Large Retail, Small Retail, Shopping Center, Bed and Breakfasts, Drive-in Services, Community Facility, Nursing Home, Recreation Facility/Area
Industrial	To accommodate industrial uses	Accessory Uses	Essential Services, <u>Industrial/Manufacturing Operations</u> , Office, Truck Terminal, Essential Services, Warehouse, Telecommunication Facilities. All special permit uses listed under the Business Districts
Multiple Use	To accommodate mixed residential development and complimentary commercial development	Single-Family Dwellings, Accessory Uses	Adult Entertainment, Automobile Service Station, Convenience Store, Car Wash, Home Occupations, Essential Services, Hotel/Motel, Medical Facility, Mobile Home Park, Nursing Home, Office, Private Clubs, Recreation Facilities/Areas, Religious Institution, Restaurant, Large Retail, Small Retail, Shopping Center, Truck Terminal, Bed and Breakfasts, Veterinarian/Kennel, Multiple Family Dwellings, Drive-in Services, Multi-Family Dwellings, Essential Services, Mobile Homes, Recreation Vehicle Park, Telecommunication Facility
River District	To protect the shoreline areas of Black River by preserving existing vegetation and keep development from damaging the pristine rivershed.	Essential Services	Recreation Facility/Area

Note: Underlined uses have specific special use criteria.

190- 9. Schedule II Lot Dimensions

District	Min. Lot Area	Min. Lot Width	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Building Height
R1	20,000 sq. ft.	100'	40'	20'	20'	35'
R2	5,000 sq. ft.	50'	20'	10'	20'	35'
R3	15,000 sq. ft.	75'	30'	15'	25'	35'
Business 1	5,000 sq. ft.	50'	5'	5'	5'	35'
Business 2	30,000 sq. ft.	200'	30'	10'	10'	35'
Industrial	50,000 sq. ft.	300'	100'	75'	100'	35'
Multiple Use	20,000 sq. ft.	100'	40'	20'	30'	35'
River District	20,000 sq. ft.	100'	40'	20'	20'	35'

\* Accessory uses in all districts shall have a minimum setback requirement of five (5) feet from the front, side, and rear property lines.

\* Setbacks shall not be required for fences or walls.

\* All uses shall have a minimum setback of five (5) feet from an alley.

ARTICLE V SPECIAL PERMIT REVIEW

190- 10. Permit Review Procedure

Following are the procedural steps that an applicant shall undertake for a special permit review. Only those actions listed under Article IV Schedule I as special uses need to undergo this review. A special permit must be approved by the Village Planning Board if it meets the conditions established for the respective use.

1. An application for special use permit shall be considered received by the Village Planning Board when a complete application is submitted at a meeting of the Village Planning Board and the necessary fees have been paid.
2. The Planning Board may require that any or all of the following elements be included in the special use:
  - a. Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings;
  - b. Date, north arrow, written and graphic scale;
  - c. Boundaries of the area plotted to scale, including distances, bearings, and areas;
  - d. Location and ownership of all adjacent lands as shown on the latest tax records;
  - e. Location, name, and existing width and right-of-way of adjacent roads;
  - f. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
  - g. Location, size, design of the following: any proposed use existing and proposed buildings, driveways, parking, outdoor storage, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening, snow storage
  - h. Plans for controlling soil erosion and sedimentation during the development if applicable.

- i. Plans for grading and drainage showing existing and proposed contours of one (1) foot intervals; if applicable.
  - j. Written designation of the amount of gross floor area(measured from interior dimensions proposed for each non-residential use);
  - k. A SEQOR Environmental Assessment Form (EAF) or draft Environmental Impact Statement (E.I.S.), where required;
  - l. Facade drawings with elevations of all proposed buildings from finished grades.
  - m. Traffic volume generation and circulation plans both on and off the proposed project site.
  - n. Projected construction schedule and stages.
  - o. Location and design of any structures, facilities, and processes that potentially impact upon the quality of ambient air, the quantity of the impact and mitigating measures that will be taken to reduce adverse impacts on the quality of ambient air.
  - p. Other elements integral to the proposed development as considered necessary by the Planning Board including identification of any Federal, State, or County permits required for the project's execution.
  - q. All applicable application fees and review costs as determined by Village Board.
3. In addition to all the other special use application requirements described in this section, an application for a telecommunication facility shall include the following additional information:
- a. Make and model of the tower to be erected.
  - b. Manufacturer's design data, installation instructions and construction plans.
  - c. Applicant's proposed tower maintenance and inspection procedures.
  - d. Anti-climb devices for the tower and any guy wires.
  - e. Documentation of the proposed intent and capacity of use as well as a justification for the height of any tower or antennae and justification for any land or vegetation clearing required.
  - f. A completed Environmental Assessment Form (long form).
  - g. A completed Visual Environmental Assessment Form (Visual EAF).
  - h. An adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to new construction.
  - i. The applicant shall be required to submit a report demonstrating its good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower.
4. The Planning Board shall hold a public hearing within sixty-two (62) days of receiving a complete application.
5. Public notice of said hearing shall be printed in a newspaper of general circulation in the Village at least five (5) days prior to the date of the public hearing. At least ten (10) days before such hearing, the board shall mail notices to the applicant and to the County Planning Board as required by General Municipal Law Section 239-m, which shall be accompanied by a full statement of such proposed action.

6. The Planning Board shall decide upon the application within sixty-two (62) days after the hearing is closed. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant of the Board. The decision of the Planning Board shall be filed in the Office of the Village Clerk within five (5) business days and a copy mailed to the applicant.

#### 190- 11. General Special Use Criteria

Following is a list of the general criteria that all special uses must meet before special permit approval is granted by the Planning Board.

1. The proposed special use must not conflict, by virtue of its character, location, arrangement, size and design of buildings, lighting and signs, with neighboring uses.
2. The proposed special use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact on adjacent properties.
3. Appropriate on-lot drainage is required to eliminate any potential on-site water related or erosion problems. The drainage systems instituted shall not detrimentally impact on adjacent properties.
4. Traffic access to and from the site, as well as on-lot, shall be so constructed as to reduce traffic hazards. Adequacy and arrangement of safe vehicular traffic access and circulation, including intersections, road widths, curb cuts, channelization structures and traffic controls. Such facilities must be constructed to Village specifications and standards.
5. Adequacy and arrangement of pedestrian traffic access and circulation including: separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian convenience. This shall also include specifications and standards to which such facilities shall be constructed.
6. Adequacy, type and arrangement of trees, shrubs and other landscaping which constitutes a visual and/or a noise deterring buffer between competing adjacent uses and adjoining lands. The proposed use shall be landscaped to insure a sightly appearance. This shall insure adequate vegetative ground cover to eliminate erosion and promote aesthetics. Trees and existing vegetation shall be retained where possible.
7. In reaching its decision on the proposed use, the Planning Board shall consider, among other things, the need for the use in the specified location, the existing character of the area in which the use would be located, the potential affect of the use on the neighborhood, the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property and the manner in which the use meets the criteria established in this Article.

#### 190- 12. Specific Special Permit Uses and Their Requirements

Following is a list of specific special use requirements. These are specific requirements for some uses and must be followed. Uses that are not listed herein and are listed as special uses in Article IV Schedule I shall meet the general criteria for all special uses found in 190-11 of this Article.

1. Automobile Service Stations
  - a. Underground tanks shall be not less than 50 ft. from any property line
  - b. Entrance and exit driveways shall be located at least 10 feet from any property line.
  - c. There shall be a limit of 10 registered vehicles stored on site waiting to be serviced.
  - d. There shall be a limit of 2 unregistered vehicles on the property at any time.

## Adult Entertainment

- a. Such uses may not be located within 1,000 feet, measured from lot line to lot line of churches, schools, parks, playing fields or other areas in which groups of minors regularly congregate.
- b. Uses shall not be located within 1,000 feet of any residential lot line.
- c. Such uses shall not be located within a 1,000 foot radius of another such use.
- d. One exterior sign that meets the sign requirement for the district within which the use is located will be allowed. However, said sign shall not depict lewd or obscene objects or activity or utilize lewd or obscene language.
- e. All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semi-public place.

## 3. Industrial/Manufacturing Operations

- a. Any manufacturing, fabricating or servicing related to the operation must take place within a building designed to accommodate the use.
- b. Materials used in the manufacturing, fabricating or servicing operation may be stored outside the building accommodating the use; provided, they shall be arranged in a neat and orderly fashion and shall be enclosed by a fence at least five (5) feet in height so as to prohibit unauthorized entrance by children and individuals. The outside storage area shall not be larger than the square footage of the first floor of the building used to house the operation.
- c. The use shall be setback a sufficient distance from neighboring residential property to reduce any possible land use conflicts, traffic problems, noise, dust, odors, unsightliness, or other unhealthy/objectionable conditions. The Board may also impose various screening techniques (i.e. plantings, fences, etc.) of such character that alleviates or reduces these conditions.
- d. The use shall not produce exterior noise levels that are detrimental to off-street residential areas. Such levels shall not exceed 90 decibels at off-lot locations.

## 4. Mobile Home Park

- a. An applicant who proposes to construct a mobile home park shall state that he, as agent or owner, shall be responsible for the proper maintenance and upkeep of the proposed park and must meet the following criteria:
  - (1) The park shall have an adequate entrance road at least 24 feet wide. The roadway shall be constructed of all-weather materials.
  - (2) The total number of mobile home lots shall not exceed four (4) per gross acre.
  - (3) Side and rear property lines shall be densely planted with trees and shrubs.
  - (4) Mobile home parks which accommodate 25 or more mobile homes shall provide at least one recreation area consisting of at least 10 percent of the gross site area of the mobile home park. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.
  - (5) Refuse shall be disposed of in a manner acceptable to the Village and to the New York State Health Department or other appropriate State agency. There shall be no on-lot exposed garbage, junk or other wastes.

(6) A mobile home shall be so placed on each lot such that it shall be a distance of at least twenty-five (25) feet from any other mobile home in such park.

(7) Lighting shall be provided along park road- ways and walkways to insure safety for residents.

(8) The entire park shall be landscaped to insure a sightly appearance.

5. Telecommunication Facilities

a. No special use application for the construction or modification of a telecommunication tower shall be approved unless the following criteria are satisfied:

(1) Towers and antennae shall be set back a minimum of the height of the tower and antennae or other fixture on top of the tower plus 100 feet. All other structures, including guy wire anchors and accessory facilities shall observe the required setbacks within the affected zone. Additional setbacks may be required by the Planning Board as needed.

(2) All towers and accessory uses thereto shall be sited to have the least practical adverse visual effect on the environment. The use of any part of the telecommunications tower or any accessory use thereto for signs, promotional or advertising purposes is prohibited.

(3) Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA).

(4) Accessory facilities shall maximize use of building materials, colors, and textured designs t blend with the natural surroundings.

(5) Existing on-site vegetation shall be preserved to the maximum extent possible.

(6) All telecommunication towers, accessory uses thereto, and guy anchors, if any, shall be enclosed by a fence not less than eight (8) feet in height to protect them from trespassing and vandalism.

(7) The board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, any new tower.

(8) The applicant shall agree, in writing, to uses its best efforts, within commercial reasonableness, to allow other entities to collocate antenna and other communication devices on the tower.

ARTICLE VI SUPPLEMENTAL REGULATIONS

190- 13. Sign Regulations

1. For all uses, the following sign regulations shall apply:

a. Two temporary special event signs shall be permitted. These signs shall advertise events, activities or other similar instances that will be terminated on a set date. Yard sales, garage sales and similar on-lot sales shall be considered temporary activities and as such, signs advertising such events shall fall under the requirements of this section. No such sign shall exceed four (4) square feet in area. Such signs shall be removed at the end of the event by the sponsor of the event or those who placed the sign.

b. Signs may be placed in required yards, providing such placement does not interfere with traffic safety.

c. No sign shall be placed closer than five (5) feet to a street line, or lot line.



- d. Mechanically moving, flashing or self illuminating signs shall not be permitted unless required for public safety purposes as identified by a unit of government.
  - e. Flood lights and other external lighting fixtures used in the illumination of signs shall be permitted if located and/or shielded so as not to produce direct glare at neighboring residences and highway traffic.
  - f. Any business, enterprise, institution, or other advertising entity that ceases operations shall remove its sign(s) within 90 days of such cessation.
  - g. Signs shall not be placed so as to extend over walkways and streets.
2. For all home occupations, the following sign regulations shall apply:
- a. No sign shall exceed six (6) square feet in area.
  - b. Only one permanent sign per lot or use may be erected.
3. Religious Institution signs shall not exceed 24 square feet in area. There shall be only one such sign permitted on church property.
4. In the B1, B2, MU, and Industrial Districts, the following sign regulations shall apply:
- a. Any sign affixed to a building shall not exceed ten (10) percent of total square footage of that side of the building to which the sign is affixed.
  - b. No freestanding sign shall exceed one hundred (100) sq. ft. in total area.
  - c. Only one freestanding sign per use is permitted.
  - d. Any nonconforming sign existing in the Industrial District at the time of the adoption of this Law or an amendment thereto, shall only be replaced by a sign conforming to the regulations for this District.
  - e. Any business, enterprise, institution, or other advertising entity that ceases operations shall remove its signs within 90 days of such cessation.
  - f. Signs shall not be placed so as to extend over walkways and streets.
  - g. Each individual use in a shopping plaza may have one wall or roof sign, the design and style of which shall be coordinated so as to create aesthetic uniformity within the plaza. Each use in the shopping center is allowed 2 sq. ft. of signage per linear foot of store frontage on the building plus 50 sq. ft. of signage on the center's one free-standing sign.

190- 14. Yard Requirements

- 1. In all districts, or specific districts as noted, the following supplemental regulations apply:
  - a. In the case of a corner lot both yards fronting on streets shall be considered front yards and must meet the appropriate setbacks.
  - b. In determining the yard requirements of a lot, porches, carports, private garages, or similar attached structures are considered a part of the principle building. Such structures shall not be required to have a setback distance from the principle building, but they shall maintain required setbacks from adjacent lot and street lines.
  - c. Fences and walls are acceptable in all districts and a permit is not required for their construction. They shall not be placed so as to cause traffic hazards. They shall not be more than 5 ½ feet in height unless they enclose the immediate grounds of a swimming pool or other essential community or public facility. Fences are not

allowed in front yards. They shall be kept in good structural repair so that they are not a safety hazard.

- d. In all zoning districts, any structures, fences, signs or shrubbery over four (4) feet in height above street level are not permitted to be maintained in a triangular area of any corner lots. This area is formed by lines along both streets to points forty (40) feet distant from the intersection and then a line connecting these points.

190- 15. Off-Street Loading Requirements:

1. In all districts, in connection with every building or building group or part thereof and having a gross floor area of 4,000 square feet or more, which is to be occupied by a commercial use similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

4,000-25,000 sq. ft. - 1 berth  
25,001-40,000 sq. ft. - 2 berths  
40,001-60,000 sq. ft. - 3 berths

For each additional 50,000 sq. ft. - 1 berth

2. The loading berth required in each instance shall be not less than twelve (12) feet in width and twenty-five (25) feet in length. Such space may also be a part of a required parking area.

190- 16. Off-Street Parking Requirements

Uses in all districts shall meet the following off street parking requirements.

- |  |   |
|--|---|
| 1. Religious Institution                                     | 1 for each 3.5 seats  |
| 2. Community Facilities and Public Assemblies                | 1 for each 200 sq. ft. floor area, or 1 for each 3.5 seats, which ever is greater |
| 3. Motels, Hotels, Boarding and Rooming Houses               | 1 for each sleeping or dwelling unit + 1 for the maximum employees per shift      |
| 4. Industrial Operations                                     | 1 for each employee in the maximum working shift                                  |
| 5. Restaurants, Bars, Night Clubs, Adult Uses, Private Clubs | 1/4 max. occupancy + employees  |
| 6. Retail Stores   | 1 space for each 200 sq. ft. of floor space, plus 1 for each employee             |
| 7. Wholesale Establishments or Warehouses                    | 1 for each employee in maximum shift  |
| 8. Offices   | 1/office + 1/employee   |
| 9. Home Occupations  | Minimum of 3 spaces   |
| 10. Dwellings and Mobile Homes                               | 2 for each dwelling unit  |
| 11. Nursing Homes  | 2/each employee + 50% occupancy   |
| 12. Medical Facility   | 1 for each office   |
| 13. Automobile Service Station                               | 1/500 sq. ft. = 1/employee  |
| 14. Car Wash   | Sufficient space for cars waiting for service                                     |

Shopping Center	Sum of each use's parking
Truck Terminals	1/employee
Veterinarian/Kennel	10/office + employees
Bed and Breakfast	1/room + occupant
Recreational Facility	To be determined during special use review

Parking requirements for uses not defined here will be determined during special use review.

Placement of the parking lot and parking spaces shall not be closer than five (5) feet from lot or street.

17. Buffer or Transition Zone

A buffer or transition zone shall be established between residential and multi-use or industrial districts when a new physical development (not use of an existing structure) is proposed for a lot adjoining such a district line. Development on such lots shall be set back at least 25 feet from the district line.

When a special use abuts a residential property the Planning Board may find it necessary to require screening of sufficient height and density (i.e. fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned.

18. Swimming Pools

Swimming pools are permitted structures in all districts and may be located within a required side or yard. However, swimming pools shall:

Not be closer than ten (10) feet to a lot line.

19 Inoperative Motor Vehicles

In all districts, inoperative motor vehicles are not permitted to be kept on the premises for a period longer than 45 days, unless they are enclosed within a structure or fence so as not to be visible from the property.

ARTICLE VII NONCONFORMING USES AND LOTS.

20. Nonconforming Uses

Every structure or use not conforming to the regulations of the district in which it is located at the time of adoption of this Law, shall be a "Nonconforming Use".

A nonconforming structure or use may not be altered, or resumed unless in conformity with Law regulations.

A nonconforming use of a structure or land that has ceased for a consecutive period of twelve (12) months or for twenty-four (24) months during any three (3) year period, may not be altered, rebuilt, or resumed unless in conformity with Law regulations.

A nonconforming use may be extended throughout any parts of a building which were arranged or designed for such use at the time of adoption of this Law.

Nothing in this Law shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming structure, or any structure located on a nonconforming lot, declared unsafe by resolution of the Village Board of Trustees in accordance with the provisions of Chapter 97 Buildings, Unsafe, of the Code of the Village of Deferiet.

6. Nothing in this Law shall be deemed to prevent the reconstruction or replacement of a nonconforming structure to its original configuration when destroyed by fire or Act of God.
7. District Changes/Amendments: Whenever an area is transferred from a district of one classification to a district of a different classification, or amendments are adopted which change permitted uses or other regulatory measures governing such, the above regulations shall apply to non-conforming uses created by such transfer.

#### 190- 21. Non-conforming Lots

1. In all zoning districts, a non-conforming lot of record is a lot which does not meet the dimensional requirements of this Local Law, provided that such lot, at the time it was first separately described in a drawing or instrument recorded in the Jefferson County Clerk's Office, met all the substantive and procedural requirements of all state laws, the then applicable Subdivision Law and the minimum dimensional requirements of the then applicable Zoning Ordinance or Zoning Law.

Notwithstanding the requirements of this Local Law, a nonconforming lot may be improved by a structure upon meeting all of the following conditions:

- a. The non-conforming lot does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the non-conformity without reducing such other property to non-conforming dimensions.
- b. Otherwise satisfies all applicable provisions of this local law.

#### 190- 22. Change or Expansion of a Non-conforming Use or Structure

1. A non-conforming use may be changed to a less noxious non-conforming use or a non-conforming use or structure may be expanded if such a change or expansion is granted a special use permit by the Planning Board pursuant to Article V.
2. The Planning Board shall apply the standards and follow the procedure contained in Article V.
3. The Planning Board shall not grant a special use permit for such a change unless it finds that the new or expanded non-conforming use will be either more compatible with the surrounding neighborhood than the existing non-conforming use or that an expansion will have no adverse affect on the surrounding neighborhood.

### ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

#### 190- 23. Zoning Permits

1. No building or structure shall be erected, or use instituted, until a permit has been issued by the zoning officer. The exterior structural area of a building shall not be enlarged until a permit therefore has been issued.
2. A zoning permit shall not be required for:
  - a. Fences or walls, provided they meet the requirements of Article VI Section 2.
  - b. Chimneys, placement of posts, and other similar accessory uses.
3. When establishing measurements to meet the required yards, the measurements shall be taken from the street line or lot line to the point attached to the structure which projects out the furthest. This shall include such projecting facilities as cornices, chimneys, eaves, porches, carports, attached garages, etc.
4. No such zoning permit or Certificate of Compliance shall be issued for any building where said construction, addition, and exterior expansion or use thereof would be in violation of any of the provisions of this Law.

A zoning permit issued under this Law, shall expire twelve (12) months from the date of issue if construction is not started.

Any use that has been discontinued for a period of 12 months or longer shall be termed abandoned and may not be re-instituted without applying for a new zoning permit.

Applications for special use permits shall be submitted to the Zoning Officer and shall include five (5) copies of a plat plan showing the actual dimensions of the lot to be built upon and any requirements of Article V, Section 1.

A fee, as determined by the Village Board, shall be levied for each zoning permit issued.

Temporary zoning permits may be issued by the Zoning Officer for a period not exceeding one year, for conforming and non-conforming uses. Such permits, for nonconforming structures, are conditioned upon agreement by the owner or operation to remove the non-conforming structure(s) or equipment upon expiration of the permit or to bring the use into compliance by a specific time. Such permits may be renewed upon discretion of the planning board.

0. Issuance of a zoning permit does not eliminate the need to obtain any other development permit that may be required by a local, County, or State agency (e.g. a building permit pursuant to the New York State Uniform Fire Prevention and Building Code).

#### 90-24. Zoning Officer

This Law shall be enforced by the Zoning Officer, who shall be appointed by the Village Board.

The Zoning Officer's authorities shall include:

Issue and deny permits

Scale and interpret district boundaries on the Zoning Map

Issue or deny Certificates of Compliance

Refer appropriate appeal, special review and amendment matters to the Planning Board, Village Board, and Zoning Board of Appeals.

Revoke a permit where there is false, misleading or insufficient information. Revoke a permit and/or certificate of compliance where the applicant has not done what was proposed on the application.

Issue stop work orders for non-compliance with this law.

The Zoning Officer shall report to the Village Board of Trustees the number of permits issued and fees at the Village Board's request.

#### 90-25. Certificate of Compliance

No land shall be occupied or used and no building hereafter constructed, erected, extended, used, or changes made in the use until a Certificate of Compliance has been issued by the Zoning Officer stating that the buildings or proposed use thereof complies with the provisions of this Law.

All Certificates of Compliance shall be applied for coincident with the application for a zoning permit. Said certificate shall be issued within ten (10) days after the erection, alteration or institution of new use and shall have been approved as complying with the provisions of this Law.

The Zoning Officer shall maintain a record of all permits, certificate and other appropriate correspondence/paperwork. Copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

190- 26. Zoning Board of Appeals

1. A Zoning Board of Appeals consisting of 3 members is hereby created. The Village Board shall appoint the members and chairperson thereof in conformance with Village Law.
2. Powers and duties: The Zoning Board of Appeals shall have all the power and duties prescribed by New York State Village Law:

190- 27. Planning Board

Powers and duties: The Planning Board shall have the following powers and duties with respect to this law:

1. Approval, approval with conditions, or disapproval of special uses.
2. Advisory opinions, when requested by the Zoning Board of Appeals or Village Board.
3. Referral to the County Planning Board of all special uses that fall under the requirements of Section 239-m of General Municipal Law.

190- 28. Violations and Penalties

1. Violation Remedy Procedures
  - a. Initiating a Complaint - Whenever a violation of this law occurs, the Enforcement Officer, Village Officer or an aggrieved citizen may initiate a complaint.
  - b. Recording the Complaint - The Enforcement officer shall accurately record the complaint and file it appropriately.
  - c. Notice of Violation - The Enforcement Officer is then to inform the land owner that he\she is violating the law. The land owner shall be notified by certified mail as to the manner in which he\she is in violation. The land owner will have 14 (fourteen) days to remedy the situation from the mailing date. The Enforcement Officer may informally contact the land owner about the situation before this step is taken.
  - d. Stop Work Order - A "Stop Work Order" may be issued to the land owner in the same manner as a "Notice Of Violation". This requires though, that all construction stop immediately.
  - e. Local Proceedings - If a violation persists, the Enforcement Officer shall file an "Information and Complaint" with the Town of Wilna Justice or an injunction proceeding in the appropriate court. The "Information and Complaint" charges the land owner with violating one or more sections of this law. The Town of Wilna Justice shall then issue a summons for the violator to appear in court.
2. The penalties set forth for a violation of this law are those prescribed by Village Law Section \_\_\_\_\_. A violation of this zoning law shall be punishable by a fine not exceeding three hundred fifty dollars (\$350), or imprisonment for a period not exceeding six months, or both, for conviction of a first offense; for a second offense, both of which were committed within a period of five years, by a fine not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700), or imprisonment for a period not to exceed six months or both; and for a third or subsequent offense, all of which are committed within a period of five years, by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000), or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.
3. In addition to the penalties provided above, the Village Board may also maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

Interpretation: Interpretation and application, of the provisions of this Law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Law differ with the requirements of any other law- fully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.

Separability: Should any section or provisions of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

#### ARTICLE IX AMENDMENTS

The Village Board may from time to time amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes shall be referred to the Jefferson County Planning Board for their recommendation thereon prior to final action. The Village Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as required by Village Law, Section 7-708.

#### ARTICLE X EFFECTIVE DATE

The provisions of this Law shall take effect upon filing with the Secretary of State and upon compliance with the provisions of Article 7 of the Village Law.

Passed and adopted by the Board of Trustees of the Village of Deferiet, County of Jefferson, State of New York on the 1 day of May 2002

  
Clerk/Treasurer

NOTE: The zoning map to which this Law refers, is on file in the Office of the Village Clerk.

(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 20 02 of the ~~(County)(City)(Town)~~(Village) of Deferiet was duly passed by the Board of Trustees on May 1, 20 02, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_\_, 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 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
*(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 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
*(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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



