

ORIGINAL
ZONING

Chapter 159

From the
CODE
of the
Village of
UNADILLA

GENERAL CODE PUBLISHERS CORP.

ZONING

Chapter 159

**From the
CODE
of the
VILLAGE OF UNADILLA**

COUNTY OF OTSEGO

STATE OF NEW YORK

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GENERAL CODE PUBLISHERS CORP.

**72 Hinchey Road
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ZONING

Chapter 159

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[HISTORY: Adopted by the Board of Trustees of the Village of Unadilla 2-20-1990 as L.L. No. 1-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 47.
Dumps and dumping — See Ch. 75.
Flood damage prevention — See Ch. 84.
Subdivision regulations — See Ch. 137.
Vehicles and traffic — See Ch. 147.

ARTICLE I
Title; Purpose

§ 159-1. Statutory authority.

Pursuant to the authority conferred by § 7-700 of the Village Law of the State of New York, the Board of Trustees of the Village of Unadilla, New York, hereby adopts and enacts as follows.

§ 159-2. Title.

This chapter shall be known and shall be cited as the "Village of Unadilla Zoning Law."

§ 159-3. Purpose.

The provisions of this chapter shall be held to be the minimum requirements adopted to promote the health, safety and general welfare of the Village of Unadilla. These regulations are intended to achieve the following purposes:

- A. To encourage the most appropriate use of the land.
- B. To secure safety from fire, flood and other dangers.
- C. To provide adequate light, air and privacy.
- D. To protect and conserve the value of property.
- E. To facilitate the adequate provision for public utilities.
- F. To facilitate the adequate provisions for public utilities and facilities.
- G. To prevent the overcrowding and undue concentration of people.

- H. To regulate the location, use and occupancy of buildings and the use of land for trade, industry, residence and other uses.
- I. To regulate and limit the height and bulk of buildings and other structures.
- J. To regulate and determine the area of yards and other open spaces.
- K. To provide for the enforcement and administration of this chapter and penalties for the violation of its provisions.
- L. To protect the aesthetic quality of property.

§ 159-4. Scope.

These regulations shall apply to the construction, installation, alteration, enlargement or demolition of any building or structure and any lot, plot or parcel of land used, occupied, intended for occupancy or otherwise maintained as herein provided for in the Village of Unadilla.

ARTICLE II
Word Usage; Definitions

§ 159-5. Word usage.

For the purpose of this Zoning Chapter, certain terms and words shall be interpreted to have the following meanings: words used in the present tense include the future, the plural includes the singular; the word "plot" includes the word "lot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory, the word "occupied" includes the words designed, intended or arranged for occupancy; and the word "person" may include more than one (1), an association, a copartnership or a corporation.

§ 159-6. Definitions.

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

ACCESSORY STRUCTURE — A structure, the use of which is customarily incidental to that of a principal building and which is located on the same lot as that occupied by the principal building.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

ADULT HOME (PROPRIETARY OR VOLUNTARY) — State licensed home which provides meals, supervision and some personal care assistance to persons who do not qualify for nursing home level of care. Residents must be able to get themselves to meals, feed themselves and not require skilled nursing. Registered nurses or licensed practical nurses may or may not be employed here.

AGRICULTURE — The raising of crops, animals or animal products; limited forestry; the selling of products grown on the premises; and any other commonly accepted agricultural operations. Incidental mechanical processing and sale of products grown on the premises are included in the definition.

ALLEY — A serviceway which affords a secondary public means of vehicular access to abutting property.

ALTERATIONS — As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another.

ALTERNATIVE ENERGY SYSTEM — A system for the production of energy by means other than fossil fuels; examples would include solar, geothermal, wind, etc.

AMUSEMENT ARCADE — A structure or area housing or enclosing more than four (4) coin-operated amusement devices.

AMUSEMENT DEVICE — A coin-operated device primarily for the entertainment of the customer, the use of which results in electronic or mechanical displays and/or operation, or the production of musical entertainment.

APARTMENT BUILDING — A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other which have joint or common utility services and entrances.

AQUIFER DISTRICT — That area of the Village of Unadilla where the aquifer and water supply is or may reasonably be in the future in the Village of Unadilla. The boundaries of the aquifer district are delineated on the Village of Unadilla Zoning Map.¹

AUTO BODY SHOP — The use of a parcel of land or portion of any lot or plot, whether inside or outside a building, for the replacement, repair or painting of all or a portion of an auto body or bodies.

AUTO SHOWROOM — A building for the display for sale of new and secondhand motor vehicles as defined in the Vehicle and Traffic Law of the State of New York.

AUTO-WRECKING YARD — The use of any area or portion of any lot or plot, whether inside or outside a building, for the temporary storage of automobiles awaiting dismantling, and the dismantled parts of automobiles, or for the dismantling, cutting and demolition of automobiles.

BASEMENT — That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building. Cellars are included in this definition.

BED-AND-BREAKFAST ESTABLISHMENT — A building intended, designed and used as a private residence within which one (1) or more rooms are rented from time to time for overnight or short-term transient accommodation of guests, and within which only breakfast is served to overnight guests, and within which no meals are served to the general public.

BOARDINGHOUSE or ROOMING HOUSE — Any dwelling in which persons are housed or lodged for payment of rent on an extended basis. A house or a furnished rooming house

¹ Editor's Note: The Zoning Map is on file in the Village Clerk's office.

shall be deemed a "boardinghouse" if more than one (1) room within it is available for rent on an extended basis to nontransient persons. The only material difference between a "rooming house" and "boardinghouse" is that a "boardinghouse" furnishes meals in addition to lodging.

BOARDING STABLE — A building or structure in which space is rented for the boarding of two (2) or more livestock animals.

BUILDING — Any structure which is permanently affixed to the land and is covered by a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattel.

BUILDING AREA — The total floor area of a principal building and accessory building, exclusive of uncovered porches, steps and terraces.

BUILDING, COVERAGE — The percentage of the plot or lot area covered by the building area.

BUILDING, FRONT LINE OF — The line of that face of the building nearest the front line of the lot. The face shall include bay windows, covered porches, whether closed or unenclosed, or any projections thereof which are over fifty (50) square feet in area.

BUILDING, HEIGHT OF — The vertical distance from the mean finished grade to the uppermost roofline of the building.

BUILDING, PRINCIPAL — A building in which the principal use of the lot on which it is located is conducted.

CAMP — Any one (1) or more of the following: a tent, trailer, shelter, cottage or other accommodation for seasonal or other more or less temporary living accommodations, regardless of whether such structure or other accommodation is actually used seasonally or otherwise; a parcel of land on which is located two (2) or more cottages, shelters, recreational vehicles, tents or other accommodation for seasonal or other more or less temporary living arrangements; a parcel of land, including buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as

"day camp" purposes; or a parcel of land, including buildings and facilities thereon, used for overnight, weekend or long periods of camping by organized groups.

CAR LOT — A parcel of land for the public selling or offering for sale of two (2) or more vehicles at any one (1) time.

CAR WASH — An establishment for the washing of motor vehicles as a principal use.

CELLAR — See "basement."

CHANNEL — A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.

CLINIC — Any building whose principal use or purpose is the diagnosis, treatment or care of human or animal ailments or conditions.

CLUBHOUSE — A building to house a nonprofit club or social organization not conducted for profit and which is not adjunct to or operated by or in connection with a public tavern, cafe or other public place.

COMMERCIAL USE — Business use intended for the sale of goods or personal services, i.e., department stores; restaurants; taverns; but excluding gas stations, garages, car washes and utility, agricultural and warehouse uses which are defined separately.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water or a combination of land and water designed and intended for the private or public use or enjoyment of the space. "Common open space" may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the space.

COMMUNITY CENTERS — A public or private building or structure for community use, with no commercial activities being conducted therein.

COMPREHENSIVE MASTER PLAN — The officially adopted Comprehensive Master Plan for the Village of Unadilla.

CONVENIENCE STORE — A retail service establishment offering consumer goods for retail sale to the general public for personal and household consumption, including groceries, dry goods, toiletries and similar convenience goods, light refreshments (sandwiches, beverages, ice cream, etc.) for on- or off-site consumption, automotive fuel and light auto accessories, such as oil, washer fluid and antifreeze. A "convenience store" shall not provide services, including but not limited to recreational, automobile repair or other similar services, and shall not contain more than two (2) amusement devices.

DAY CAMP — Land and facilities thereon designed to provide for the daytime care and instruction of children on a seasonal basis.

DEVELOPER — The legal or beneficial owner or owners of all the land proposed to be included in a planned development.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, reconstruction of buildings, dredging, filling, grading, construction of tanks or other storage facilities, pumps, pumping stations, waste treatment facilities, commercial excavation, dumping or landfill operation.

DISCHARGE — Release by any means to the surface of the ground, surface waters, groundwaters or below ground.

DISPOSAL — The intentional discharge, deposit, injection, dumping, spilling, leaking or placing of any refuse, solid waste, hazardous waste or toxic substance into or on any land or water.

DISPOSAL FACILITY — A long-term resting place where toxic substances or hazardous wastes are intentionally deposited.

DOG KENNEL — A structure or land used for harboring, sheltering or boarding four (4) or more dogs over six (6) months of age.

DOUBLE-WIDE — A mobile home consisting of two (2) sections intended to be joined during final assembly on a site.

Also known as a "two-section home" or a "double-section home." See definition for "mobile home."

DRIVE-IN BUSINESS — Includes drive-in outdoor theaters, refreshment stands and the like where patrons enter the premises and are served or entertained in automobiles. Deposit and pick-up services shall not be considered drive-in businesses as defined herein.

DUMP — A lot or part thereof used primarily for the storage or disposal by abandonment, dumping, burying or any other means and for whatever purposes of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts of vehicles.

DWELLING, CONDOMINIUM — Any apartment, town-house or other residential building or portion thereof involving a combination of two (2) kinds of ownership of real property, including fee simple ownership of the individual dwelling unit and undivided ownership by purchasers of the common elements of the structure, land and appurtenances and the management thereof controlled by a property owners' association.

DWELLING, MULTIPLE — A building or portion thereof containing three (3) or more dwelling units, not including mobile homes.

DWELLING, ONE-FAMILY — A detached building containing one (1) dwelling unit, not including mobile homes, and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY — A detached building containing two (2) dwelling units, not including mobile homes, and occupied exclusively by two (2) families.

DWELLING UNIT — A building or portion thereof, providing complete housekeeping facilities for one (1) family, including living, cooking, sanitary and sleeping facilities. "Dwelling units" do not include mobile homes.

ENVIRONMENTAL ASSESSMENT FORM (EAF) — A form used in the state environmental quality review process to

assist in determining the environmental significance or nonsignificance of an action or project.

ENVIRONMENTAL IMPACT STATEMENT (EIS) — A written document required for each Type I and Unlisted Action which the applicable board determines may have a significant effect upon the environment.

FACTORY-MANUFACTURED HOME — A structure or components thereof 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 building site. Also known as a "modular home." Every "factory-manufactured home" or component shall bear an insignia of approval issued by the State Fire Prevention and Building Code Council (from Official Compilation, Codes, Rules and Regulations of the State of New York, Part 1200; Subchapter D, Article 2, Factory-Manufactured Homes, Parts 1210 and 1212).

FAMILY — One (1) or more persons occupying a single dwelling unit and living as a single housekeeping unit.

FARM — Any parcel of land which is in excess of ten (10) acres and used principally for the raising of agricultural products or the keeping of poultry, fowl, livestock or domestic animals, including necessary farm structures and the storage of farm equipment. The term excludes the raising of fur-bearing animals, riding academies, boarding or sales stables, feed lots and dog kennels.

FARMING USES — Any activity customarily carried on upon a farm, such as cultivation of land and animal husbandry.

FENCE — A protective enclosure or confining barrier of posts, wire, mesh, wood, stone or hedge.

FLOOD HAZARD, AREA OF SPECIAL — The land within the floodplain within a community which is subject to a one-percent or greater chance of flooding in any given year. This area is also commonly referred to as the "base floodplain" or

"one-hundred-year floodplain." See Village of Unadilla Local Law No. 1-1987 for additional details.²

FLOOR AREA (of a building) — The sum of the gross horizontal area of the several floors, including the basement, of a building and its accessory buildings on the same lot, and including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FOUNDATION — The whole masonry substructure of a building; or the supporting part or member of a wall or structure, including the base course or footing courses in a frame house, the whole structure being of masonry, i.e., stone, poured concrete, concrete block.

FRONT YARD DEPTH — The distance between the front lot line and the front line of a principal building.

FRONT YARD LINE — See "yard, front."

FUNERAL HOME — A building used for preparation and ceremonies connected with the burial and/or cremation of the dead.

FUR-BEARING ANIMALS — Those animals being raised for the sale of the thick coat of hair covering their bodies.

GARAGE, COMMERCIAL — A building or part thereof operated for gain and which is used for storage, repair, greasing, servicing, adjusting or equipping of motor vehicles and/or for the retail sale of fuel for motor vehicles. No more than three (3) vehicles may be offered for sale at any one (1) time.

GARAGE, PRIVATE — An enclosed space for the storage of one (1) or more vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one (1) car or for one (1) commercial vehicle is leased to a nonresident of the premises.

GASOLINE STATION — Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which

² Editor's Note: See Ch. 84, Flood Damage Prevention.

may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. Only one (1) or two (2) vehicles may be for sale at one (1) time at a gas station.

GRADE, MEAN FINISHED — The average grade level of the ground measured at the front wall of the building.

GROUP CARE FACILITY — Provides room and board, recreational, counseling or other rehabilitative service or facilities on a continuous basis [twenty-four (24) hours] to individuals who, by reason of mental or physical disability, addiction to drugs or alcohol or family and school adjustment problems, require specialized attention and care on a continuous basis in order to achieve personal independence. Individuals participating in a work release or similar program from a state institution or under the supervision of a court, state or local agency shall be included within this definition. Such uses include halfway houses, boarding homes for three (3) or more foster children, group homes and shelters.

HAZARDOUS WASTE — Those wastes listed in 6 NYCRR 370-373.

HIGHWAY RIGHT-OF-WAY — That line which measures the right-of-way of any road and which is established by the village, town, county or state agency having jurisdiction over the road.

HOME OCCUPATION — An occupation or profession customarily conducted entirely within a dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The office of a physician, dentist, lawyer, architect, engineer, realtor, insurance agent or other professional person who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods shall be deemed to be "home occupations"; and the occupations of seamstress, tailor, child care, barber or beautician [no more than two (2) chairs], tutoring, the giving of music or dance instruction limited to two (2) pupils at one (1) time, operation of a bed-and-breakfast or tourist home and similar occupations shall be deemed to be "home occupations." Occupations such as

animal hospital or kennel, florist, auto repair shop, vehicle sales, restaurant, tavern, store, funeral home, mortuary or other similar uses shall not be deemed "home occupations." Furthermore:

- A. No more than one-fourth ($\frac{1}{4}$) of the floor area of the principal building shall be so used for said home occupation.
- B. In the conduct of said activity, no more than one (1) person outside of the family residing on the premises shall be employed.
- C. In the conduct of such activity there shall not be any exterior storage of materials or equipment.
- D. Evidence of use. Does not display or create outside the building any evidence of the home occupation, except that one (1) nonilluminated sign having an area of not more than four (4) square feet shall be permitted.

HOMEOWNERS' ASSOCIATION — Property owners who agree by contract to provide regulations for the operation and maintenance of commonly owned facilities and/or open space.

HOSPITAL, ANIMAL — A facility for the diagnosis and medical or surgical care of sick or injured animals.

HOTEL (ALSO MOTEL, INN, MOTOR LODGE) — A building or any portion thereof which contains living and sleeping accommodations for transient occupancy and has a common exterior entrance or entrances and which may also include dining rooms, kitchens, serving rooms, ballrooms and other facilities and services intended primarily for the accommodation of the personal needs of its occupants.

INN — See "hotel."

JUNKYARD — Any area of land, including buildings thereon, which is used primarily for the collection, storage or sale of wastepaper, rags, scrap metal or discarded materials or for the collection, storage, dismantling or salvaging of machinery or vehicles not in running condition and the sale of parts therefrom. The deposit on a lot of two (2) or more wrecked or broken down vehicles or the major parts thereof

for three (3) or more months will be deemed to make that area a "junkyard."

LANDSCAPING — Changing or enhancing the natural features of a plot of ground, usually a building, so as to make it more attractive, as by adding lawns, trees, bushes, etc.

LAUNDROMAT — A business premises equipped with individual clothes washing and drying and/or cleaning machines for the use of retail customers.

LIGHT MANUFACTURING — Those industrial uses whose activities do not usually constitute a fire hazard or emit smoke, glare, noise, odor or dust or in other ways constitute a nuisance and/or are not detrimental to neighboring properties.

LIVING AREA — That area comprised of the enclosed occupied living accommodations within a residence, exclusive of unfinished basements, garages and open porches.

LOADING SPACE — An off-street space, area or berth, with an appropriate means of access to a street or way, intended for the temporary parking of a vehicle while loading or unloading merchandise and materials.

LOT — Any land for which a deed has been or may be recorded in the Otsego County Clerk's office. This land shall have at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other spaces as are herein required.

LOT, CORNER — Any land located at the intersection of and fronting on two (2) or more intersecting streets and having an interior angle at the corner or intersection of less than one hundred thirty-five degrees (135°).

LOT, DEPTH — The horizontal distance from the street line of the lot to its opposite rear line measured along the median between the two (2) side lot lines.

LOT LINE — The established division line between different parcels of property.

LOT LINE, FRONT — The lot line which abuts upon a street or highway right-of-way boundary.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT, NONCONFORMING — Any lot in single ownership, which does not conform to the minimum area and/or dimensions required in the district in which it is situated and/or which does not have its principal frontage on a public street or an officially approved place.

LOT, WIDTH — The mean horizontal distance, measured at right angles to its depth at the front lot line.

MINING — The removal of topsoil or extraction of petroleum products or natural gas and/or underground minerals, such as ores, rock, sand or gravel, whether by drilling, tunneling or open pit methods.

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, containing four hundred (400) or more square feet of interior space when erected on a site. A "mobile home" is built on a permanent chassis [meaning the steel understructure remains with the unit when placed on a site, with or without the wheels utilized in transportation, the permanent chassis being a design feature allowing the future removal of the unit(s) from a site]. The removal of the wheels or the anchoring of a mobile home to a permanent foundation shall not remove it from this definition. A "mobile home" is designed to be used as a dwelling, with or without a permanent foundation, when connected to required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Under the definition "mobile home" are included the following terms: single-wide or single-section home; double-wide or two-section home or double-section home; triple-wide or multisection home or triple-section home. Every mobile home shall have a manufacturer's label which certifies that, to the best of his knowledge and belief, the home is in compliance with all applicable federal construction and safety standards. Every mobile home shall bear a data plate, affixed in the

manufacturing facility, bearing not less than the following information: the statement "This mobile home is designed to comply with the federal mobile home construction and safety standards in force at the time of manufacture" and reference to the structural zone and wind zone for which the home is designed.

MOBILE HOME PARK — Any parcel of land, with or without improvements, upon which two (2) or more mobile homes are placed.

MODULAR HOME — A structure or components thereof designed for residential occupancy and 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 which is designed and intended for permanent installation on a building site. A "modular home" or component thereof is transported to the building site upon a steel chassis which is totally removed at the site and the wood-framed structure placed upon a permanent foundation. Every "modular home," also known as a "factory-manufactured home," shall bear an insignia of approval issued by the State Fire Prevention and Building Code Council.

MOTEL — See "hotel."

MOTOR FREIGHT STATION — An area or building used primarily for the maintenance and/or storage of trucks, tractor-trailer vehicles and parts for tractor-trailer vehicles and industrial materials.

MOTOR LODGE — See "hotel."

NONCONFORMING BUILDING — A building or structure existing at the time of enactment of this chapter or as a result of amendments thereto which does not conform to the regulations of the district or zone in which it is situated.

NONCONFORMING USE — A use of land existing at the time of enactment of this Zoning Chapter or as a result of amendment hereto and which does not conform to the use regulations of the district or zone in which it is situated. The filing or approval of a map or a plan, including a subdivision map or plan, prior to the effective date of the Zoning Chapter

shall not constitute a "use of the land" within the meaning of this definition.

NURSING HOME — A proprietary facility, licensed or regulated by the State of New York, for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.

OFFICE BUILDING — A building that is divided into offices for the transaction of business other than for manufacturing purposes or mercantile where merchandise is on display and offered for sale. Offices used for a professional business or for public or semipublic activities in whole or in part are included in this definition.

OPEN SPACE — Land not covered by buildings, parking lots, open storage, mining operations or any other use that visually obscures the natural or improved landscape, except for recreational facilities.

PARCEL — Any area of land, as described by deed or written indenture, capable of being recorded pursuant to the laws of the State of New York. Should such deed or written indenture combine descriptions of more than one (1) area of land, whether they are adjoining or separate, each such separately defined area of land shall be a "parcel of land."

PARKING LOT — Any space used for the storage of more than three (3) vehicles on a continuing basis, such space either being for hire or accessory to an existing building or use of land.

PARKING SPACE, OFF-STREET — An off-street area or berth, with an appropriate means of vehicular access to a street, intended for the temporary storage of vehicles.

PETROLEUM — Oil of any kind, including but not limited to refined or unrefined oil, petroleum, gasoline, kerosene, fuel oil, waste oil, oil refuse and oil mixed with other than dredged spoil.

PLANNED DEVELOPMENT DISTRICT — A tract of land so designated under these regulations that has been designed for and is capable of being used for one (1) or more residential, commercial, industrial or recreational uses which have certain facilities in common and which have been designed as an integrated unit.

PLOT — See "parcel."

PORCH — Any covered extension of a building, excluding steps.

PRIVATE SWIMMING POOL — A pool constructed on a lot designed to be used by the occupants of the lot, excluding public or club use.

PROFESSIONAL OFFICE — Office for a person or persons engaged in a professional occupation licensed by the state or federal government or regulated by professional associations. Included are: doctor, attorney, architect, engineer, public accountant, dentist, surveyor, pharmacist, optometrist, podiatrist, real estate broker, insurance agent, chiropractor, physical therapist, planner or veterinarian (except when the veterinarian boards or houses animals overnight).

PUBLIC AND SEMIPUBLIC USE — Any land use or building used for municipal, civic, cultural, ecclesiastical, educational, recreational or like uses for the benefit or advantage of the community, and not used for commercial purposes.

PUBLIC UTILITY USE — A building, structure or lot used for or in connection with the transmission, distribution or relation of water, sewer, gas, electric, telephone or other public utility service.

REAR YARD DEPTH — The distance between the rear lot line and the nearest point of a building.

RECREATIONAL VEHICLE — A mobile recreational unit, including travel trailer, pickup camper, converted bus, tent-trailer, camper trailer, tent or similar device used for temporary portable housing.

RECREATION AREAS — Land or structures designed for recreation for any age group.

RESIDENTIAL DISTRICT — Any zoning district within which a one-family dwelling is permitted as a principal use.

RESTAURANT — A building wherein food or beverages are available for on-site consumption, including drive-in food service.

RETAIL STORE — Any building or permanent structure or portion thereof in which one (1) or more services or one (1) or more articles of merchandise are sold at retail, including department stores. Retail outlets in which minor manufacture or processing are incidental to the sale of goods or services on the same premises are included in this definition.

RIDING ACADEMY — Land and the buildings upon it used for the teaching of horseback riding and/or used for the rental of horses for trail riding.

SCREENING — Fencing, bushes or trees or other natural and/or artificial material which obscures the visual character of any given building or use of land.

SEWAGE — Any liquid or solid waste matter from a domestic, commercial, private or industrial establishment which is normally or should be carried off in sewers or waste pipes.

SHOPPING CENTER — A lot or lots used for two (2) or more commercial use units, attached or detached, which relate to a common parking area, and common points of ingress and egress and with a common traffic pattern within the lot or lots.

SIDE YARD WIDTH — The distance between the side line of a lot and the nearest point of a building on said lot.

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.

- A. ANIMATED SIGN — Any sign designed to give forth sound or movement on any portion thereof.
- B. AWNING SIGN — Any visual message incorporated into an awning attached to a building.
- C. COPY-CHANGE SIGN — A sign on which the visual message may be periodically changed.
- D. DIRECTIONAL SIGN — A sign limited to providing information on the location of an activity, business or event.
- E. FREESTANDING SIGN — Any sign not attached to or part of any building, but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs.
- F. ILLUMINATED SIGNS — Any sign illuminated by electricity, gas or other artificial light, either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.
- G. OFF-PREMISES SIGN — A sign unrelated to a business or a profession conducted, or to a commodity or service offered upon the premises where such sign is located.
- H. PORTABLE SIGN — A sign, whether on its own trailer, wheels or otherwise, designed to be moveable and not structurally attached to the ground, buildings, a structure or another sign.
- I. PROJECTING SIGN — A sign which is attached to the building wall or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall, or a sign which is perpendicular to the face of such wall or structure.
- J. REPRESENTATIONAL SIGN — A three-dimensional sign built so as to physically represent the object advertised.

- K. TEMPORARY SIGN — A sign related to a single activity or event having a duration of no more than thirty (30) days.
- L. WALL SIGN — A sign which is painted on or attached to the outside wall of a building, with the face of the sign in the plane parallel to such wall and not extending more than fifteen (15) inches from the face of such wall.
- M. 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.
- N. SIGN DIRECTORY — A listing of two (2) or more business enterprises, consisting of a matrix and sign components.
- O. SIGN STRUCTURE — The supports, uprights, bracing and framework for a sign. In the case of a sign structure consisting of two (2) or more sides, where the angle formed between any two (2) of the sides or the projections thereof exceeds thirty degrees (30°), each side shall be considered a separate "sign structure."
- P. SIGN SURFACE AREA — The entire area within a single contiguous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display. Both faces of a double-faced sign shall be included as surface or area of such sign.

SITE PLAN — The design of a proposed development, including but not limited to a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities. The phrase "provisions of the plan," when used in these regulations, shall mean the written and graphic materials referred to in this definition.

SKILLED NURSING FACILITY — Nursing home providing skilled level of care. Patients require nursing care and assessment on a regular basis.

SOLAR ENERGY — Radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR ENERGY SYSTEM — An arrangement or combination of components and structures designed to provide heating, cooling, hot water or electricity through the process of collecting, converting, storing, protecting against unnecessary dissipation and distributing solar energy.

SPECIAL USE — A nonpermanent use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare. Such use may be permitted in certain zoning districts as a special use, if specific provision for such special use is made in these zoning regulations. A "special use" is terminated by a change in ownership of the property.

STABLE — A building or structure in which domestic livestock are housed.

STABLE, SALES — A building or structure used for the sale of livestock or poultry.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) — A New York State law to help government and the public protect and improve the environment. "SEQR" requires that environmental factors be considered along with social and economic considerations in governmental decisionmaking.

STORAGE, OPEN — Land used for the keeping of goods, wares or supplies outside of any building or structure.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between any floor and the ceiling next above it.

STREET — Any public way dedicated to public vehicular travel. "Street" shall be taken as synonymous with road or highway.

STREET, ARTERIAL — Those major streets and highways whose basic function is to carry large volumes of through traffic.

STREET, CENTER LINE — The line determined by connecting the midpoints of the surfaced portion of any street, road or highway.

STREET, COLLECTOR — Those streets and roads that collect traffic from local streets and roads and conduct it to arterial roads. They have lower volumes of traffic than arterial roads.

STREET LINE — Limit of street or highway right-of-way line. (For further clarification of the definition, contact the appropriate highway superintendent.)

STREET, LOCAL — Those streets and roads which have the sole function of providing access to individual properties from the collector and arterial roads. "Local streets" are not intended to carry through traffic.

STRUCTURAL ALTERATION — Any change in the supporting members of a building, 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 — Any receptacle for water used or intended to be used for swimming, and constructed, installed or maintained in or above the ground and any man-made body of water having a depth at any point greater than two (2) feet. A "swimming pool" shall be deemed a structure for all purposes under the provisions of this Zoning Chapter.

THEATER — A place of assembly for the showing of movies and the production of plays and special events.

THEATER, OUTDOOR DRIVE-IN — An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of movies or theatrical productions to patrons seated in motor vehicles or outdoor seats.

TOURIST HOME — Any dwelling unit in which persons are housed or lodged with or without meals for payment of rent. A house shall be deemed a "tourist home" if more than one (1) room within it is available for rent for a short period of time to transient persons. Meals may be served to overnight guests but not to the general public. Bed-and-breakfast homes are one (1) example of a "tourist home."

TOWNHOUSE — A two-story, single-family dwelling unit attached to another similar dwelling unit utilizing common open space and parking.

TOXIC SUBSTANCE — Any toxic substance as so defined by Subdivision 2 of § 4801 of the Public Health Law.

TRAILER, CAMP, TRAVEL OR UTILITY — Any portable vehicle which is designed to be transported on its own wheels and which is legally capable of being towed by a passenger car, station wagon or pickup truck on a public road.

TREATMENT WORKS — Any treatment plant, sewerage, disposal field, lagoon, pumping station, septic system, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to a sanitary landfill or other works not specifically mentioned in this section, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage.

TRIPLE-WIDE — A mobile home consisting of three (3) sections intended to be joined during final assembly on a site. Also known as a "multisection home" or "triple-section home." See definition for "mobile home."

TYPE I ACTION — An action that is likely to have a significant effect on the environment as listed in Part 617.12 of the SEQRL Law.

TYPE II ACTION — An action that has been determined not to have a significant effect on the environment as listed in Part 617.13 of the SEQR Law.

UNLISTED ACTION — An action that is likely to have a significant effect on the environment as listed in Part 617.2 of the SEQR Law.

VARIANCE, AREA — An “area variance” results in a modification of physical restrictions so that an allowable use may be established on a property. Examples include yard requirements, setback lines, lot coverage, frontage requirements or density regulations. A variance is not terminated by change in ownership of the land.

VARIANCE, USE — A “use variance” permits the establishment of a use which is prohibited by the Zoning Chapter and the Zoning Map, and for which an applicant must demonstrate unnecessary hardship by satisfying each of the following three (3) tests:

- A. Uniqueness. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without adjustment.
- B. Reasonable return. The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by the Zoning Chapter. Dollars-and-cents proof of this inability is required. Failure to realize the highest return is not considered a hardship.
- C. Character. The applicant must prove that the requested modification will not change the character or quality of the neighborhood, and the spirit of the ordinance or local law shall be preserved.

WAREHOUSE — A building or portion thereof designed or used for the storage of merchandise, supplies or other commodities.

WHOLESALE ESTABLISHMENT — A building or buildings used as a center for the sale or distribution of goods in quantity to retailers.

YARD — An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT — An open unoccupied space extending the full width of the lot and situated between the right-of-way or easement and the front line of the building projected to the side lines of the lot. The depth of the "front yard" shall be measured between the front line of the building and the limit of the right-of-way or easement or, where there is no statutory easement, the measurement shall start from a point twenty-five (25) feet from the street center line. Porches shall be considered as part of the principal building and shall not project into a required "front yard."

YARD, FRONTAGE — The width of a lot measured along the street line from side lot line to side lot line.

YARD, REAR — An open space extended across the entire width of the lot between the rear wall of the principal building and the rear line of the lot, and unoccupied except for accessory buildings and porches, both of which must meet minimum allowable depth for the particular zone.

YARD, SIDE — An open space on the same lot with a principal building, between the principal building and the side line of the lot and extending through from the front yard to the rear yard, into which any extension of building parts other than chimney(s), open steps and other such fixtures must meet minimum allowable side yard depth for the particular zone.

ARTICLE III

Zoning Districts; Designation of Streets

§ 159-7. Establishment of districts.

- A. For the purpose of this Zoning Chapter, the Village of Unadilla is hereby divided into the following zoning districts:

R-A Residential-Agricultural District
R-1 Residential District 1
R-2 Residential District 2
MHD Mobile Home District
B-1 Business District 1
B-2 Business District 2
I-D Industrial District
FPD Flood Protection District
AD Aquifer District

- B. In addition to these nine (9) basic districts, the following Planned Development Districts may be created:

PDD-R Planned Development District - Residential
PDD-C Planned Development District - Commercial
PDD-I Planned Development District - Industrial

- C. Said districts are shown defined and bounded on a map entitled "Village of Unadilla Zoning Map," adopted 1975 and amended 1989, certified by the Mayor and the Village Clerk with all explanatory matter thereon, and which is hereby made a part of this Zoning Chapter.³ Amendments to district boundaries shall be shown on the official Zoning Map located in the Village Office.

§ 159-8. District boundaries.

Where uncertainty exists with respect to the boundary of any district as shown on the Village of Unadilla Zoning Map, the following rules shall apply:

- A. Unless shown to the contrary on the Zoning Map, the boundary lines of districts are the highway or street right-of-way lines, the center lines of creeks and waterways, the village boundary line, railroad right-of-way lines and lot lines or projections thereof.
- B. Where district boundaries are indicated as being approximately parallel to any of the features described in Subsection A, said boundaries shall be construed as being parallel thereto and at such distances as are indicated on the Village of

³ Editor's Note: The Zoning Map is on file in the Village Clerk's office.

Unadilla Zoning Map or as shall be determined by the use of the scale.

- C. Where uncertainty exists in determining the precise location of any district boundary line, the Zoning Board of Appeals, with advice from the Village Planning Board, shall interpret the intent and purpose of the Zoning Map.

§ 159-9. Lots in more than one district.

Where a district boundary line divides a lot, the regulations for either district may apply not more than twenty-five (25) feet beyond the boundary line of the district upon approval of the Zoning Board of Appeals.

§ 159-10. Floodable area.

Where the position of the floodable area boundary is not clear, the flood hazard area shown on the Flood Hazard Boundary Map published by the Federal Emergency Management Agency and adopted by the Village of Unadilla as Local Law No. 1-1987, "Flood Damage Prevention Local Law" shall be considered as the floodable area.⁴

§ 159-11. Principal buildings per lot.

Except in a Planned Development District or by variance, there shall be no more than one (1) principal building per lot.

§ 159-12. Application of regulations.⁵

Except as herein provided:

- A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, altered or demolished except in conformity with the regulations herein set forth for the district in which it is located.

⁴ Editor's Note: See Ch. 84, Flood Damage Prevention.

⁵ Editor's Note: For amendment procedures, see Article XXI.

- B. Any parcel of land with an area or a width less than that prescribed for a lot in the district in which such lot is situated, which at the time of the adoption of this Zoning Chapter was under one (1) ownership and when the owner thereof owns no adjoining land, may be used for a purpose permitted in the district without obtaining a variance from the Zoning Board of Appeals, provided that all other regulations prescribed for the district by this Zoning Chapter shall be complied with.
- C. If a use or building is not specifically permitted, it shall be deemed prohibited. However, if a use or building not enumerated in any district is so similar in character to an enumerated permitted use or building as to be compatible with other permitted uses or buildings, it shall be deemed a permitted use or building.

§ 159-13. Street designations.

For the purpose of these zoning regulations, the highways, streets and roads of the Village of Unadilla have been designated as either arterial, collector or local class. Such designation is indicated on the Village of Unadilla Zoning Map and is hereby made part of such map.

ARTICLE IV Residential Agricultural District (R-A)

§ 159-14. Purpose.

The general purpose of this residential district is to provide for areas in the Village of Unadilla where low-density residential development, agricultural land uses and general open space land uses can be established in harmony with one another. It is further the purpose of this district to discourage high-density development in areas which have restrictive natural characteristics.

§ 159-15. Permitted uses.

Uses permitted by right shall be as follows:

A. One-family dwellings, to include new modular homes, but not including mobile homes, except for new double-wide mobile homes which meet the following minimum specifications in addition to those appearing in the definitions for mobile homes.

(1) Double-wide mobile home minimum standards:

- (a) Twenty-four by forty (24 x 40) feet.
- (b) Foundation: fifty-four (54) inches high:
 - [1] Poured concrete.
 - [2] Ten-inch concrete blocks.
- (c) Shingle roof with R21 insulation:
 - [1] Five-foot to twelve-foot pitch.
 - [2] Thirty-pound snow load.
- (d) Two-by-six-inch side walls with six-inch insulation.
- (e) Two-by-ten-inch floor joists with R11 insulation.
- (f) Vinyl siding with OSB sheathing.
- (g) Thermopane windows with house-type molding with outside window trim.
- (h) One-hundred-amp electric service.
- (i) One-half-inch residential sheetrock or vinyl-covered sheetrock interior.
- (j) Six-panel interior doors.
- (k) No exterior, aboveground fuel oil tank.

(2) Each double-wide mobile home proposed to be placed upon a lot within the Village of Unadilla shall be inspected on the lot site by the Zoning Enforcement Officer for compliance with the above standards prior to being assembled.

- B. Agriculture, including the sale of agricultural products grown on the parcel.
- C. Farms on ten (10) or more acres.
- D. Accessory uses and structures to any permitted use. (See § 159-81 for private swimming pool regulations.)

§ 159-16. Uses permitted by special permit.

The following uses are subject to the approval and issuance of a special permit by the Zoning Board of Appeals (See § 159-105C.)

- A. Home occupations.
- B. Public and semipublic uses.
- C. Day camps.
- D. Riding stables on ten (10) or more acres.
- E. Animal hospitals or kennels on ten (10) or more acres.
- F. Alternative energy systems and equipment.

§ 159-17. General district regulations.

The following regulations apply to all uses permitted by right or special permit:

- A. Minimum lot requirements shall be as follows:

Type	Minimum Requirement
Lot size	40,000 square feet
Frontage	200 feet
Front yard	50 feet
Side yard	25 feet
Rear yard	25 feet

- B. Lot coverage. No more than twenty-five percent (25%) of the lot may be covered by buildings, including garages and accessory buildings.
- C. Increasing side yard depth. On a corner lot, the minimum side yard requirement shall increase to fifty (50) feet for the side

yard between the street line and the building line on the side street.

D. Garages, accessory buildings and parking areas.

- (1) Attached garages must meet setback and yard requirements listed above for principal buildings.
- (2) Detached garages, parking areas and accessory buildings must be located behind the front yard line, have a minimum side yard depth of ten (10) feet and have a minimum rear yard depth of ten (10) feet.

E. Building or structure height. No building or structure shall be erected to a height in excess of thirty-five (35) feet, except upon approval of a special permit by the Zoning Board of Appeals. (See § 159-74 for exceptions.)

F. Minimum floor area: See § 159-82.

G. Walls, fences, hedges and screening. The yard requirements of these regulations shall not apply to any retaining wall nor to any fence, wall, hedge or screening to be erected along the lot lines in conformance with this chapter. Such fence, wall, hedge or screening shall not exceed eight (8) feet in height. (See §§ 159-76 and 159-77 for further regulations.) When fences are along property lines within fifteen (15) feet of an adjacent property residence, those fences shall not exceed four (4) feet in height.

ARTICLE V
Residential District (R-1)

§ 159-18. Purpose and intent.

The general purpose and intent of this residential district is to provide for areas within the Village of Unadilla where the living environment associated with single-family residential development and their related facilities can be preserved and/or where the development of such an environment is encouraged. In promoting the general purpose of this Zoning Chapter, the specific intent of this Article is to:

- A. Encourage the construction of and the continuous use of the land for single-family residential dwellings; encourage the development of recreational, religious and educational facilities required for and compatible with a balanced single-family residential neighborhood; and permit offices of physicians, surgeons, dentists, lawyers and architects, engineers or like professions when part of their family residence.
- B. Discourage all business, commercial and industrial development of the land and multiple-family units, clustered developments, mobile homes or mobile home parks and to prohibit any other use which would substantially interfere with or be deleterious to the development or continuation of single-family dwellings in this residential district.
- C. Discourage all land uses which would generate traffic on residential streets other than normal traffic to the residences on those streets.

§ 159-19. Permitted uses.

Uses permitted by right shall be as follows:

- A. One-family dwellings, to include new modular homes, but not including mobile homes.
- B. Accessory uses and structures to any permitted use. (See § 159-81 for private swimming pool regulations.)

§ 159-20. Uses permitted by special permit.

The following uses are subject to the approval and issuance of a special permit by the Zoning Board of Appeals (see § 159-105C):

- A. Home occupations.
- B. Public and semipublic uses.
- C. Two-family dwelling units.
- D. Alternative energy systems and equipment.

§ 159-21. General district regulations.

The following regulations apply to all uses permitted by right or by special permit:

A. Minimum lot requirements shall be as follows:

Type	Minimum Requirements
Lot size	12,000 square feet
Frontage	75 feet
Front yard	30 feet
Rear yard	30 feet
Side yard	15 feet

- B. Increasing front yard depth. Front yard depth along collector and arterial roads shall be increased to fifty (50) feet, except where existing development occurred prior to the enactment of this Zoning Chapter. In those cases, the front yard depth may be the average of the front yard depth for two hundred fifty (250) feet on both sides of the proposed use along the contiguous street line.
- C. Increasing side yard depth. On a corner lot, the minimum side yard requirement shall increase to twenty-five (25) feet for the side yard between the street line and the building line on the side street.
- D. Lot coverage. No more than thirty percent (30%) of the lot may be covered by buildings, including garages and accessory buildings.
- E. Garages, accessory buildings and parking areas. Garages, accessory buildings and parking areas must be built according to the following requirements:
- (1) Attached garages must meet setback and yard requirements listed above for principal buildings.
 - (2) Detached garages, accessory buildings and parking areas must be located behind the front yard line, have a minimum side yard depth of ten (10) feet and a minimum rear yard depth of ten (10) feet.
- F. Building or structure height. No building or structure shall be erected to a height in excess of thirty-five (35) feet, except

upon approval of a special permit application by the Zoning Board of Appeals. (See § 159-74 for exceptions.)

G. Minimum floor area: See § 159-82.

H. Walls, fences, hedges and screening. The yard requirements of these regulations shall not apply to any retaining wall nor to any fence, wall, hedge or screening to be erected along the lot lines in conformance with this chapter. Such fence, wall, hedge or screening shall not exceed eight (8) feet in height. (See §§ 159-76 and 159-77 for further regulations.) When fences are along property lines within fifteen (15) feet of an adjacent property residence, those fences shall not exceed four (4) feet in height.

ARTICLE VI Residential District (R-2)

§ 159-22. Purpose and intent.

It is the general purpose and intent of this residential district to provide for areas within the Village of Unadilla where one- , two- , three- and four-family dwelling units with their related facilities can be developed in harmony with one another. In promoting the general purpose of the Zoning Chapter, the specific intent of this Article is to:

- A. Preserve areas within the Village of Unadilla where medium-density residential development can be developed.
- B. Discourage the development of land uses and facilities which are incompatible with one- , two- , three- and four-family residential development.

§ 159-23. Permitted uses.

Uses permitted by right shall be as follows:

- A. All uses permitted in R-1 Residential Districts, subject to all restrictions specified therefor.
- B. One-family dwellings, to include new modular homes, but not including mobile homes except for new double-wide mobile

homes which meet the following minimum specifications in addition to those appearing in the definitions for mobile homes.

- (1) Double-wide mobile home minimum standards:
 - (a) Twenty-four by forty (24 x 40) feet.
 - (b) Foundation: fifty-four (54) inches high.
 - [1] Poured concrete.
 - [2] Ten-inch concrete blocks.
 - (c) Shingle roof with R21 insulation.
 - [1] Five-foot to twelve-foot pitch.
 - [2] Thirty-pound snow load.
 - (d) Two-by-six-inch side walls with six-inch insulation.
 - (e) Two-by-ten-inch floor joists with R11 insulation.
 - (f) Vinyl siding with OSB sheathing.
 - (g) Thermopane windows with house-type molding with outside window trim.
 - (h) One-hundred-amp electric service.
 - (i) One-half-inch residential sheetrock or vinyl-covered sheetrock interior.
 - (j) Six-panel interior doors.
 - (k) No exterior, aboveground fuel oil tank.
- (2) Each double-wide mobile home proposed to be placed upon a lot within the Village of Unadilla shall be inspected on the lot site by the Zoning Enforcement Officer for compliance with the above standards prior to being assembled.

C. Two-family dwelling units.

D. Accessory uses and structures to any permitted use. (See § 159-81 for private swimming pool regulations.)

§ 159-24. Uses permitted by special permit.

The following uses are subject to the approval and issuance of a special permit by the Zoning Board of Appeals (see § 159-105C):

- A. Three- and four-family dwellings.
- B. Home occupations.
- C. Public and semipublic uses.
- D. Electrical substations and public utility structures.
- E. Nursing homes, hospitals, medical health centers, adult homes.
- F. Nursery schools, day-care centers, family day-care homes.
- G. Boarding- and rooming houses providing accommodations for not more than two (2) nontransient roomers.
- H. Alternative energy systems and equipment.
- I. Bed-and-breakfast establishment.

§ 159-25. General district regulations.

The following regulations apply to all uses permitted by right or special permit:

- A. Minimum lot requirements shall be as follows:

Type	Dwelling		3-Family or Other Permitted Use
	1-Family	2-Family	
Lot size (square feet)	12,000	15,000	20,000
Frontage (feet)	75	90	100
Front yard (feet)	30	30	30
Rear yard (feet)	30	30	30
Side yard (feet)	15	15	20

- B. Whenever a use is established by special permit as an accessory use to a dwelling, the minimum lot requirements for the principal and accessory use shall be the same as that required for the dwelling alone.

- C. Increasing front yard depth. Front yard depth along collector and arterial roads shall be increased to fifty (50) feet, except where existing development occurred prior to the enactment of the Zoning Chapter. In these cases, the average front yard depth may be the average front yard depth for two hundred fifty (250) feet on both sides of the proposed use along the contiguous street line.
- D. Increasing side yard depth. On a corner lot, the minimum side yard requirement shall increase to twenty-five (25) feet for the side yard between the street line and the building line on the street side.
- E. Lot coverage. No more than thirty percent (30%) of the lot may be covered by buildings, including garages and accessory buildings.
- F. Garages, accessory buildings and parking areas. Garages, accessory buildings and parking areas must be built according to the following requirements:
 - (1) Attached garages must meet setback and yard requirements listed above for principal buildings.
 - (2) Detached garages, accessory buildings and parking areas must be located behind the front yard line, have a minimum side yard depth of ten (10) feet and a minimum rear yard depth of ten (10) feet.
- G. Building or structure height. No building or structure shall be erected to a height in excess of thirty-five (35) feet, except upon approval of a special permit by the Zoning Board of Appeals. (See § 159-74 for exceptions.)
- H. Minimum floor area: See § 159-82.
- I. Walls, fences, hedges and screening. The yard requirements of these regulations shall not apply to any retaining wall nor to any fence, wall or hedge to be erected along the lot lines in conformance with this chapter. Such fence, wall, hedge or screening shall not exceed eight (8) feet in height. (See §§ 159-76 and 159-77 for further regulations.) When fences are along property lines within fifteen (15) feet of an adjacent property residence, these fences shall not exceed four (4) feet in height.

ARTICLE VII
Mobile Home District (MHD)

§ 159-26. Purpose.

The general purpose of this Mobile Home District is to provide for areas in the Village of Unadilla where mobile homes, with their related service facilities, may be located in a well-organized environment.

§ 159-27. Permitted uses.

Uses permitted by right shall be as follows:

- A. Mobile homes.
- B. Accessory uses and structures to any permitted use. (See § 159-81 for private swimming regulations.)

§ 159-28. Uses permitted by special permit.

The following uses are subject to the approval and issuance of a special permit by the Zoning Board of Appeals (see § 159-105C):

- A. Mobile home parks.
- B. Public and semipublic uses.
- C. Alternative energy systems and equipment.

§ 159-29. General district regulations.

- A. Minimum lot requirements shall be as follows:

Type	Minimum Requirements
Lot size	8,000 square feet
Frontage	75 feet
Front yard	15 feet
Rear yard	15 feet
Side yard	15 feet

- B. Lot coverage. No more than thirty percent (30%) of the lot may be covered by buildings, including garages and accessory buildings.
- C. Special regulations.
- (1) Mobile home parks shall be subject to the site plan requirements of this Zoning Chapter.
 - (2) All mobile home parks are subject to the licensing and general requirements of this Zoning Chapter. (See § 159-86.)
- D. Garages, accessory buildings and parking areas. Garages, accessory buildings and parking areas must be built according to the following requirements:
- (1) Attached garages must meet setback and yard requirements listed above for principal buildings.
 - (2) Detached garages, accessory buildings and parking areas must be located behind the front yard line, have a minimum side yard depth of ten (10) feet and a minimum rear yard depth of ten (10) feet.
- E. Building or structure height. No building or structure shall be erected to a height in excess of thirty-five (35) feet, except upon approval of a special permit by the Zoning Board of Appeals. (See § 159-74 for exceptions.)
- F. Walls, fences, hedges and screening. The yard requirements of these regulations shall not apply to any retaining wall nor to any fence, wall or hedge to be erected along the lot lines in conformance with this chapter. Such fence, wall or hedge shall not exceed eight (8) feet in height. (See §§ 159-76 and 159-77 for further regulations.) When fences are on property lines within fifteen (15) feet of an adjacent property residence, these fences shall not exceed four (4) feet in height.

ARTICLE VIII
Business District (B-1)

§ 159-30. Purpose and intent.

The general purpose of this business district is to provide for areas in the Village of Unadilla where neighborhood business and commercial land uses can be developed to levels sufficient to serve the needs of the village while maintaining the residential character of the village as a whole. In general, this district is intended to encourage any retail or personal service business, including only such manufacturing as may be necessary and incidental to the preparation or handling of articles to be sold primarily on the premises or to the performing of service.

§ 159-31. Permitted uses.

Permitted uses shall be as follows:

- A. Stores and shops for conducting any retail business, including but not limited to personal service shops.
- B. Offices, professional and business.
- C. Restaurants.
- D. Banks.
- E. Theaters.
- F. Community services.
- G. Wholesale businesses.
- H. Funeral homes and mortuaries.

§ 159-32. Uses requiring site plan review.

All of the following uses are permitted subject to site plan review and approval by the Village Planning Board (see Article XVIII):

- A. Dwelling units as accessories to businesses.
- B. All accessory uses and structures which are necessary and incidental to any permitted use.

- C. Two-family and multiple-family dwelling units.

§ 159-33. Uses permitted by special permit.

The following uses are subject to the approval and issuance of a special permit by the Zoning Board of Appeals (see § 159-105C):

- A. Convenience store.
- B. Gasoline station. See § 159-80C.
- C. Incidental manufacture to retail business.
- D. Public and semipublic uses.
- E. Nursing home, adult home, medical health center.
- F. Nursery school, day-care center, family day-care home.
- G. Hotel, motel, tourist home.
- H. Alternative energy systems and equipment.

§ 159-34. General district regulations.

The following regulations apply to all uses in this district:

- A. Minimum lot requirements shall be as follows:

Type	Minimum Requirements
Lot size	6,000 square feet
Frontage	60 feet
Front yard	30 feet
Side yard	10 feet
Rear yard	10 feet

- B. Increasing yard depth.

- (1) Increasing front yard depth. Front yard depth along collector and arterial roads shall be increased to sixty (60) feet, except where existing development occurred prior to the enactment of this Zoning Chapter. In those cases, the front yard depth may be the average front yard depth for two hundred fifty (250) feet on both sides of the proposed use along the contiguous street line.

- (2) Increasing side yard depth. On a corner lot, the minimum side yard requirement shall increase to twenty-five (25) feet for the side yard between the street line and the building line on the side street.
- C. Lot coverage. No more than forty percent (40%) of the lot may be covered by buildings, including garages and accessory buildings.
- D. Building or structure height. No building or structure shall be erected to a height in excess of thirty-five (35) feet, except upon approval of a special permit by the Zoning Board of Appeals. (See § 159-74.)
- E. Accessory buildings. All accessory buildings in this district must meet those standards established in this section for the principal land use. Such buildings shall be on the same lot as the principal building or on an adjacent lot so long as it is within a business district and meets all other requirements of this Zoning Chapter.
- F. Screening. Where a lot in a B-1 District abuts a lot in a residential district, the owner of the business property shall provide, if requested by the adjacent residential property owner, a solid wall, fence or hedge at least six (6) feet, but not more than eight (8) feet, in height for the full dimension of the abutting lot, except where a driveway exists, such screening shall begin at a point no less than twenty (20) feet from the street line. Such wall, fence, hedge or screening shall be properly maintained by the business property owner. All proposed screening devices shall be subject to site plan review and approval by the Village Planning Board and adjacent residential property owners. The yard setback requirements of these regulations shall not apply to any screening to be erected along the lot lines.

ARTICLE IX
Business District (B-2)

§ 159-35. Purpose and intent.

- A. The general purpose of this business district is to distinguish between highway oriented and local commercial uses and light and heavier commercial uses; and to establish a system of site plan review for these types of commercial activities as they appear in the village.
- B. In promoting the general purpose of this Zoning Chapter, it is the specific intent of this Article to provide a system of close review over the construction of certain land uses in the Village of Unadilla which offer products or services that can be used by individuals remaining in their automobiles, such as drive-in restaurants, drive-in theaters, gasoline service stations, car washes, etc.

§ 159-36. Uses requiring site plan review.

All of the following uses are permitted subject to site plan review and approval by the Village Planning Board (see Article XVIII):

- A. All uses permitted under § 159-32 in the Business District (B-1).
- B. All accessory uses and structures which are necessary and incidental to any permitted use. (See § 159-81 for private swimming pool regulations.)

§ 159-37. Uses permitted by special permit.

The following uses are subject to the approval and issuance of a special permit by the Zoning Board of Appeals (see § 159-105C):

- A. Drive-in restaurants and similar services which are designed to offer goods and services to be consumed within an automobile.

- B. Gasoline service stations, commercial garages, automobile dealers, truck dealers, farm equipment dealers, mobile home sales, snowmobile sales, motorcycle sales, car washes and similar automobile related services and sales activities.
- C. Wholesale businesses, storage.
- D. Warehouse facilities.
- E. Railroad or bus station.
- F. Incidental manufacture to retail business.
- G. Alternative energy systems and equipment.
- H. Public and semipublic uses.

§ 159-38. General district regulations.

The following regulations apply to all uses in this district:

- A. Minimum lot requirements shall be as follows:

Type	Minimum Requirements
Lot size	12,000 square feet
Frontage	90 feet
Front yard	40 feet
Side yard	10 feet
Rear yard	10 feet

- B. Increasing front yard depth. Front yard depth along collector and arterial roads shall be increased to fifty (50) feet, except where existing development occurred prior to the enactment of this Zoning Chapter. In those cases, the front yard depth may be the average of the front yard depth for two hundred fifty (250) feet on both sides of the proposed use along the contiguous street line.
- C. Increasing side yard depth. On a corner lot, the minimum side yard requirement shall increase to twenty-five (25) feet for the side yard between the street line and the building line on the side street.

- D. Lot coverage. No more than forty percent (40%) of the lot may be covered by buildings, including garages and accessory buildings.
- E. Building or structure height. No building or structure shall be erected to a height in excess of thirty-five (35) feet, except upon approval of a special permit by the Zoning Board of Appeals. (See § 159-74 for exceptions.)
- F. Accessory buildings. All accessory buildings in this district must meet those standards established in this section for the principal land use.
- G. Screening. Where a lot in a B-2 District abuts a lot in a residential district, the owner of the business property shall provide, if requested by the adjacent residential property owner, a solid wall, fence or hedge at least six (6) feet, but not more than eight (8) feet in height, for the full dimension of the abutting lot, except where a driveway exists, such hedge shall begin at a point no more than twenty (20) feet from the street line. Such wall, fence, hedge or screening shall be properly maintained by the business property owner. All proposed screening devices shall be subject to site plan review and approved by the Village Planning Board and adjacent residential property owners. The yard setback requirements of these regulations shall not apply to any screening to be erected along the lot lines.

ARTICLE X Industrial District (I-D)

§ 159-39. Purpose and intent.

The general purpose of this Industrial District is to provide for specific areas in the Village of Unadilla where those industrial uses needed and beneficial to a community may locate within an environment intended and designed for their use. In promoting the general purpose of this Zoning Chapter, the specific intent of this Article is to:

- A. Encourage the development of areas within the Village of Unadilla where the industry beneficial to and needed in the community may develop.
- B. Permit and encourage industrial uses to develop in a manner compatible with surrounding areas and compatible with the general quality of environment found in the Village of Unadilla.
- C. Ensure an environment for development which will be free of encumbrances for industrial operations inasmuch as such industrial operations do not endanger the public health, safety, welfare or visual environment of the Village of Unadilla.

§ 159-40. Uses requiring site plan review.

All of the following uses are permitted subject to site plan review and approval by the Village Planning Board (see Article XVIII):

- A. Industrial uses, including but not limited to manufacturing, public utilities stations, offices and warehouses, subject to the requirements of § 159-87 of this Zoning Chapter.
- B. Accessory uses, including enterprises primarily engaged in providing services to permitted principal uses, or customary on-site employee services.
- C. Public and semipublic uses.

§ 159-41. Uses permitted by special permit.

The following uses are subject to the approval and issuance of a special permit by the Zoning Board of Appeals:

- A. Alternative energy systems and equipment.

§ 159-42. General district regulations.

- A. Minimum lot requirements shall be as follows:

Type	Minimum Requirements
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Lot size	15,000 square feet
Frontage	100 feet
Front yard	30 feet
Side yard	30 feet
Rear yard	30 feet

- B. Lot coverage. The gross area covered by buildings or structures of any sort shall be no more than forty percent (40%) of the gross site area, and the aggregate total of buildings or structures of any sort, parking lots, storage areas, loading and travel areas and signs shall not exceed eighty percent (80%) of the gross site area.
- C. Increasing yard depth.
- (1) Increasing front yard depth. Front yard depth along collector and arterial roads shall be increased to fifty (50) feet, except where existing development occurred prior to the enactment of this Zoning Chapter. In those cases, the front yard depth may be the average of the front yard depth for two hundred fifty (250) feet on both sides of the proposed use along the contiguous street line.
 - (2) Increasing side yard depth. On a corner lot, the minimum side yard requirement shall increase to twenty-five (25) feet for the side yard between the street line and the building line on the side street.
- D. Building or structure height. No building or structure shall be erected to a height in excess of thirty-five (35) feet, except upon approval of a variance by the Zoning Board of Appeals.
- E. Accessory buildings. All accessory buildings in this district must meet those standards established in this section for the principal land use.
- F. Screening. Where a lot in an I-D District abuts a lot in a residential district, the owner of the industrial property shall provide, if requested by the adjacent residential property owner, a solid wall, fence or hedge at least six (6) feet, but not more than eight (8) feet, in height for the full dimension of the abutting lot, except where a driveway exists, such hedge shall

begin at a point no more than twenty (20) feet from the street line. Such wall, fence, hedge or screening shall be properly maintained by the industrial property owner. All proposed screening devices shall be subject to site plan review and approval by the Village Planning Board and adjacent residential property owners. The yard requirements of these regulations shall not apply to any screening to be erected along the lot lines.

ARTICLE XI Flood Protection District (FPD)

§ 159-43. Purpose and intent.

The general purpose of this district is to define additional construction standards and regulations for development within the area designated as an area of special flood hazard by the Federal Emergency Management Agency. These standards and regulations shall apply in the FPD in addition to the regulations of underlying zoning districts. In general, this district is intended to provide safe facilities construction to minimize damage and adverse effects of one-hundred-year floods.

§ 159-44. Uses and regulations.

All regulations pertaining to special flood hazard areas are listed in the Village Local Law No. 1-1987.⁶

ARTICLE XII Aquifer District (AD)

§ 159-45. Purpose and intent.

The purpose and intent of the Aquifer District is to minimize the potential for contamination of the aquifer which currently supplies or in the future may supply water to the residents of the Village of Unadilla. These areas are delineated on the Village of Unadilla

⁶ Editor's Note: See Ch. 84, Flood Damage Prevention.

Zoning Map. In promoting the general intent of these regulations, the specific intent is to:

- A. Minimize surface and ground water pollution which may affect human, animal or plant life or the aquifer in the Village of Unadilla.
- B. Minimize in this area impacts from truck traffic carrying hazardous chemicals.
- C. Protect human life and health, control uses in this district for the storage of materials, structures, discharges and uses of premises.

§ 159-46. General district regulations.

- A. Regulations concerning hazardous wastes and toxic substances shall be as follows:
 - (1) No storage facilities for hazardous wastes or toxic substances shall be located within a linear distance of five hundred (500) feet of any reservoir or watercourse. Beyond this distance, the storage facilities must meet the requirements of 6 NYCRR 370-373.
 - (2) No disposal facilities for hazardous wastes or toxic substances shall be located within a linear distance of five hundred (500) feet of any reservoir or watercourse. Beyond this distance, the disposal facilities must meet the requirements of 6 NYCRR 370-373.
 - (3) Hazardous wastes or toxic substances shall not be spread upon the ground or allowed to enter surface waters in the aquifer. Exempted are those commonly used garden insecticides, pesticides and herbicides used in small amounts by individual homeowners in accordance with product directions. Accidental spillage shall be removed in accordance with current Department of Environmental Conservation specifications.
- B. Regulations concerning petroleum bulk storage shall be as follows:

- (1) Installation, operation and maintenance of aboveground or underground petroleum storage tanks shall meet the requirements of 6 NYCRR 610-614.
- (2) Abandoned petroleum bulk storage tanks shall meet the closure requirements of 6 NYCRR 613.

§ 159-47. Permitted uses; special permits.

Uses permitted in each of the underlying zoning districts shall be permitted subject to the conditions and restrictions specified in the respective district regulations. In addition, a special permit is required when the use meets or exceeds any of the following:

- A. Any development of real property.
- B. Any use of property or change of use of property or any business, industrial or municipal operation which uses, distributes or stores toxic or hazardous chemicals when the storage or use exceeds ten (10) gallons per month or one hundred (100) pounds, whichever is less.
- C. Any activity requiring a permit from the New York State Department of Environmental Conservation.
- D. Any construction or modification of a sewage, wastewater or stormwater disposal system.
- E. Any other activity that the Zoning Board of Appeals deems may have an effect on the Aquifer District.

§ 159-48. Application for special permit.

Applicants for a special permit to develop in an Aquifer District shall submit the following:

- A. The name, address and telephone number of the applicant.
- B. If the applicant is a corporation, the names, addresses and telephone numbers of all the corporate officers and directors.
- C. A map and report showing the location of the premises for which the permit is sought and plans showing all features of the system necessary for the satisfactory conveyance, storage,

distribution, use and disposal of sanitary wastes (see § 159-87K), stormwater wastes, process wastes, toxic or hazardous wastes and incidental wastes within the property boundaries of the project site. The Zoning Board of Appeals may require that the plans be prepared by a licensed professional engineer.

- D. Such other information as the Zoning Board of Appeals shall request in order to have all facts before it prior to making the decision.
- E. Copies of any permits and applications to any other governmental agency.
- F. A list of all toxic chemicals or hazardous materials known to be used or stored on the premises, together with sufficient detail to apprise the Zoning Board of Appeals of the method of storage and the amount of toxic or hazardous materials on the premises. The applicant shall propose and provide means for containment of spills.
- G. Method of disposal of toxic or hazardous materials.
- H. A full report regarding the use and storage of all toxic and all hazardous materials.

§ 159-49. Public hearing; environmental assessment.

All nonresidential uses specified in § 159-46 shall be subject to the public hearing requirements of § 159-106 and the applicant shall file an environmental assessment form which shall be reviewed by the Zoning Board of Appeals in accordance with the provisions of the State Environmental Quality Review Act. The New York State Department of Health shall be informed.

§ 159-50. Continuing requirements.

In the event that a permit is granted or granted with stated conditions, it shall be a requirement that the applicant shall use the best available means to prevent contamination of the Aquifer District. This requirement shall be a continuing requirement and the Zoning Board of Appeals shall maintain continuing jurisdiction and shall have the power and authority to require the applicant to make such

provisions as are necessary to update the development or facilities in order that it may be used in accordance with the then prevailing state of technology.

§ 159-51. Change in use or ownership.

A change in use or ownership shall necessitate a new special permit.

**ARTICLE XIII
Planned Development District (PDD)**

§ 159-52. Purpose.

The purpose of the Planned Development District classification, hereinafter referred to as "PDD," is to provide for the rezoning of land to residential, commercial and industrial development zones, either jointly or separately, in conformance with provisions and standards which ensure compatibility among all the land uses, foster innovation in site planning and development and encourage sound design practices. Provision is included for Planned Development Districts to permit establishment of areas in which diverse uses may be brought together in a compatible and unified plan of development which shall be in the interest of the general welfare of the public. In Planned Development Districts, land and structures may be constructed and used for any lawful purpose in accordance with the provisions set forth herein.

§ 159-53. Permitted uses.

Permitted uses shall be any use or combination of uses otherwise permitted by this Zoning Chapter. Combination of uses shall be permitted only upon demonstration of compatibility in the form of screening buffer strips and performance standards specified in this chapter.

§ 159-54. Regulations.

- A. Minimum lot requirements shall be as follows:
 - (1) Minimum district area: ten (10) acres.
 - (2) Minimum frontage on a public street: one hundred (100) feet.
 - (3) Minimum front yard setback: seventy-five (75) feet.
 - (4) Minimum setback from lot lines other than front lot line: forty (40) feet.
- B. Maximum building height shall be thirty (30) feet.
- C. Lot coverage. No more than forty percent (40%) of the lot may be covered by buildings, including principal and accessory buildings.
- D. Special regulations.
 - (1) All lands within a proposed PDD shall be held in such form that assures development of the entire district in accordance with a single approved plan.
 - (2) All lands within a proposed PDD shall be shown upon a site plan which meets the requirements of Article XVIII of this Zoning Chapter and which:
 - (a) Shows how various types of uses will be screened from one another upon the site.
 - (b) Shows the relationship of proposed development to all adjacent development.
 - (3) In addition to the requirement for items to be shown on a site plan, the following are required for Village Planning Board approval:
 - (a) Survey of the property by a licensed surveyor, showing existing features of the property, including contours, buildings, structures, streets, utility easements, rights-of-way and adjacent land use.
 - (b) Preliminary drawings of buildings to be constructed.

- (c) Final engineering plans, including street design, drainage systems and public utilities.
 - (d) Performance bond for construction of projects from Subsection C(3)(c).
 - (e) Construction time schedule.
 - (f) Such additional information as may be required by the Village Planning Board for approval.
- (4) A community impact statement shall be prepared to accompany any such site plan. This community impact statement shall contain:
- (a) An analysis of the cost of any direct public improvements related to site development.
 - (b) A statement of anticipated village and special district tax revenue as a result of the project.
 - (c) A statement of the anticipated impact of the proposed development upon public facilities, such as highways, schools, parks, fire protection, water supply and sewage disposal, police services, sanitary landfills and health-care facilities.
 - (d) An analysis of the anticipated economic impact of the proposed development upon local employment, housing, market residential and nonresidential property and building values, including the rate of occupancy of existing residences and commercial or industrial structures.
- (5) Upon a finding that the proposed development will benefit the community as a whole and is consistent with the Comprehensive Master Plan, the site plan may be approved and the Village of Unadilla Zoning Map amended to show a PDD District. The procedure for such site plan approval and Zoning Map amendment shall be as specified in this Zoning Chapter.
- (6) Amendment of the Village of Unadilla Zoning Map shall be made for a specific proposal and made conditional to the approved site plan. Development within the PDD

District shall be limited to the type, size and location shown on the site plan. Uses and structures not shown on the site plan shall be considered as being prohibited.

- (7) The approval of a use in one PDD District does not imply approval of such use in any other PDD District, nor does approval of a use or uses in one PDD District in any way limit the types of uses that may be permitted in future PDD Districts.
- (8) All land uses and structures shall be subject to all applicable general regulations of this Zoning Chapter.
- (9) If construction of the development in accordance with the approval plans and specifications has not begun within one (1) year after the date of the resolution authorizing issuance of the building permit, all permits shall become null and void; the approval shall be deemed revoked and vacated; and the Village Board shall have the authority to again amend the map to restore the district to its original zoning designation.

ARTICLE XIV

Off-Street Parking and Loading Area

§ 159-55. General requirements.

Off-street parking and loading areas, access driveways and aisles shall be required for all principal buildings newly constructed or enlarged or new uses established after the effective date of this Zoning Chapter. Where more than one (1) use occupies a structure or parcel of land, the requirement for such structure or parcel of land shall be the total for each use therein, computed separately according to the appropriate requirements. Floor areas for the purposes of computing parking requirements shall be the sum of the horizontal area within exterior walls of several floors of a building or buildings, excluding basement, cellar and attic areas used primarily for storage or service. Special consideration may be given by the Planning Board to existing structures predating the effective date of this Zoning Chapter where strict compliance with the provision of this Article may impose an extreme hardship.

§ 159-56. Standards.

Off-street parking shall be provided for all uses in accordance with the following standards:

- A. Residential uses: two (2) parking spaces for each dwelling unit.
- B. Tourist homes, hotels, motels, boardinghouses: one (1) parking space for every guest room.
- C. Retail sales: one (1) parking space for every two hundred (200) square feet of floor area.
- D. Wholesale trade, warehouse or storage: one (1) parking space for every one thousand (1,000) square feet of floor area.
- E. Theaters, restaurants, eating and drinking places, churches and places of worship and places of public assembly: one (1) parking space for every four (4) seats or, in the absence of fixed seating, one (1) space for every sixty (60) square feet of floor area, exclusive of kitchens, stage, dance floor, waiting areas or storage areas.
- F. Hospitals, nursing homes, adult homes: one (1) parking space for every patient bed.
- G. Manufacturing uses: one (1) parking space for every one thousand (1,000) square feet of floor area.
- H. Offices, businesses and professional offices: one (1) parking space for every three hundred (300) square feet of floor area.
- I. Home occupation: one (1) space for every one hundred (100) square feet of floor area devoted to such use.
- J. Unspecified uses: one (1) parking space for every two hundred (200) square feet of building area or one (1) parking space for every one thousand (1,000) square feet of site area, whichever is greater or as specified by the Village Planning Board during site plan review based upon the greatest number of employees and customers using the structure or use at any single time.

§ 159-57. Waiver.

The off-street parking requirements for all uses permitted in Business District (B-1) and Business District (B-2) may be waived in whole or in part by the Zoning Enforcement Officer, provided that the required off-street parking is provided by public or private facilities within five hundred (500) feet of the building, and provided that such waiver is consistent with the intent and the orderly development of this district and will not create conditions that will compromise the public health, safety or general welfare.

§ 159-58. Loading space requirements.

Off-street loading spaces shall be provided for all new nonresidential uses hereafter erected or present nonresidential uses enlarged or replaced, at a rate of one (1) space for every receiving door or loading dock intended for use to load or unload cargo to or from a truck.

§ 159-59. Driveways; aisles.

Except for one- or two-family dwellings, all parking spaces required by this Zoning Chapter shall be accessible from a public street by a driveway or aisle which shall conform to the following minimum requirements:

- A. No space in any required driveway or aisle shall be counted toward satisfying the parking requirements of this Zoning Chapter.
- B. Driveways serving parking areas containing eight (8) or fewer parking spaces shall be a minimum of twelve (12) feet in width while those serving nine (9) or more parking spaces or one (1) or more loading spaces shall be a minimum of twenty-four (24) feet in width.
- C. Aisles providing access between parking and loading spaces and driveways shall be a minimum of twenty-four (24) feet in width.
- D. Driveways, aisles and required off-street parking and loading spaces shall have a minimum vertical clearance of fourteen (14) feet clear of any obstructions.

- E. Entrances to a public street shall be no narrower than the driveway or aisle they serve, nor more than thirty-six (36) feet in width, except where land dividers are installed to segregate entering, exiting or turning traffic.

§ 159-60. Building protection.

Wherever any driveway, aisle, parking space or loading space is adjacent to or within two (2) feet of any building wall, a guardrail or other suitable protection consistent with the level of use as determined by the Village Planning Board shall be installed. This provision shall not apply to one-, two- and multiple-family dwellings.

§ 159-61. Paving.

Parking and loading spaces, driveways and aisles serving or located in a parking area containing eight (8) or fewer spaces shall be paved with at least a suitable base of compacted gravel. All other parking or loading space, driveway or aisle shall be paved to at least the standards of a local street. Whenever a driveway, aisle or loading space is intended for use by heavy trucks or equipment, such facilities shall be constructed to a standard sufficient to withstand damage from such use.

§ 159-62. Maintenance.

All required parking and loading spaces, driveways and aisles shall be maintained to at least the standard of original construction by the property owner.

§ 159-63. Drainage.

All parking areas, driveways and aisles shall be graded to permit drainage either by surface or by storm drains of suitable capacity and shall cross adjacent property only by way of a drainage easement to natural watercourses or collective storm sewers.

§ 159-64. Size.

All required parking spaces shall contain a minimum of two hundred (200) square feet and shall be at least ten (10) feet in width and twenty (20) feet in depth. All required loading spaces shall be at least ten (10) feet in width and fifty-five (55) feet in depth.

§ 159-65. Location.

The location of any entrance or exit of a driveway, aisle, parking or loading area where it enters a public right-of-way shall be subject to approval by the Village Superintendent of Highways and, in the case of Route 7, by the New York State Department of Transportation and a permit for the same shall be obtained prior to construction.

ARTICLE XV
Nonconforming Uses

§ 159-66. Continuation.

The lawful use of any land or building existing at the time of the adoption of this Zoning Chapter may be continued, although such building or use does not conform to the provisions of this Zoning Chapter except as hereinafter provided.

§ 159-67. Special extension.

No building permit shall be issued, no nonconforming use or building shall hereafter be extended or enlarged and no abandonment time period extended, except following authorization by the Zoning Board of Appeals as a special extension.

§ 159-68. Abandonment; discontinuance.

Any nonconforming use which lies abandoned or discontinued for a period of six (6) consecutive months shall not be permitted to be reestablished as a nonconforming use, and any future use of the property shall be in conformity with the provisions of this Zoning Chapter.

§ 159-69. Restoration.

A nonconforming building, damaged by any cause, may be restored, repaired or reconstructed as a nonconforming building, provided that the extent of a nonconformity is not increased. Restoration, repair or reconstruction of a nonconforming building shall be subject to the granting of a special extension by the Zoning Board of Appeals, which shall make a finding of the extent to which the building may be made conforming through repair or reconstruction. The Zoning Board of Appeals may grant a special extension subject to the elimination or reduction of the extent of any or all nonconformities involving the damaged portion of the building. Such repair or restoration shall take place within one (1) year from the time of such damage or destruction and the use at the time of such damage or destruction resumed within the same year.

§ 159-70. Completion.

Nothing in this Article shall prohibit the completion of any lawful structure for which the excavation has been prepared and the foundation walls constructed at the date this Zoning Chapter takes effect; provided, however, that the construction must be completed within a period of one (1) year from that date.

§ 159-71. Moving of buildings.

Should any nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building erected thereon shall conform to the regulations of the district.

§ 159-72. Changes.

A nonconforming structure or use cannot be changed to another nonconforming structure or use.

ARTICLE XVI
Miscellaneous Provisions

§ 159-73. Public utilities.

Major installations of public utilities shall be reviewed by the Planning Board where proposed in any residential district. The Planning Board shall have the power to require any reasonable change in the site plan in order to protect the residential nature of adjoining properties. Underground utilities, including telephone and electric facilities, are encouraged. Developers may be asked to provide justification if underground utilities are not provided in the site plan.

§ 159-74. Height limitations.

The limitation of height shall not apply to chimneys, aerials, silos, elevators, ventilators, skylights, tanks and other necessary features usually carried above roofs, nor to towers or spires of churches.

§ 159-75. Vehicles.

- A. Abandoned vehicles. No motor vehicle, automobile or other vehicle shall remain outside upon any property within any district within the village when such vehicle has been so dismantled or parts removed therefrom or otherwise abandoned so that such vehicle may be incapable of operation or use for a period of thirty (30) continuous days.
- B. Unregistered vehicles. An unregistered vehicle shall not be parked in an unenclosed area in any district for more than one (1) month, unless specifically authorized in other sections of this chapter.

§ 159-76. Fences.

Any fence built within ten (10) feet of any street line or within thirty-five (35) feet of the center line of any street shall be of open construction, not exceeding four (4) feet in height, except for such fences as may be installed as a safety precaution surrounding swimming pools, which fences may not exceed eight (8) feet in height.

Any fence built beyond the above limits shall not exceed eight (8) feet in height. Fences constructed along lot lines shall have sufficient clearance for maintenance. Repairs of both sides of the fence are the owner's responsibility. All inside fence supports shall be on the owner's side of the property.

§ 159-77. Obstructions.

No fence, shrub, tree, planting, sign or any structure shall be constructed or placed within fifty (50) feet of intersecting street lines which are higher than three (3) feet above street grade or which obstruct the view of motorists or which create other traffic hazards.

§ 159-78. Signs.

A. Design guidelines. The purpose of this section is to encourage appropriate and compatible graphic design, material, colors, illumination and placement of proposed signs. These guidelines are applicable to all areas and all zoning districts in the Village of Unadilla. They shall be used and administered by the Planning Board.

- (1) Signs shall be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics shall relate to and not cover architectural features and shall be in proportion to them.
- (2) Signs shall be appropriate to the types of activities they represent.
- (3) Layout shall be orderly and graphics shall be of simple shape, such as rectangle, circle or oval.
- (4) No more than two (2) typefaces shall be used on any one (1) sign or group of signs indicating one (1) message.
- (5) The number of colors used shall be the minimum consistent with the design.
- (6) Illumination shall be appropriate to the character of the sign and surroundings.

- (7) Groups of related signs shall express uniformity and create a sense of harmonious appearance.

B. Prohibited signs. The following prohibitions shall apply in all districts:

- (1) No signs shall be so located as to restrict vision and impair safety of pedestrians or motorists.
- (2) No lighting devices or internally lighted sign shall be so placed or directed as to permit their illuminations to produce a glare or reflection onto a public street, sidewalk or nearby premises so as to constitute a hazard or nuisance.
- (3) No animated signs that are designed to give forth sound or movement on any portion thereof are allowed.
- (4) No signs illuminated by or containing flashing, intermittent, rotating or moving lights or devices, except to show time and temperature, are allowed.
- (5) No signs or sign structures shall exceed twenty-five (25) feet in height over normal ground level.
- (6) No signs shall offer products or services not available on the premises upon which the signs are located.
- (7) No signs shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.
- (8) No signs or sign supports shall be placed upon the roof of any building.

C. Exempt signs. The following types of signs are illustrative of the kinds that may be erected and maintained in exact duplication of the original sign, without permits or fees, provided that such signs comply with the general requirements of this Zoning Chapter and other conditions specifically imposed by these regulations.

- (1) Historical markers, tablets, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed

by governmental agencies, religious or nonprofit organizations; not exceeding six (6) square feet.

- (2) Flags and insignia of the United States, New York State or civic government, except when displayed in connection with a commercial promotion.
- (3) On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, nonilluminated, not exceeding four (4) square feet per face or six (6) feet in height. Business names and personal names shall be allowed, excluding advertising messages.
- (4) Nonilluminated warning, private drive, posted or no trespassing signs not exceeding two (2) square feet per face.
- (5) One (1) on-premises sign, either freestanding or attached, in connection with any residential building in any zoning district, for permitted professional offices or home occupations, not exceeding four (4) square feet and set back at least five (5) feet from the sidewalk edge. Such sign shall state name and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.
- (6) Number and nameplates identifying residents, mounted on house, apartment or mailbox, not exceeding one (1) square foot in area.
- (7) Temporary private-owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet for a period not exceeding seven (7) consecutive days prior to the auction sales and not exceeding two (2) consecutive days prior to garage sales.
- (8) Temporary nonilluminated "for sale" and "for rent" real estate signs and signs of similar nature, concerning the premises upon which the sign is located. In a residential zone, one (1) sign not exceeding four (4) square feet per side; in a business or industrial zone, one (1) sign not exceeding fifty (50) square feet set back at least fifteen (15) feet from all property lines. All such signs, including

sale pending signs, shall be removed within fifteen (15) days after the sale, lease or rental of the premises.

- (9) One (1) temporary sign for a roadside stand selling agricultural produce grown on the premises in season, provided that such sign does not exceed twelve (12) square feet.
- (10) Temporary, nonilluminated window signs and posters not exceeding twenty-five percent (25%) of the total window surface.
- (11) Christmas holiday decorations, including lighting, are exempt from the provisions of this chapter and may be displayed in any district without a permit for the period from three (3) days before Thanksgiving until the second week in the following year.
- (12) At gasoline stations and at convenience stores:
 - (a) Integral graphics or attached price signs on gasoline pumps.
 - (b) Two (2) auxiliary signs about fuel, each not exceeding two (2) square feet.
 - (c) One (1) nonilluminated portable sign about fuel, not exceeding twelve (12) square feet and four (4) feet in height.
- (13) Temporary directional signs for meetings, conventions and other assemblies.
- (14) One (1) sign, not exceeding six (6) square feet in the residential districts or sixteen (16) square feet in the business districts, listing the architect, engineer, contractor and/or owner, on the premises where the construction, renovation or repair is in progress. All such signs shall be removed within fourteen (14) days of completion of the project.
- (15) Political posters, banners, promotional devices and similar signs not exceeding four (4) square feet in the residential districts or sixteen (16) square feet in the business districts, provided that:

- (a) Placement shall not exceed thirty (30) days and a period of eleven (11) months shall elapse between the last day of one period of showing and the first day of the next.
- (b) The names and addresses of the sponsor and the person responsible for removal are identified.

D. Sign permit required.

- (1) Temporary signs. All signs of a temporary nature, except as otherwise provided by this chapter, shall be permitted for a period not exceeding six (6) weeks prior to the activity or event nor exceeding four (4) days after the activity or event. Such signs shall not exceed sixteen (16) square feet in business or industrial districts or eight (8) square feet in residential districts, and are not to be attached to fences, trees, utility poles, rocks or other parts of a natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.
- (2) Permanent signs.
 - (a) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies may be erected on the premises of such institutions.
 - (b) For multiple dwellings or apartment developments, one (1) sign advertising availability of several dwelling units, not exceeding four (4) square feet. One (1) such sign shall be permitted for each entrance on a different street or highway.
 - (c) Recreational areas, day camps, playgrounds, athletic fields and other similar facilities permitted by the Zoning Chapter shall be permitted one (1) sign not exceeding six (6) square feet in all zones.
 - (d) Within business and industrial districts, the following permanent sign provisions apply:

- [1] The total number of permitted signs on a single business or individual lot shall not exceed two (2), of which only one (1) may be freestanding.
- [2] The total cumulative area of all signs permitted on such lot shall be calculated at the rate of one (1) square foot of sign area per linear foot of building front, plus one-fourth ($\frac{1}{4}$) square foot per linear foot of setback of the principal building on the property, but in no case shall exceed one hundred fifty (150) square feet, whichever is less.
- [3] A minimum total sign area of twenty-four (24) square feet shall be permitted any use, regardless of building frontage.
- [4] Where groups of four (4) or more contiguous stores are located together in a shopping center or where a lesser number of stores total not less than twenty thousand (20,000) square feet of gross leasable area, one (1) common freestanding sign denoting the name of the shopping facility shall be permitted, not exceeding one hundred fifty (150) square feet [seventy-five (75) square feet per side] with the bottom panel not less than eight (8) feet above grade. All other signs shall be attached to buildings, of a wall, projecting or soffit type, and coordinated in material, shape, lettering, color and/or decorative elements. Total sign area permitted for the entire shopping center shall be calculated at the rate of one (1) square foot of sign per foot of building front, plus one-fourth ($\frac{1}{4}$) square foot per foot of lot frontage, plus one-tenth ($\frac{1}{10}$) square foot per foot of each store's setback, not to exceed four hundred fifty (450) square feet, whichever is less.
- [5] Illuminated signs which indicate the time, temperature, date or similar public service information shall not exceed thirty-two (32)

square feet and shall not employ less than sixty percent (60%) of the total sign area, each side, for said public service information.

- (3) Portable signs. A new business or a business in a new location, awaiting installation of a permanent sign, may utilize a portable sign for a period of not more than sixty (60) days or until installation of a permanent sign, whichever occurs first. Such a portable sign must meet all the construction standards of the municipality. A separate permit for such a portable sign shall be required.
 - (4) All signs not otherwise designated are exempt from the provisions of this chapter.
- E. Applications for sign permits. All applications for sign permits shall be accompanied by a sketch or other description providing the following:
- (1) The type of sign (see definition).
 - (2) The location of the sign in relation to existing buildings, paths, telephone and electric poles and lines, and other signs.
 - (3) A description of the sign, including its size, advertising content, method of illumination, method of structural support and estimated value. All signs shall be erected or supported to withstand a wind of seventy (70) miles per hour.
 - (4) The name of the owner of the sign and the person responsible for its maintenance. Applications for sign permits shall be reviewed by the Village Planning Board, which shall issue a sign permit when the sign is found to be in compliance with this section. Applications to be reviewed shall be received by the Chairperson no later than six (6) days before a regular meeting. The Village Planning Board shall review the sign permit application subject to any conditions necessary to reduce any adverse impact of said sign upon neighboring property. Such conditions may include, but are not limited to, the size, location, lighting, color or means of structural support.

F. Additional regulations for specific sign types. The following additional design criteria shall apply to the specific sign types listed below:

(1) Wall signs.

- (a) Wall signs shall not extend beyond the ends or over the top of the wall to which attached and shall not extend above the level of the second floor of the building.
- (b) Wall signs shall not extend more than nine (9) inches from the face of the buildings to which attached, except that copy-change signs may extend fifteen (15) inches.
- (c) Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of eight (8) feet.

(2) Projecting signs.

- (a) Projecting signs shall not have more than two (2) faces.
- (b) The exterior edge of a projecting sign shall extend not more than five (5) feet from the building face, or one-third (1/3) the width of the sidewalk, whichever is less.
- (c) No part of a projecting sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of eight (8) feet.
- (d) Projecting signs shall not extend above the level of the second floor of the buildings to which attached, or in any case be higher than twelve (12) feet.
- (e) No projecting sign shall be closer than fifteen (15) feet from the corner of a building located at a street intersection.

(3) Freestanding signs.

- (a) No freestanding sign shall be located less than ten (10) feet from the curb or five (5) feet from the back of the sidewalk nor less than five (5) feet from the side property line. No freestanding sign shall be located less than fifty (50) feet from any other freestanding sign.
- (b) If, for any reason, the property line is changed at some future date, any freestanding sign made nonconforming thereby must be relocated within ninety (90) days to conform to the minimum setback requirements.
- (c) No freestanding sign shall be more than thirty-two (32) square feet per side for a double-faced sign.
- (d) No freestanding sign shall be more than twenty-five (25) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.
- (e) No freestanding sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.
- (f) A freestanding sign under which a pedestrian walkway or driveway passes must have a ten-foot vertical clearance.

(4) Other signs.

- (a) Permanent window signs. No more than one (1) sign per window and a maximum of two (2) per business enterprise are allowed. The area of a window sign shall not exceed twenty-five percent (25%) of the area of the window nor more than four (4) square feet. Copy/change window signs shall not exceed three (3) square feet.

- (b) Sign directories. The character and size of the sign matrix and of the individual sign components comprising the directory shall be regulated in accordance with design guidelines provided by this chapter. Sign directories shall contain identification of and direction to several business enterprises, but shall contain no promotional advertising.
- (c) Awning signs. No sign shall project from an awning. Awning graphics may be painted or affixed flat to the surface of the front or side, and shall indicate only the name and/or address of the enterprise or premises. Awning graphics shall be a single line of lettering not exceeding six (6) inches in height, but if over, three (3) inches in height shall be debited against the permitted wall sign surface area.

G. Construction standards.

- (1) All internally illuminated signs shall be constructed in conformance with the Standards for Electric Signs (U.L. 48) of Underwriters' Laboratories, Inc., and bear the seal of Underwriters' Laboratories, Inc.
- (2) If such sign does not bear the Underwriters' Laboratories Label, the sign shall be inspected and certified by the New York Board of Fire Underwriters. All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.
- (3) All signs, including wall-mounted and projecting signs, shall be securely anchored and shall not swing or move in any manner.
- (4) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.
- (5) All projecting, freestanding or wall signs shall employ acceptable safety material.
- (6) All signs shall be painted and/or fabricated in accordance with generally accepted standards.

H. Nonconforming signs. In the event a sign lawfully erected prior to the effective date of this chapter does not conform to the provisions and standards of this chapter, then such signs should be modified to conform or be removed according to the following regulations:

- (1) If a nonconforming sign includes such features included under the prohibitions provisions in Subsection B, then such sign shall be modified by its owner to comply or be removed within thirty (30) days after the owner receives written notice from the Zoning Enforcement Officer to so comply.
 - (2) If an owner has complied, as necessary, with the above provision, yet remains in nonconformity in other respects, he may apply for a permit to maintain the nonconforming sign for a fixed period based on the remaining undepreciated useful life of such sign, as determined by an appropriate depreciation formula (e.g., value standards in use by the New York State Department of Transportation). Application for such permit shall be filed with the Zoning Enforcement Officer within six (6) months of the effective date of this chapter and shall include satisfactory proof of the date of erection of said sign. A permit to continue a nonconforming sign shall in no case exceed five (5) years.
 - (3) A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than fifty percent (50%) of the current depreciated value of the sign as of the date of alteration or repair.
- I. Removal of signs. Any sign, existing on or after the effective date of this chapter which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, shall be removed.
- (1) If the Zoning Enforcement Officer shall find that any sign regulated in this chapter is not used, coded in advertising, is abandoned, unsafe or insecure, or is a menace to the public, the Zoning Enforcement Officer shall give written notice to the named owner of the land

upon which it is located, who shall remove or repair the sign within thirty (30) days from the date of the notice. If the sign is not removed or repaired within said time period, the Zoning Enforcement Officer shall revoke the permit issued for such sign and may remove or repair the sign and assess the owner for all costs incurred for such service.

- (2) The Zoning Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed immediately and without notice.

§ 159-79. Cellar holes; wells; fuel tanks; waste.

- A. Within six (6) months or as determined by site plan review as applicable after work on any excavation for a building has begun, such excavation shall be covered over or refilled by the owner to the normal grade. Any building substantially destroyed by any cause or rendered incapable of its intended use shall be rebuilt or demolished within six (6) months or as determined by site plan review by the Village Board as applicable. Any excavation or cellar hole four (4) feet or more in depth remaining after the demolition or destruction of a building from any cause or any abandoned well shall be immediately protected by visible, substantial, childproof barriers and then permanently covered over or filled by the owner within one (1) day. In the case of a natural disaster, i.e., fire, the time limit of this section may be waived at the discretion of the local fire chief in coordination with the Zoning Enforcement Officer.
- B. Any construction requiring a permit must be completed within two (2) years.
- C. All removal of aboveground and underground tanks shall be done in accordance with current Department of Environmental Conservation requirements.

§ 159-80. Storage; dumping.

- A. It shall be unlawful for any person to permit the open storage of any material, scrap or waste material, including but not limited to newspapers, rags, used furniture, used appliances, junked vehicles which are not roadworthy and their parts, building materials, scrap metal and garbage or trash. One (1) passenger van, passenger car or pickup truck not in operating condition may be stored temporarily on a property for purpose of active repair or restoration to make said vehicle roadworthy.
- B. All spaces between buildings and structures shall be kept sufficiently free and clear of materials of every nature for the purpose of providing adequate light, air and protection against fire. Dumpsters shall not be placed under electrical wires and shall be located within the side and rear yard setback limits for the zone in which they are located.
- C. No exterior storage of dismantled or disabled vehicles, vehicle parts or salvage materials shall be permitted at gas stations.
- D. Dumping of refuse or waste material is absolutely prohibited in all districts within the village except for the purpose of filling to established grades, for which, if not part of development requiring the Planning Board to conduct site plan review, a special permit shall be obtained from the Zoning Board of Appeals.
- E. Wherever any flammable liquid is stored above ground in tanks or other containers with a total capacity of greater than five hundred fifty (550) gallons, such tanks or containers shall be located within earthen dikes having a capacity two-thirds (2/3) of the capacity of the largest tanks or containers being surrounded. The edge of such dikes shall be located at least one hundred (100) feet from all property lines.
- F. Regarding the placement and storage of any liquefied petroleum gas tanks, the provisions of NFPA No. 58, current edition, shall be in effect. Wherever any liquefied petroleum gas is stored above or below ground in tanks or other containers, the following minimum distances from all buildings and lot lines shall be required for the sum total of the capacity of all tanks and containers that are present:

Total Capacity (gallons water capacity)	Minimum Distance
Under 125	0 feet
125 to 500	10 feet
501 to 2,000	25 feet
Over 2,000	Not allowed within the limits of the Village of Unadilla

§ 159-81. Private swimming pools.

Upon issuance of a special permit, private swimming pools may be installed in any district as an accessory structure to a dwelling or dwellings for the private use of the owners or occupants of such dwelling and their guests or as an accessory structure to a nursery school, day-care center, family day-care or day camp for children under the following conditions:

- A. Such pool shall be erected in the rear yard of the premises (except the side yard, in the case of a corner lot or a double lot, may be used if all requirements of the Zoning Chapter are met) and shall be surrounded by a good quality and well maintained fence, not less than six (6) feet nor more than eight (8) feet in height, enclosing the entire portion upon which such pool shall be installed and entirely surrounding the area in which the pool is located. For pools projecting above the ground and which are self-enclosed by an attached fence, said enclosures shall be construed to satisfy the requirements of this provision, provided that they are not less than six (6) feet in height above the ground. Also, any opening in a fence affording access to the pool proper shall be provided with a gate containing an automatic or manual locking device.
- B. Such pool shall not be erected closer than fifteen (15) feet from the rear and side property lines of the premises or, in the case of a corner lot, closer than fifty (50) feet from any street line along an abutting street.
- C. Such pool shall not occupy more than forty percent (40%) of the area of the rear yard, excluding all garage or other accessory structures located in such area.

- D. If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply.
- E. If the water for such pool is supplied from the public water supply system, the inlet shall be above the overflow level of the pool.
- F. Such pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the State Sanitary Code relating to public swimming pools.
- G. Artificial lights for the illumination of swimming pools shall be designed, constructed and maintained so that no direct ray shall cross any property line.

§ 159-82. Minimum floor area.

Minimum floor area for single-family dwellings shall be greater than nine hundred sixty (960) square feet at the first floor level, and such dwelling shall not be less than twenty-four (24) feet in width at its narrowest point, nor less than thirty-six (36) feet in length at its shortest point.

§ 159-83. Animals.

The keeping of more than three (3) licensed dogs, three (3) cats or any horses, cattle, sheep, goats, pigs, fowl or other customary farm animals or animals customarily kept in zoos or the keeping of animals for sale or hire on a lot of ten (10) acres or less shall require a site plan review by the Planning Board and special permit from the Zoning Board of Appeals.

§ 159-84. Mining operation requirements.

The following requirements are in addition to all current applicable requirements for a mining permit issued by the New York State Department of Environmental Conservation and the Planning Board:

- A. All mining operators must apply for a mining permit. In addition, a plan must be submitted for the reuse of the land after completion of mining operations and a statement of

intent on the part of the owner or operator that said plan will be completed in less than one (1) year after mining operations have ceased. No permit shall be issued until the Village Planning Board has approved all supporting materials and the reuse plan. A mining permit is not required for the following:

- (1) Any excavation which is undertaken to prepare for construction. To qualify for this exemption there shall be no removal of mined materials from said premises for the purpose of sale, and construction shall be scheduled to begin immediately upon completion of the excavation.
- (2) Grading, cuts and fill shown on any approved site plan.
- (3) Wells for the purpose of providing drinking or agricultural water supplies.
- (4) Removal of trees, topsoil or other earth incidental to the business of operating a nursery or farm.
- (5) Excavation or removal of sand, gravel, stone, trees or other minerals or materials incidental to highway, sidewalk or driveway construction upon the same premises.
- (6) The moving of trees, topsoil or other earth, sand or gravel from one part to another of the same premises as an incident to construction of a building, to farming or to landscaping.

B. Application for a mining permit shall be made on forms provided by the Zoning Enforcement Officer and shall be accompanied by drawings and other supporting materials as follows:

- (1) The location of the operation, with distances to property lines and to all buildings, streets or other existing improvements within one hundred (100) feet of such property lines.
- (2) The approximate yield anticipated from the operation, estimated either in terms of gallons or cubic yards per day and the estimated drilling or excavation depth.

- (3) The location of all access roads, buildings and structures to be used in the operation of such facility.
 - (4) Such additional information as may be required by the Village Planning Board for approval.
- C. In reviewing any permit required under this section, the Village Planning Board may require that a bond be provided by the owner of the property of sufficient amount to permit the village to restore the site to stable slopes and adequate ground cover sufficient to prevent erosion, land or rock slides and to remove any hazard to public safety should the owner thereof fail to do so.
- D. The required reuse plan shall contain the following:
- (1) A description of how all topsoil will be removed, stored and returned to the site at the completion of the mining operation.
 - (2) A description of the methods that will be used to return fertility to the topsoil and to seed, the extent of planting and landscaping that will be completed and an estimate as to the date of the completion of the restoration.
 - (3) After completion of excavating or stripping, the property grades shall be finished off consistent with bordering land and topsoil replaced to a natural depth consistent with topsoil native to the site.
 - (4) The finished grade shall form an appropriate part of the natural drainage area or some positive drainage system.
 - (5) Such additional information as may be required by the Village Planning Board.
- E. The mining permit, after issuance, is renewable annually at the discretion of the Village Planning Board upon request of the owner of the mining operation at least sixty (60) days prior to the expiration date of said permit. However, no permit shall be renewed unless the provisions of the Zoning Chapter are continuously satisfied. If a mining permit is not renewed on its anniversary date by the Village Planning Board, the owner of the mining operation, at the discretion of the Village Planning Board, must file a new application for a permit.

- F. The owner of any mining operation which is adjacent to occupied residential property shall, upon the request of the adjoining owner or occupant or Village Planning Board, provide the proper fencing or screening to prohibit access from the residential property to the property being mined, to make all reasonable efforts to eliminate direct visual contact between the first floor area and the lawn area of the residence and the area where the excavation is to take place. Fencing can also be required by the Village Planning Board where there is a showing of otherwise steep and dangerous conditions due to said mining.
- G. Where topsoil is removed, the Zoning Chapter shall require that the soil capable of being cultivated shall be set aside for respreading over the excavation area when the mining operation is completed.
- H. The site must be kept free of debris. Cleared trees, stumps, brush, etc., shall be removed. The site shall not be used for storage of trash or unused equipment.

§ 159-85. Mobile homes.

- A. All mobile homes shall be provided with an adequate water supply and method of sewage disposal as determined by the standards of the New York State Departments of Health and Environmental Conservation.
- B. All mobile homes shall be anchored and located on foundations as follows:
 - (1) Mobile homes containing less than five hundred (500) square feet of floor area shall be anchored by means of at least four (4) frame ties and at least two (2) over-the-top ties, each tie to be securely anchored to the ground sufficient to withstand a four-thousand-eight-hundred-pound force without failure.
 - (2) Mobile homes containing five hundred (500) square feet of floor area or more shall be anchored by means of at least five (5) frame ties and at least three (3) over-the-top ties, each tie to be securely anchored to the ground to

withstand a four-thousand-eight-hundred-pound force without failure.

- (3) Ties shall consist of at least one and one-half by thirty-five hundredths ($1\frac{1}{2} \times 0.35$) inches or seven-thirty-seconds-inch-seven-by-seven or one-fourth-inch-seven-by-nineteen galvanized steel cable. Frame ties shall connect the steel beam supporting the structure to the anchors. Over-the-top ties shall be anchored on both sides of the unit.
 - (4) Whenever a mobile home has been constructed with concealed tie-down straps or frame connections, such straps or connections may be used, however they must be of the same number and strength as otherwise required by this section.
- C. All mobile homes must be provided with perimeter skirting to hide all wheels, chassis and other appurtenances under the home within sixty (60) days after the mobile home is located in the village.

§ 159-86. Mobil home parks.

- A. All mobile home parks existing at the time of this Zoning Chapter shall be licensed regardless of conformance to the zoning district regulations contained herein, but no mobile home park shall be created or enlarged or newly licensed unless in conformance with this Zoning Chapter. Such licenses shall be issued for a period of three (3) years and shall be renewable for an unlimited number of additional three-year periods. No license shall be issued until the Village Planning Board has approved a site plan therefor in accordance with the provisions of this Zoning Chapter; no license shall be renewed unless the provisions and conditions of such approved site plan are continuously satisfied. The renewal application need not be accompanied by a site plan unless changes subsequent to the latest issuance of the license have been made to it. Any person holding a license for a mobile home park and desiring to add additional lots to such park shall file an application for a supplemental license. The application for such supplemental license shall be accompanied by a site plan for the additional

lots and shall meet all other specifications of this Zoning Chapter. A supplemental license shall be effective from the date of issuance and run concurrently with the original license.

- B. In addition to the other requirements of this Zoning Chapter, the following requirements shall be met for all mobile homes within mobile home parks:
- (1) All mobile home sites shall be accessible from a service roadway not less than twenty (20) feet in width. Roadways shall be surfaced with a hard all-weather surface. Except in cases of emergency, no parking shall be allowed on such roadways.
 - (2) All mobile home sites shall be provided with permanent anchors sufficient to anchor a mobile home as provided under § 159-85B, and any mobile home placed on that site shall be so anchored.
 - (3) All mobile home sites shall be so located so as to provide a minimum distance of at least twenty (20) feet between a mobile home located thereon and any part of any adjacent mobile home or service roadway.
 - (4) Off-street parking shall be provided adjacent to every mobile home for use of the residents thereof, said parking to be provided in an amount and subject to the restrictions and exemptions applicable to one-family dwellings.
 - (5) Every mobile home park shall provide a pond, tank or other suitable water storage of a capacity of at least thirty thousand (30,000) gallons plus two thousand (2,000) gallons for every mobile home in excess of twenty (20), said facility to be provided with a dry hydrant of suitable construction approved by the local fire chief. Such hydrant shall be located within ten (10) feet of and be readily accessible from a service roadway. No mobile homes shall be located more than one thousand five hundred (1,500) feet from a fire hydrant provided under this section.
 - (6) Every mobile home site shall be provided with its own sewer, water and electrical service, and any occupied

mobile home located thereon shall be connected to such utilities.

- (7) All sewer and water facilities shall be approved by the New York State Health Department or Department of Environmental Conservation as required by state law.
 - (8) Only one (1) mobile home shall be permitted to occupy any one (1) mobile home lot.
- C. All site plans for mobile home parks shall include the location and size of existing trees to be preserved in the construction of the mobile home park. A landscaped buffer strip at least twenty (20) feet in width shall be installed along every boundary of a mobile home park, said buffer strip to be included within the required yard along such boundary. Such landscape buffer shall be planted and maintained with nondeciduous or evergreen plants, shrubs and trees to provide a visual and wind screen. Also, lawn and ground cover shall be provided on those areas not used for the placement of mobile homes and other buildings, walkways, roads and parking areas.
- D. Service buildings may be provided as deemed necessary for the normal operation of a mobile home park. Such buildings shall be maintained by the owner or manager of the park in a clean, sightly and sanitary condition.

§ 159-87. Performance standards.

Standard methods of collection and chemical analysis or any method approved by the United States Bureau of Standards shall be used in the application of these standards.

- A. Noise. It shall be unlawful for any person to permit the emission of measurable noises, as measured at the individual property lines, to exceed seventy (70) decibels (dBA) A-weighted sound during periods between 6:00 a.m. and 10:00 p.m. or sixty (60) decibels (dBA) A-weighted sound during periods between 10:00 p.m. and 6:00 a.m. The sound level may exceed these established sound levels for a period not to exceed six (6) minutes during any sixty (60) minutes by not more than

seven (7) decibels (dBA) A-weighted sound, exempting emergency horns, sirens and warning systems.

- B. Odor. It shall be unlawful for any person to permit the emission of any odor that is unreasonably offensive as measured at the individual property lines.
- C. Dust and dirt. It shall be unlawful for any person to permit or cause to escape such quantities of soot, cinders or fly ash as to exceed three-tenths (0.3) grains per cubic foot of flue gases at a stack temperature of five hundred degrees Fahrenheit (500° F.) when measured at the top of the stack. Other kinds of dust, dirt and other particulate matter shall not be in excess of three-tenths (0.3) grains per cubic foot of air as measured at the top of the stack and corrected to standard conditions, provided that if the top of the stack is one hundred (100) feet or more above the finished grade, the amount of particles of not more than ten (10) microns in size, if any, may be increased to an amount not in excess of three-hundredths (0.03) (H/100:) grains per cubic foot, corrected to standard conditions, where H is the height of the top of the stack above the finished grade. Unreasonable offensive residues shall not be deposited on neighboring properties.
- D. Vibration. It shall be unlawful for any person to permit or cause, as a result of normal operations, a vibration which creates a displacement of plus or minus zero-and-three thousandths (0.003) of one (1) inch as measured at the property line.
- E. Noxious gases. It shall be unlawful for any person to permit the escape of such quantities of noxious acids, fumes or gases in such a manner and concentration as to endanger the health, comfort or safety of any person or to cause or have a tendency to cause injury or damage of property, business or vegetation. The emission of sulfur dioxide, carbon monoxide, photochemical oxidants, hydrocarbons (nonmethane), nitrogen dioxide, fluorides, hydrogen sulfide and beryllium shall be within the air quality standard of the New York State Department of Environmental Conservation.
- F. Glare. It shall be unlawful for any person to carry on a process such that a continuous direct or sky-reflected glare, whether

from a floodlight or from a high temperature process, such as combustion or welding, at such a location so as to cause glare over property lines or on streets. Vision, including that of the driver of any vehicle, shall not be impaired by glare. Temporary use in an emergency is permitted.

- G. Radioactive materials. It shall be unlawful for any person to permit acquisition, storage, disposal and the emission of such quantities of radioactive materials, of any nature whatsoever, as to be unsafe under standards established by the United States Bureau of Standards within all districts.
- H. Fire and safety hazards. All buildings, operations, storage, waste disposal, etc., shall be in accordance with applicable provisions of the latest published edition of the New York State Uniform Fire Prevention and Building Code.
- I. Open storage. It shall be unlawful for any person to permit the open storage of any material scrap or waste material, including but not limited to newspapers, rags, used furniture, used appliances, junked vehicles which are not roadworthy and their parts, building materials, scrap metal and garbage or trash. (See § 159-80A.)
- J. Smoke. It shall be unlawful for any person to permit the emission of any smoke from any source whatever, as measured at the individual property line, of a density described as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines; provided, however, that the emission of smoke shall be unlawful if it is unreasonably offensive in terms of odor or noxious gases despite its apparent lack of density when measured by the Ringlemann Chart.
- K. Pollution of water. It shall be unlawful for any person to permit the pollution of surface water drainage or of groundwater in any manner that renders it less usable in quality and quantity for irrigation, swimming, drinking, visual attractiveness or whatever lawful uses are made of water resources to persons downstream than such water's usefulness as it enters said person's property or area of operation. (See Article XII.) The specifications and standards of the New York State Department of Environmental Conservation with respect to floating solids, oil, sludge deposits, taste- or odor-producing

substances, sewage and waste effluent, pH, dissolved oxygen, toxic wastes, deleterious substances, and colored or other wastes or heated liquids (by stream classification) shall govern the contaminant levels with which any and all uses must perform.

- L. Sewer and water facilities. All sewer and water facilities shall be installed in conformance with the standards established by the New York State Departments of Health and Environmental Conservation.

ARTICLE XVII Village Planning Board

§ 159-88. Functions.

The Village Planning Board shall have the power to perform the following functions:

- A. Prepare or change the Comprehensive Master Plan for the village.
- B. Review and comment on all proposed Zoning Chapter amendments.
- C. Conduct site plan review, providing recommendations for approval or disapproval as required by the Zoning Chapter.
- D. Render assistance to the Zoning Board of Appeals on its requests.
- E. Research and report on any matter referred to it by the Village Board of Trustees.
- F. Make maps, reports and recommendations in any matter related to planning and development.
- G. Review and act upon mining permit applications, all supporting materials and the reuse plan.
- H. Review and act upon sign permit applications and all supporting materials.
- I. Determine and require protection of buildings in accordance with § 159-60.

- J. Review and determine if map and plans are to be prepared by a licensed engineer in accordance with Article XII, Aquifer District.
- K. Review and act upon subdivision applications and all supporting materials.
- L. By delegation of the Planning Board, an individual member may make investigations into specific matters currently before the Planning Board, provided that they do not overlap or infringe upon the duties of the Zoning Enforcement Officer.
- M. Review and act upon all assignments of this Zoning Chapter.

ARTICLE XVIII Site Plan Review

§ 159-89. Uses requiring approval.

- A. All new developed land use activities within the village shall require site plan review and approval before being undertaken, except those specifically exempted below.
- B. Exempted uses. The following land use activities are exempted from the requirements of this Article, except as specifically required in the respective zoning districts in which such activities are located:
 - (1) Construction of one- or two-family dwellings, ordinary accessory structures and related land use activities.
 - (2) Ordinary repair or maintenance of existing structures or uses.
 - (3) Agricultural land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure.
 - (4) Incidental landscaping or grading.
 - (5) Individual mobile homes within mobile home districts.
 - (6) Exterior alterations or additions to an existing residential structure which do not substantially change its nature or use and to any commercial or industrial structure which

will not increase the gross floor area of the existing structure by more than ten percent (10%) within any five-year period.

- (7) Interior alterations that do not substantially change the nature or use of a commercial or industrial structure.
- C. Existing uses and structures. This Article does not apply to uses and structures that are lawfully in existence as of the date this chapter becomes effective. Any use that would otherwise be subject to this chapter, which has been discontinued for a period of one (1) year or more, shall be subject to review pursuant to the terms of this chapter before such use is resumed. Any use or structure shall be considered to be in existence, provided that such use or structure has started construction prior to the effective date of this chapter and is fully constructed and completed within one (1) year after the effective date of these regulations.
- D. Uncertain applicability. Any person uncertain of the applicability of this chapter to a given land use activity may apply in writing to the Planning Board for a written jurisdictional determination.

§ 159-90. Statement of development.

Each site plan application shall contain a statement of development intent containing the names of the owners, developers and agents on the appropriate forms provided by the Zoning Enforcement Officer. The need for site plan approval by the Village Planning Board shall be determined by the Zoning Enforcement Officer upon receipt of an application for any permit, certificate or license. The site plan application shall include information regarding:

- A. Evidence of compatibility with the village land use plan as stated in the Comprehensive Master Plan.
- B. Time period for completion of construction or restoration.

§ 159-91. Submission of plan.

A site plan shall be submitted to the Village Planning Board for review and approval and shall include the following information:

A. All districts:

- (1) Proposed site plan generally showing buildings and structures, location, parking areas, drives, pedestrian-ways, landscaping, developed open space, recreational areas, setbacks, egress and ingress points.
- (2) Existing and proposed utility system and location of wells and septic treatment areas and drainage system, if any.
- (3) Proposed construction sequence for buildings and other development, ownership and maintenance of open space, if any.
- (4) Such additional information as may be required by the Village Planning Board for approval, disapproval or approval with modifications.
- (5) Location and size of all proposed signs.

B. Business and Industrial Districts:

- (1) Proposed site plans within Business and Industrial Districts shall be prepared by an engineer or architect licensed by the State of New York.
- (2) A boundary survey to show all legal property boundaries and the location of existing easements and improvements.
- (3) Location of the maximum number of points of access to public streets.
- (4) Explanation of measures to be taken to accommodate parking, loading, vehicular and pedestrian circulation.
- (5) Location and size of proposed signs.
- (6) Existing land use for a distance of two hundred (200) feet outside the boundaries of the lot.
- (7) Buffering of use (if abutting a residential use) via fences, screening, plantings, easements, embankments, etc.

§ 159-92. Application.

An application for site plan approval shall be made in writing to the Zoning Enforcement Officer and shall be accompanied by information drawn from the following checklist. The Planning Board may require additional information, if necessary, to complete its review.

A. Plan checklist for all site plans:

- (1) Title of drawing, including name and address of the applicant and the person responsible for the preparation of such drawing.
- (2) North arrow, scale and date.
- (3) Boundaries of the property plotted to scale.
- (4) Existing watercourses and bodies of water.
- (5) Location of any slopes of five percent (5%) or greater.
- (6) Proposed grading and drainage.
- (7) Location, proposed use and height of all buildings and site improvements, including culverts, drains, retaining walls and fences.
- (8) Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.
- (9) Location of outdoor storage, if any.
- (10) Description of the method of sewage disposal and location of the facilities.
- (11) Identification of water source; if a well, locate.
- (12) Location, size and design and construction materials of all proposed signs.
- (13) Location and proposed development of all buffer areas, including existing vegetative cover.
- (14) Location and design of outdoor lighting facilities.
- (15) General landscaping plan.

B. As necessary, the Planning Board may require the following:

- (1) Provision for pedestrian access, if necessary.
- (2) Location of fire lanes and hydrants.
- (3) Designation of the amount of building area proposed for retail sales and similar commercial activity.
- (4) Other elements integral to the proposed development as considered necessary by the Planning Board.

§ 159-93. Flood Protection District.

All site plans for development within the Flood Protection District shall be in conformance with the provisions of the FEMA Flood Insurance Study, adopted as Village Local Law No. 1-1987, Flood Damage Prevention Local Law.⁷

§ 159-94. Planning Board review.

The Planning Board's review of the site plan shall include, as appropriate, the following:

A. General consideration:

- (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- (2) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
- (4) Location, arrangement, size and design and general site compatibility of buildings, lighting and signs.
- (5) Adequacy of stormwater and drainage facilities.

⁷ Editor's Note: See Ch. 84, Flood Damage Prevention.

- (6) Adequacy of water supply and sewage disposal facilities.
- (7) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation.
- (8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.
- (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances.
- (10) Protection of solar access on adjacent or neighboring properties.
- (11) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (12) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

B. Consultant review.

- (1) The Planning Board may consult with the Zoning Enforcement Officer, Village Engineer, Superintendent of Public Works, County Planning Department and other local and county officials, 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.
- (2) The Planning Board may hire a consultant, if needed, to review plans with the approval of the Village Board of Trustees.

§ 159-95. Determination of Planning Board.

- A. The Village Planning Board, after review of the site plan and determination that the appropriate requirements of the Zoning

Chapter have been met, shall recommend the approval, approval with modifications or disapproval of the application for site plan approval. The Village Planning Board shall enter its reasons for such actions in its records and transmit its findings to the Zoning Enforcement Officer. The Village Planning Board shall act in strict accordance with the procedure specified by law and by this Zoning Chapter.

- B. The Village Planning Board will approve the site plan, provided that it finds the facts submitted with the site plan establish that:
- (1) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to it shall be such that it will be in harmony with the orderly development of the district as proposed in the Comprehensive Master Plan, and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings.
 - (2) Operations in connection with any use subject to site plan review shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations or flashing lights than would be the operations of uses permitted by right within the district.
 - (3) Existing streets are suitable and adequate to carry anticipated traffic generated by the proposed use and in the vicinity of the proposed use.
 - (4) The proposed use will not be detrimental to:
 - (a) Personal safety within the area.
 - (b) The natural characteristics of the site or area.
 - (c) Present and potential surrounding uses.
- C. If any proposal includes lands lying within the Flood Protection District shown on the Unadilla Village Zoning Map, such proposal shall be reviewed to assure that it is consistent with the need to minimize damage, that all utilities are located to minimize damage or eliminate flood damage

and adequate drainage is provided so as to reduce exposure to flood hazards.

- D. If any proposed use includes lands lying within the Aquifer District shown on the Official Zoning Map of the village, such proposal shall be reviewed to assure that it is consistent with the purpose and intent, permitted uses and special permit requirements as stated in Article XII, Aquifer District.

§ 159-96. Procedure.

- A. All applications for site plan review shall be made to the Zoning Enforcement Officer on such forms as he may prescribe. The Zoning Enforcement Officer shall transmit a copy of the application, together with any accompanying documents, to the Village Planning Board. A copy of the application and any accompanying documents shall also be sent to the County Planning Board for its review where any site plan review application affects real property lying within five hundred (500) feet of the village boundary, or of the boundary of any existing or proposed county or state park or other recreation area, or of the right-of-way of any existing or proposed county or state parkway, expressway, road or highway, or of the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or of the existing or proposed boundary of any county or state owned land on which a public building or institution is situated. No action shall be taken upon any matter referred to the Otsego County Planning Board until said Board shall have made a recommendation thereon to the Village Planning Board or thirty (30) days shall have elapsed since the date of referral. If the County Planning Board disapproves the proposal or recommends modification thereof, the Village Planning Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one (1) of all members and after the adoption of a resolution fully setting forth the reasons for such contrary actions.
- B. Within forty-five (45) days of receipt of a completed site plan or sixty (60) days in cases when the application must be

referred to the County Planning Board, the Village Planning Board shall review the same and approve, approve with changes or disapprove the site plan application. Failure of the Village Planning Board to act within the prescribed period of time shall constitute approval unless the applicant and Village Planning Board mutually agree to extend this time limit. The Village Planning Board may conduct a public hearing of the site plan, if it is considered desirable by a majority of the members of the Village Planning Board. Such public hearing shall be conducted within forty-five (45) days of the receipt of the application and shall be advertised in the official newspaper of the village at least five (5) days before the public hearing. A decision on the site plan shall be rendered within sixty (60) days of the public hearing.

- C. Upon approval or conditional approval with modifications, the applicant shall file three (3) copies of the approved site plan with the Zoning Enforcement Officer who shall then issue the appropriate building permit. One (1) copy of the approved site plan shall be filed with the Village Clerk.
- D. Upon completion of the work depicted in the site plan, the Zoning Enforcement Officer shall make a field inspection, noting on one (1) copy of the approved site plan compliance between the site plan and actual development and shall submit the same to the Village Planning Board. No performance bond or other surety shall be released and no certificate of compliance issued unless or until the Village Planning Board is satisfied that actual development is in substantial compliance with the approved site plan.
- E. Whenever a site plan is submitted for a planned development for which a zone change is required, approval by the Village Planning Board shall be made conditional upon the granting of a change of zone by the Village Board, and all time limits upon review and approval herein specified shall be waived. In such an instance, however, review of a site plan by the Village Planning Board may be made at the same time as it prepares its advisory report to the Village Board.

ARTICLE XIX
Administration

§ 159-97. Powers and duties of administrative officer and Enforcement Officer.

- A. The Village Clerk is hereby given the following duties and authority:
 - (1) To accept all applications required by this Zoning Chapter and to transmit such applications to the secretaries of the Village Planning Board and Zoning Board of Appeals.
 - (2) To provide, upon request, copies of the Village Zoning Chapter and Map and any forms, rules and regulations used in administering this Zoning Chapter. Appropriate charges may be levied for such copies.
 - (3) To carry out all duties specified in this Zoning Chapter.
- B. This Zoning Chapter shall be enforced by the Zoning Enforcement Officer(s), who shall be appointed by the Village Board. The Village Board shall fix the salary or compensation of such officer(s) and provide for the payment thereof.
- C. Duties and authority of the Zoning Enforcement Officer.
 - (1) The Zoning Enforcement Officer is hereby given the following duties and authority:
 - (a) To develop such forms, with rules and regulations therefor, as he deems necessary for the proper administration and enforcement of this Zoning Chapter. Said forms, rules and regulations shall be reviewed and approved by the Village Planning Board and the Village Board and shall be available for public view at the Village Clerk's office. Such rules, regulations and forms shall not be in conflict with the provisions of this Zoning Chapter or any other law of the Village of Unadilla, nor shall they have the effect of waiving any provisions of this Zoning Chapter or any other law. Such rules, regulations and forms shall have the same force and

effect as the provisions of this Zoning Chapter and shall be subject to the same penalties for violation thereof.

- (b) To enter upon, examine or inspect with reasonable cause, or cause the same to be done, any land, building or structure for the purposes of administering or enforcing this Zoning Chapter. A written report of each such examination or inspection shall be prepared and kept on file. Every reasonable effort shall be made to contact the owner prior to the inspection of said property, which efforts shall be noted in the written report.
- (c) To receive written complaints of violations of this Zoning Chapter or to make complaints based upon his own examination, inspection or knowledge.
- (d) To act upon any and all written complaints of violations of this Zoning Chapter and to serve a written notice of violation upon the owner or occupant of the premises where there appears to exist a violation of any provision of this Zoning Chapter.
- (e) To perform any other administrative or enforcement duties specified in this Zoning Chapter, including but not limited to accepting or reviewing applications, plans or plats, reviewing and issuing of permits, licenses or certificates and carrying out any lawful order of the Village Planning Board or Zoning Board of Appeals.
- (f) To extend the date of compliance in a notice of violation for not more than thirty (30) days after receipt of a written request by the violator for an extension, if, in his opinion, there is reasonable evidence of intent to comply and that reasonable conditions exist which prevent compliance by the specified date.

- (2) In issuing of permits, licenses or certificates or notices of zoning violations, all correspondence must be by certified mail or, if hand delivered, by signed hand receipt.
 - (3) All applications must be acknowledged in writing, within seven (7) days of receipt of the request.
- D. Any person served with a notice of violation in accordance with Subsection C and who denies the violation or is allegedly aggrieved by the required action necessary for compliance may, within ten (10) days after service of notice, make a request in writing for a hearing before the Zoning Enforcement Officer stating the reasons why such a hearing is requested. Compliance with a notice of violation shall not be required while a hearing is pending.
- E. Within ten (10) days after receipt, properly stamped, of a request for a hearing, the Zoning Enforcement Officer shall acknowledge receipt, in writing, by certified mail, and set a time and place for such hearing within thirty (30) days after the date the request was received. Hearings may be postponed up to an additional thirty (30) days by the Zoning Enforcement Officer for just cause, and notice of postponement shall be served to the applicant. The person requesting the hearing shall be required to show cause or give evidence why he should not be required to remedy the violation or why he is unable to comply with the remedial action outlined in the notice of violation.
- F. After consideration of all testimony given at the hearing held in accordance with Subsection E, the Zoning Enforcement Officer shall sustain, withdraw or modify the notice of violation as originally served. If such notice is sustained or modified, the Zoning Enforcement Officer shall set a new compliance date by which the violation shall be remedied or removed in accordance with the original notice of violation or modified remedial action specified at the hearing.
- G. On reinspection following the expiration of the date of compliance as specified in the notice of violation, if the violation has been remedied or removed in accordance with the specified remedial action and there is no longer a violation of any provision of this Zoning Chapter, then a certificate of

zoning compliance shall be issued by the Zoning Enforcement Officer.

- H. On reinspection following the expiration of the date of compliance as specified in the notice of violation or as extended in accordance with Subsection F, if the remedial action specified has not been carried out and there is still in existence, in the opinion of the Zoning Enforcement Officer, a violation of a provision of this Zoning Chapter, then the Zoning Enforcement Officer shall immediately refer the matter to the local justice, or nearest presiding magistrate, who shall thereupon institute appropriate legal action to restrain, prevent, enjoin, abate, remedy or remove such violation and to take whatever other legal action is necessary to compel compliance with this Zoning Chapter.

§ 159-98. Permits; certificates; licenses.

- A. No building or structure shall be constructed, demolished, erected, altered, extended or repaired unless a building permit is issued therefor by the Zoning Enforcement Officer, subject to the following conditions:
- (1) No building or structure shall be demolished or removed from its present site until a demolition permit is issued therefor by the Zoning Enforcement Officer. The Zoning Enforcement Officer, prior to issuing a demolition permit, shall determine if the structure to be demolished predates 1900. If said structure predates 1900, the Zoning Enforcement Officer shall notify the Planning Board and the Historical Preservation Committee of the intent to demolish. In the event that said structure is determined to be historically significant to the village, the owner of said structure shall be required to offer the structure for sale either on its present site or for removal to another site for a period of forty-five (45) days prior to issuance of a permit to demolish. The Planning Board and the Historic Preservation Committee shall have sixty (60) days from the notification by the Zoning Enforcement Officer to make a determination. If no decision is made within that

time period, the structure shall be determined not to be historically significant to the village.

- (2) No building permit shall be required for any activity involving a cost of less than two thousand dollars (\$2,000.) that does not involve the creation of a new dwelling unit, an enlargement of the usable floor area of an existing building or structure or the creation of a new building or structure having a floor area greater than three hundred (300) square feet.
- (3) Creation of a new dwelling unit, an enlargement of the usable floor area of an existing building or structure or the creation of a new building or structure shall require a building permit regardless of cost.
- (4) Every building permit application shall include the following:
 - (a) The location, size, dimensions and zoning district of the lot or lots on which the work is to be performed.
 - (b) A sketch or drawing showing the location of the proposed building or structure, including dimensions to all property lines and to the nearest building within one hundred (100) feet of the proposed building or structure.
 - (c) A statement or drawing describing the proposed structure, including its height, floor area, use and any information necessary to determine the off-street parking and loading area requirements of Article XIV of this Zoning Chapter.
 - (d) A statement or drawing showing all proposed parking and loading areas, driveways, anchors or tie-downs, or required landscaped buffer areas.
 - (e) Any other statement or drawings necessary to determine that the proposed work will comply with the various provisions of this Zoning Chapter.
- (5) Whenever a proposed building, structure or land use requires approval of a site plan, no building therefor shall be issued until such site plan is approved in accordance

with the provisions of this Zoning Chapter and such site plan may be substituted for the drawings and statements required under Subsection A(4).

- (6) No building permit for construction of a new residential, commercial or industrial building shall be issued for any undeveloped parcel until the applicant has furnished a plan for a proposed septic system(s) which meets the current criteria of the New York State Department of Health, based upon on-site percolation tests and other soil profile data. An undeveloped parcel for this section shall be any land requiring construction of a new or upgrading of an existing septic system.
- B. The Zoning Enforcement Officer shall issue, refer to the appropriate board or refuse to issue such permit all within thirty (30) days. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative, in writing, by certified mail, and shall state the reasons for the refusal and indicate the alternative courses of action.
- C. The Zoning Enforcement Officer may, for just cause, rescind any building permit which he has issued.
- D. All building permits shall become void one (1) year after the date of issue unless they are implemented by the beginning of physical construction in the form of excavation, installation of foundation or construction of structural members, except that the Zoning Enforcement Officer may issue not more than a one-year extension upon application by the original applicant and upon proof that failure to implement the original permit was due to conditions beyond the applicant's control. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, the permit shall expire and be canceled by the Zoning Enforcement Officer, and written notice thereof shall be given to the persons affected.

§ 159-99. Certificate of compliance.

No land shall be used or occupied, no building hereafter erected, altered or extended shall be used and no building shall be changed in use until a certificate of compliance shall have been issued by the Zoning Enforcement Officer. A certificate of compliance shall be applied for coincident with the application for a building permit. Said certificate of compliance shall be issued only if the proposed structure and/or use of structure or land conforms to the provisions of this Zoning Chapter. A record of all certificates of compliance shall be maintained by the Village Clerk.

- A. A certificate of compliance shall remain valid only for those specific conditions of use and occupancy in effect at the time of issuance or for which said certificate was issued.
- B. In case the Zoning Enforcement Officer shall refuse to issue a certificate of compliance, his reasons shall be stated in writing on the application and a copy shall be returned to the applicant.
- C. The Zoning Enforcement Officer may rescind, for just cause, a certificate of compliance which he has issued.

§ 159-100. Complaint of violation.

Whenever a violation of this Zoning Chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon. The Zoning Enforcement Officer, upon completion of his investigation, shall file a report with the Village Clerk. The Village Clerk shall provide copies to the Village Planning Board and the Village Board.

§ 159-101. Penalties for offenses.

- A. Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Zoning Chapter shall be guilty of an offense and, upon conviction thereof, shall

be subject to a fine of not more than two hundred fifty dollars (\$250.).

- B. Each week a violation is continued shall be deemed a separate offense.
- C. Where a structure is completed and occupied without the issuance of the certificate of compliance by the Zoning Enforcement Officer, this shall constitute a violation of this Zoning Chapter.
- D. If a person fails to abate any violation of this Zoning Chapter within the time limit specified on the notice of violation, said person shall be subject to a civil penalty of two hundred fifty dollars (\$250.) for each and every week that said violation continues, recoverable by suit brought by the village.
- E. Any violation of this Zoning Chapter may also be enjoined pursuant to law.
- F. The penalties provided for herein shall be cumulative and shall be in addition to any other penalties provided by law.

§ 159-102. Fees.

The application for any permit, certificate, license or any review by the Village Planning Board or Zoning Board of Appeals shall be accompanied by a fee; an amount specified from time to time by resolution of the Village Board.

§ 159-103. Health Department approval.

No building permit shall be issued for construction of a dwelling until a preliminary approval has been obtained from the State Health Department for any private sewage system and/or any private water supply system.

ARTICLE XX
Zoning Board of Appeals

§ 159-104. Establishment; membership; meetings.

- A. A Zoning Board of Appeals is hereby created, said Board to consist of five (5) members appointed for terms of five (5) years, except that the members of the Board when first appointed shall serve for terms as specified under § 7-712 of the Village Law. The Chairperson and members of the Zoning Board of Appeals shall be appointed by resolution of the Village Board of Trustees which shall also have the power to remove any member for cause after a public hearing.
- B. All meetings of the Zoning Board of Appeals shall be open to the public, and said Board shall keep minutes of its proceedings, showing the vote of each member upon every question. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Village Clerk and shall be a public record.

§ 159-105. Powers and duties.

- A. Appeals. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Enforcement Officer. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the village by filing with the Zoning Enforcement Officer and Zoning Board of Appeals a notice of appeal, specifying the grounds thereof. The Zoning Enforcement Officer shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken. An appeal stops all proceedings in furtherance of the appeal, unless the Zoning Enforcement Officer certifies to the Zoning Board of Appeals, after the notice stated in the certificate, that a stop would, in

his opinion, cause imminent peril to life or property. In this case, proceedings shall not be stopped except by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record. The Zoning Board of Appeals may disapprove, approve or modify the decision of the Zoning Enforcement Officer.

B. Variances.

- (1) The Zoning Board of Appeals shall have authority to vary the requirements of this Zoning Chapter, subject to the following conditions. An application for such variance shall be made to the Zoning Enforcement Officer for transmittal to the Zoning Board of Appeals, said application to contain the following items:
 - (a) The name, address and phone number of the applicant.
 - (b) The location and zoning district of the property for which the variance is sought.
 - (c) The existing use of said property, including a description of any existing buildings.
 - (d) A citation to the provision of this Zoning Chapter for which the variance is sought.
 - (e) A justification of the request for variance.
- (2) The Zoning Board of Appeals may approve an area variance when a practical difficulty is present. The following are considerations that shall be used to determine if a practical difficulty exists:
 - (a) How substantial the variation is in relation to the requirement.
 - (b) The effect, if the variance is allowed, of the increased population density thus produced on available governmental facilities (fire, water, waste disposal, etc.).
 - (c) Whether a substantial change will be produced in the character of the neighborhood or whether a

substantial detriment to adjoining properties will be created.

- (d) Whether the difficulty can be prevented by some method feasible for the applicant to pursue other than by a variance.
 - (e) Whether the interests of justice will be served by allowing the variance.
 - (f) A showing of significant economic injury by the applicant if the variance is not granted.
- (3) The Zoning Board of Appeals may approve a use variance when an unnecessary hardship is present. Each of the following criteria shall be established to prove that an unnecessary hardship exists:
- (a) The land in question cannot yield a reasonable return if used only for a purpose allowed in the zoning district. A promise of greater yield by allowing a prohibited use is not to be considered.
 - (b) The plight of the owner must be due to unique circumstances and not the general conditions applicable throughout the district.
 - (c) The modification or use to be authorized will not alter the essential character or quality of the neighborhood. Also, the spirit of the Zoning Chapter shall be preserved.
- (4) In granting a variance, the Zoning Board of Appeals, in its resolution, shall specify its findings and the fact that all of the prescribed conditions are satisfied.

C. Special permits. The Zoning Board of Appeals shall have the authority to issue special permits, as provided in the district regulations of this Zoning Chapter, upon finding the following:

- (1) That the proposed use is authorized under the zoning district regulations as a permitted use subject to issuance of a special permit therefor.
- (2) That the proposed use will not have an adverse impact upon the area or neighborhood in which it is proposed to

be located and will be in harmony with the appropriate and orderly development of the district in which it is situated.

- (3) That the proposed use complies with all applicable provisions of this Zoning Chapter or will comply prior to the issuance of a certificate of compliance.
 - (4) That the proposed use is consistent with the Comprehensive Master Plan of the village.
 - (5) That the proposed use will not cause excessive traffic, will not detract from the property value of any adjacent property and can be adequately served by existing or proposed public facilities or utilities.
- D. Special extension. On direct application, supplementing an application to the Zoning Enforcement Officer for a building permit or certificate of compliance, the Zoning Board of Appeals may grant a special extension for the expansion or extension of a nonconforming use. Such applications for special extension shall follow procedures and satisfy the standards for a special use permit.
- E. In the exercise of its power and duties, the Zoning Board of Appeals, through its Chairman or, in his absence, its Acting Chairman, may compel the attendance of witnesses and may administer oaths prior to taking the testimony of any witness.
- F. In addition to the findings required before the granting of any variance or special permit under this section, the Zoning Board of Appeals may consider any other evidence necessary to show compliance to the intent and purpose of this Zoning Chapter.
- G. The Zoning Board of Appeals, in granting any appeal, variance or special permit, may attach such conditions to said approval as in its determination are necessary to achieve the intent and purpose of this Zoning Chapter.

§ 159-106. Procedures and referrals.

- A. Applications for action by the Zoning Board of Appeals shall be made to the Zoning Enforcement Officer on such forms as he may prescribe. Such applications may be made at any time except that an application for appeal under § 159-105A above shall be made within thirty (30) days of the action being appealed. All applications shall be accompanied by drawings at an appropriate scale, showing the size and placement of the lot, location of proposed buildings, driveways, parking areas, landscaping, screening and proposed drainage and utility systems. The applicant shall prepare all required documents and shall bear all costs of advertising and mailings that are required in connection with hearings.
- B. The Zoning Enforcement Officer shall transmit a copy of the application, together with any accompanying documents, to the Zoning Board of Appeals, who shall schedule a hearing thereon. Public notice of such hearing shall be given by publication in the official paper of a notice of such hearing at least ten (10) days prior to the date thereof, by the Village Clerk. At least ten (10) days prior to such hearing, the applicant or his agent shall be responsible for notification, by mailing notices thereof to the parties, all property owners, as appear on the latest tax roll of the village, within two hundred (200) feet of the subject property, and to any regional state park commission having jurisdiction over any state park or parkway within five hundred (500) feet of said property. Where any variance, special permit or site plan application affects any real property lying within five hundred (500) feet of the village boundary, or of the boundary of any existing or proposed county or state park or other recreation area, or of the right-of-way of any existing or proposed county or state parkway, expressway, road or highway, or of the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or of the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, the Village Clerk shall notify the Otsego County Planning Board of said application and submit copies of the application and any supporting documents thereto. No

action shall be taken upon any matter referred to the Otsego County Planning Board until said Board shall have made a recommendation thereon to the Zoning Board of Appeals or thirty (30) days shall have elapsed since the date of referral. If the County Planning Board disapproves the proposal or recommends modification thereof, the Zoning Board of Appeals shall not act contrary to such disapproval or recommendation, except by a vote of a majority plus one (1) of all members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action. Any application for variance, special permit or appeals shall also be referred to the Village Planning Board. The Village Planning Board shall, within thirty (30) days, recommend its approval or disapproval. Failure of the Village Planning Board to reply within thirty (30) days after receipt of the application will be construed as the Village Planning Board having no recommendation to submit in regard to the application.

- C. The hearing of an appeal or application shall take place within sixty (60) days of the filing of the appeal or application.
- D. The Zoning Board of Appeals shall reach a decision on any application or appeal within forty-five (45) days of the final hearing thereon. Such decisions shall be promptly filed in the office of the Village Clerk and shall be a public record. Within seven (7) days of such decision, notice thereof shall be transmitted to the Otsego County Planning Board whenever such decision relates to an application referred to said County Planning Board.

§ 159-107. Judicial review.

- A. Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals or any officer, department, board or bureau of the village may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision in the office of the Village Clerk. The Court may take evidence or appoint a referee to take evidence as it may direct and report the same with his findings of fact and conclusions of

laws if it shall appear that testimony is necessary for the proper disposition of the matter. The Court, at a special term, shall itself dispose of the case on the merits, determining all questions which may be presented for determination.

- B. Costs shall not be allowed against the Zoning Board of Appeals unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
- C. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.
- D. If, upon the hearing at a special term of the Supreme Court, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

ARTICLE XXI Amendments

§ 159-108. Public hearing; notice.

- A. The Village Board of Trustees may, from time to time, on its own motion or by recommendation or petition of the Planning Board, amend, supplement, change, modify or repeal the regulations and provisions of this Zoning Chapter or the boundaries of zoning districts following a public hearing and in accordance with law. Each such proposed amendment or change shall be referred to the Planning Board for report thereon before the public hearing provided for above.
- B. No amendment, supplement, change or modification of these regulations or the boundaries shown on the Zoning District Map shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

- C. At least ten (10) days' notice of such public hearing shall be published in a paper of general circulation within the village and a written notice of any proposed change or amendment affecting property within five hundred (500) feet of the village boundaries, county boundaries, state parks or parkways shall be given, in the case of any state park or parkway to the regional state park commission, in the case of a county boundary to the clerk of the legislative board of said county, at least ten (10) days prior to the date of such public hearing. Such parties shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment, but shall not have the right to review by court.

§ 159-109. Referral to County Planning Board.

Any zoning regulation or amendment thereof which would change the district classification of or the regulations applicable to real property lying within a distance of five hundred (500) feet of the village boundary or of the boundary of any existing or proposed county or state park or other recreation area, or of the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines or of the existing or proposed boundary of any county or state owned land on which a public building or institution is situated shall, before the Village Board of Trustees takes final action on such matter, be referred to the Otsego County Planning Board, which shall have thirty (30) days from the receipt of the submission to respond. If the County Planning Board disapproves any such proposal or recommends modification thereof, the Village Board shall not act contrary to such disapproval or recommendation, except by a vote of a majority plus one (1) of all the members thereof and after adopting a resolution fully setting forth the reasons for such contrary actions. Within seven (7) days of final action by the Village Board on any recommendation by said County Planning Board, the Village Board shall file a report of the final action it had taken with said County Planning Board.

§ 159-110. Minutes entry; publication.

- A. Every amendment to this Zoning Chapter, excluding any map incorporated therein, adopted pursuant to this Article shall be entered in the minutes of the Village Board; such minutes shall describe and refer to any map adopted in connection with such amendment.
- B. A copy thereof, exclusive of any map incorporated therein, shall be published once in a newspaper having general circulation in the village and affidavits of the publication thereof shall be filed with the Village Clerk. Such amendment shall take effect ten (10) days after such publication, except that where a certified copy of such amendment is personally served on any person, the effective date shall be the date of such service, with respect to the serviced person.

§ 159-111. Referral to Village Planning Board.

All proposed amendments to this Zoning Chapter shall be referred to the Village Planning Board which shall recommend action thereon to the Village Board based upon its consideration of the intent of this chapter. The Village Planning Board shall report its recommendations on such referral to the Village Board within thirty (30) days of such referral.

§ 159-112. Protest.

If a protest against a proposed amendment, supplement or change is presented to the Village Board, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the Village Board.

ARTICLE XXII
Conflict; Repealer

§ 159-113. Conflict with other laws.

In interpreting and applying the provisions of this Zoning Chapter, the regulations shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Zoning Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Zoning Chapter imposes a greater restriction upon the use of buildings or premises, this Zoning Chapter shall control.

§ 159-114. Repealer.

All local laws or ordinances, including but not limited to the Village of Unadilla Zoning Ordinance of 1967, as amended in 1976, in conflict with the provisions of this Zoning Chapter are hereby repealed.



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