

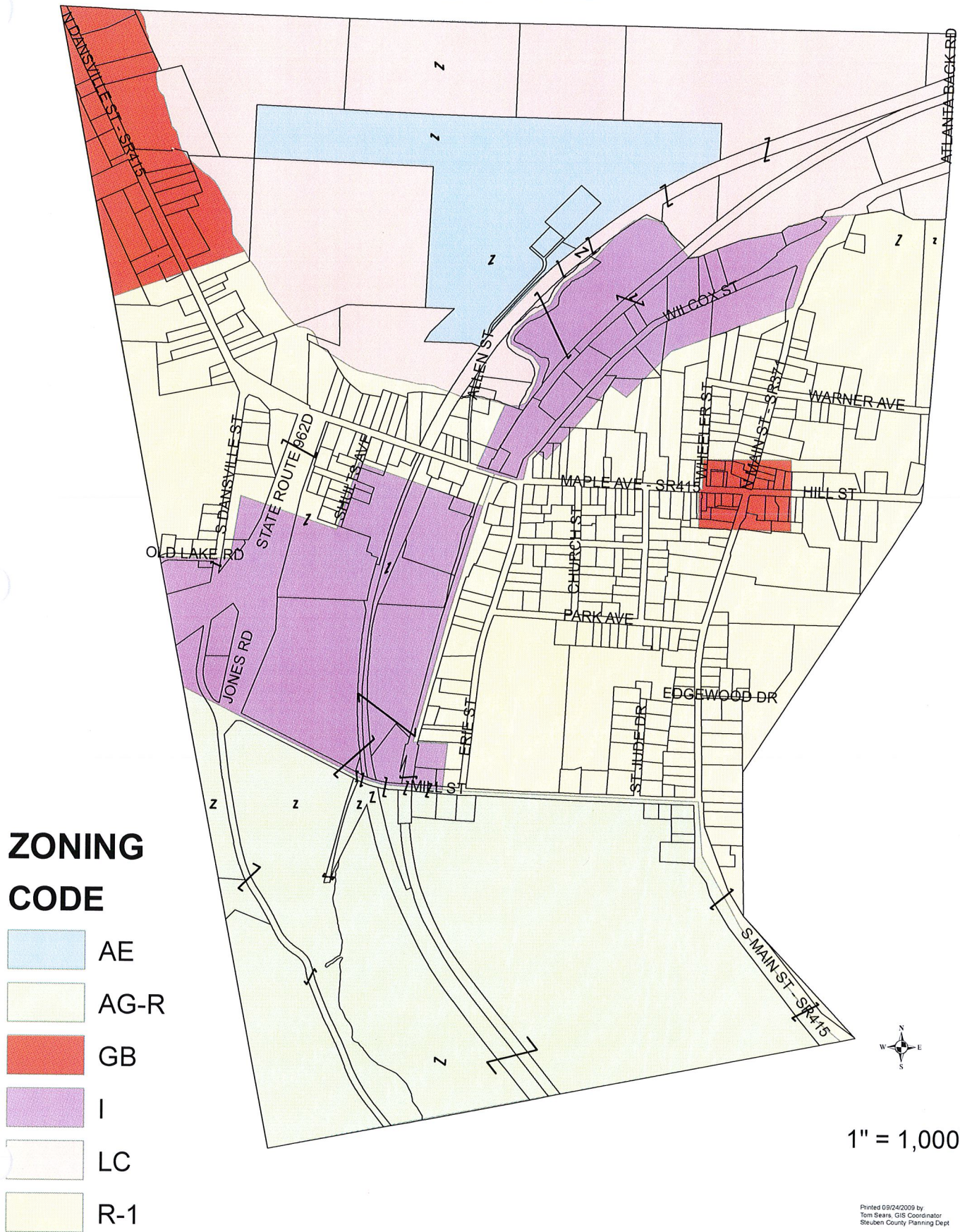
VILLAGE OF COHOCTON

ZONING LAW

ADOPTED 12/16/2008
REVISED 11/17/2010

Village of Cohocton

ZONING



COHOCTON VILLAGE ZONING LAW

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ARTICLE I
SCOPE, TITLE, PURPOSE

100: SCOPE

A Local Law regulating and restricting the location, construction, alteration, occupancy and use of structures and the use of land in the Village of Cohocton, and for said purposes dividing the Village into Districts.

101: TITLE

This Local Law shall be known and cited as, "The Zoning Law of the Village of Cohocton, New York."

102: PURPOSE

Enacted pursuant to the Village Law of the State of New York, Article VII of Chapter 65 of the Consolidated Laws of New York, to protect and promote public health, safety, convenience, economy, aesthetics, and the general welfare, and:

- A. To promote and effectuate the orderly, physical development of the Village in accordance with the Comprehensive Plan;
- B. To encourage the most appropriate use of land, to conserve and enhance the value of property;
- C. To minimize land use conflicts, provide for adequate and suitably located residential, commercial and industrial areas;
- D. To provide for open spaces and recreation areas, protect natural resources, agricultural land, scenic areas, watercourses, and flood plains;
- E. To aid in the prevention of fires, to regulate population densities, and to provide for efficient, economical provision of community facilities and services;
- F. To improve traffic circulation, prevent traffic congestion, eliminate roadside hazards, provide adequate off-street parking and loading facilities;
- G. To assure privacy for residents and freedom from nuisances and noxious conditions disturbing to the senses or harmful to health, prevent unsightly, obtrusive and noisome activities, and generally enhance the community.

ARTICLE II
ESTABLISHMENT OF DISTRICTS:
PROVISION FOR OFFICIAL ZONING MAP

200: ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health, safety and welfare and otherwise carrying out the objectives of these Regulations, the Village of Cohocton is hereby divided into the following zoning districts:

AE	Adult Entertainment (11/17/10)
AG-R	Agricultural-Residential

R-1	Residential
GB	General Business
LC	Land Conservation
I	Industrial

201: ZONING MAP

Said districts are shown and bounded on the Official Zoning Map, which Map together with all explanatory matter thereon, is hereby adopted and declared to be a part of these Regulations. Said Map shall show the effective date of these Regulations and of each subsequent amendment to said Map, and shall be duly certified by the Municipal Clerk.

202: INTERPRETATION OF ZONING MAP

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

- A. Where boundaries are indicated as approximately following the center lines of streets or highways, such center lines shall be construed to be such boundaries.
- B. Where boundaries are so indicated that they approximately follow platted lot lines, such lot lines shall be construed to be said boundaries.
- C. Where boundaries are so indicated that they are approximately parallel to the center lines of streets or the center lines of right-of-way lines of highways, such boundaries shall be construed as being parallel thereto, and at such distance there from, as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale on the Zoning Map.
- D. Where the boundaries follow a railroad line, such boundary shall be deemed to be located in the middle of the main track of such railroad line.
- E. Where the boundaries follow a stream, lake or other body of water, said boundary line shall be deemed to follow such shorelines and, in the event of change in the shoreline, shall be considered as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered herein, the Zoning Board of Appeals shall interpret the boundaries.

ARTICLE III
DISTRICT REGULATIONS

300: APPLICATION OF REGULATIONS

The requirements set by these Regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. Non-residential agricultural buildings and structures in the Agricultural-Residential District are specifically exempt from these Regulations, and no zoning permits or zoning certificates shall be required therefore, except:
- 1) When located in the flood plain overlay zone; and,
 - 2) New construction for housing animals within eighty-five feet (85') of a highway centerline or two hundred feet (200') of a lot line or three hundred feet (300') of an existing dwelling on an adjoining lot.

B. Except as provided above, no structure shall hereafter be erected, and no existing structure shall be moved, structurally altered, rebuilt, added to or enlarged, nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each district and meeting the requirements set forth in the Zoning Schedule. No open space contiguous to any building shall be encroached upon or reduced in any manner, except in conformity to the area and bulk requirements, off-street parking requirements, and all other requirements designated in the Zoning Schedule and these Regulations for the zone in which building or space is located. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of these Regulations.

C. No building or other structure shall hereinafter be erected or altered:

- 1) To exceed the height or bulk;
- 2) To accommodate or house a greater number of families;
- 3) To occupy a greater percentage of lot area;
- 4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than required herein;

or in any other manner contrary to the provisions of these Regulations.

Any lawful use existing prior to the enactment of these Regulations which does not conform to the requirements herein, may continue as a non-conforming use as provided herein.

- D. No part of a yard or other open space or off-street parking or loading space required about or in connection with a structure for the purpose of complying with these Regulations, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for another building.
- E. No yard or lot existing at the time of passage of these Regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Regulation shall meet at least the minimum requirements established by these Regulations.
- F. Any structure or portion thereof declared unsafe by a proper authority shall be restored

to a safe condition or demolished, but a non-conforming structure may not be so restored unless the structure shall be changed to a conforming use.

310: DISTRICT REGULATIONS

Adult Entertainment (AE)

ARTICLE I GENERAL PROVISIONS

SECTION 1- TITLE AND PURPOSE

This Local law shall be known and may be cited as Adult Uses Law within the Village of Cohocton, New York. The purpose of this Local law is to protect the public health, safety and welfare and the tranquility in all zoning districts within the Village of Cohocton, New York, while developing adequate regulations which may be uniformly developed to prevent any deleterious secondary effects and public nuisances that may be associated with adult uses.

SECTION 2- LEGISLATIVE FINDINGS AND INTENT

The Board of Trustees hereby finds that studies conducted by other communities establish that adult entertainment uses encourage adverse secondary impacts on the community and that these uses, by their very nature, not only lead to an increase in prostitution, sexual assault and other crimes in the immediate vicinity of such businesses, but also significantly contribute to the degradation and blighting of the entire municipality. The Board of Trustees further finds that the promotion of urban revitalization and preservation of community character by controlling the adverse secondary impacts associated with adult-oriented businesses are legitimate goals and that the Village Law of the State of New York grants ample authority to adopt appropriate land use controls.

SECTION 3- DEFINITIONS

A) In the interpretation of this Local law, the following rules apply:

- 1) Words used in the present tense include the future tense;
- 2) The singular includes the plural;
- 3) The word "person" includes a corporation as well as an individual;
- 4) The word "lot" includes the words "plot" or "parcel";
- 5) The term "used" or "occupied" is applied to any land or structure and shall be construed to include the words "intended", "arranged" or "designed to be used or occupied";

B) As used in this Local law, the following terms shall have the meanings indicated:

ADULT USE: The use of any building, structure or land, or portion thereof, for any purposes involving activities including but not limited to, the establishments defined below:

ADULT-ORIENTED BUSINESS: A public or private establishment, or any part thereof, which presents any of the following entertainments, exhibitions or services: topless or bottomless dancers, strippers; topless waitressing, busing or service; topless hair care or massages; service or

entertainment where the servers or entertainers, wear pasties or g-string or both; Adult arcades; Adult video stores; Adult cabarets; Adult motels; Peep shows; Adult motion picture theaters; Adult theaters; Adult drive-in theaters; Escort agencies; Nude model studios; and Sexual encounter centers. An Adult Use and entertainment establishment shall also include any establishment which customarily excludes minors by reason of age.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices regularly used to show films, motion pictures, video cassettes, slides or other photographic reproductions, are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE OR ADULT VIDEO STORE: A commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business advertising to the sale or rental for any form of consideration any one or more of the following:

- A) books, magazines periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides compact disks, computer software, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or
- B) instruments, devices or paraphernalia designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of oneself or others, or
- C) a commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration that specified materials which depict or describe "specified sexual activities" or "specified anatomical areas". For purposes of this definition "principal business purpose" shall mean 25% or more of any of the following:
 - 1) the number of different titles or kinds of such merchandise;
 - 2) the number of copies or pieces of such merchandise;
 - 3) the amount of floor space devoted to the sale and or display of such merchandise; or
 - 4) the amount of advertising which is devoted to such merchandise, either in print or broadcast media.

ADULT CABARET: A nightclub, bar, non-alcoholic or "Juice" bar, restaurant, or similar commercial establishment which regularly features:

- A) persons who appear nude or in a state of semi-nudity or
- B) live performances which are characterized by the exposure of "specified anatomical area" or

by "specified sexual activities" or

- C) films, motion pictures, video cassettes, slides, or other photographic reproductions characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT MOTEL: A hotel, motel or similar commercial establishment which:

- A) offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions characterized by, the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertise the availability of adult-oriented type of material by means of a sign visible from a public right-of-way, or by means of off premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- B) offers sleeping rooms for rent on a regular basis for a period of time less than 8 hours or allows a tenant or occupant of a room to sub-rent the room for a period of time less than 8 hours.

ADULT DRIVE-IN THEATER: A drive-in theater where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown, characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"

ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"

ADULT THEATER: A theater, concert hall, auditorium or similar commercial establishment which for any form of consideration regularly features persons who appear in a state of nudity or live performances characterized by the exposure of "specified anatomical area" or by "specified sexual activities".

PEEP SHOWS: A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and characterized by exposure of "specified sexual activities" or "specified anatomical areas"

ESCORT AGENCY: A person or business association which furnishes, or offers to furnish, or advertises to furnish, escorts as one of its primary business purposes for a fee, tip or other consideration.

ESCORT: A person who, for a fee, tip or other consideration agrees or offers to: (1) act as a date for another person for consideration; or (2) to privately model lingerie for another person; or (3) to privately perform a striptease for another person.

MESSAGE PARLOR: Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as part of or in connection with "specified sexual

activities" or where any person providing such treatment, manipulation or service related thereto, exposes his or her "specified anatomical areas". This definition of MASSAGE PARLOR shall not include the practice of massage in any licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any person or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program.

MASSAGE TECHNICIAN: Any individual who administers a massage to another individual at a massage parlor. This definition shall not include any health care practitioner duly licensed by the State of New York.

NUDE MODEL STUDIO: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, other than as part of a course of instruction offered by an educational institution established pursuant to the laws of the State of New York.

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers, for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of "specified sexual, activities" or exposure of "specified anatomical areas" or activities between male and female persons and or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude. The definition of Sexual Encounter Center shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

MINOR: A person less than eighteen (18) years of age.

NUDITY OR A STATE OF NUDITY: The appearance of

- A) human bare buttocks, anus, male genitals, female genitals, or areola or nipple of the female breast; or
- B) a state of dress which fails to opaquely and fully cover human bare buttocks, anus, male genitals, female genitals, pubic region or areola or nipple of female breast.

PERSONS: An individual, proprietorship, partnership, corporation, association, or other legal entity.

PROMOTE: To manufacture, issue, sell, give, provide, lend, mail, deliver, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise or to offer or agree to do the same.

SADO-MASOCHISTIC ABUSE: Actual or explicitly simulated flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or in the condition of being fettered, bound or otherwise physically restrained.

SEXUAL CONDUCT: Actual or explicitly simulated acts of masturbation, homosexuality, sexual intercourse, lap dancing or physical contact in an act of apparent sexual stimulation or gratification with a person's clothed or unclothed, genitals; public area, buttocks, or if such be female, breast.

SEXUAL EXCITEMENT: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

SPECIFIED ANATOMICAL AREAS:

- A) Unless completely and opaquely covered human genitals, pubic region, buttocks, or breasts below a point immediately above the top of the areola; and
- B) Even if completely and opaquely covered, male genitals in a discernibly turgid state.

SPECIFIED SEXUAL ACTIVITIES: Include any of the following:

- A) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or breasts;
- B) sex acts, normal or perverted, actual or simulated; physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person is female, breast; including intercourse, oral copulation or sodomy;
- C) masturbation, actual or simulated;
- D) excretory functions as part of or in connection with activities set forth in A, B, and C above.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, or sexual encounter center.

SUBSTANTIAL ENLARGEMENT: The increase in floor areas occupied by a sexually oriented business by more than twenty five (25) percent of the first floor area as it exists on the effective date of this Local law.

TRANSFER OF OWNERSHIP OR CONTROL: Means and includes any of the following:

- A) the sale, lease or sub-lease of a sexually oriented business;
- B) the transfer of securities which constitutes a controlling interest in a sexually oriented business, whether by sale, exchange or similar means;
- C) the establishment of a trust, gift or other similar legal device which transfers the ownership or control of a sexually oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

SECTION 4 - ESTABLISHMENT OF DISTRICT

For the purpose of promoting the health, safety, morals and general welfare of the community, the Village of Cohocton hereby establishes an Adult Entertainment ("AE") District which is in addition to the districts previously established. In Local Law #4 of 2008, as amended, of the Village of Cohocton. The Adult Entertainment ("AE") District shall include such lands set forth on Appendix A and also as may be placed in it from time to time by action of the Board of Trustees of the Village of Cohocton.

SECTION 5 - DISTRICT BOUNDARIES

- A) The boundaries of the AE District are established as shown on the map entitled the "Zoning Map of the Village of Cohocton" and called the "Zoning Map" in this Local law and in Local Law #4 of 2008, as amended, of the Village of Cohocton. The Zoning Map, including all of the explanatory

material on it, is made a part of this Local law as well as Local Law #4, as amended, of the Village of Cohocton.

- B) The Village Clerk shall certify the Zoning Map as part of this Local law and shall keep it on file in her office.
- C) Any changes in the district boundaries shall be made in accordance with Local Law #4, as amended, of the Village of Cohocton.
- D) Any local law making a change in district boundaries shall provide for its immediate entry upon the Zoning Map.

SECTION 6- INTERPRETATION OF DISTRICT BOUNDARIES

District boundaries shall be interpreted pursuant to Local Law #4, as amended, of the Village of Cohocton.

ARTICLE II ADULT USE ENTERTAINMENT DISTRICT

SECTION 1 - USES PERMITTED

Adult uses shall be permitted only in any AE district provided that:

- A) An adult use may not be operated within one thousand (1000) feet of:
 - 1) A church, cemetery, synagogue or regular place of worship;
 - 2) A public or private elementary school, secondary school or licensed child day care center;
 - 3) A public park
- B) An adult use may not be operated within five hundred (500) feet of another adult use, or on the same lot or parcel of land.
- C) An adult use may not be operated in the same building, structure or portion thereof, containing another adult use.
- D) For the purposes of this local law, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult use is conducted, to the nearest property line of the premises of a church or public or private elementary school, secondary school or licensed child day care center, or to the nearest boundary of an affected public park, residential district, or residential lot.
- E) For the purposes of this local law, the distance between any two adult uses shall be measured in a straight line, without regard to intervening structures or objects, from the

closest exterior wall of the structure in which each business is located.

- F) All adult uses shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed by this local law shall be able to see any specified anatomical area or any specified sexual activity by virtue of any display which depicts or shows that area or activity. This requirement shall apply to any display, decoration, sign, window or other opening.

SECTION 2 - INSPECTION REQUIREMENT

- A) A person may operate an adult use business only within the AE district in the Village of Cohocton in accordance with the provisions of this local law and Local Law #4, as amended, of the Village of Cohocton.
- B) Prior to the commencement of any adult use business or upon any transfer of ownership or control, the premises must be inspected and found to be in compliance with all laws, ordinances, rules and regulations applicable to the use and occupancy for an adult use business and in compliance with this local law.
- C) All code enforcement officials, including the Village Building Inspector and Village Code Enforcement Officer shall complete their certification that the premises are in compliance or not in compliance within 20 days of the inspection of the premises by such officials.
- D) Any owner and/or operator, employee of the owner and/or operator, or agent of the owner and/or operator, shall permit representatives of the Village Building Department, the Steuben County Sheriff's Department, the New York State Police, the State Health Department, the Village Building Inspector, the Village Code Enforcement Officer or any other Village, County or State department or agency that has permitting authority regarding the use of the premises to inspect the premises of an adult use business for the purpose of insuring compliance with this local law at any time it is occupied or open for business.

SECTION 3 - AMORTIZATION OF EXISTING ADULT USES:

Any adult uses operating on the effective date of this Local law and not permitted as required by this Local law, shall be deemed to be in violation of this Local law. However, the owner or operator shall have thirty (30) days to apply for a permit or license as authorized this Local law. In the event such license or permit is denied because the business cannot be operated in a location or in a manner as permitted by this Local law, such operation shall be deemed a nonconforming use. Such nonconforming use shall be permitted to operate for a period not to exceed three (3) years from the date of enactment of this Local Law, unless sooner terminated for any reason or voluntary discontinuance for a period of thirty (30) days or more. Such nonconforming use shall not be increased, enlarged, extended or altered except that the nonconforming use may be changed to a conforming use.

SECTION 4 - SIGNS

Signs in this district shall be governed local Law #4, as amended, of the Village of Cohocton.

ARTICLE III ADMINISTRATION AND ENFORCEMENT

SECTION 1- ENFORCEMENT

This local law shall be enforced by the Village of Cohocton Code Enforcement Officer.

SECTION 2- BUILDING PERMITS

The issuance of building permits shall be governed by Local Law #4, as amended, of the Village of Cohocton.

SECTION 3- CERTIFICATES OF OCCUPANCY

A certificate of occupancy for use in the AE district is required and shall be valid for a one year period only. This certificate of occupancy must be renewed on an annual basis and must be approved by the Board of Trustees of the Village of Cohocton after initial approval has been given by the Code Enforcement Officer. Such certificate of occupancy shall only be renewed after inspection by the Code Enforcement Officer to confirm that the adult business is in full compliance with the terms of this local law. The annual fee for such certificate of occupancy shall be determined by resolution of the Board of Trustees.

SECTION 4- APPLICATION FOR PERMITS AND CERTIFICATES

Applications for building permits and certificates of occupancy shall be made upon such forms and shall be accompanied by such layout or plot plans as shall be prescribed by the Code Enforcement Officer to facilitate enforcement of this local law.

SECTION 5- DURATION OF PERMITS

- A) The duration of the building permits shall be for a period of six (6) months. If construction has not been started within the six month period, then the permit shall lapse and shall be of no force and effect.
- B) The duration of the certificate of occupancy shall be for a maximum period of one year. All certificates of occupancy for uses under this local law shall expire on December 31 of each year. All new certificates of occupancy shall run for the Village year if so renewed by the Board of Trustees of the Village of Cohocton.

SECTION 6- VIOLATIONS

It shall be deemed a violation of this local law if the owner and/or operator, an employee of the owner and/or operator or an agent of the owner and/or operator:

- A) has violated or is not in compliance with any section of this local law;
- B) has refused to allow an inspection of the adult use business premises as authorized by this local law;
- C) has had gambling take place on the adult use business premises;
- D) has had the possession, use, or sale of a controlled substance occur on the premises;
- E) has had prostitution occur on the premises;
- F) has had any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct occur on the premises.

SECTION 7 - PENALTIES FOR OFFENSE

A violation of this local law shall be punishable as a violation by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) or by imprisonment for a period not to exceed fifteen (15) days or both for the first offense. For the second and each subsequent offense punishment shall be by a fine not to

exceed Five Hundred Dollars (\$500.00) or by imprisonment for a term not to exceed forty five (45) days or both. Each week in which the violation continues shall constitute a separate additional violation. In addition, the Board of Trustees shall have such other remedies as are provided by law to enforce the provisions of this local law.

If any part of this law is held unconstitutional or invalid, the remainder of this law shall remain in full force and effect.

SECTION 9 - EFFECTIVE DATE

This local law shall take effect immediately upon its filing as provided by law.

Agricultural-Residential (AG-R)

Intent - To preserve agricultural land, encourage continued agricultural use, preserve open space and natural resources, discourage urban sprawl, reduce land use conflicts and otherwise carry out the objectives of these Regulations and the Comprehensive Plan. In this District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses

Permitted Principal Uses

Customary agricultural uses and structures
Sale of produce grown on premise
Single and two-family dwellings
seasonal homes
Tourist homes
Bed and Breakfast
Churches, parish houses, convents and similar places of worship
Municipal parks and playgrounds, libraries
Day nurseries, Kindergartens, nursing homes
Private recreational uses
Historical museums, monuments, and markers

Accessory Uses

Private garages
Customary residential storage structures
Other customary residential structures such as private swimming pools, fireplaces, trellises, lamp posts, car ports, and similar uses
Home occupations
Similar uses customarily accessory to a permitted principal use

Special Permit Uses

Multiple dwellings
Motor vehicle service stations and garages, car washes
Excavation operations, junk yards
Manufactured Home parks
Public utility use, sanitary landfills, oil and gas wells
Cemeteries, funeral homes

Professional offices
Membership clubs
Veterinarian hospitals, kennels
Sawmills, except when part of a farming operation
Airports
Roadside stands – for sale of other than owner grown produce/goods
Drive-in restaurants, taverns

Commercial Uses

Large-scale recreational developments: riding, fishing clubs, horseback trails, walking trails, country clubs, golf courses, ski lodges, game preserves, sports arenas, ski trails and related activities
Light manufacturing, research and laboratory facilities

Residential (R-1)

Intent - To permit establishment of low-density or suburban residential areas with individual sewer facilities; to avoid congestion and urban sprawl and otherwise carry out the objectives of these Regulations. In this District, no structure shall be erected or altered and no structure shall be used except for one or more of the following specified uses:

Permitted Principal Uses

Single and 2-family dwellings, seasonal homes
Tourist homes
Bed and Breakfast
Churches, parish houses, convents and similar places of worship
Municipal parks and playgrounds, libraries
Day nurseries, Kindergartens, nursing homes
Private recreational uses
Historical museums, monuments, and markers

Accessory Uses

Private garages
Customary agricultural uses and structures, to include the sale of owner grown produce/goods
Other customary residential structures such as private swimming pools, fireplaces, trellises, lamp posts, car ports, and similar uses

Home occupations
Similar uses customarily accessory to a permitted principal use

Special Permit Uses

Membership clubs
Manufactured Home parks
Hospitals, clinics, nursing homes, schools
Multiple-family dwellings
Public utility uses
Professional offices
Cemeteries, funeral homes
Retail sales

Customary agricultural uses and structures

The following described lands are included in Residential District R-1

Commencing at a point marking the intersection of the center lines of Maple Avenue and Shults Avenue in the Village of Cohocton, New York; thence southerly along the center line of Shults Avenue to a point marking the southwest corner of lands now or formerly of Zeh; thence easterly along the southerly line of Zeh to the southeast corner of Zeh's land; thence northerly along Zeh's west line and the west line of lands now or formerly of Sperano to a point marking the southwest corner of lands now or formerly of Councilman; thence easterly along Councilman's southerly line to the southeast corner of Councilman; thence northerly along Councilman's east line to a point marking the southwest corner of lands now or formerly of Jackson; thence easterly along the south line of Jackson and continuing in a straight line through the lands now or formerly of Pollio Dairy Corp., to a point marking the southwest corner of lands now or formerly of Mehlenbacher; thence easterly along the south line of Mehlenbacher and continuing easterly along the south line of lands now or formerly of Sprague and Wemett to a point on the west line of lands now or formerly of the Cohocton Fire Department; thence northerly along the Cohocton Fire Department to the south line of Wemett; thence easterly along the Cohocton Fire Department's north line to the northeast corner of the Cohocton Fire Department; thence south along the west line of the Cohocton Fire Department to the southwest corner of the Cohocton Fire Department, said point also being the southeast corner of lands now or formerly of Sabins; thence easterly along Sabins' south line and then continuing in a straight line through the lands now or formerly of the Steuben County Industrial Development Agency to a point on the west line of lands now or formerly of DeVoe; thence northerly along DeVoe's west line to the northwest corner of DeVoe; thence easterly along DeVoe's north line to the southwest corner of lands now or formerly of Christian; thence northerly along Christian's west line to the center of Maple Avenue; thence westerly along the centerline of Maple Avenue to the point or place of beginning.

General Business (GB)

Intent - To provide for the establishment of convenience goods and services and tourist-oriented retail businesses.

In this District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

Permitted Principal Uses

Retail business establishments which are clearly of a community service characteristic, such as but not limited to the following:

Stores selling groceries, meats, baked goods, and other such food items
Drugstores
Stationery, tobacco, and newspaper stores, luncheonettes, and confectionery stores
Department and general merchandise stores
Hardware, appliance and furniture stores; radio and television stores
Clothing, accessory, and jewelry stores
Automotive dealers, auto supply stores, farm equipment sales and service
Restaurants and drinking places

Personal service establishments which are clearly of a community service character, such as but not limited to the following:

Barber and beauty shops
Shoe repair shops
Tailor shops, dry cleaning stores, and self-service laundries
Business and professional offices, banks, and financial institutions
Funeral Homes
Hotels and motels
Bed and Breakfast
Multiple Dwellings (04-13-94)
Single and 2 family dwellings

Other business uses which are similar in nature and scale to the above.

Accessory Uses

Parking and loading facilities, signs advertising commodities or services for sale on premises
Other uses customarily accessory to a permitted use

Special Permit Uses

Mortuaries
Hospitals, clinics, nursing homes
Public utility uses
Membership clubs
Service stations
Churches and similar places of worship* Amended 04-21-92
Commercial uses

Land Conservation District (LC)

Intent - To preserve special resource areas wherein substantial development may result in public safety or health problems, and/or ecological damage because of special conditions of topography, drainage, flood plains, and other natural conditions; to encourage preservation of natural features, streams, wildlife resources, water resources, and otherwise carry out the objectives of these Regulations.

Permitted Principal Uses

Agricultural uses and structures
Single-family dwellings, seasonal dwellings
Parks, playgrounds
Forestry uses
Public utility uses

Accessory Uses

Uses customarily accessory to a permitted principal use

Industrial (I)

Intent - To encourage development of manufacturing; processing and warehousing not requiring extensive community facilities, but requiring major highway access and may require open storage and service areas and may generate heavy traffic. To preserve community character, prevent traffic congestion and hazards, and otherwise carry out the objectives of these Regulations. In this District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

Permitted Principal Uses

Agricultural uses
Public utility uses
Junk Yards
Automotive storage, major repair and body work
Rental or sales yards
Wholesale business, retail sales associated with the industry or service
Manufacturing, research and laboratory facilities
Fabrication, assembly and other handling of material
Administration facility

Permitted Accessory Uses

Off-street parking
Garage space for storage of commercial vehicles
Uses customarily accessory to a permitted use

Special Permit Uses

Commercial uses
Excavation Operations

The following described lands are removed from industrial District I:

Commencing at a point marking the intersection of the center lines of Maple Avenue and Shults Avenue in the Village of Cohocton, New York; thence southerly along the center line of Shults Avenue to a point marking the southwest corner of lands now or formerly of Zeh; thence easterly along the southerly line of Zeh to the southeast corner of Zeh's land; thence northerly along Zeh's west line and the west line of lands now or formerly of Sperano to a point marking the southwest corner of lands now or formerly of Councilman; thence easterly along Councilman's southerly line to the southeast corner of Councilman; thence northerly along Councilman's east line to a point marking the southwest corner of lands now or formerly of Jackson; thence easterly along the south line of Jackson and continuing in a straight line through the lands now or formerly of Pollio Dairy Corp., to a point marking the southwest corner of lands now or formerly of Mehlenbacher; thence easterly along the south line of Mehlenbacher and continuing easterly along the south line of lands now or formerly of Sprague and Wemett to a point on the west line of lands now or formerly of the Cohocton Fire Department; thence northerly along the Cohocton Fire Department to the south line of Wemett; thence easterly along the Cohocton Fire Department's north line to the northeast corner of the Cohocton Fire Department; thence south along the west line of the Cohocton Fire Department to the southwest corner of the Cohocton Fire Department, said point also being the southeast corner of lands now or formerly of Sabins; thence easterly along Sabins' south line and then continuing in a straight line through the lands now or formerly of the Steuben County Industrial Development Agency to a point on the west line of lands now or formerly of DeVoe; thence northerly along DeVoe's west line to the northwest corner of DeVoe; thence easterly along DeVoe's north line to the southwest corner of lands now or formerly of Christian; thence northerly along Christian's west line to the center of Maple Avenue; thence westerly along the centerline of Maple Avenue to the point or place of beginning.

Flood Plain Overlay Zone (FP)

There is hereby established a Flood Plain Overlay Zone, the boundaries of which are delineated on the Zoning Map. Said boundaries correspond to those identified by the Federal Emergency Management Agency (FEMA) in a report entitled, "The Flood Insurance Study", and delineated on the Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps contained therein,

which maps and any revisions thereto are declared to be a part of this Local Law. This section provides additional special requirements for areas within the defined Flood Plain Overlay Zone. These requirements are in addition to those contained in the underlying zone district.

The provisions of this section shall take precedence over any other zoning article, ordinance or law, to the extent that the provisions of this section are consistent with other regulations.

Intent - Control of flood plain development such as fill, dumping, storage of materials, structures, buildings and any other works which acting alone or in combination with other existing or future uses which will cause damaging flood heights and velocities by obstructing flows and reducing flood storage; and further, to protect human life and health, minimize property damage, minimize surface and groundwater pollution, provide public awareness of the flooding potential.

Warning and Disclaimer of Liability - The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes based on available knowledge of past floods. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Nothing herein shall be interpreted to imply that areas outside the flood plain district or uses permitted within such districts will be free from flooding or flood damage. These Regulations shall not create liability on the part of the Village of Cohocton or any office or employee thereof, for any flood damages that result from reliance on these Regulations or any administrative decision lawfully made there under.

Permitted Uses - Permitted uses shall be as specified by the underlying zoning district, provided however that, within the Flood Plain Overlay Zone, all uses other than non-structural open space uses, shall be authorized by the Zoning Board of Planning as special permit uses as provided elsewhere in these Regulations, and subject to the special provisions of this section.

Plan and Certification - Where flood proofing is utilized to comply with any provision of these Regulations, a registered professional engineer or architect shall certify that the flood proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood.

Such flood proofing certificate indicating the specific elevation (in relation to mean sea level) to which the structures are flood-proofed, shall be submitted with the permit application.

Duties of Zoning Officer - In carrying out the intent of this section, the Zoning Officer shall:

- A. Review all development permit applications as required herein to determine whether proposed development sites will be reasonably safe from flooding. If a proposed development site is in a location that has a flood hazard, any proposed development, new construction or substantial improvement (including pre-fabricated and Manufactured Homes) must be in compliance with this section; and, provided further, that a separate permit shall be required for each such development activity, structure or Manufactured Home.
- B. Review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that all such proposals are consistent with the need to minimize flood damage and are in compliance with this section.

- C. Obtain, review and reasonably utilize any base flood elevation data available from Federal, State or other source, until such data has been provided by the Administrator as criteria for requiring compliance with this section.
- D. Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Administrator; and
- E. Assure that flood carrying capacity within the altered or relocated portion of any watercourse is maintained; and
- F. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334 SEQR; and
- G. Take such other official action as may be reasonably necessary to carry out the objectives of this section.

Requirements - All development and substantial improvements as defined herein in areas designed "A" or "M" in the Flood Plain Overlay Zone shall be consistent with the need to minimize flood damage and shall comply with the following:

- A. Be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Be constructed of materials and utility equipment resistant to flood damage.
- C. Be constructed by methods and practices that will minimize flood damage.
- D. All public utilities and facilities such as sewer, gas, electric, and water systems shall be located and constructed to minimize or eliminate flood damage.
- E. Adequate drainage shall be provided to reduce exposure to flood hazards.
- F. All new and replacement water supply systems shall be designed to minimize or eliminate the infiltration of flood waters into the systems.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located to avoid impairment of them or contamination from them during flooding.
- I. All subdivision proposals or other new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include specific base flood level elevation data in plans thereof.
- J. All new construction and substantial improvements of residential structures shall have

the lowest floor, including basement, elevated to or above the base flood level.

- K. Permit applications for all new or substantially improved structures shall indicate the elevation (above mean sea level) of the lowest habitable floor (including basement), and if the structure has been flood-proofed, indicate the elevations (above mean sea level) to which the structures have been flood-proofed.
- L. All new construction and substantial improvements to non-residential structures shall have the lowest floor, including basement, elevated to or flood-proofed to or above the base flood level.
- M. All Manufactured Homes to be placed within the Zones "A" and "M" shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors.
- N. Over-the-top ties shall be provided at each of the four corners of the Manufactured Home, and two additional ties per side at intermediate locations, except that Manufactured Homes less than fifty feet (50') in length require four additional ties per side.
- O. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
- P. Any additions to Manufactured Homes shall be similarly anchored.
- Q. Plans for Manufactured Home parks or Manufactured Home subdivisions shall include an evacuation plan indicating alternate vehicular access and escape routes; said plan to also be filed with appropriate Disaster Preparedness authorities.
- R. All new construction and substantial improvements of residential structures within Zones "A-1" - "A-30", shall have the lowest floor, including basement, elevated to or above the base flood level; and,
- S. All new construction or substantial improvements of non-residential structures in Zones "A-1" - "A-30" shall:
 - 1) Have the lowest floor, including basement, elevated to or above the base flood elevation, or
 - 2) Together with attendant utility and sanitary facilities, be designed so that below the base flood level, the structure shall be watertight with walls substantially impermeable to the passage of water and structural components shall be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- T. New Manufactured Home parks or Manufactured Home subdivisions, expansions thereto or repair, reconstruction or improvement of the streets, utilities and pads thereof, equal to or exceeding 50% of the value of same before repair, improvement or reconstruction, shall comply with the following:

- 1) Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the Manufactured Home will be at or above the base flood level.
 - 2) Adequate surface drainage and access for a hauler shall be provided.
 - 3) When elevating on pilings, lots shall be large enough to permit steps, and piling foundations shall be placed in stable soil, no more than ten feet (10') apart and reinforcement shall be provided for pilings more than six feet (6') above ground level.
- U. Manufactured Homes to be placed in Zones "A-1" - "A-30" other than in Manufactured Home park or Manufactured Home subdivision shall comply with paragraphs T(1), T(2) and T(3) of this section.
- V. In any A-O Zone, all new construction or substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the crown of the nearest street to or above the depth number specified on the FIRM.
- W. In any A-O Zone, all new construction or substantial improvements of non-residential structures shall:
- 1) Have the lowest floor, including basement, elevated above the crown of the nearest street, to or above the depth number specified on the FIRM; or
 - 2) Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- X. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited within the regulatory floodway, if such encroachment would result in any increase in flood levels during the occurrence of the base flood discharge.
- Y. Placement of any Manufactured Home, except in an existing Manufactured Home park or Manufactured Home subdivision, shall be prohibited within the regulatory floodway.

Variances

In addition to the requirements for variances specified elsewhere herein, the following requirements shall apply to variances in the Flood Plain Overlay Zone:

- A. Variances may be issued for the construction, rehabilitation or restoration of structures listed on the National Register of Historic Places or State Inventory of Historic Places, without regard to the procedures set forth in this section.
- B. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

- C. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with procedures of paragraphs D, E, F and G of this section.
- D. Variances shall only be issued upon:
 - 1) A showing of good and sufficient cause,
 - 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. The community shall notify the applicant in writing over the signature of a community official that:
 - 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance.
 - 2) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions required in paragraph 7 of this section.
- G. A community shall:
 - 1) Maintain a record of all variance actions, including justification for their issuance, and
 - 2) Report such variances issued in its annual report submitted to the administrator.

Considerations

Applications for uses in the Flood Plain Overlay Zone shall be considered in light of all relevant factors, including but not limited to other sections of these Regulations, and the following:

- A. Effects of the proposed use upon increasing flood heights;
- B. Extent of flood plain or floodway encroachment;
- C. The danger to life and property due to increased flood heights or velocities caused by encroachment;

- D. The danger that material be swept to other lands downstream;
- E. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owners and the community;
- F. The importance of the services provided by the proposed facility in the community;
- G. The necessity for the facility to be located in a flood prone area;
- H. The availability of alternative locations not subject to flooding;
- I. The relationship of the proposed use to the Comprehensive Plan and the flood plain management program of the Village of Cohocton and adjoining municipalities;
- J. The safety of access to the property in terms of flood;
- K. The expected height, velocity, duration, rate of rise and sediment transport of flood waters expected at the site;
- L. Acceptable social and economic use of the land in relation to the hazards involved.
- M. Preservation of the flood prone areas for open space purposes;
- N. Diversion of development to flood safe areas in light of the need to prevent flood damage and environmentally incompatible flood plain uses;
- O. Flood warning and emergency preparedness plans;
- P. Need for evacuation plans and escape routes;
- Q. Coordination of flood plain management plans with those of adjacent communities; and,
- R. Such other factors which are relevant to the purpose of these Regulations.

**320: ZONING SCHEDULE:
 LOT AREA, YARDS, BUILDING HEIGHT & LOT COVERAGE REQUIREMENTS**

Zone District & Permitted Uses (Permitted w/Special Use Permit Only)	Minimum Lot Size		Minimum Yard Requirement			Max. Building Height	Max. Lot Coverage
	Area	Width	Front	Rear	Each Side	Feet	Percent
AG-R: Agricultureal-Residential All Permitted Uses	40,000	100	40	20	15	35	35%
R-1: RESIDENTIAL							
Single-Family Dwelling & Mobile Homes	20,000	100	40	10	15	35	35%
Two-Family Dwelling	25,000	100	40	20	15	35	35%
Quasi-Public Building	20,000	100	40	20	15	35	35%
Multi-Family Dwelling	2 AC.	200	50	25	25	35	20%
*Mobile Home Parks	2 AC. (SEE ARTICLE V FOR ADDITIONAL REQUIREMENTS)						
GB: GENERAL BUSINESS							
Retail & Service Uses	20,000	100	30	20	10	28	30%
(Motor Vehicle Service Station)	20,000	100	25	25	25	18	25%
I: INDUSTRIAL							
Light Industrial Uses							
Warehouse & Storage							
Admin. Facilities	40,000	200	50	30	30	28	50%
LC: LAND CONSERVATION							
Agriculture, Single-Family Dwelling							
Seasonal Dwelling	4 AC	200	50	50	50	35	15%
Parks, Playgrounds, Forestry, Public Utilities							

**ARTICLE IV
SUPPLEMENTAL REGULATIONS**

The provisions of these Regulations shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

400: PROHIBITED USES

Any use of any structure or premises in such a manner that the health, safety or welfare of the community may be endangered, is prohibited.

In any district, the following standards for activities shall apply:

- A. No offensive or objectionable vibration, noise, odor or glare shall be noticeable at or beyond the property line.
- B. No activity shall create a physical hazard by reason of fire, explosion, radiation or other such cause, to persons or property in the same or adjacent district.

- C. There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin, or endangers health in any way.
- D. The emission of smoke, fly ash or dust which can cause damage to the health of persons, animals, plant life or other forms of property shall be prohibited.

401: PRESERVATION OF NATURAL FEATURES

In sighting uses and structures, other than agricultural, grading, filling and tree cutting shall be minimized, due consideration shall be given to preservation of natural features such as streams, marshes, scenic vistas. Attention shall be given to re-vegetation of cuts, fill and borrow areas and vegetative plantings to separate uses as buffers and borders where appropriate. Environmental and aesthetic impact shall be required considerations.

- A. Streams - No habitable building shall be built within fifty feet (50') of the bed of a stream carrying water an average of six (6) months a year.

402: VISIBILITY AT INTERSECTIONS

Except in the Agricultural-Residential District, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet (2.5') and ten feet (10') above the centerline grades of intersecting streets. This shall apply to the triangular area bounded by the street lines and a line joining points along said street lines, fifty feet (50') from the point of the intersection.

403: ACCESSORY STRUCTURE

No accessory structure shall be erected in any required yard, and no separate accessory building shall be erected within five feet (5') of any other building. Portable accessory structures of 100 square feet or less without attached foundations do not require a zoning permit.

404: ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any district, more than one structure housing a permitted principal use may be erected on a single lot, provided that yards and other requirements of these Regulations shall be met for each structure as though it were on an individual lot.

405: CORNER LOTS, YARDS

On every corner lot of a Residential District, there shall be provided on the side street a side yard equal in depth to the required front yard depth.

406: THROUGH LOTS, YARDS

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.

407: ARCHITECTURAL PROJECTIONS

Open structures such as porches, patios, balconies, car ports, and similar architectural features shall be considered parts of the building to which they are attached and shall not project into required minimum front, side or rear yards.

408: MINIMUM HABITABLE FLOOR AREA

The minimum habitable floor area for a dwelling unit shall be four hundred square feet (400 sq. ft.) of each dwelling unit; such area shall include only the living room, dining room, kitchen and bedroom exclusive of bathrooms, closets, utility rooms, attics, hallways, stairways, basements and unheated

areas.

409: EXCEPTION TO HEIGHT REGULATIONS

The height limitations contained herein do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required be placed above the roof level and not intended for human occupancy.

410: PARKING AND STORAGE OF UNLICENSED AUTOMOBILES

Where permitted by these Regulations, automobile junk yards as defined in Section 136 of the General Municipal Law shall be governed by Section 136 of the General Municipal Law, and Local Law No. 1 of the Year 1975, Regulation of Auto Junkyards and/or Scrap Metal Yards.

411: FENCES, WALLS AND HEDGES

In any Residential District, fences, walls and hedges are permitted only as follows:

- A. In any required front yard, no fence, wall or hedge shall be erected, placed, planted or materially impede vision across yard between a height of two and one half (2 1/2) feet and ten (10) feet, nor in any manner that materially shuts out air, light, or sun between such heights.
- B. Inside or rear yards, fences, walls or hedges which materially obscure vision or shut out light, sun or air, may not be over six (6) feet in height .
- C. These Regulations shall not apply to retaining walls.

412: OFF-STREET PARKING AND LOADING

- A. General Requirement - No building or structure shall be erected, enlarged or its use changed unless permanently maintained off-street parking and loading spaces, with adequate, safe, functional, vehicular access have been provided in accordance with the provisions of these Regulations.
- B. Enlargements - Whenever a building or structure existing at the effective date of these Regulations is enlarged more than fifty percent (50%) in floor area, number of employees, number of housing units, seating capacity, or otherwise, parking shall be provided in compliance with the full requirements for the entire building. For enlargements of less than 50%, additional parking shall be required on the basis of the enlargement only.
- C. Dimensions - Parking spaces shall have the following minimum rectangular dimensions, exclusive of aisles and other circulation areas.

90% Parking	9' x 19'	25' Aisles
60 Degree Parking	10' x 19'	20' Aisles
45 Degree Parking	12' x 19'	15' Aisles
Parallel Parking	9' x 23'	

D. Location of Parking Spaces

- 1) Parking for all residential uses shall be located on the same lot as the use which they are intended to serve. Spaces other than driveways shall not encroach on

any required yards.

- 2) For commercial or industrial uses, such spaces shall be provided on the same lot, or not more than seven hundred feet (700') from the principal use, measured along a public sidewalk or other maintained access way open to the public.
- E. Combined Uses - Combined use of one parking lot by two or more uses are permitted provided the lot is adequate for the total requirements for the several uses, unless staggered hours permit modification of total requirements, and provided further that a written agreement covering such joint use shall be filed with and approved by the Zoning Board of Appeals, provided further that the lot or spaces so used shall be owned or leased by one or more of the joint users.
- F. Loading Space Requirements and Dimensions - Off-street loading space shall be provided and maintained on the same lot for every establishment requiring more than one truck delivery per day:
- 1) Dimensions - A loading space shall have a minimum dimension of twelve feet (12') in width and fifty feet (50') in length, exclusive of driveways, aisles and other circulation areas. Height clearance shall not be less than fifteen feet (15').
 - 2) Location Restrictions - Loading areas shall not encroach on any required front or side yard, access way or off-street parking area, except that in commercial districts, existing off-street parking areas may be used for loading spaces for not more than three (3) hours per day.
 - 3) Setback - Loading areas, circulation and service lanes shall be separated from the paving edge of any public thoroughfare and from adjoining property lines by a planting strip at least twenty feet (20') in width.
 - 4) Planning Board Review - The location, number, size and design of loading spaces and access ways thereto, shall be approved by the Planning Board prior to issuance of a permit or certificate of occupancy by the Zoning Officer.
- G. Surfacing and Drainage - The required parking and loading spaces shall be improved with acceptable wearing surface providing dust-free surface. Proper drainage shall be provided. The property owner shall maintain parking and loading areas in good condition free of holes, dust, trash, and debris.
- H. Landscaping
- 1) At least eight percent (8%) of the area of a lot used for off-street parking shall be landscaped with acceptable trees, shrubs, or lawn.
 - 2) All loading berths, parallel circulation and service lanes and parking areas of three (3) or more spaces shall be effectively screened on all sides which adjoin or face any property used for residential purposes. Screening shall consist of a decorative wall or fence of acceptable design or evergreen plant materials (to visually soften said wall or fence) or combination thereof. Walls or fences shall not be less than four feet (4') in height at the time of planting. Plant

materials shall be maintained in a healthy, growing condition. Either type of screening shall comply with Section 402, above.

- 3) Planning Board Approval - All landscaping and screening plans shall be subject to review and approval by the Planning Board prior to installation.

- I. Required Parking Spaces - Parking spaces shall be provided in accordance with the following schedule:

	TYPE OF USE		SPACES REQUIRED
	<u>RESIDENTIAL:</u>		
A.	FAMILY DWELLING, ANY TYPE		2 FOR EACH DWELLING UNIT, GARAGE SPACE MAY BE COUNTED TOWARD REQUIREMENT.
B.	APARTMENT HOTELS, APARTMENTS		TWO FOR EACH UNIT
C.	LODGING HOUSES, ROOMING HOUSES AND MOTELS		ONE FOR EACH SLEEPING ROOM OR FOR EACH PERMANENT OCCUPANT.
	<u>COMMERCIAL:</u>		
A.	GASOLINE STATIONS, AUTOMOBILE SERVICE STATIONS WHICH ALSO PROVIDE SERVICE REPAIR		ONE FOR EACH FUEL PUMP AND TWO FOR EACH BAY
B.	HOTELS, MOTELS		1 PER EACH LIVING OR SLEEPING UNIT, PLUS 1 FOR EACH 2 EMPLOYEES
C.	FUNERAL PARLORS, MORUARIES, ETC.		1 FOR EACH 100 SQ. FT. OF FLOOR AREA IN REPOSING ROOMS, PARLORS, OR SERVICE ROOMS
D.	RETAIL STORES, BANKS, PROFESSIONAL OFFICES, OTHER THAN MEDICAL		1 FOR EACH 250 SQ. FT. OF FLOOR AREA
E.	DOCTOR AND DENTAL OFFICES		1 FOR EACH 100 SQ. FT. OF FLOOR AREA PLUS 1 FOR EACH PRACTITIONER AND EMPLOYEE.
F.	RESTAURANTS, TAVERNS, NIGHTCLUBS		1 FOR EACH 2.5 SEATS PLUS 1 FOR EACH 2 EMPLOYEES

G.	ALL OTHER TYPES OF BUSINESS OR COMMERCIAL USES		5 ½ SPACES FOR EACH 1,000 SQ. FT. OF GROSS FLOOR SPACE
H.	DRIVE-IN BANKS		3 SPACES FOR EACH SERVICE WINDOW PLUS 1 SPACE FOR EACH FULL-TIME EMPLOYEE
	<u>RECREATIONAL OR ENTERTAINMENT</u>		
A.	BOWLING ALLEYS		5 FOR EACH ALLEY PLUS 1 ADDITIONAL SPACE FOR EACH 100 SQ. FT. OF THE AREA USED FOR RESTAURANT, COCKTAIL LOUNGE OR SIMILAR USE
B.	OUTDOOR SWIMMING POOLS		1 FOR EACH 5 PERSON(S)
C.	AUDITORIUMS, SPORTS ARENAS, THEATERS, MEMBERSHIP CLUBS AND SIMILAR USES		1 FOR EACH 3 SEATS OF SEATING CAPACITY
D.	GOLF COURSES		4 FOR EACH TEE
E.	SKATING RINKS		1 FOR EACH 250 SQ. FT. OF SKATING AREA
	<u>INSTITUTIONAL</u>		
A.	CHURCHES AND PLACES OF RELIGIOUS ASSEMBLY		1 FOR EACH 5 PERSONS' CAPACITY
B.	HOSPITALS, SANITARIUMS, NURSING HOMES, CHILDREN'S HOMES, AND SIMILAR USES		1 FOR EACH 3 BEDS PLUS 1 FOR EACH EMPLOYEE
C.	MEDICAL AND DENTAL CLINICS		10 SPACES PLUS 3 FOR EACH PRACTITIONER
D.	LIBRARIES, MUSEUMS, ART GALLERIES		1 FOR EACH 400 SQ.FT. OF FLOOR AREA.
	<u>INDUSTRIAL</u>		
A.	ALL TYPES OF MAUNUFACTURING STORAGE AND WHOLESALE		1 FOR EVERY 2 EMPLOYEES ON THE LARGEST SHIFT FOR WHICH THE BUILDING IS DESIGNED, PLUS 1 FOR EACH MOTOR VEHICLE USED IN THE BUSINESS

Interpretations

- A. Parking requirements for uses not specifically listed herein shall be determined by the Zoning Board of Appeals upon recommendation of the Planning Board.

- B. Fractional parking space requirements shall be increased by the next whole number.

413: HIGHWAY ACCESS

Every building hereafter erected or moved shall be on a lot with frontage on a public street or highway and be so located as to provide safe, convenient access for servicing, fire protection and off-highway parking. Curb-cuts and driveways will be carefully located and kept to a minimum in all cases. Parallel access roads or internal development roads will be required where appropriate to achieve this purpose.

Vehicular access to and from streets and highways shall consist of well defined, separate or common entrances and shall comply with the applicable regulations of the New York State Department of Transportation or the Steuben County Department of Public Works, or the Village of Cohocton Street Department, whichever applies, and the following provisions, whichever is more restrictive:

Access drives shall not open upon any public right-of-way:

- A. Within five hundred feet (500') of the ramp nose, at interchanges of limited access highway.
- B. Within fifty feet (50') of the nearest right-of-way line of any intersecting public street or highway.
- C. Where the sight distance in either direction along the public thoroughfare would be less than five hundred feet (500') when the posted speed limit exceeds thirty-five (35) miles per hour; however, when the posted speed limit is thirty-five (35) miles per hour or less, the sight distance requirement may be reduced to two hundred fifty feet (250').
- D. All drives opening on Village of Cohocton highways shall be classified Residential or commercial, and shall conform to the following specifications except where they may be in conflict with other municipal regulations, in which case the latter will govern.
- E. Drives opening on State Highways shall be subject to New York State Department of Transportation regulations.
- F. Drives opening on County Highways shall be subject to Steuben County Highway Department.

Residential:

- A. Driveway pipe shall be a minimum of eighteen inches (18") in diameter and twenty feet (20') minimum length. Larger sizes may be required depending on the flow.
- B. Driveway pipe shall be so placed as to maintain the drainage gradient of the road ditch.
- C. Driveway angle of entry to the highway shall not be less than sixty (60) degrees.
- D. Height of laid stone or end section shall not exceed driveway elevations.

- E. Driveway grades between the highway and the setback line shall not exceed twelve percent (12%).
- F. Drives shall not be less than five foot (5') transition radius at the curb line, or the equivalent of a flared entrance.
- G. Normally, one drive per residence - one additional drive may be granted if sufficient frontage exists.
- H. Drives shall be a minimum of ten feet from property lines.

Commercial:

The following provisions shall not apply to access drives serving single or two-family dwellings, but shall apply in the case of all other uses:

- A. Separate entrance and exit drives shall have a minimum width of twelve feet (12') and maximum width of twenty-four feet (24') measured at right angles to the driveway centerline; shall be separated by at least a ten foot (10') traffic island; and shall not intersect the public right-of-way at an acute angle of less than sixty (60) degrees.

In cases where the size of an existing lot of record at the effective date of these Regulations is such that the strict application of these requirements would prohibit highway access to the property, a plan for access which shall provide the greatest traffic safety possible under the circumstances shall be submitted to and approved by the Planning Board prior to the issuance of a permit.

414: PRIVATE SWIMMING POOLS

No private swimming pools, excluding farm ponds, shall be allowed in any district except in compliance with the following requirements:

- A. The pool shall be intended for use primarily by the occupants of the property on which said pool is located.
- B. The pool shall not be closer than five feet (5') to any lot line.
- C. If the pool is equipped with any electrical device, pump, filter, lights, etc., the electrical service shall be equipped with a ground fault interrupter.
- D. In ground Pools - The pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children and animals. Said fence shall not be less than six feet (6') in height and maintained with a self-closing and self-latching gate of equal height to the fence.
- E. Above-Ground Pools - Above-ground pools shall have a gate or other device to prevent uncontrolled access by children and animals. Such device shall be self-closing.

415: ESSENTIAL SERVICES

- A. Such facilities shall not be located on a residential street unless no other site is available and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
- B. The location, design and operation of such facility shall be such as to not adversely affect the character of the surrounding residential area.
- C. Fences, barriers and landscaping shall be provided as required by the Planning Board.
- D. Noise from such installation shall not be of such nature or volume as to be objectionable to adjoining residences.

416: HOME OCCUPATIONS

Where home occupations are permitted by these Regulations, the following conditions shall be mandatory:

- A. A home occupation shall be defined as an accessory use of a service character that is carried on wholly within a dwelling unit or other structure accessory to a dwelling unit;
- B. Is carried on only by a member of the family residing in the dwelling unit, and/or one substitute for no more than six (6) months;
- C. Is clearly incidental and secondary to the residential use of the dwelling unit; and,
- D. Which conforms to the following additional conditions:
 - 1) No such occupation shall involve sales of goods or merchandise except as incidental to services provided.
 - 2) There shall be no exterior display, no exterior sign (except one sign not exceeding four (4) square feet in area), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
 - 3) No equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises, or causes fluctuations on line voltage off the premises.
 - 4) No traffic shall be generated by such home occupations in substantially greater volume than normal in the neighborhood and any need for parking generated by such occupation shall be provided off-street other than in the required front yard.

417: SERVICE STATIONS, AUTOMOTIVE

In any district where permitted, a service station shall be subject to the following requirements:

- A. Structures and areas for use by motor vehicles except access drives shall not encroach upon any required yard area.

- B. No fuel pump shall be located closer than twenty feet (20') from any side lot line, nor closer than twenty feet (20') from any street right-of-way.
- C. No access drives shall be within one hundred feet (100') of and on the same side of the street as a school, public library, theater or fire station.
- D. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed building for longer than 90 days.
- E. Where each service station abuts a residential zone, they shall be screened by buffers of densely planted evergreens, solid fencing or a combination of both. Failure to maintain such screen in good condition shall constitute a violation of these Regulations.

418: EXCAVATION OPERATIONS

Excavation operations, including the excavation of fill, sand, and gravel and processing or other operations for the preparation of sand and gravel where permitted as a special permit use, are subject to the following regulations in addition to other requirements of these Regulations:

- A. All structures and excavations shall be located or shall occur not less than thirty feet (30') from any street right-of-way or property line.
- B. Fencing or similar effective barriers six feet (6') in height may be required where excavations are to exceed four feet (4') in depth.
- C. All buildings, structures and machinery used in such operations shall be removed within six (6) months following termination of operations.
- D. All equipment used for the excavation and processing shall be equipped, maintained and operated in such a manner as to eliminate as far as practical, noise, vibrations, and dust to prevent annoying and injurious conditions on adjoining properties.
- E. No operations shall be permitted except Monday through Saturday, between the hours of 7:00 a.m. and 9:00 p.m., on either Eastern Standard or Eastern Daylight Time, whichever is in effect, except for reasonable and necessary repairs to equipment.
- F. All excavated area must be rehabilitated in accordance with standards herein specified within one (1) year after termination of operations.
 - 1) Side slopes of excavated areas shall not be steeper than one foot (1') vertical distance for each one and one-half foot (1-1/2') of horizontal distance.
 - 2) All excavations must either be made to below water producing depth, or graded and drained.
 - 3) Excavated areas after grading and sloping shall be seeded or planted with trees, shrubs, grasses or legumes in a manner to assure re-vegetation of the area.
 - 4) Grading and backfilling shall be done in such a manner so as to be in substantial conformity with the topography of adjoining lands.

- 5) The Village Board may require the posting of a bond or equivalent security sufficient to cover the rehabilitation of the area.
- 6) Any such excavations shall comply with the New York State Mined Land Reclamation Law, when applicable.

419: WATER SUPPLY AND SEWAGE DISPOSAL

- A. Water Supply - Water supply facilities shall be provided by the Village of Cohocton in accordance with their rules and regulations.
- B. Sewage Disposal - Any new structure containing bathroom facilities shall be equipped with system or facility for the separate disposal of water-borne sewage or trade wastes in accordance with standards for such facilities as recommended by the New York State Department of Health, published as Waste Treatment Handbook - Individual Household Systems", or as amended.

Where the standards are not applicable due to inadequate percolation rates, topography problems, rock formation or other circumstances, a sewage treatment system shall be designed according to standards set forth in the Public Health Service publication, "Manual of Septic Tank Practices", or other generally accepted amended standards. Said system to be approved by the New York State Department of Health or by a registered professional engineer licensed by the State of New York.

420: SIGNS AND BILLBOARDS

- A. Sign - Any letter, pictorial representation, symbol, flag, emblem, illuminated or animated device displayed in any manner whatsoever, which directs attention of persons off the premises on which the sign is displayed to any object, subject, place, person, activity, product, service, institution, organization, or business.
- B. Surface Area (of a sign) - The surface area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any materials or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. Only one side of a freestanding or projecting double-faced sign shall be included in calculating surface area, providing that the two display surfaces are joined at an angle no greater than sixty (60) degrees. All sides of a multi-faced sign visible from any one street shall be included in the calculation of surface area.

421: EXCEPTION

For the purpose of these Regulations, the term "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or as required by law, ordinance, or governmental regulation.

422: PROHIBITED DEVICES

In any district, the following sign devices are expressly prohibited:

- A. No sign shall be permitted which is an imitation of or in any way resembles official traffic

devices, or which uses the words "stop," "danger," "slow" predominantly or in any manner which implies the need for stopping or the existence of danger to motorists.

- B. Any sign which obstructs from view of the motorists any official traffic control device or which reduces the clear view of oncoming vehicles to a distance of less than five hundred feet (500').
- C. Any sign which produce glare in extent or direction which may affect highway safety.
- D. Any sign containing flashing, pulsating, intermittent, rotating or moving lights, or simulation thereof.
- E. Any sign containing or consisting of banners, pennants, ribbons, streams, spinners or other similar moving, fluttering or revolving devices.
- F. Signs affixed to or painted upon rocks, trees, utility poles or other such structures not intended for such use.

423: SIGNS PERMITTED IN ALL DISTRICTS

The following signs shall be permitted in any district without a permit:

- A. Signs advertising the sale, lease or rental of the premises upon which the sign is located; said sign shall not exceed nine (9) square feet in area.
- B. Professional name plates and rooming house signs not exceeding two (2) square feet in area.
- C. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, clubs or societies, which signs or bulletin boards do not exceed thirty-two (32) square feet in area and are located on the premises of such institution.
- D. Directional signs for parking.

424: COMMERCIAL SIGNS REQUIRING PERMITS

The following signs are permitted in any district, but require a zoning permit as required herein:

Any sign advertising a commercial enterprise, including real estate developments or subdivisions, which sign shall not exceed thirty-two (32) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises on which the sign is located, provided that not more than two (2) signs shall be allowed for each such business or commercial activity.

425: INDUSTRIAL DISTRICTS

Those signs permitted in all districts and signs whose subject matter relates exclusively to the premises on which it is located, provided further that no sign or billboard shall be larger than three hundred (300) square feet and shall not project more than thirty feet (30') above the average ground level at the base of the sign.

126: GENERAL REGULATIONS

Provisions of this section shall apply to all signs in all districts established by these Regulations:

- A. Number of Signs - Each building shall have one sign oriented to each street on which the premises have frontage, identifying the building as a whole or its predominant use.
- B. Projecting Signs - No sign shall overhang the right-of-way of a public highway. No sign except on a canopy providing shelter shall overhang more than one-third of the sidewalk.
- C. Illumination - Signs shall be illuminated only by a steady, stationary, shielded light source directed solely at the sign internal to it, without causing glare for motorists, pedestrians or neighboring premises.
- D. Roof Signs - No sign shall be placed on the roof of any building, nor extend more than four feet (4') above the building, except that this shall not apply to painting a sign on the roof of a building.

427: TEMPORARY SIGNS

The following are allowed for a period of up to one (1) year without a permit.

- A. Construction Signs - One unlighted sign up to twenty (20) square feet identifying persons or firms involved in construction on the site of the sign. Also, one illuminated sign up to forty (40) square feet identifying the owner and activity for which the building is intended.
- B. Event Signs - One unlighted sign up to thirty-two (32) square feet announcing a campaign, drive or event.

430: STANDARDS FOR LARGE-SCALE RECREATIONAL DEVELOPMENT

Applications for such uses shall conform to the following:

- A. Such development shall contain at least ten (10) acres.
- B. The applicant shall provide a plan drawn to scale of 1" = 400' signed by a licensed engineer, which plan shall contain the following:
 - 1) Topographic data, contours and slopes and finished grades at same intervals.
 - 2) Layout of all structures and uses, to scale, including proposed lighting, sewage and water systems, drainage, streets, roads, parking, easements, etc..
- C. All activities of such recreational use shall be contained on the site. Intensive activity areas and structures shall be located no closer than three hundred feet (300') from adjoining property lines, or such additional distance as may be necessary to avoid adversely affecting adjoining property.
- D. If such development will include the sale or rental of residential units, all applicable regulations of the Village of Cohocton shall be met.

All streets, roads, drainage, etc., shall conform to applicable specifications of the Village of Cohocton.

In addition to the above, such developments shall be in compliance with review criteria for special permits.

431: CELL TOWERS

- A. Units may not be located in Ag-R and R-I Zone areas or within five hundred feet (500') of an Ag-R and R-I Zone area.
- B. All towers must use shared locations or be placed as required by Planning Board, when feasible.
- C. All towers must be fenced and safely lighted.
- D. Height restrictions:
 - 1. Private antennae: no more than thirty feet (30') above highest roof peak of said structure.
 - 2. Commercial antennae/communication towers: height as per FAA regulations and limits.
- E. All on-site equipment shall maintain emission output according to FCC regulations.

All towers shall be removed when no longer used.

432: PORTABLE STORAGE UNITS (11/17/10)

- A. Portable storage units on any site shall not exceed eight (8) feet in height, eight (8) feet in width and sixteen (16) feet in length.
- B. No more than two (2) portable storage units may be located on any lot.
- C. Portable storage units may remain onsite up to fourteen (14) consecutive days and will be permitted up to three (3) times per year unless otherwise authorized herein.
- D. Portable storage units shall not be located in such a manner as to impair a motor vehicle operator's view and must comply with the Village Code as to site and all other regulations.
- E. Portable storage units shall not be located in such a manner to obstruct the flow of pedestrian or vehicular traffic.
- F. Sign faces shall be permitted on a portable storage unit.
- G. Portable storage units will be permitted as long as an active permit is in place. Any portable storage unit which is not removed at the end of the prescribed time for which it may lawfully remain in place, or immediately upon the direction of a code enforcement officer for removal of such temporary structure for safety reasons, may be removed by the Village immediately and without notice. The cost of administration of its removal may be assessed against the property on which the temporary structure was located and against the owner of the portable storage unit and may be filed as a lien against the property by the Village.

- H. In the event of a natural disaster, the requirements of this ordinance may be exempted for a specific period of time as deemed necessary by the appropriate department to meet the needs of the Community.
- I. The owner, operator and/or renter of the portable storage unit shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use, the portable storage unit shall be kept locked, The owner and operator of any site on which a portable storage unit is placed shall also be responsible that no hazardous substances are stored or kept within the portable storage units.
- J. A violation of any part of this section is subject to fines of \$100. Per occurrence. Each day that the violation continues will result in a separate fine.

4. This Local Law shall take effect upon filing as provided by law.

ARTICLE V
MANUFACTURED HOME PARK REGULATIONS

510: MANUFACTURED HOME PARK REGULATIONS

- A. Location - Where any boundary of a Manufactured Home park directly abuts property which is improved with a permanent residential building located within thirty-five feet (35') of such boundary, or directly abuts unimproved property which may under existing laws and regulations be used for permanent residential construction, a screen fencing or planting to the extent needed to provide adequate visual screening shall be provided along such boundary line within a reasonable time.
- B. MANUFACTURED Home Park Plan – A manufactured home park shall be developed in accordance with a Manufactured Home park plan, which shall conform to the following requirements:
 - 1) The proposed site shall be located so that the condition of the soil, ground water level, drainage, rock formations and topography shall not create hazards to the property, or to the health and safety of the occupants. The site shall not be subject to unpredictable and/or sudden flooding.
 - 2) Each manufactured home park shall provide Manufactured Home spaces and each shall be clearly defined and delineated. Each Manufactured Home park shall have a minimum area of two (2) acres, including Manufactured Home spaces, streets, service buildings and recreation areas.

Each Manufactured Home lot shall have a minimum area of not less than six-thousand (6,000) square feet, and a minimum width of; sixty feet (60') provided, however, adoption of this Law, existed lawfully with Manufactured Home spaces that do not comply with any of the foregoing minimum area and width requirements, may continue to operate and shall be excused from such compliance.

- C. Manufactured Home Stands

- 1) The location of each Manufactured Home stand shall be at such elevation, distance and angle in relation to the access street that placement and removal of the Manufactured Home is practical. The stand shall comply with provisions of Section 500.B.1, above.
- 2) The Manufactured Home stand shall be provided with supports, anchors and tie downs in compliance with Sections 500.A.2 and 500.B.3, above.
- 3) The Manufactured Home stand shall consist of an appropriate material, properly graded, placed and compacted, so as to be durable and adequate for the support of the maximum load anticipated during all seasons.

D. Location

- 1) Manufactured homes shall be so located on manufactured home spaces that there shall be at least a twenty-five foot (25') clearance between Manufactured Homes; provided, however, that with respect to manufactured homes parked end to end, the end to end clearance may not be less than twenty-five feet (25').
- 2) No manufactured home shall be located closer than thirty-five feet (35') to any building within the manufactured home park or to any property line of the park.
- 3) No manufactured home shall be located closer to any property line abutting upon a public street or highway, than fifty feet (50') or seventy-five feet (75') from center of the highway.
- 4) No manufactured home shall be located closer to any manufactured home park street than twenty-five feet (25').

E. Walkways - Walkways not less than thirty six inches (36") shall be provided from the Manufactured Home space to the off-street parking space and from Manufactured Home streets to service buildings.

F. Parking Spaces

- 1) Number - Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each Manufactured Home space plus two (2) additional car spaces for each four (4) lots to provide for guest parking, for two-car tenants and for delivery and service vehicles. Parking spaces shall be hard-surfaced with ground or crushed stone to the minimum depth of eight inches (8"); paving may be provided.
- 2) Location - Required parking spaces shall be for convenient access to Manufactured Home stands. Two-car spaces shall be located on each lot and the remainder in adjacent parking bays.

- 3) Size - Minimum size of parking spaces shall be nine feet (9') by twenty feet (20') or one-hundred-eighty (180) square feet.
- G. Patio Pad - All Manufactured Home spaces shall be provided with a patio pad constructed from concrete and shall be a minimum size of eight feet (8') by twenty feet (20'), and four inches (4") in depth. Patio pads shall be located so as to provide safe and easy access to and from the Manufactured Home.
- H. Skirting - Each Manufactured Home owner shall be required to enclose the bottom portion of the Manufactured Home with metal, wood or other durable material that is impervious to rot and infestation within sixty (60) days after occupation begins. Current state and/or financing regulations may also apply.
- I. Awnings - Awnings may be provided of any size, provided that they are not placed closer than three feet (3') to an adjacent mobile space.
- J. Additional Structure on Manufactured Home Space - No non-integral structural addition or other accessory building or structure in excess of ten feet (10') by ten feet (10') shall be permitted on any Manufactured Home space.
- K. Streets
- 1) Streets shall be provided in the site where necessary to furnish principal traffic ways for convenient access to the Manufactured Home stands and other important facilities on the property. Streets shall be privately owned.
 - 2) All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Street surfaces shall be maintained free of holes and other hazards.
 - 3) Street surface drainage and overland surface drainage adjacent to streets shall be conveyed by shallow ditches to storm water drain systems, dry wells, or natural drainage systems.
 - 4) Access Streets - The entrance streets connecting the Manufactured Home park streets with a public road shall have a minimum street width of twenty-four feet (24'), or a total of thirty-six feet (36'), including right-of-way. Streets must meet Department of Transportation requirements.
 - 5) Internal Streets - The width of all rights-of-way must be a minimum of thirty-six feet (36'), twenty-four feet (24') of which must be roadway.
 - 6) Cul-de-sac shall be provided in lieu of closed end streets and shall have a turn-around with an outside roadway diameter of at least one hundred feet (100').
- L. Water Supply - An adequate supply of water shall be provided for Manufactured Homes, service buildings and other accessory buildings as required by this law. Where public water is available, connection shall be used exclusively, unless local authorities deem otherwise. If a public water system is not available, the development of a private water supply system shall be approved by the health authority or other authorities having

jurisdiction thereof.

- M. Sewage - An adequate and approved sewage system shall be provided in all Manufactured Home parks for the conveying, disposal and treatment of sewage from Manufactured Homes, service buildings and other accessory facilities. Such system must be designed, constructed, and maintained in accordance with the New York State Department of Health standards and regulations.
- N. Garbage and Refuse - Each Manufactured Home space shall be provided with at least two (2) twenty-gallon metal or plastic garbage cans with tight-fitting covers. The cans shall be kept in a sanitary condition at all times. It shall be the responsibility of the court owner to ensure that garbage and rubbish shall be collected and properly disposed of outside of the Manufactured Home park. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard. Park Management will be responsible for garbage disposal. One dumpster will be required for every ten trailers.
- O. Fuel Supply and Storage
 - 1) Liquefied petroleum gas storage containers having a capacity exceeding one hundred twenty-five (125) gallons shall be located not less than twenty-five feet (25') from the nearest Manufactured Home, structure, building and lot line.
 - 2) Supports or standards for fuel storage tanks are to be of a non-combustible material.
 - 3) All fuel oil tanks shall be placed at the rear of the Manufactured Home and not located less than five feet (5') from any exit.
- P. Electrical Service
 - 1) Every Manufactured Home park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications and regulations. All wiring fixtures must have the New York Board of Fire Underwriters' approval, or other authority designated by municipality.
 - 2) Each Manufactured Home space shall be supplied with not less than a 100-amp service.
 - 3) Adequate lights shall be provided to illuminate streets, driveways and walkways, for the safe movement of vehicles and pedestrians at night.
 - 4) All electrical distribution lines shall be placed underground.
- Q. Telephone – When telephone service is provided to Manufactured Home spaces, the distribution system shall be placed underground.
- R. Service Buildings
 - 1) Service buildings, if provided, housing sanitation facilities shall be permanent

structures complying with all applicable ordinances, laws and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

- 2) The service building shall be well lighted at all times of the day and night; shall be well ventilated with screened openings; shall be constructed of such moisture proof material which may be painted woodwork, and shall permit repeated cleaning and washing; and shall be maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit during the period from October 1st to May 1st. The floors of service buildings shall be of water impervious material.
 - 3) All service buildings and the grounds of the park shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
- S. Recreation Areas and Open Space - Not less than eight percent (8%) of the total Manufactured Home park area shall be devoted to recreational facilities, generally provided in a central location, or in larger courts, decentralized. Recreation areas shall include space for community buildings and community use facilities such as guest parking, adult recreation and child play areas and swimming pools.
- T. Fire Protection and Control
- 1) Every Manufactured Home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number so located within the park as to satisfy applicable regulations of the fire district within which the Manufactured Home park is located.
 - 2) No open fires shall be permitted at any place within the Manufactured Home park with the exception of outdoor grills used for the preparation of food.
- U. Management and Duties of Operator
- 1) All park operators shall keep a register of the year, make, serial number and size of all Manufactured Homes in the park; said register to be maintained in the office of the park owner. The names and addresses of the Manufactured Home owners shall also be on file.

The person or persons to whom a special use permit has been issued shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a sanitary condition at all times.

ARTICLE VI NON-CONFORMING USES

600: NON-CONFORMING USES, LOTS, STRUCTURES

Lots, structures, uses of land and structures, and characteristics of use which lawfully existed at the time of the enactment of these Regulations and which would be prohibited or restricted under the terms of these Regulations may be continued subject to the following provisions:

- A. Intent - It is the intent of these Regulations to permit non-conforming uses to continue

until they are removed, but not to encourage their survival.

- B. Enlargement - No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of these Regulations.
- C. Alterations - A non-conforming structure may not be reconstructed or structurally altered to an extent exceeding an aggregate cost fifty percent (50%) of the full value of said structure, unless the structure shall be changed to a conforming use.
- D. Restoration - No non-conforming structure damaged by fire or other causes to the extent of more than seventy-five percent (75%) of its full value shall be repaired or rebuilt except in conformity with the requirements of these Regulations.
- E. Changes - Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a non-conforming use.
- F. Displacement - No non-conforming use shall be extended to displace a conforming use.
- G. Moving - Should any structure be moved for any reason for any distance, it shall thereafter conform to the requirements for the district in which it is located after it is moved.
- H. Discontinuance - Whenever a non-conforming use has been discontinued for a period of one year, use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of these regulations, unless re- application is made.

601: EXISTING UNDERSIZED LOTS OF RECORD

- A. Any recorded lot held in single and separate ownership prior to the adoption of these Regulations and whose area and/or width and/or depth are less than minimum requirements specified herein for the district, may be considered as complying with these Regulations and no variance therefore shall be required, provided that:
 - 1) Such lot does not adjoin any other lot or lots held by the same owner, the aggregate area of which lots is equal to or greater than the minimum lot area required for that district.
 - 2) The minimum yard requirements set by these Regulations are met.
- B. In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one single-family dwelling.

A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's property.

ARTICLE VII ADMINISTRATION

700: ENFORCEMENT

- A. Zoning Officer - The duty of administering and enforcing these Regulations is hereby conferred upon the Zoning Officer, who shall have such powers as are conferred upon him by these Regulations and as may reasonably be implied. He shall be appointed by the Village Board and shall receive such compensation as said Board shall determine.
- B. Duties of Zoning Officer - For the purpose of these Regulations, the Zoning Officer shall have the following duties:
 - 1) To issue building permits in compliance with the provisions of these Regulations;
 - 2) Upon finding that any provision of these Regulations is being violated, he shall notify in writing the person responsible for such violation and the action necessary to correct said violation;
 - 3) Order discontinuance of illegal uses of land, buildings or structures;
 - 4) Order removal of illegal buildings or structures, or illegal additions or structural alterations;
 - 5) Order discontinuance of any illegal work being done; or,
 - 6) Take any other action authorized by these Regulations to assure compliance with or prevent violations of these Regulations, including issuance of appearance tickets as provided for in Section 784, below;
 - 7) Submit a written monthly report to the municipal board describing and enumerating actions taken and permits issued under these Regulations.

710: PERMITS REQUIRED

- A. Zoning Permit - No building or structure shall be erected, moved, added to or enlarged, nor shall any use of buildings or land be established or changed without a zoning permit therefore issued by the Zoning Officer in compliance with these Regulations unless the Zoning Officer receives a written order from the Zoning Board of Appeals deciding an appeal on a variance.
 - 1) Expiration of Permits - If the work for which a zoning permit is issued has not begun within ninety (90) days from date of issuance, said permit shall expire.

If the work for which a zoning permit has been issued has not been substantially completed within two (2) years of the date of the permit, said permit shall expire.
- B. Certification of Zoning Compliance - A Certificate of Zoning Compliance is required for any of the following:
 - 1) Occupancy and use of buildings hereafter erected, altered, moved or extended.
 - 2) Change in the use of any existing building.

- 3) Occupancy and use of vacant land, except for any use consisting primarily of tilling the soil or similar customary agricultural use.

715: APPLICATION PROCEDURE

Applications for zoning permits and Certificates of Zoning Compliance shall be submitted to the Zoning Officer on forms provided by him. Such permits and Certificates shall be issued only in conformance with all the provisions of these Regulations.

716: APPLICATION CONTENT

Each application shall set for the purpose for which the structure is intended and shall be accompanied by a plot plan, scale drawings and/or sketches and descriptions of the lot, building dimensions of required yards and other information as may lawfully be required by the Zoning Officer including the number of families, number of dwelling units and conditions existing on the lot.

The Zoning Officer shall make or cause to have made an inspection of each building, structure or lot for which a Certificate of Zoning Compliance has been applied before issuing such Certificate.

The original copy of such plans and/or illustrative and explanatory material shall be filed at the Village Hall.

720: BOARD OF APPEALS

- A. Creation, Appointment and Organization - A Board of Appeals is hereby created. Said Board shall consist of three (3) members appointed by the Village Board who shall designate a Chairman. No person who is a member of the Village Board shall be eligible for membership on such Board of Appeals. Of the members of the Board first appointed, one shall hold office for the term of one (1) year, one for the term of two (2) years, one for the term of three (3) years from and after expiration of terms of their predecessors in office. If a vacancy shall occur other than by expiration of term, it shall be filled by the Village Board by appointment for the unexpired term.
- B. Powers and Duties - The Board of Appeals shall have all the powers and duties prescribed by the Village Law of the State of New York, and by these Regulations which are more particularly specified as follows:
 - 1) Administrative Review - To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of these Regulations. The Board shall hear and decide appeals where it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of these Regulations.
 - 2) Interpretation - Upon appeal from a decision by an administrative official to decide any question involving the interpretation of any provision of these Regulations, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

- 3) Variance - May authorize upon appeals in specific cases, such variance from the terms of these Regulations as will not be contrary to the public interest as provided for in Section 750, herein.
- C. Staff - The Board of Appeals may employ such staff assistance as may be necessary and prescribe their duties, provided that, at no time, shall expenses be incurred beyond the amount of the appropriation made by the Village Board for such use and then available for the purpose.
- D. Procedure, By-Laws, Forms - The Board of Appeals shall have the power to make and adopt such written rules of procedure, by-laws and forms as they may deem necessary for the proper execution of their duties and to secure the intent of these Regulations.

Such rules, by-laws and forms shall not be in conflict with, nor have the effect of waiving any provision of these Regulations or any other regulations of the Village of Cohocton.

- E. Referrals Required - At least ten (10) days prior to the date of any hearing by the Board of Appeals, notice shall be given to the Regional State Park Commissioner having jurisdiction over any State park or parkway within five hundred feet (500') of any property affected by such appeal and to the Steuben County Planning Board for any action affecting property within five hundred feet (500') of the boundary of any city, village or town, or from the boundary of any County or State park or other recreation area or from the right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines, or from the boundary of any County or State-owned land on which a public building or institution is situated.

If the County Planning agency disapproves the proposal or recommends modification thereof, the municipal agency having jurisdiction shall not act contrary to such disapproval or recommendation except by vote of a majority plus one of the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

- F. Meetings - All meetings of the Board of Appeals shall be open to the public and shall be held at the call of the Chairman and at other times as the Board may determine. The concurring vote of a majority of all members of the Board shall be necessary to decide any matter on which the Board is required to rule.
- G. Records - The Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall indicate such fact.
- H. Board of Appeals Office - The office of the municipal clerk shall be the office of the Board of Appeals, and every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in said office as required by Article 7, Section 7-712 of the Village Law of the State of New York.
- I. Time Limits - The Board of Appeals shall set a reasonable time and date for the hearing of each appeal. Each appeal shall be decided within sixty (60) days of the final hearing.

- J. Stay of Proceedings - An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Officer certified that by reason of facts a stay would, in his opinion, cause imminent peril to life or property in which case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record in an application, on notice of the Zoning Officer, and on due cause shown.

735: FEES

A schedule of fees shall be posted at the village clerk's office. Fee shall be paid at the office of the Zoning Officer upon the filing of an application.

No action shall be taken on any application or appeal until applicable fees have been paid.

*See also, Section 760.B.5, below.

740: VARIANCE PROCEDURE

The Board of Appeals shall act in strict accordance with the procedure specified by law and by these Regulations. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board and available from the Zoning Officer. Every appeal or application shall refer to the specific provision of these Regulations involved and shall exactly set forth the interpretations that are claimed, the use of which the variance is sought, or the details of the variance that is applied for, and the grounds as the case may be.

741: APPLICATION FOR APPEAL

- A. Application shall be properly filled out.
- B. A copy of tax map showing all adjoining properties.
- C. List of property owners within three hundred feet (300') of any property line.
- D. Plat plan showing all dimensions, setbacks, lot lines and distance from houses or buildings on adjacent property. Also, must show streets by name and buildings already on property, annotated as to direction.
- E. A complete description of construction to be completed, with drawings.

745: NOTICE OF BOARD OF APPEALS HEARING

The Board shall fix a reasonable time for the hearing of appeals and shall give due notice of the time set for the hearing to the applicant. Such notice shall be by the publication of a notice in the official newspaper of the Village and shall briefly describe the nature of the appeal and the time and the place of the hearing.

- A. Public Hearing - A notice shall be given at least ten (10) days in advance of a public hearing. The owner of the property for which a variance is sought, or his agent, shall be notified by mail. Further, in the case of an appeal for a variance, or in the case of an application for a special exemption use, as provided for in this zoning local law, all owners of property within three hundred feet (300') of the nearest line of the property for which the variance or special exemption use is sought, and to such other property

owners as the chairman of the Zoning Board of Appeals may direct, shall be notified by mail.

- B. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- C. The Board of Appeals shall make a finding that it is empowered under the section of these Regulations described in the application, to grant the variance, and that the granting of the variance will not adversely affect the public interest.
- D. Relief from Decisions - Any person or persons, jointly or severally, aggrieved by any decision of the 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 proceedings shall be instituted within thirty (30) days after filing of a decision in the Office of the Village Clerk.

750: PERMITTED ACTION BY BOARD OF APPEALS

No variance in the strict application of these Regulations shall be granted by the Board of Appeals unless and until it finds that each of the following facts and conditions exist:

- A. Orders, requirements, decisions, interpretations, determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.
- B. Use Variances.
 - 1) The Board of Appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances, as defined herein.
 - 2) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the Zoning Regulations for the particular district where the property is located:
 - a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - c) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and,

- e) That the alleged hardship has not been self-created.
- 3) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

C. Area Variances.

- 1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such law, to grant area variances as defined herein.
- 2) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
 - a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - b) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - c) whether the requested area variance is substantial;
 - d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and,
 - e) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- 3) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

- D. Imposition of Conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

- A. Application to Supreme Court by Aggrieved Persons. Any person or persons, jointly or severally aggrieved by any decision of the 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 Seventy-Eight of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision of the Board in the Office of the Village Clerk.
- B. Cost of Appeals. Costs shall not be allowed against the 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. Preference of Appeal to Court. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.
- D. Power of Court. If upon the hearing at 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 or her 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 determining all questions which may be presented for determination.

752: REMEDIES.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used, or any land is divided into lots, blocks or sites in violation of this act, or if any local law or other regulation made under authority conferred thereby, the proper local authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. All issues in any action or proceeding for any of the purposes herein stated shall have preference over all other civil actions and proceedings.

755: EXPIRATION OF VARIANCE

Any variance authorized by the Board of Appeals that is not exercised within one (1) year from that date of issuance shall expire automatically without a further hearing by the Board.

756: SPECIAL USE PERMIT

- A. Purpose. Special Permit uses designated in Section 310 are hereby declared to be generally appropriate for development in the districts in which they are allowed. Nevertheless, their location, design, and site preparation require particular attention in order to prevent or minimize undesirable affects on nearby properties or on the general welfare of the Village. For that reason such uses shall be allowed only pursuant to a Special Use Permit, as hereinafter provided.
- B. Application. No site preparation shall be initiated nor development undertaken for any purpose allowable by a Special use Permit, as designated in Section 310 except in

accordance with a Special Use Permit duly issued by the Planning Board.

- C. No Special Use Permit shall be issued for any property where there exists a violation of these Regulations, except that one may be issued for the purpose of correcting such violation.
- D. Pre-Application. The applicant shall, first, obtain an “Application for a Special Use Permit” from the Zoning Officer, and may at that time seek advice on his proposal.
- E. Submittal. The completed Application shall be given to the Zoning Officer together with the required supplemental information and the required fee. The Land use Officer shall determine when the information supplied constitutes a complete and reviewable Special use Permit Application, and shall promptly send the complete Application to the Chairperson of the Planning Board. The Application shall be deemed submitted to the Board at its next regularly scheduled meeting, or at the Chairperson’s discretion, at a special meeting called for that purpose.
- F. Referral to County Planning Board. When the Application is for a development within five hundred feet (500’) from any boundary of the Town, or from any County or State road or highway, or from any County or State park or other recreation area, the Planning Board shall promptly send to the Steuben County Planning Board a copy of the Application form for review. Within thirty (30) days, the County Planning Board shall report its approval, disapproval, or approval subject to stated conditions. Failure to report within such period shall be deemed to be approval. If the County Planning Board disapproves, or recommends modification of the proposal, the Planning Board shall not act to the contrary except by vote of a majority plus one of all the members thereof adopting a Resolution fully setting forth the reasons therefore.
- G. Review.
 - 1) Planning Board shall review the Application and may examine the site of the proposal. It shall determine whether the development as proposed meets all applicable requirements of Subsection 4.2.4.
 - 2) Public Hearing. The Planning Board shall conduct a public hearing on the proposed Special Use Permit. The date of the public hearing shall be within thirty (30) days of the receipt of the application by the Board, and shall be advertised in a newspaper or general circulation in the Town, at least ten (10) days before the public hearing.
- H. Standards.
 - 1) To guide its decision in the matter, the Planning Board shall prepare written findings stating how the proposed development would or would not meet the performance standards listed in the following paragraphs, as well as applicable standards and requirements set forth in other sections of this Law. In authorizing a Special use Permit, the Board may require reasonable and necessary modifications of and attach conditions to the proposed development.
 - 2) General Standards. A development allowable by Special Use Permit shall be

located and designed to be generally compatible with other properties in the vicinity, in terms of overall appearance and external evidence of normal operation; appropriate screens or buffer areas may be used to help meet this standard.

- 3) Specific Standards. A development allowable by Special use Permit shall meet each of the following standards that is applicable to that proposal:
 - a) The development shall be located where normal operation will not cause an unreasonable increase of traffic on public roads in the vicinity.
 - b) Vehicular entrances and exits, drives, and off-road parking and loading areas shall be designed for safe traffic movement, under normal use, and for unimpeded access by emergency vehicles.
 - c) Pedestrian ways shall be clearly separated from vehicular traffic, with crossing points clearly marked or otherwise controlled for safety; if intended to serve the general public, the development shall include at least one access way designed to accommodate physically handicapped persons.
 - d) The development shall be designed to avoid unnecessary grading, and to preserve large trees and other attractive existing site features to the extent practicable.
 - e) The development shall be designed so that storm water will not be harmfully channeled onto adjacent properties, and there will be no soil erosion onto adjacent properties.
 - f) Facilities and areas for solid waste handling, parking, and other service functions shall be located and designed to protect other properties and passersby from unsightly conditions, dust and trash, fumes and odors, glare and noise.
 - g) Signs shall be visually compatible with their surroundings.
 - h) Buildings and other structures shall be located and designed to cause no unreasonable impairment of other properties' access to sunlight, air, and view.

I. Decisions.

- 1) Within forty-five days after the public hearing, the Planning Board shall issue its decision, and shall promptly send one copy each to the applicant, the Zoning Officer, and the Village Clerk. Such period may be extended to ninety (90) days by agreement between the Board and the applicant. The record, including the complete Application, shall be filed promptly in the Board's records.
- 2) In its decision, the Board may:

- a) Decline to issue a Special use Permit for the development, stating the reasons therefore; or,
- b) Issue a Special Use Permit for the development with modifications or other conditions set by Board, stating the reasons therefore; or,
- c) Issue a Special use Permit for the development as proposed in the Application.

J. Issuance of the Special Use Permit.

- 1) Site Preparation. The Special Use Permit shall be issued promptly by the Zoning Officer according to the decision of the Planning Board. It shall incorporate by reference the complete Application, together with modifications set by the Board. After receiving it, the applicant may begin site preparation. All such work shall be consistent with the Permit. During the course of the work, the Land use Officer shall inspect the site to ensure compliance with the Permit.
- 2) Lapse. When site preparation has not been begun within ninety (90) days, or has not been completed within two (2) years, of the date of the Special Permit, the Special Permit shall lapse. However, the Planning Board may approve a request for reasonable extension, when the applicant shows that circumstances supporting the original Permit have not changed.

760: SITE PLAN REVIEW PROCEDURE

In accordance with Section 725 of the Village Law, the Planning Board is hereby granted the authority to review, approve, disapprove or approve with modification, site plans prior to issuance of a zoning permit or special use permit in any district. In conducting such review, the Planning Board shall require compliance with the following standards and procedures. A site plan is required for any use other than single-family and two-family dwellings.

A. Application for Site Plan Approval - An application for Site Plan Approval shall be made in writing to the Zoning Officer and shall be accompanied by information drawn from the following checklist:

- 1) Site Plan Checklist:
 - a) An area map showing the parcel under consideration for site review and all properties, subdivisions, streets and easements within two hundred feet (200') of the boundaries thereof;
 - b) A map of site topography at no more than five feet (5') contour intervals. If general site grades have susceptibility to erosion, flooding or ponding, contour intervals of not more than two feet (2') of elevation should also be provided;
 - c) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;

- d) North arrow, scale and date;
- e) Boundaries of the property plotted to scale;
- f) Existing watercourses;
- g) Location, proposed use and height of all buildings;
- h) Grading and drainage plan, showing existing and proposed contours;
- i) Location, design and construction materials of all parking and truck loading area, showing access and egress;
- j) Provision for pedestrian access;
- k) Location for outdoor storage, if any;
- l) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- m) Description of the method of sewage disposal and location, design and construction materials of such facilities;
- n) Description of the method of securing public water and location, design and construction materials of such facilities, (if applicable);
- o) Location of fire and other emergency zone, including the location of fire hydrants (if applicable);
- p) Location, design and construction materials of all energy distribution facilities, including electric, gas;
- q) Location, size and design and construction materials of all proposed signs;
- r) Location and proposed development of all buffer areas including existing vegetative cover;
- s) Location and design of outdoor lighting facilities;
- t) Designation of the amount of building area proposed for retail sales or similar commercial activity;
- u) General landscaping plan and planting schedule; and,
- v) Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any State or County permits required for the project's execution;
- w) Completed SEQUR form.

- B. Planning Board Review of Site Plan - The Planning Board's review of site plan shall include as appropriate, but is not limited to, the following:
- 1) General Considerations
 - a) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road width, pavement surfaces, dividers and traffic control;
 - b) Adequacy and arrangement of pedestrian traffic access and circulation, walkways, structures, control of intersections, with vehicular traffic and overall pedestrian convenience;
 - c) Location, arrangement, appearance and sufficiency of off-street parking and loading;
 - d) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs;
 - e) Adequacy of storm water and drainage facilities;
 - f) Adequacy of water supply and sewage disposal facilities;
 - g) Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between applicant's and adjoining lands, including the maximum retention of existing vegetation;
 - h) In the case of an apartment complex or other multiple dwelling, the adequacies of usable open space for play areas and informal recreation;
 - i) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;
 - j) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;
 - k) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 - 2) Consultant Review - The Planning Board may consult with the Village Zoning Officer, Fire Commissioner, County Planning Board, other local and County officials, and its designated private consultants, in addition to representatives of Federal and State agencies, including but not limited to the Soil Conservation Service, the State Department of Transportation, and the State Department of Environmental Conservation.
 - 3) Public Hearing - The Planning Board shall conduct a public hearing on the site plan. The date of the public hearing shall be within thirty (30) days of the receipt of the application for Site Plan Approval and shall be advertised in a newspaper

of general circulation in the Village, at least five (5) days before public hearing.

- 4) Planning Board Action on Site Plan - The Planning Board shall render a decision within thirty (30) days after the public hearing on the Site Plan. If no decision is made within thirty (30) days after the public hearing, the Site Plan shall be considered approved.

The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the Site Plan is approved disapproved or approved with modifications. If the Site Plan is disapproved, the Planning Board's statements will contain the reasons for such findings.

In case of disapproval, the Planning Board may recommend further study of the Site Plan and re-submission to the Planning Board after it has been revised or redesigned. Failure of applicant to make any required modification will result in the disapproval of Site Plan application.

- 5) Authorized Use - A special use permit shall be deemed to authorize only one particular special use, as identified by the applicant pursuant to Section 760.A, above.
- 6) Reimbursable Costs - Costs incurred by the Planning Board for consultation fees or other extraordinary expense in connection with the review of a Site Plan shall be charged to the applicant.
- 7) Inspection of Improvements - The Zoning Officer shall be responsible for the overall inspection of site improvement, including coordination with other officials and agencies, as appropriate.
- 8) Integration of Procedures - Whenever the particular circumstances of a proposed development require compliance with either the requirements of the Subdivision Regulations, S.E.Q.R., or other requirements, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other regulations.

765: EXPIRATION OF SPECIAL USE PERMIT

A special use permit shall expire if the specific permitted use shall cease for more than six (6) months for any reason.

770: EXISTING VIOLATIONS

No special use permit shall be issued for property where there is an existing violation of these Regulations.

775: NOTICE OF VIOLATIONS

The Zoning Officer shall serve a Notice of Violation or Order on the person responsible for the erection, construction, alteration, extension, repair, use or occupancy of any building, structure, or land in violation of the provisions of this Regulation; or, in violation of a permit or certificate issued under these Regulations; and, such Order shall direct discontinuance of the illegal action or condition and abatement of the violation.

780: PROSECUTION OF VIOLATIONS

If the Notice of Violation is not complied with within the time specified, the Zoning Officer shall request the legal counsel for the municipality to institute the appropriate proceedings at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the building, structure or land in violation of the provision of this Regulation or direction made pursuant thereto.

784: ISSUANCE OF APPEARANCE TICKETS BY ZONING OFFICER OR BUILDING INSPECTOR

In accordance with Section 150 of the Criminal Law, and Section 10 of the Municipal Home Rule Law of the State of New York, the Cohocton Village Board authorizes the duly designated Zoning Officer or Building Inspector to issue appearance tickets for violations of this Local Law. The Zoning Officer or Building Inspector shall issue said appearance tickets when a violation persists after a Notice of Discontinuance has been issued, or when said Notice is refused by a violator. Upon issuance of an appearance ticket, the Zoning Officer or Building Inspector shall simultaneously file all information with the Justice to complete the appearance ticket procedure.

785: COMPLAINTS OF VIOLATIONS

Whenever a violation of this Regulation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. Said Officer shall record properly all such complaints, immediately investigate and take action thereon as provided herein.

790: ADMINISTRATIVE INTENT

It is the intent of this Regulation that all questions of enforcement and interpretation shall first be presented to the Zoning Officer and that such questions shall be presented to the Board of Appeals only upon appeal from the decision of the Zoning Officer, and that recourse from the decision of the Board of Appeals shall be to the courts as provided by law.

795: ABATEMENT OF VIOLATIONS

The imposition of the penalties herein prescribed shall not preclude the legal counsel of the municipality from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to stop an illegal act, conduct, business or use of a building, structure, land or premises.

ARTICLE VIII
AMENDMENTS

800: PROCEDURE

The Village Board may, from time to time, on its own motion or on petition or on recommendation from the Planning Board, amend the regulations and districts established under these Regulations after public notice and hearing in each case. All petitions for any amendment of the regulations or districts herein established shall be filed in writing in a form required by the Village Board.

810: ADVISORY REPORT BY PLANNING BOARD

Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to the Village Board, accompanied by a full statement of the reasons for such recommendations prior to the public hearing. If the Planning Board fails to report within a period of forty-five (45) days from the receipt of notice or such longer time as may have been agreed upon by it and the Village Board, the Village Board may

act without such report. If the Planning Board disapproves the proposed amendment or recommends modification thereof, the Village Board shall not act contrary to such disapproval or recommendation except by the adoption of a resolution by a vote of a majority plus one, fully setting forth the reasons for such contrary action.

815: PUBLIC NOTICE AND HEARING

The Village Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given, as follows:

- A. By publishing a notice of the proposed amendment and the time and place of the public hearing in the official newspaper of the Village, not less than ten (10) days prior to the date of public hearing.
- B. County Referral - by giving written notice of hearing to any required municipal, County or State agency in the manner prescribed by Article 12-B, Section 239 of the General Municipal Law. If such County Planning agency disapproves the proposal or recommends modification thereof, the municipal agency having jurisdiction shall not act contrary to such disapproval or recommendation except by a majority vote of all the members and upon the adoption of a resolution fully setting forth the reasons for such contrary action.

820: PROTEST BY OWNERS

If a protest against a proposed amendment is presented to the Village Board duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of land included in such proposed amendment, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred feet (100') there from, or by the owners of twenty percent (20%) or more of the area of land directly opposite thereto, such amendment shall not pass except by the favorable vote of a majority plus one of the members of the Village Board.

825: PUBLICATION AND POSTING

Every amendment of these Regulations, including any map incorporated therein, adopted in accordance with the Village Law, shall be entered in the minutes of the Village Board and a copy thereof exclusive of any map incorporated therein, shall be published once in the official newspaper of the Village and a copy of such amendment together with a copy of any map incorporated therein, shall be posted on a sign board maintained by the Village Clerk pursuant to the Village Law. Affidavits of the publication and posting thereof shall be filed with the Village Clerk.

830: PERIODIC REVIEW

When these Regulations shall have been in effect for one (1) year and each successive five (5) years thereafter, a review committee consisting of the Zoning Board of Appeals, the Planning Board and the Zoning Office shall review these Regulations in their entirety and submit a report to the Village Board recommending needed amendments to these Regulations.

If said report calls for amendments to these Regulations the Village Board shall immediately proceed to enact said amendments unless action to the contrary shall be authorized by a proper resolution supported by vote of a majority plus one of the Village Board.

ARTICLE IX DEFINITIONS

900: WORD TERMS AND DEFINITIONS

For the purposes of these Regulations, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Words used in the present tense include the future tense.

The singular includes the plural.

The word "shall" is mandatory.

The words "used" and "occupied" include the words "intended", "designed" or "arranged to be used" or "occupied".

The word "lot" includes the words "plot" or "parcel".

910: DEFINITIONS

Accessory Use or Structure - A use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure.

Agriculture - The use of land for agricultural purposes including tilling of the soil, dairying, pasture, agriculture, arboriculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing or storing of products, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that such uses shall not include the commercial feeding of garbage and offal to swine or other animals.

Alteration, Structural - any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Bed and Breakfast/Tourist Home - Owner-occupied one-family dwelling providing overnight accommodations and one or more meals to not more than ten (10) transit lodgers for remuneration.

Building - Any structure which is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or chattel.

Building Height - The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, mechanical penthouses, towers, tanks and similar projections.

Business, Convenience - Small commercial establishments catering primarily to nearby residential areas providing convenience goods and services including but not limited to grocery stores (of less than five thousand (5,000) square feet in floor area), drug stores, beauty salons, barber shops, carry out dry cleaning and laundry pickup stations.

Campground - A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms or sleeping

quarters of any kind.

Channel (Streambed) - A natural or artificial watercourse of perceptible extent with a definite bed and bank to confine and conduct continuously or periodic flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

Club Membership - An organization catering exclusively to members and their guests, including structures and premises for recreational or athletic purposes, which are not conducted primarily for gain, not including any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

Cluster Development - A development of residential lots each containing less than the minimum lot required for the zone within which such development occurs but maintaining the density limitations imposed by said minimum lot area through the provision of open space as part of the subdivision plan.

Commercial - A trade operation.

Commercial Vehicle - A vehicle of more than one-ton capacity used for the transportation of persons or goods primarily for gain or a vehicle of any capacity carrying a permanent affixed sign exceeding one square foot in area or lettering of a commercial nature.

Drive-In Restaurant - Any place or premises used for the sale, dispensing, or serving of food, refreshments or beverages in automobiles. Including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Dwelling - Any building or portion thereof designed or used exclusively as a residence or sleeping place of one (1) or more persons, including a Manufactured Home.

Single-Family - A detached residential dwelling designed for and occupied by one (1) family only.

Two-Family - A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

Multiple-Family - A residential building designed for or occupied by three (3) or more families with the number of families in residence not exceeding the number of dwelling units provided.

Manufactured Home - A single-family dwelling unit built on a chassis, having a body width exceeding eight feet (8') and a body length exceeding thirty-two feet (32') and containing complete bathroom and kitchen facilities, suitable for long-term occupancy when connected to utilities.

Seasonal Home - A dwelling unit intended for occupancy only during certain seasons of the year, principally for recreational use by the owner, including beach cottages, hunting cabins, vacation cottages, summer cottages, and vacation lodges.

Dwelling Unit - One room or rooms connected together constituting separate, independent housekeeping establishment for owner occupancy or rental or lease and physically separated from any other rooms, or dwelling units which may be in the same structure and containing independent

cooking and sleeping facilities.

Excavation - The taking of topsoil, earth or natural deposits of solid material found in or on the earth from the premises or the moving of said materials from one part of the premises to another in quantities exceeding twenty-five (25) cubic yards, except when incidental to the construction of a building. [This provision shall not be construed to prevent the excavation or moving of earth on premises when such is solely for farming purposes.]

Essential Services - Erection, construction, alteration, operation or maintenance by municipal agencies of public utility or telephone dial equipment centers, electrical or gas sub-stations, water treatment or storage facilities, pumping stations and similar facilities.

Fence - Any construction of wood, metal wire mesh, masonry, or other material erected for the purpose of assuring privacy or protection, which wholly or partially encloses a lot or part of a lot.

Flood or Flooding - A) A general and temporary condition of partial or complete inundation of normally dry land areas, from: 1) the overflow of inland or tidal waters; 2) the unusual and rapid accumulation or runoff of surface waters from any source; 3) mudslides, mudflows, which are proximately caused or precipitated by accumulations of water on or under the ground; B) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal event which results in flooding as defined in A.1 of this section.

Flood, Base - The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Flood Fringe - That portion of the flood outside the floodway.

Flood Hazard Area, Special - An area having special flood, mudslide and/or other flood related erosion hazards and shown on a FHBM or FIRM as Zone A, A-O, A-1-99, VO, V1-30, M or E.

Flood Hazard Boundary Map (FHBM) - An official map of a community issued by the Federal Insurance Administration where the boundaries of the flood, mudslide related erosion areas having special hazards have been designated as Zones A, M and/or E.

Flood Insurance Rate Map (FIRM) - An official map of a community on which the Federal Insurance Administration has delineated both the special flood hazard areas and the risk of premium zones applicable to the community.

Flood Plain or Flood Prone Area - Any land area susceptible to being inundated by water from any source.

Flood Plain Overlay Zone - That area of the municipality identified on the Flood Hazard Boundary Map as being subject to flood and/or mudslide hazards, which area is delineated on the Zoning Map, and for which special flood plain management requires and criteria are enumerated herein.

Flood proofing - Any combination of structural and non-structural additions, changes or adjustments

to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flooding, Area of Shallow - A designated A0 or V5 Zone on Flood Insurance Rate Map with base flood depths from one foot (1') to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident

Floodway - The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream including but not limited to flood flows associated with the regulatory flood.

Floodway Encroachment Lines - The lines marking the limits of the floodways on official Federal, State and local flood plain maps.

Garage (Parking) - A principal or accessory structure other than a private garage used for parking or temporary storage of passenger automobiles, and in which no service is provided for remuneration.

Garage, Private - An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted therein nor space therein for more than one car is leased to a non-resident of the premises.

Home Occupation - An occupation conducted in a dwelling unit provided that:

- A) No person other than members of the family residing on the premises shall be engaged in such occupation;
- B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

Junk Yard - A lot, land or structure or part thereof used for the collection, storage, disassembly, packing, sorting, salvage, buying, selling or exchange of waste paper, rags, scrap, or discarded material or machinery or parts of any sort, including house wrecking yards, used lumber yards, structural steel materials but not including used furniture, clothing, pawn shops, antique shops nor automobile junk yards as defined in the General Municipal Law, Section 136. This shall not apply to machinery stored for agricultural use by individuals actively involved in agriculture.

Kenel - Any lot or premises on which five (5) or more domestic animals more than four (4) months of age are housed, groomed, bred, boarded, trained or sold, for monetary gain.

Landfill, Sanitary - A designated area where solid waste may be placed for disposal under the direction and supervision of a designated person, which area is located and operated in compliance with the requirements of the State.

Living Area - The enclosed floor space including kitchen and bath facilities, available in a dwelling unit.

Livestock Sales - A market for the same of domestic animals such as cattle, horses, sheep and hogs at wholesale.

Loading Space, Off-Highway - Space logically and conveniently located for bulk pickups and deliveries scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-highway parking spaces are filled.

Lot - For the purpose of these Regulations, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public highway and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these Regulations.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the highway. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to highways shall be considered frontage, and yards shall be provided as indicated under "Yards" in these Regulations.

Lot of Record - A lot which is a part of a subdivision recorded in the Office of the Steuben County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width - The distance between the two (2) side lot lines measured at the required setback line.

Manufactured Home - See "Dwelling".

Manufactured Home Park - Plot of ground upon which two (2) or more Manufactured Homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.

Motel - A building or group of buildings, whether detached or in connected units, used as individual sleeping or living quarters with direct outside access and related office and with/without restaurant cocktail bar facilities, designed primarily for travelers and provided with accessory off-street parking facilities. The term "Motel" includes buildings, designed as tourist courts, motor lodges, auto courts and other similar appellations, but shall not be construed to include parking areas for house trailers, or Manufactured Homes, or to include dwelling units, except for that of the owner or manager.

Municipal Parks - Parks and playgrounds established and operated by the Village.

Non-Conforming Use - A building, structure or use of land existing at the time of enactment of these Regulations and which does not conform to the regulations of the district or zone in which it is located.

Nursing Home – An establishment providing living quarters and nursing care for persons who are elderly or chronically ill.

100-Year Flood - See "Flood, Base".

Parking Garages or Lots (Public) - Structures in which automobiles may be parked in consideration of the payment of a fee.

Performance Standards - The standards which are to be used for technical examination or testing of alleged nuisances.

Person - Includes any individual or group of individuals, corporation, partnership, association or any other organized group of persons, including local governments and agencies thereof.

Private Recreational Use - The use of land by the owner primarily for recreational pursuits involving recreational interest in the natural environment, such as nature study, hiking, bird watching, camping and/or management of flora and fauna primarily for recreational purposes.

Professional Offices - The use of offices and related spaces for such professional services as are provided by medical practitioners, attorneys, architects, engineers and similar professions. (Should be prohibited in a residential district; if not, a limitation on the number of employees allowed is advisable.)

Produce Market - A market for the sale of farm products at retail.

Quasi-Public Use - Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic nature.

Recreation Equipment, Major - Shall include travel trailers, campers, pickup coaches, motorized homes, boats, boat trailers and snowmobiles.

Regulatory Flood Elevation - The elevation to which uses regulated by these Regulations are required to be elevated or flood-proofed.

Regulatory Floodway - The channel of a river or other watercourse and that adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Restaurant - Any establishment, however designated, at which food is sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar or refreshment stand at a public or quasi-public or community swimming pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility, shall not be deemed to be a restaurant.

Roadside Stand - A wholly or partly enclosed shed for the sale of products produced on the land where sold.

Seasonal Home – See Dwelling

Service Station - Building and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, general repair services may be rendered.

Short-Term Housing Device - Tents, camping vehicles, trailers, cabins or other shelter devices, intended or used for occupancy by people as temporary shelter or living quarters.

Small Animal Hospital - A structure where small pets are medically treated, including escape-proof pens which may be located outside the structure, provided that no nuisance is created thereby.

Special Permit Uses - Those particular uses which are specifically permitted in a given district only when specific criteria enumerated herein is applied in such a manner so as to carry out the intent of these Regulations.

Street Line - The right-of-way of a street.

Structure - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, Manufactured Homes, walls, fences, signs, storage tanks, billboards and poster panels.

Structure - For flood plain management purposes, a walled or roofed building including gas or liquid storage tank, which is principally above ground, as well as Manufactured Homes.

Structure, Agricultural - Customarily non-residential farm structures including barns, silos, storage sheds, corn cribs, grain bins, milk houses, animal pens and similar structures when used in connection with agricultural activities.

Subdivision - An area of land divided by owners or agents, either by lots or by metes and bounds, into lots or parcels, two (2) or more in number for the purpose of conveyance, transfer, improvement or sale of one or more.

Substantial Improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either

- A. before the improvement or repair is started;
- B. if the structure has been damaged and is being restored, before the damage occurred; the term does not, however, include either:
 - 1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety codes specifications which are solely necessary to assure safe living conditions, or
 - 2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

Swimming Pool - An artificial pool of water having a depth at any point of more than eighteen inches (18") and a surface area of greater than one hundred (100) square feet, designed or intended for the purpose of bathing or swimming and including all appurtenant equipment. Farm ponds are not considered swimming pools for the purposes of these Regulations.

Tourist Home - A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

Travel Trailer - See "Recreational Equipment, Major".

Variance - A modification of the regulation of this Local Law granted on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of Section 740.

Village Board - The governing body of the Village of Cohocton.

Water Surface Elevation - The projected heights in relation to mean sea level reached by floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

- A. Yard, Front - A space extending between side lot lines across the front of a lot adjoining a public highway measured from the street line or road line of the highway.
- B. Yard, Side - A yard extending from the rear line of the required front yard to the rear line or, in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the highway. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots, yards remaining after full and half-depth front yards have been established shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

- C. Yard, Rear - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

- D. Yard, Special - A yard behind any required yard adjacent to a highway, required to perform the same function as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "Side Yard" nor the term "Rear Yard" clearly applies. In such cases, the Zoning Officer shall require a yard with the minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable area thereon.

Zoning Compliance Certificate - A certificate issued by the Zoning Officer stating that a structure or the use thereof is in compliance with these Regulations.

Zoning District - A geographic subdivision of and with the Village of Cohocton as delineated on the Official Zoning Map for which the requirements of these Regulations governing the uses, densities, yards, etc., are uniform therein.

Zoning Permit - A document issued by a Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses in conformity with these Regulations.

ARTICLE X INTERPRETATION AND APPLICATION

1000: INTERPRETATION

In this interpretation and application, the provision of these Regulations shall be held to be minimum regulations adopted for the promotion of the public health, safety and the general welfare.

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

1005: SEPARABILITY

Should any section or provision of these Regulations be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulation as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

1010: VIOLATIONS AND PENALTIES

A violation of these Regulations is an offense punishable by a fine not exceeding Fifty Dollars (\$50.00) or by imprisonment for a period not exceeding sixty (60) days, or both.

1015: EFFECTIVE DATE

This local law shall become effective upon filing with the New York State Secretary of State.

1020: SUPERCESSION

This local law supersedes all prior zoning laws and ordinances of the Village of Cohocton. All prior zoning laws and ordinances of the Village of Cohocton dealing with zoning are terminated.