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ARTICLE I

The following is an ordinance which regulates by districts the height, number of stories, size of buildings, and other structures, size of yards, percentage of lot that may be occupied, the area of courts and other open spaces, the density of population, and the location and use of building, structures and land for trade, industry, residence and other purposes.

In pursuance of the authority conferred by the Village law of the State of New York and the Village Board of the Village of Odessa, County of Schuyler, State of New York, does enact as follows:

SECTION 1.0 – SHORT TITLE

This ordinance shall be known as and may be cited as "The Zoning Ordinance of the Village of Odessa".

SECTION 1.1 – AUTHORITY

Pursuant to the provisions of the Municipal Home Rule Law and to the authority and power granted under Article 2A, Section 20, Paragraphs 24 and 25 and Article 5A, Section 81 to 83, inclusive of Chapter 64 of the General Village and Consolidated Laws and all Amendments thereto, the Village Board of the Village of Odessa, County of Schuyler, New York hereby ordains, enacts and publishes as follows:

SECTION 1.2 PURPOSE

The Zoning Regulations and Districts herein set forth and as identified upon the Zoning Map of the Village of Odessa are made for the purpose of promoting public health, safety, and general welfare and prescribing the most desirable use for which the land in each district may be adapted and those uses to be subjected to special regulations, while conserving value of land throughout the Village. The height, bulk and location of buildings and other structures, the area of yards, courts, and other open spaces, the density of population, and location and use of buildings, structures and land for trade, industry, residence or other purpose, are hereby restricted and regulated as hereinafter provided.

Such regulations have been designed to lessen congestion in the streets; to secure safety from fire, flood, and other dangers; to provide adequate light, air, convenience of access, and the accommodation of solar energy systems and equipment and access to sunlight necessary therefore; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable regard, among other things, to the character of each district and its suitability for particular uses and the value of buildings, land, and uses to promote the most appropriate use of land throughout the Village of Odessa.

SECTION 2.0 INTERPRETATION

For the purpose of this ordinance certain terms or words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular number includes the plural.

The word "person" includes a corporation as well as an individual.

The word "building" includes the word "structure".

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

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

SECTION 2.1. DEFINITIONS

ABANDONED AUTOMOBILE: Any motor vehicle that is not licensed or is incapable of meeting minimum NYS motor vehicle inspection standards."

ACCESSORY APARTMENTS: An additional, self-contained dwelling unit contained within a single-family dwelling which is subordinate to the principal dwelling in size, location, and appearance with physically separate access and providing complete housekeeping facilities including kitchen, sleeping, and sanitary facilities for the inclusive use of the occupant(s).

ACCESSORY STRUCTURE: A structure subordinate to a principal structure on the same lot and used for purposes customarily incidental to those of the principal structure. Accessory structures include but are not limited to portable, demountable, or permanent enclosures, shade structures, carports, garages and storage sheds.

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

ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on premises by use of motion-picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities of anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT CABARET: A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers.

ADULT MINI-MOTION PICTURE THEATER AND/OR ADULT MOTION-PICTURE THEATER : An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to specific sexual activities or specified anatomical areas for observation by patrons therein.

AGRICULTURAL USE: The raising of agricultural products including livestock, poultry, dairy products, farm crops, fruit, vegetables and nursery stock whether for gain or otherwise.

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

AMUSEMENT GAME CENTER: A continuous commercial use in which six (6) or more mechanical, electrical or electronic machines or devices used or designed to be operated for entertainment or as a game, and either activated by the insertion of a coin, token, etc. or for their operation or use of which a charge is made.

AQUIFER: An underground water bearing area of permeable rock, sand or gravel.

AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all of the principal building and all of its accessory buildings exclusive of unenclosed porches, terraces and steps.

AREA, LOT: The total area within the lot boundary lines excluding any area included in a public street right-of-way.

ATTIC: That space of building which is between the top of the uppermost floor construction immediately below and wholly or partly within the roof framing and that is not finished as habitable space (see **STORY, HALF**).

BARS: A business establishment licensed by the State of New York to serve alcoholic beverages and which establishment is designed primarily for the consumption of such alcoholic beverages on the premises, irrespective of whether or not food and/or entertainment are also provided as accessory uses.

BASEMENT: Any space of a building which is partly below finished grade, but having more than one-half of its height measured from floor to ceiling above average finished grade (see also **CELLAR**).

BED AND BREAKFAST: A building containing a single dwelling and in which one, but not more than four, sleeping rooms are provided by the owner/occupant for compensation for the accommodation of transient guests with or without meals.

BUFFER YARD: An area of land forming a visual and/or physical separation or barrier between two uses. In the case of a visual barrier the land shall be covered with natural plantings or man-made material to provide a continuous physical screen preventing visual access and reducing noise.

BUILDING: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.

BUILDING, DETACHED: A building surrounded by open space on the same lot.

BUILDING, FRONT LINE OF: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps. The area between the front line of the lot and the front line of a building is the front yard.

BUILDING, HEIGHT OF: the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING PERMIT: See Sections 19.B, and 29.0.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which building is situated.

BUILDING, SEMI-DETACHED: A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

BUILDING GROUP: A group of two or more principal buildings and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

BUILDING, LINE: The line, established by statute, local law or ordinance, beyond which the exterior surface of a building on any side shall not extend, as specifically provided by law. In the instance of a cantilevered section of a building or projected roof or porch, said line shall coincide with the most projected surface.

BULK: A term to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and all open spaces required in connection with a building, other structure, or tract of land.

CAR WASH: A building, premises or portions thereof, where automobiles are washed either by the patron or others using machinery and mechanical devices specifically designed for this purpose.

CELLAR: Any space in a building, the structural ceiling level of which is less than four (4) feet above average finished grade where such grade meets the exterior walls of the building (see also BASEMENT).

CERTIFICATE OF COMPLIANCE: A certificate issued by the Zoning Enforcement Officer upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this Law and such adjustments thereto granted by the Board of Appeals.

CERTIFICATE OF OCCUPANCY: A certificate to be issued by the Zoning Enforcement Officer upon completion of construction, alteration and/or change in occupancy or use of a building, stating that the building is safe and habitable. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.

CHURCH (or PLACE OF WORSHIP): A building or premises used for regular public worship by members or representatives of a religious sect or organization as defined by State statute.

CLUB, MEMBERSHIP: An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

COMMERCIAL PARKING LOT: Any tract of privately owned land which is used for the storage of motor vehicles and is not necessary to any other use on the same or any other lot, and contains parking space rented to the general public or reserved for a group of individuals by the hour, day, week, month, or year.

COMMERCIAL VEHICLE: A vehicle of more than one ton capacity used for the transportation of persons or goods primarily for gain.

COMMUNITY POLE: A sign owned and maintained by the Village Board which contains several informational signs for the purpose of informing persons of community activities and/or establishments within the community.

CONDOMINIUM: A building or group of buildings, in which residential, commercial or industrial units are owned individually while the structure, common areas and facilities are owned jointly by all the owners on a proportional basis.

CONTIGUOUS PARCEL: A tract of land under the control of the applicant or his agent that is not divided by any natural or manmade barriers such as existing streets and highways, public rights'-of-ways identified on the official map and is not bisected by waterbodies.

CONVALESCENT HOME: A building used for accommodation and care of persons recuperating from illness or incapacity.

COVERAGE: That percentage of the plot or lot area covered by the building area including areas paved, or used for a pool, etc. shall also be part of the coverage area calculation.

CURB LEVEL: The officially established grade of the curb in front of the mid-point of the lot.

DEC: New York State Department of Environmental Conservation

DOH: New York State Department of Health

DISTRICT OR ZONE: That portion of the Village within which specific uses are permitted according to the designation applied thereto in Article 2 and in conformity with the provisions of this Law.

DOUBLE-WIDE (HOUSE TRAILER): (see Manufactured Housing)

DRIVE-IN-USE: Shall mean any commercial or business activity which incorporates as a principal or accessory feature a service window, booth or other like arrangement on the exterior of the building or structure designed primarily for drive-through or carry-out service.

DUMP: A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING: A building designed or used principally as the living quarters for one or more families in one or more dwelling units.

DWELLING, IN-GROUND: A dwelling that is constructed principally below the finished average grade elevation of the lot on which it is located and with at least one wall open at or lower than floor level and/or special light and ventilation designs.

DWELLING, Single-FAMILY: A building containing one dwelling unit only. This term shall not be deemed to include motel, hotel, rooming house, or other accommodations used for more or less transient occupancy.

DWELLING, SINGLE-FAMILY DETACHED: A building containing one dwelling unit and having two side yards. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, SINGLE-FAMILY, SEMI-DETACHED: A building containing one dwelling unit and having one party wall and one side yard. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, TWO-FAMILY: A building containing two dwelling units. This term shall not be deemed to include motel, hotel, rooming house, or other accommodations used for more or less transient occupancy.

DWELLING, MULTIPLE-FAMILY: A building containing three or more dwelling units with shared or individual entrances and/or other essential facilities and services. This term shall not be deemed to include motel, hotel, rooming house, or other accommodations used for more or less transient occupancy.

DWELLING GROUP: A group of three or more, but not over ten attached single or two family dwelling units with common party walls.

DWELLING UNIT: One room or rooms connected together, consisting of a separate, independent housekeeping establishment for owner occupancy, rental or lease, and containing independent cooking, living, sanitary and sleeping facilities.

This shall include sectional and factory manufactured units provided they meet the standards of this Law and the Building Code. It shall not include motel, hotel and lodging establishments.

ELDER-COTTAGE/ECHO-UNIT/GRANNY- FLAT: Detached living quarters on a single-family lot subordinate in size, location, and appearance to the primary dwelling providing complete housekeeping facilities for the exclusive use of the occupants.

FAMILY: A "family" consists of (a) one person, or two or more persons related by blood, marriage or adoption, or (b) not more than five persons not related by blood, marriage or adoption, and in addition any domestic servants who live together in a single dwelling unit and maintain a common household.

FARM: Any plot of ground over three acres in size and used strictly for agricultural operations. These include the cultivation of the ground for the production of crops, the raising of livestock, and other closely related items.

FENCE: an artificially constructed barrier of wood, masonry, stone, wire metal or any other manufactured material or combination of material erected for the enclosure of yard areas.

FINISHED GRADE: The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade - in computing height of buildings and other structures or for other purposes - shall be the average elevation of all finished grade elevations around the periphery of the building.

FLOOR AREA: The aggregate sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior walls or from the centerlines of walls separating the buildings. In particular, the "floor area" of a building or buildings shall include:

- 1) Basement space.
- 2) Elevator shafts and stairwells at each floor
- 3) Floor space for mechanical equipment, with structural headroom of 7'6" or more
- 4) Penthouses
- 5) Attic space (whether or not a floor has actually been laid) providing structural headroom of 7'6" or more for at least 50% of the area
- 6) Interior balconies and mezzanines
- 7) Enclosed porches
- 8) Accessory uses, not including space for accessory off-street parking

However, the "floor area" of a building shall not include:

- 1) Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths
- 2) Elevator and stair bulkheads, accessory water tanks, and cooling towers
- 3) Floor space used for mechanical equipment, with structural headroom of less than 7'6"
- 4) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than 7'6" for 50% of the area
- 5) Uncovered steps; exterior fire escapes
- 6) Terraces, breezeways, open porches, and outside balconies and open spaces
- 7) Accessory off-street parking spaces
- 8) Accessory off-street loading berths.

GARAGE, SERVICE/REPAIR: A building or premises used for the repair of motor vehicles, including painting and/or the sale of related parts and accessories. A junk yard or auto salvage yard is not to be construed as a garage.

GASOLINE FILLING STATION: An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, which may include as accessory uses sale of motor vehicle accessories and/or used vehicles, and which may or may not include facilities for lubricating, washing, (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding, or painting.

GENERAL BUSINESS OFFICE: A non-retail service oriented office or agency such as insurance brokers, travel agents, computer programming, consulting organizations, and etc.

HAZARDOUS MATERIALS: Any substance, solution, or mixture which, because of its quality, concentration, physical, chemical, or infectious characteristics may present a potential hazard to human health, drinking water or food supply quality if discharged to the land, air, or waters, of the Village of Odessa. In addition, any substance for which the NYS Department of Health has established a drinking water guideline value.

HOME GARDEN: A plot of land used for the growth of produce for family use.

HOME OCCUPATION: An accessory use which is clearly incidental to or secondary to the residential use of a dwelling unit and does not change the character thereof, and is carried on wholly within the enclosed walls of a dwelling unit or accessory building by the proprietor of such use and other occupants of such dwelling unit and in which not more than one person not residing in such dwelling is employed. For the purposes of this ordinance any occupation that produces offensive noise, vibration, smoke, dust, odors, heat or glare shall not be considered to be a home occupation.

HOSPITAL: An institution for the care and treatment of sick and injured, equipped with technical facilities, medical, nursing and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury which requires bed care. Source: #206-a Public Health Law.

HOTEL: A building or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may or may not include dining facilities. This term shall not be deemed to include an Inn, Bed & Breakfast, Boarding House, or other such accommodations.

HOUSE TRAILER: (see MANUFACTURED HOUSING)

INDUSTRIAL USE: Any activity conducted in connection with the manufacture, assembly, disassembly, fabrication, resource recovery, storage or processing of material or products, all of any part of which is marketed off the premises or marketed to other than the ultimate consumer.

INN: A building containing a single dwelling unit in which more than four and less than fifteen sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests with or without meals.

JUNK INDUSTRY: Two or more abandoned or partially abandoned or partially dismantled automobiles or other used machinery, equipment, and/or materials allowed to remain on a premise for a period of fifteen (15) days or more shall be considered as a junk industry or a motor vehicle wrecking operation and a violation of this ordinance unless located in an industrial district and meeting the requirements of the industrial use district for such use.

JUNK YARD: An area of land with or without buildings used for or occupied by the storage, keeping, abandonment or the salvage of junk material, including processing such as sorting, baling, packing, disassembly, exchange and/or purchase and sale of materials, and including scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandoned automobiles or other vehicles, machinery or parts thereof that are allowed to remain on the premises for a period of fifteen (15) days or more shall be considered as a Junk Yard.

KENNELS: (Boarding kennels) Any place at which there are kept four or more domestic animals more than four months of age or any number of dogs that are kept for the primarily commercial purposes of sale or for the boarding, care or breeding for which a fee is charged or paid.

LAUNDROMAT: A commercial establishment equipped with washing machines, and dryers, that are coin-operated and/or self-service.

LIVESTOCK: Domestic animals, such as cattle, goats, hogs, horses, ostrich, poultry, rabbits, sheep, raised for home use or for profit.

LOT: A parcel of land with a single deed occupied or capable of being occupied by a building or buildings and for accessory buildings and/or uses, including such open spaces as are required for this ordinance, and having frontage on an existing or proposed road.

LOT, CORNER: A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angle or intersection does not exceed 135 degrees.

LOT COVERAGE: The area of porches, vestibules, bay windows, fireplace, and chimneys shall be added to the areas of the principal building and the areas of accessory structures for determining the percentage of lot coverage.

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

LOT, FRONTAGE: A lot line which is coincident with the right-of-way line of a public road or which is measured 30 feet from the center line of a private road.

LOT LINES: The lines bounding a lot as defined herein.

LOT, THROUGH: A lot which faces on two streets at opposite ends of the lot which is not a corner lot.

LOT, WIDTH OF: The mean width measured at right angles to its depth at the mid-point of the front line of the building.

MANUFACTURED HOUSING: A dwelling unit bearing a seal issued by the Federal Department of Housing & Urban Development that is manufactured as a relocatable living unit, which is built on a permanent chassis and designed to be transported in one or more sections, and to be installed on a site with or without a permanent foundation when connected to utilities. This does not include Department of Motor Vehicle registered recreation vehicles, travel trailers.

MANUFACTURED HOUSING PARK: A contiguous parcel of land divided into two (2) or more lots, for sale or lease on which Manufactured Homes are or will be placed for non-transient use.

MEDICAL CLINIC: A place where medical or dental care is furnished to persons on an out-patient basis by five (5) or more physicians who have common offices in a building which shall also offer laboratory and diagnostic facilities to patients on an out-patient basis and not just in conjunction with normal professional services.

MOBILE HOME: (see MANUFACTURED HOUSING)

MODULAR HOME: A housing unit constructed off-site consisting of more than one segment and designed to be permanently anchored to a foundation, to become a fixed part of the real estate, does not have a permanent chassis; and which meets all the standards of the New York State Building Code.

MOTEL: A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space, and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabins, roadside hotel.

MOTOR VEHICLE SERVICE STATION: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

MORTUARY: An establishment where dead bodies are prepared or kept prior to burial or cremation.

NON-CONFORMING BULK: That part of a building, other structure or tract of land which does not conform to one or more the applicable bulk regulations of this Zoning Law, either following its effective date or as a result of subsequent amendment thereto.

NON-CONFORMING USE: Any use of a building, or structure, or tract of land which does not conform to the use regulations for the district in which such use is located, either at the effective date of this Zoning Law or as a result of subsequent amendment thereto.

NURSING HOME: A building containing accommodations for person/people including meals and where nursing services are furnished.

NURSERY SCHOOL: Anyplace, however designated, operated for the purpose of providing both daytime care and instruction for two or more children from two to five years of age inclusive, and operated on a regular basis, including kindergartens, day nurseries, and day care centers.

OPEN SPACE: An unoccupied space open to the sky on the same lot with the building or structure.

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

PARKING SPACE: The area required for parking one automobile, which in this ordinance is held to be in an area not less than nine (9) feet wide and not less than twenty-two (22) feet long not including driveways.

PARKING STRUCTURE (Garage, Deck): Any privately owned structure(s) in which motor vehicles may be parked or stored that is not accessory to any other use on the same lot, and contains parking spaces rented to the general public or reserved for a group of individuals by the hour, day, week, month, or year.

PERSONAL SERVICE ESTABLISHMENT: A commercial operation, office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a beautician, tailor or dressmaker.

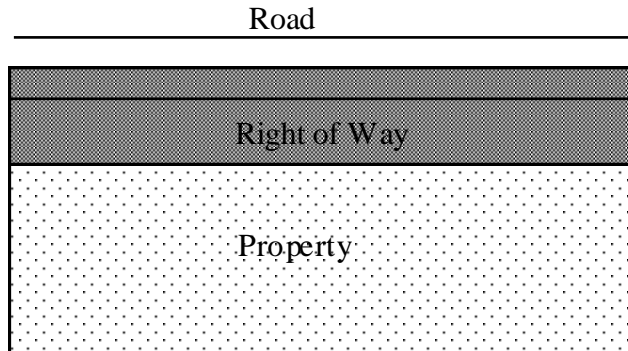
PLAT a map, generally of a *subdivision*, showing the location, boundaries, and ownership of individual properties. To plat means to subdivide.

RESIDENTIAL CLUSTER DEVELOPMENT: A form of residential development characterized by a unified site design, providing density increases, a mix of building types and common open space. It permits the calculation of densities over the entire parcel and involves additional requirements as set forth in Article 2 (Section 22.0, p. 72).

PREMISES: A lot together with all the buildings and uses thereon.

PROFESSIONAL OFFICE: An office principally occupied by a licensed professional such as a physician, dentist, lawyer, engineer, architect, accountant, insurance or real estate agent, or similar occupation.

PROPERTY LINE: For the purpose of this ordinance the street-side property line shall be the right of way. Example:



RECREATION VEHICLE: See Travel Trailer

REFLECTOR, SOLAR: A device for which the sole purpose is to increase the solar radiation received by the solar collector.

REPAIR SHOP, PERSONAL SERVICE: A store or other place of business at which is conducted the repair of personal customer items, such as shoes, clothing, jewelry, etc.

RESIDENCE, RESIDENTIAL: A building, or any part of a building, which contains dwelling units for permanent occupancy. "Dwelling", therefore, includes all single-family, and multi-family, boarding, fraternity, and sorority houses. However, "Dwellings" shall not include the following:

- a. transient accommodations, such as hotels, motels, and hospitals; or
- b. that part of a building containing both dwellings and other uses which is used for any non-residential uses, except accessory uses for dwellings.

RESTAURANT, FAST FOOD: An establishment where food and/or beverages are sold in a form ready for consumption and where, by design or packaging techniques, all or a significant portion of the consumption can or does take place outside the confines of the building.

RESTAURANT, STANDARD: Any establishment, however, designed, whose primary use is preparation and sale of food 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 community swimming pool, playground, play-field 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.

RETAIL USE: Business or commercial use or activity involving primarily the sale of merchandise or stock-in-trade to the public.

RIGHT-OF-WAY: The property under public ownership or easement normally used for movement of vehicles, and or persons, including, but not restricted to, any pavement area.

ROADSIDE STAND: A light structure with a roof, either attached to the ground or movable, not for year-round use and at which produce is offered for sale to the general public.

SATELLITE TELEVISION ANTENNA: An antenna the purpose of which is to receive television and/or radio signals from orbiting satellites.

SETBACK: The required distance in feet from:

- a. any survey boundary forming a lot of contiguous parcel.
- b. the right-of-way of a public street
- c. a distance measured 30 feet from the centerline of a private road to any building on such lot

SHARED RESIDENCE: A home shared by (N) or more unrelated adults sharing a common kitchen and operating on a non-profit basis and **not** providing personal care or skilled nursing services.

SHOPPING CENTER: A group of three or more retail stores in a single structure, depending mostly on customers coming by automobile, and having parking facilities which are integrated with the Site Plan and the design of the stores

SIGN: Any structure, or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, model, drawing, picture, banner, flag, insignia, device, marking or representation used as, or which is the in the nature of an announcement, direction, or advertisement. A "sign" includes a billboard, but does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious, or similar organization, campaign, drive, movement, or event which is temporary in nature.

SINGLE OWNERSHIP: Possession of land under single or unified control, whether by sole, joint, common or other ownership or by a lease having a term of not less than ten years, regardless of any division of such land into parcels for the purpose of financing.

- SITE PLAN:** Maps and supporting information used in the development of a lot.
- SOLAR COLLECTOR:** A device, or combination of devices, structure or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy, and that contributes to a structure's energy supply, and components for containing and supporting such device.
- SOLAR COLLECTOR, DETACHED:** A solar collector, as defined herein physically detached from the structure for which solar energy is to be supplied.
- SOLAR ENERGY SYSTEM:** A complete design or assembly consisting of a solar energy collector (herein called a solar collector), an energy storage facility (where used), and components for the distribution of transformed energy (to the extent that they cannot be used jointly with a conventional energy system). Passive solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural and recreational.
- STORY:** That portion of a building comprised between floor and the floor or roof next above it. A basement shall be considered a story. A cellar shall not be considered a story.
- STORY, HALF:** That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half the floor-to-ceiling height of the story below. An attic with a finished floor shall be considered a half story. (Refer to Building Code)
- STREET:** An existing public or private way which affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on the official map and recorded in the office of the Village Clerk.
- STREET, LOCAL:** A street or road designed primarily to provide access to abutting properties.
- STREET, MARGINAL ACCESS:** Those streets which are parallel to and adjacent to arterial streets and highways, and which provide access to butting properties and protection from through traffic.
- STREET, PRIMARY:** A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic areas.
- STREET, PRIVATE:** A drive that services or is designed to serve no more than two principal uses and is built to Village specifications that remains in the ownership of and is maintained by the developer or development association and is not dedicated to the Village.
- STREET, PUBLIC:** A road or street that serves three or more principal uses, that is built to Village specifications and is dedicated to the Village for maintenance.
- STREET, SECONDARY:** A public street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a primary street.
- STRUCTURE:** A combination of materials other than a building to form a construction that is safe and stable and includes among other things stadiums, platforms, radio towers, sheds, storage bins and display signs

SWIMMING POOL: An artificial pool of water having a depth at any point of more than thirty (30) inches 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 accessory equipment.

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

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

THEATER: A building, room, or an outdoor structure for the presentation of plays, motion pictures, or other dramatic performances.

TOWER: A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

TOWNHOUSE: A building consisting of three or more attached single-family dwelling units each having separate entrances and common vertical party walls.

TRAVEL TRAILER: A registered vehicle which is used or designed to be used, for seasonal and/or temporary living or sleeping purposes, and which is customarily standing on wheels or rigid supports. A recreational vehicle (RV) is also considered a travel trailer.

TRUCKING TERMINALS: A building or part of a building or premises for the storage and/or transfer of goods, wares and merchandise for the owner or others by truck transport.

USE: This term is employed in referring to:

- a. The purpose for which any buildings, other structures, or land may be arranged, designed, intended, maintained, or occupied.
- b. Any occupation, business activity, or operation conducted in a building or other structure, or on land.

USE, PRINCIPAL: The main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended or for which they may be used, occupied or maintained under this Law.

VEHICLE SALES AREA: A premise(s), including open areas, other than a street or way, and enclosed showrooms for the display and sale of new or used automobiles, trucks, trailers, motorcycles and/or recreational vehicles.

VETERINARY HOSPITAL: A building for the treatment of animal illness including facilities for boarding animals receiving treatment.

WAREHOUSE: A building or premises, for storing of goods, wares and merchandise, whether for the owner or for others, prior to shipment to final retail sale operation and whether it is a public or private ownership and use.

WAY: A thoroughfare, however designated, permanently established for passage of persons or vehicles.

WHOLESALE (Store, Business, Establishment): A business establishment engaged in selling to retailers or jobbers rather than directly to consumers.

WIND ENERGY CONVERSION SYSTEM (Windmill): Any mechanical device designed for the purpose of converting wind energy into electrical or mechanical power.

YARD: An unoccupied space open to the sky, on the same lot with the building or structure.

YARD, FRONT: An open area extending the full width of the lot situated between the street right-of-way and the building line projecting to the side lot lines.

YARD, REAR: An open area extending the full width of the rear lot line situated between the rear lot line and the building line projecting to the side lot lines.

YARD, REQUIRED: That portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a setback depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for building on another lot.

YARD, SIDE: An open area extending between the building line and the side line of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or rear lot line).

ARTICLE II**SECTION 3.0 – ESTABLISHMENT OF DISTRICTS**

For the purpose of this ordinance, the Village of Odessa is hereby divided into the following nine (9) classes or districts.

- A. R1 – Single-Family Residential Use Districts
- B. R2 – Single-Family Residential Use Districts
- C. R3 – Two-Family Residential Use Districts
- D. MR – Multiple-Family Residential Use Districts
- E. B1 – Business Use Districts
- F. H 0- Highway Users Use Districts
- G. X – Open Space Use Districts
- H. F – Industrial Use Districts
- I. MH – Manufactured Housing Use Districts

3.1 USE REGULATION TABLE

No building or premises shall be erected, structurally altered, or used, except as designated for that District. In the Use Regulation Table which is attached hereto and made part hereof. This is a guide for specific allowed uses, see each District.

3.2 ACTIVITIES PROHIBITED IN ALL DISTRICTS.

- A. No effluent or matter of any kind shall be discharged into any stream or body of water which violates established stream standards of the New York State Department of Environmental Conservation or otherwise causes objectionable odors or fumes or which is poisonous or injurious to human, plant, or animal life.
- B. The practice of soil stripping shall be limited to incidental filling of areas within the Village to bring them up to grade, except insofar as is necessary or incidental to excavations for cellars and other structures.
- C. No use shall be permitted which will produce corrosive, toxic or noxious fumes, glare, fire explosion, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration or other objectionable features so as to be detrimental to the public health, safety, or general welfare unless conducted under proper and adequate standards.
- D. Dumping or storage of material in a manner that facilitates the breeding of vermin or endangers health in any way shall not be permitted.
- E. No material shall be used for incidental fill on any parcel within the Village except as such material shall be acceptable, clean fill as defined in 6NYCRR Part 360.

Use Regulation Table

Key to Abbreviations:

P = Permitted **S** = Site Plan Approval Required **No Letter** = Not Permitted

Districts:

- R1 - Single-Family Residential Use
- R2 - Single-Family Residential Use
- R3 - Two family Residential Use
- MR - Multiple-Family Residential Use
- B1 - Business Use
- H - Highway Users Use
- X - Open Space Use
- F - Industrial Use
- MH - Manufactured Home(s) Use

	DISTRICT									
RESIDENTIAL USE	R1	R2	R3	MR	B1	H	X	F	MH	
Detached single-family dwelling	P	P	P	P						
Semi-detached single-family dwelling	P	P	P	P						
Two-family dwelling			P	P						
Multi-family dwelling			S	S	S					
Bed & Breakfast			S	S	S					
Boarding House			S	S	S					
Dwelling unit above first floor business					S					
Manufactured Home, individual lot										P
Manufactured Housing Park										S
ACCESSORY USE(S)	R1	R2	R3	MR	B1	H	X	F	MH	
Accessory use and structure customarily incidental to any of the uses listed herein and on the same lot.	P	P	P	P	P/S			S		P
Accessory use and structure customarily incidental to any of the uses listed herein and NOT on the same lot.	S	S	S	S	S			S		P
Antennas ≤ 3' in diameter	P	P	P	P	P			P		P
Antennas > 3' in diameter	S	S	S	S	S			S		S
Home Occupation	S	S	S	S						S
Parking lot, private					S					S
GENERAL USE(S)	R1	R2	R3	MR	B1	H	X	F	MH	
Agriculture										
Church or place of worship	P	P								
Cultural facilities (e.g., library, museum)			S	S	S					
Day care, family home		S	S	S	S					
Nursery School, Day nursery			S	S	S					
Governmental uses					S					
Private club (membership)/Private Schools				S	S					
Nursing (convalescent home)				S	S					
Public parks and recreational uses				S	S		S			S
Public utility or transportation uses					S			S		

INDUSTRIAL USE	R1	R2	R3	MR	B1	H	X	F	MH
Adult uses								S	
Contractors yard & equipment storage								S	
Vehicle sales area - heavy equipment					S			S	
Manufacture, fabrication, extraction, assembly, and other handling of material including associated offices and showrooms								S	
Fabrication/manufacturing, small-scale associated with retail or service uses					S			S	
Research laboratories					S			S	
Trucking terminals								S	
Warehousing and wholesale and retail distribution centers including offices and showrooms								S	
BUSINESS USE	R1	R2	R3	MR	B1	H	X	F	MH
Amusement game center					S				
Animal Shelter					S				
Antique and craft shop				S	S				
Art gallery				S	S				
Bank, financial institutions					S			S	
Bar and/or Night club					S				
Barber & Beauty shops					S				
Book Stores				S	S				
Car wash					S			S	
Commercial recreation					S			S	
Drive-Through Uses					S			S	
Dry cleaning business					S			S	
Funeral homes				S	S				
Garage, Service repair					S			S	
Gasoline, Filling station					S			S	
Gasoline/Grocery Service Mart					S			S	
General Business Office					S			S	
Hotel/Motel					S				
Newspaper & Publishing facilities					S			S	
Personal Service Establishments					S				
Photographic Studios					S			S	
Professional Office				S	S				
Professional Office/Medical Clinic				S	S			S	
Repair Shop/Personal Service					S			S	
Retail & Commercial uses other than listed					S			S	
Self-Service Laundry					S			S	
Theater					S			S	
Vehicle Sales (auto, boat recreation) and Repair shop					S				

SECTION 4.0 – DESCRIPTION OF DISTRICT BOUNDARIES

The location and boundaries of said zoning districts are hereby established on a map designed “Zoning Map of the Village of Odessa” which map is kept on file and is available for public viewing in the Office of the Village Clerk, and such map is hereby declared to be part of this Zoning Law. (Copy of map is attached, may not be to scale.

SECTION 5.0 – APPLICATION OF REGULATIONS

Except as hereinafter provided

- A. In each use district all uses are prohibited unless specifically permitted.
- B. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is to be located.
- C. The required area of the front and side yards shall not be used for complying with the requirement of off street parking or other motor vehicle storage.
- D. In residence use districts the required front yard shall abut the front property line.
- E. Special Exception Use permit may be applied for: "Home Occupation Use" and "Agricultural Use" for each District.
- F. Regulations in Site Plan Review (Section 21.0, p. 50, shall apply to all Use Districts.
 1. Single Family/Single Unit Housing shall be exempt from Site Plan Review.

SECTION 6.0 – R1 SINGLE-FAMILY RESIDENTIAL USE DISTRICTS

The following regulations shall apply in all R1 Single-Family Residential Use Districts:

A. USES PERMITTED

1. Single family dwelling, not including manufactured housing and/or Manufactured home(s) as defined in Section 2.1. Definitions.
2. Customary accessory uses and buildings located on the same lot, provided that such uses are incidental to the principal use and do not include any activity conducted for monetary gain (unless Special Exception Use is Granted); and provided that such accessory buildings are not used for residential purposes.
3. Home garden.
4. Churches and similar places of worship, parish houses, monasteries and convents.
5. Cemeteries, but not animal cemeteries.

B. REQUIRED HEIGHT LIMIT

1. No building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

C. REQUIRED LOT AREA

1. Every single-family dwelling shall be located on a lot with an area of not less than 20,000 square feet and a width of not less than one hundred (100) feet.

D. PERCENTAGE OF LOT COVERAGE

1. All structures including accessory buildings shall not cover more than twenty (20) per cent of the area of the lot.
2. Accessory structures shall not be less than twenty (20) feet from any property line. Tile fields, cesspools and other similar uses shall be located in accordance with appropriate county and state regulations.

E. YARDS REQUIRED

1. Front Yard: All dwellings and accessory buildings shall have a front yard of not less than fifty (50) feet in depth with the following exception: Where the front yards have been established for at least fifty (50) per cent of the frontage in any given block to a depth greater than thirty (30) feet from property line, the front yard depth requirement shall be increased to conform with the existing front yard depth.
2. Side Yards: All dwellings shall have two side yards. The width of each side yard shall be not less than twenty (20) feet from property line.
3. Rear Yards: All dwellings shall have a rear yard of not less than fifty (50) feet in depth from property line.

F. SIZE OF DWELLING

1. Each dwelling shall contain not less than 1,200 square feet of enclosed floor areas exclusive of garage.

SECTION 7.0 – R2 SINGLE-FAMILY RESIDENTIAL USE DISTRICTS

The following regulations shall apply in all R2 Single-Family Residential Use Districts:

A. USES PERMITTED

1. Single family dwelling not including manufactured housing as defined in Section 2.1. Definitions.
2. Customary accessory uses and buildings located on the same lot, provided that such uses are incidental to the principal use and do not include any activity conducted for monetary gain; and provided that such accessory buildings are not used for residential purposes.
3. Home garden.
4. Churches and similar places of worship, parish houses, convents and schools.
5. Customary accessory uses and buildings located on the same lot, provided that such uses are incidental to the principal use and do not include any activity conducted for monetary gain; and provided that such accessory buildings are not used for residential purposes.

B. REQUIRED HEIGHT LIMIT

1. No building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

C. REQUIRED LOT AREA

1. Every single-family dwelling shall be located on a lot with an area of not less than 12,000 square feet and a width of not less than seventy-five (75) feet.

D. PERCENTAGE OF LOT COVERAGE

1. All structures, including accessory buildings, shall not cover more than thirty-five (35) per cent of the area of the lot.

E. YARDS REQUIRED

1. Front Yard: All dwellings and accessory buildings shall have a front yard of not less than thirty (30) feet in depth with the following exception: Where the front yards of an existing block have been established for at least fifty (50) per cent of the frontage in any given block to a depth greater than thirty (30) feet from property line, the front yard depth requirement shall be increased to conform with the existing front yard depth.
2. Side Yards: All dwellings shall have two side yards. The width of each side yard shall be not less than ten (10) feet and the sum of the widths of the two side yards shall be not less than twenty (20) feet from property line.
3. Rear Yards: All dwellings shall have a rear yard of not less than thirty-five (35) feet in depth from property line.

F. SIZE OF DWELLING

1. Each dwelling shall contain not less than 1,200 square feet of enclosed floor areas exclusive of garage.

SECTION 8.0 – R3 TWO-FAMILY RESIDENTIAL USE DISTRICTS

The following regulations shall apply in all R3 Two-Family Residential Use Districts:

A. USES PERMITTED

1. All uses permitted in the R2 Residential Use Districts subject to all of the regulations specified for such R2 Residential Use Districts.
2. Two-family dwellings.
3. Customary accessory uses and buildings located on the same lot, provided that such uses are incidental to the principal use and do not include any activity conducted for monetary gain; and provided that such accessory buildings are not used for residential purposes.

B. REQUIRED HEIGHT LIMIT

1. No building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

C. REQUIRED LOT AREA

1. Every single-family dwelling shall be located on a lot with an area of not less than 7,500 square feet and a width of not less than fifty (50) feet.
2. Every two-family dwelling shall be located on a lot with an area of not less than 10,000 square feet and a width of not less than sixty (60) feet.

D. PERCENTAGE OF LOT COVERAGE

1. All structures, including accessory buildings, shall not cover more than thirty-five (35) per cent of the area of the lot.

E. YARDS REQUIRED

1. Front Yard: One- and two-family dwellings shall have a front yard twenty (20) feet in depth with the following exception: Where the front yards of an existing block have been established for at least fifty (50) percent of the frontage in any given block to a depth greater than twenty (20) feet from property line, the front yard depth requirement shall be increased to conform with the existing front yard depth.
2. Side Yards: Single-family dwellings shall have two side yards. The width of each side yard shall be not less than eight (8) feet and the sum of the widths of the two side yards shall be not less than sixteen (16) feet. Two-family dwellings shall have two side yards. The width of one side yard shall be not less than six (6) feet and the sum of the widths of the two side yards shall be not less than twelve (12) feet. Where a garage is attached to the side of a dwelling building, two side yards of not less than eight (8) feet each shall be required.
3. Rear Yards: One- and two-family dwellings shall have a rear yard of not less than thirty-five (35) feet in depth from property line.

F. SIZE OF DWELLING

1. Each dwelling shall contain not less than 1,200 square feet of enclosed floor areas exclusive of garage.

SECTION 9.0 – MR MULTIPLE-FAMILY RESIDENTIAL USE DISTRICTS

The following regulations shall apply in all MR Multiple-Family Residential Use Districts:

A. USES PERMITTED

1. All uses permitted in the R3 Residential Use Districts subject to all of the regulations specified for such R3 Residential Use Districts.
2. Multiple dwellings for non-transients subject to the regulations for such non-transient uses in accord with the provisions of the New York State Multiple Dwelling Law.
3. Health services and clinics, lodges, fraternities and sororities.
4. Mortuaries
5. Bed and Breakfasts
6. Commercial automobile parking lots
7. Hospitals other than animal
8. Customary accessory uses and buildings located on the same lot provided that such uses are incidental to the principal use and do not include any activity conducted for monetary gain, and provided that such accessory buildings are not used for residential purposes.

B. REQUIRED HEIGHT LIMIT

1. No building or structure shall exceed four (4) stories or forty-five (45) feet in height.

C. REQUIRED LOT AREA

1. Every multiple dwelling shall be located on a lot with an area of not less than 3,000 square feet for each family housed therein, and width of not less than seventy-five (75) feet.
2. Every multiple dwelling shall be located on a lot with an area of not less than 10,000 square feet and a width of not less than sixty (60) feet.

D. PERCENTAGE OF LOT COVERAGE

1. All structures, including accessory buildings, shall not cover more than fifty (50) percent of the area of the lot.

E. YARDS REQUIRED

1. Front Yard: Multiple dwellings shall have a front yard twenty-five (25) feet in depth with the following exception: Where the front yards have been established for at least sixty (60) per cent of the frontage in any given block to a depth greater than twenty-five (25) feet, the front yard depth requirement shall be increased to conform with the existing front yard depth.
2. Side Yards: Multiple dwellings shall have two side yards. The minimum width of each side yard shall be equal to one-half the height of the structure, but not less than twelve (12) feet from property line.
3. Rear Yard: Multiple dwellings shall have a rear yard equal to the height of the structure, but not less than forty (40) feet from property line.

F. SIZE OF DWELLING

1. Each dwelling shall contain not less than 1,200 square feet of enclosed floor areas exclusive of garage.

SECTION 10.0 – B1 BUSINESS USE DISTRICTS

The following regulations shall apply in all B1 Business Use Districts:

A. USES PERMITTED

1. All uses permitted in the Residential Use Districts, except residential use, subject to all of the regulations specified for such Residential Use Districts.

New buildings, structures or uses designed to be used exclusively for residence purposes shall be prohibited. Building(s) and structure(s) in residence use at the time of the enactment of this ordinance may be altered or enlarged and the requirements of the R3 Residential Use Districts shall apply. A principal building may be used for a combination of business and residence purposes.

2. Motor vehicle sales and/or service areas with repair garages, terminal facilities for transportation, public utilities and communication services.
3. Stores and shops for conducting any retail or personal service business and food processing plants, when the products are for sale exclusively on the premises.
4. Banks, offices, motels, hotels, restaurants, and similar community services.
5. Mortuary, hand laundry, personal service laundries, and Laundromats.
6. Commercial automobile parking lots.
7. Theaters, bowling alleys, amusement game center, and other places of amusement.
8. Wholesale trades and businesses.
9. Offices of veterinarians and animal hospitals.
10. Bus stations.

B. PERCENTAGE OF LOT COVERAGE

1. All structures, including accessory buildings, shall not cover more than sixty (60) percent of the area of the lot.

C. YARDS REQUIRED

1. Front Yard: Buildings in the B1 Business Use Districts shall have front yards of not less than eight (8) feet in depth and buildings with a frontage on two streets, not including alleys, shall have front yards of not less than eight (8) feet in depth on both streets, with the following exception: Where the front yards have been established for at least sixty (60) percent of the frontage in any given block to a depth less than eight (8) feet the front yard requirements shall be reduced so as to conform with the existing front yard depths, but not less than four (4) feet.
2. Side Yards: When the principal structure is used for a combination of business and residential uses one side yard having a width of not less than twelve (12) feet shall be required.

D. MISCELLANEOUS

1. A Site Plan Review will be required (see Section 21.0, p. 50).
2. All B1 applications must be reviewed by the County Planning Board. This is inclusive of any building that is within 500' from a State or County Highway.

SECTION 11.0 – X OPEN SPACES USE DISTRICTS

The following regulations shall apply to all X Open Spaces Use Districts:

A. USES PERMITTED

1. Parks, playgrounds, picnic areas, boat docks, marinas, off-street parking lots, and similar public uses.

SECTION 12.0 – AGRICULTURE USE DISTRICT

The following Parcel is in the County Ag District: Parcel # 98.13-1-10; on County Road 15

SECTION 13.0 – F INDUSTRIAL USE DISTRICTS

The following regulations shall apply to all F Industrial Use Districts:

A. USES PERMITTED

1. Public utility services and structures.
2. Terminal facilities for transportation services.
3. Motor vehicle sales, storage, service, repairs, parking and sales lots.
4. Sales and storage of motor vehicle and domestic fuel supplies and materials.
5. Sales and storage of building materials and supplies.
6. Commercial storage facilities.
7. Wholesale trades and businesses.
8. Food processing plants.
9. Laundries, dry cleaning and dyeing establishments.
10. Junk industry, motor vehicle wrecking operations and similar types of used materials industries when conducted within a structure or on a lot enclosed by a solid fence at least six (6) feet in height, provided that such fence shall not be less than ten (10) feet from any highway or street line.

B. Industrial Use Regulations: See Section 20.A.13, p. 61.

C. MISCELLANEOUS

1. A Site Plan Review will be required (see Section 21.0, p. 50).
2. All F applications must be reviewed by the County Planning Board. This is inclusive of any building that is within 500' from a State or County Highway.

SECTION 14.0 – MH MANUFACTURED HOUSING USE DISTRICTS

The following regulations shall apply to all MH Manufactured Home Use Districts:

A. USES PERMITTED

1. Manufactured home; used for residential purpose, only.
2. Manufactured Housing Camps
3. Customary accessory uses and buildings located on the same lot, provided that such uses are incidental to the principal use and do not include any activity conducted for monetary gain (unless Special Exception Use is Granted); and provided that such accessory buildings are not used for residential purposes.

B. REQUIRED LOT AREA

1. Each such manufactured home, either individually or in a manufactured home park shall be located on a lot not less than six thousand two hundred and fifty sq. ft (6,250) minimum lot size of fifty feet by one-hundred and twenty-five feet (50' x 125').

C. PERCENTAGE OF LOT COVERAGE

1. All structures including accessory buildings shall not cover more than thirty five (35) percent of the area of the lot.

D. YARDS REQUIRED

1. Manufactured homes shall have a front yard of not less than thirty (30) feet.
2. Side Yard: All manufactured homes shall have two side yards. No such manufactured home shall be parked or otherwise located nearer than ten (10) feet to the side or rear of any lot or parcel of land.

SECTION 15.0 – Accessory Buildings and Uses

- A. Accessory Buildings. Accessory buildings not attached to principal buildings shall comply with the following:
1. All structures one hundred twenty (120) square feet or more in size shall require a zoning/building permit and shall meet the requirements of the New York State Uniform Fire Prevention and Building Code.
 2. They shall only be located on the same lot as the principal use stated in the Density Control Schedule (p. 86).
 3. They shall only be located in a rear or side yard in compliance with the following scheduling:
 - a) R-1, R-2, R-3, and R-T Districts
 - 1) For buildings greater than one hundred twenty (120) square feet
 - (a) Side yard: minimum six (6) feet.
 - (b) Rear yard: Minimum six (6) feet
 - 2) For buildings less than one hundred twenty (120) square feet:
 - (a) Side yard: minimum three (3) feet.
 - (b) Rear yard: Minimum three (3) feet
 - b) C, BC, H and I Districts
 - 1) Side yard: no minimum
 - 2) Rear yard: no minimum
 - c) Where any C, BC, H or I district abuts an existing residential use and/or a residential district, any accessory building shall be located a minimum of one-half (1/2) of the distance specified in the Density Control Schedule (p. 86) for principal structures.
- B Accessory Uses. In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts, shall be erected only on the same lot as the principal structure, shall not be located in the front yard on such lot and shall be located not less than six (6) feet from any lot line and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.
1. A swimming pool or the lot or any part thereof within which a pool is located shall be completely enclosed by a chain-link fence or a type of fence that offers the same degree of security against accidental or unauthorized entry. Such fence shall be four (4) to six (6) feet in height, and all entrance gates thereof shall be self-enclosing, self latching and capable of being locked. The fence shall be separate and physically detached from the swimming pool itself and shall be a minimum distance of four (4) feet from the water's edge.

2. An above ground pool with no part of its sidewall height less than four (4) feet above ground and so constructed by the manufacturer that the vertical sides are smooth, sheer and do not provide any means for intermediate foot or hand holds and any pool with decking and a ladder that are designed to restrict access may be exempt from the full provision of the above fence requirements. However, a full height fence with a self-closing, self-latching gate capable of being locked shall enclose the ladder area not less than four (4) feet in width and four (4) feet in depth, and the ladder shall remain permanently therein. Aboveground pools provided with foot or hand holds (draw-banded) and aboveground pools of less than four (4) foot sidewall height above ground are not exempt from the full fencing requirements.
- C. Lot Coverage. Where twenty-five percent (25%) or more of the lots in a block are occupied by buildings, the average yard dimensions, average of lot coverage of such buildings and the average side and rear yard setback shall determine the yard setback and coverage requirements for any new accessory building or use within the block, or where no standard block exists, the word "block" as used above shall be interpreted to mean those structures within two

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SECTION 16.0 – SUPPLEMENTARY REGULATIONS

The provisions of this ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations:

A. USES PERMITTED

1. Excavations: Shall be in compliance with New York State Department of Environmental Conservation and New York State Building Code Regulations.

B. REQUIRED HEIGHT LIMIT

1. Height exceptions: Spires, belfries, chimneys and similar structures may be erected but not of a greater base area than five percent (5%) of the gross area of the lot or site and not to exceed seventy-five feet (75') in height.
2. Height limitations: No building or structure shall be erected in excess of four (4) stories or forty five (45) feet in height.

C. REQUIRED AREA

1. Reduced Lot Area: No lot shall be reduced in area so that any required open space will be smaller than prescribed in this ordinance for the use district in which said lot is located, unless the building, structure or use is altered, reconstructed or relocated so as to comply with the area and yard requirements applicable thereto. The limitations imposed by this ordinance, however, shall not prohibit the erection of a building or structure of any lot containing, at the time of the enactment of this ordinance, an area smaller than required under this ordinance. Where undue hardship is imposed by the regulations applicable to size, shape, or frontage of existing lots, the Board of Appeals shall vary the application as nearly as practical to conform the case to the intent and purposes of this ordinance. For the purposes of this section when two or more adjacent vacant lots are, at the time of the enactment of this ordinance, in single ownership they shall be construed as being a single lot. The Building and Fire Code Officer may grant building permits for the construction, alterations, addition, removal or changes in the type of occupancy or use of structures located upon lots existing at the time of the enactment of this ordinance that have less than the minimum frontage and/or area required of lots located in the same use districts provided that the following regulations established for the use district in which the lot is located are not violated: permitted uses, building height, percentage of lot coverage, front yard, side yards and rear yard.
2. Visibility at Intersection: On a corner lot in any district, no fence, wall, hedge, or other structure or planting shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining such street lines at points which are twenty-five feet (25') distant from the point of intersection measured along said street lines, except that shade trees or ornamental trees which do not obstruct visibility across such triangular areas may be placed and maintained more than thirty (30) inches in height.

D. YARDS REQUIRED

1. **Corner Lots:** A corner lot in any residential use district shall have a side yard of not less than one-half the required depth for front yards on the side street or where existing uses on side street are different from this, the side yard must not be less than that existing on the side street. Accessory buildings are also restricted to this distance.
2. **Lots on Use District Boundary Lines:** When a lot in a business or industrial use district abuts a lot in a residential use district there shall be provided along the abutting lot line of such lot in the business or industrial use district a yard equal in width to not less than one-third of the height of the building or structure in the business or industrial use district, but not less than twenty feet (20').
3. **Accessory Building on Rear One-Half of Lot:** Accessory building and structures on the rear one-half of lots other than corner lots shall not be erected nearer to the rear or side property lines than three feet (3').

E. AUTOMOBILE STORAGE AND PARKING SPACE

1. For **all** Use District Regulations – See Section 21.0, p. 50.

F. SIGN REGULATIONS

No sign or other outdoor devices for the purpose of advertising of any kind may be erected or established in the Village except in conformance with the standards in this section.

1. GENERAL PROVISIONS.

- a. All signs with a surface area greater than 48 sq. ft. shall require a building permit and shall comply with applicable regulations of the Zoning Ordinance.
- b. No permanent or temporary sign shall be erected or placed at or near the intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position, shape, or color of the sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words, "Stop", "Look" , "Drive-in", "Left" or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead or confuse traffic. The regulations of the NYS Department of Transportation shall be followed with respect to the placement of a permanent or temporary sign within the right of way of a state highway.
- c. No sign shall be placed or erected above the maximum elevation of the main roofline of a building.
- d. Any permitted free-standing sign shall not be more than 40 feet in height above the average surface of the ground of the parcel on which the sign is located.
- e. All signs shall be set back a minimum of 10 feet from any lot line.
- f. Size of a sign shall refer to the overall area occupied by the total sign as measured from the outside dimensions.

- g. The provisions of this section shall not apply to safety signs, road signs, historical markers or highway directional signs erected by municipal or public agencies.
- h. Illumination of signs shall not be intermittent or of varying intensity and may not produce glare beyond the limits of the property lines.
- i. Signs with moving parts are not permitted except public service signs (such as time and temperature) approved by the Zoning \ Enforcement Officer.
- j. Signs projecting into a public right-of-way shall have a clearance of not less than 10 feet above the sidewalk or surrounding ground and not less than 15 feet above any public driveway or thoroughfare.
- k. Portable signs shall only be allowed for special non-business application for a time period not to exceed one (1) week.
- l. Advertising signs, which direct attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than on the premises, shall be prohibited.

2. SIGNS PERMITTED FOR ANY USE

No building permit shall be required for the following signs which shall be permitted in any district.

- a. Real estate signs - maximum eight (8) sq. ft. for residential uses, maximum thirty (30) sq. ft. for business and industrial uses.
- b. Professional or business name plates - maximum two (2) sq. ft.
- c. Memorial signs or tablets - maximum eight (8) sq. ft.
- d. Temporary signs denoting architect, engineer, contractor, etc. when placed upon the premises where the construction is proposed or underway. Such signs shall be removed within thirty (30) days after construction is completed.
- e. Traffic or other municipal signs, legal notice and such temporary or non-advertising signs for government purposes.
- f. Temporary posters covering such things as political and sporting events, shows and elections. Such signs shall not be displayed until four (4) weeks prior to the event and must be removed within one (1) week following the event.
- g. Non-permanent banners and similar devices may be displayed for the occasion of the special event and shall be displayed for no longer than a three (3) week period.
- h. All signs, certificates and licenses that are mandated to be on display by any local, county, state or federal law or authority.
- i. Two (2) signs, each not exceeding four (4) sq. ft. in area, indicating or calling attention to traffic entrances and exists, provided that if illuminated, such illumination shall cease at the close of business hours or 11:30pm whichever is later. Such signs shall not carry any advertisement, insignia or business logo nor shall they be nearer than five (5) feet to any lot line and shall not project more than four (4) feet above grade.

3. RESIDENTIAL USES

- a. An apartment complex may have an identification sign which shall not have a total face area of more than fifty (50) sq. ft.
- b. A dwelling unit, in which a home occupation is permitted may display a sign noting such occupation. Such sign shall be no more than six (6) sq. ft. in area.
- c. Subdivision signs - any person offering lots for sale in an approved subdivision may erect a non-illuminated sign having an aggregate total face area of not more than 100 sq. ft.

4. BUSINESS, COMMERCIAL AND INDUSTRIAL USES

- a. Two primary business identification signs, one free standing with a maximum of two display faces and one sign mounted on the building may be displayed on the same lot as the business with which they are associated. The total display area of both signs shall not exceed an area equal to 1.5 square feet of sign area for each linear foot of building frontage or one hundred (100) sq. ft., whichever is the lesser. In no instance shall a single face of either sign exceed fifty (50) sq. ft. or exceed twenty-five (25) ft. above ground elevation.
- b. Accessory signs may be displayed at each establishment provided that such signs conform with the following:
 - 1) Signs may be exhibited in any window area provided that the display area does not exceed 30% of the window area.
 - 2) Additional signs may be located on the building facade or on certain merchandise displays as may be appropriately stored outside during business hours.
 - 3) The aggregate total display area of all such signs does not exceed an area equal to .5 square feet per lineal feet of building frontage.

5. PLAZA OR MALL SIGNS

- a. Two free-standing double-faced signs identifying the group of businesses. Each sign shall have a maximum total face area of 150 sq. ft. with no single face exceeding 100 sq. ft.
- b. One free-standing directory sign identifying each business located within the Plaza. Such sign shall not exceed 100 sq. ft. and each business name identified on such sign shall be of a uniform size.
- c. Each business in the group may have one sign which shall not exceed 10% of the front facade on which it is mounted. Corner establishments with more than one front facade visible may have up to two signs with maximum area as calculated herein.

6. DIRECTIONAL SIGNS

Signs directing travelers to a location: food, gas and lodging establishments are permitted as follows:

- a. Maximum sign area - two (2) sq. ft.
- b. Two (2) signs per establishment, maximum.
- c. In business or industrial use districts only.

G. GENERAL

1. **Public Properties:** This ordinance shall not restrict the construction or use of public-owned buildings and property except that a permit must be secured prior to construction or use.
 - a. **Water Supply and/or Sewage Treatment:** When an application is made for a building permit, there shall be submitted with the said application, a plot plan showing the layout the proposed development which will include the size and location of buildings, the source of the proposed water supply and the details of sewage treatment and sewage disposal. The source of water supply and/or the method of sewage treatment must be in accordance with the requirements for such facilities and installations as promulgated by the New York State Department of Health.
 - b. Private sewage disposal system and other similar uses shall be not less than fifteen (15) feet from any property line.
2. **Public Utilities:** Nothing in this Law shall restrict the construction or use of underground or overhead distribution facilities of public utilities operating under the Laws of the State of New York. Other facilities may be constructed subject to a Site Plan review.

SECTION 17.0 – FENCES, WALLS, HEDGES, AND SCREEN PLANTING(S)

- A. Where the driveway meets the street the hedge wall or planting shall not exceed 36 inches in height.
- B. On a corner lot, no fence, wall, hedge or screen planting over 36 inches in height shall be constructed at the intersection of the two streets. In any use, the minimum clear vision distance shall be twenty-five (25) feet from the edge of the pavement at the intersection.
- C. Fences, walls, hedges or screen plantings may be required as specified elsewhere in this Ordinance for multi-family, commercial or industrial uses, by the Planning Board, as is necessary to protect the residential quality of adjacent property.
- D. Gazebos (pergolas), clothes yards and poles, play yards, trellises and similar structures shall conform in location to the requirements for garages. In the case of a trellis or gazebo, such structures shall not exceed ten (10) feet in height; in the case of a clothes yard, clothes pole or play yard, eight (8) feet in height).
- E. All fences, walls, hedges, and screen plantings must start at least 12 inches from the inside of the sidewalk. Fences, walls, hedges, and screen plantings shall be placed on the property boundary lines with the written and recorded consent of all adjoining land owners. Without dual consent, all fences, walls, hedges, and screen plantings shall be at least 6 inches inside the boundary line.
- F. A fence constructed to afford privacy to the individual land owner would be a solid fence and must be confined to the rear half of the subject lot. It may be located on the property lines with the written and recorded consent of both owners and at least 6 inches off the boundary without dual consent. It may be no more than 72 inches in height and must conform to set-back requirements for locations in side yards or on corner lots.

SECTION 18.0 – NON-CONFORMING USES

The lawful use of any building, structure or land at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this ordinance. Such use is hereby designated as a non-conforming use.

A. UNSAFE STRUCTURES.

1. Any structure or portion thereof declared unsafe by the Building and Fire Code Enforcer, or other proper authority may be strengthened or restored to a safe condition.

B. ALTERATIONS.

1. A non-conforming building or structure may not be reconstructed or structurally altered during the life of such building or structure to an extent exceeding in aggregate cost fifty percent (50%) of the assessed valuation of the building or structure as was indicated on the assessment record of the Village, unless changed to a conforming use. A non-conforming use occupying a portion of a ground floor of a building may be extended to the entire ground floor area.
2. A non-conforming use shall not be changed or extended without review by the Zoning Board of Appeals and a Certificate of Compliance having first been issued by the Zoning Enforcement Officer.

C. RESTORATION

1. A non-conforming building, structure, or use destroyed or damaged in excess of seventy-five percent (75%) of its true value based on the assessment record and equalization rate of the Village at the time the destruction or damage occurs may not be restored or reconstructed except in conformity with the provisions of this ordinance unless otherwise modified by the Board of Appeals.

D. ABANDONMENT

1. Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be re-established and any further use shall be in conformity with the provisions of this ordinance.

SECTION 19.0 – SPECIAL EXCEPTION USES**A. DELEGATION OF AUTHORITY**

The Planning Board is hereby authorized to act on proposed special exception uses which are specifically provided for in this Ordinance. Such action may include approval, conditional approval, or disapproval based on the standards set forth in this Section.

B. GENERAL PROCEDURES AND CONDITIONS

1. The Planning Board shall adopt and file in the Municipal Clerk's office such Rules of Procedure as it may deem necessary to the proper exercise of its responsibilities with respect to Special Exception Uses.
2. Prior to taking action on any Special Exception Use, the Planning Board shall hold a **public hearing after public notice as provided [in the case of an application to the Board of Appeals, in Section 23.A.1]**. No action shall be taken respecting such matter until all interested parties shall have been given an opportunity to be heard.
3. All matters which are the subject of a mandatory referral or notice to other agencies, as set forth in the Enabling Statutes and in Section 239.1 and m, Article 12-B of the General Municipal Law, shall be transmitted to the appropriate agencies by the Secretary of the Planning Board in accordance with the provisions of those Sections. All Special Exception Use applications must be reviewed by the County Planning Board.
4. The Secretary of the Planning Board shall keep minutes of the Board's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also keep records of examinations and official actions, all of which shall be immediately filed in the office of the Planning Board and shall be a public record. Each decision of the Planning Board with respect to the approval of a Special Exception Use shall be so stated and documented as to provide a definitive authorization to the Zoning Enforcement Officer for issuing required permits and/or Certificate of Compliance.
5. A Site Plan for any proposed Special Exception Use in any District where authorized, shall be submitted to the Planning Board for approval prior to authorization by the Planning Board for the issuance of a building permit.

6. A Special Exception Use authorization by the Planning Board for the issuance of a building permit shall expire within 90 days of such authorization in the event that such permit shall not be applied for within such 90 day period. Extension of such authorization may be granted by the Planning Board for one additional 90 day period.
7. Change of ownership negates all Special Exception Uses for said property. In the event that a valid lease is in effect at the time of sale, said lease covering the exact Special Exception Use will remain in effect until termination of the lease. At the time of termination of the lease, the Special Exception Use is null and void.
8. Any violation of the limitations or special conditions and safe-authorization for a Special Exception Use shall be deemed a violation of this Ordinance, punishable under the provisions of Section 1.
9. The fee for Special Exception Use applications to the Planning Board shall be \$50 (fifty dollars) for the payment of the cost of advertising for a public hearing.

C. GENERAL STANDARDS

For every such Special Exception Use the Planning Board shall determine that:

1. Such use will be in harmony with and promote the general purposes and intent of this Ordinance.
2. The plot area is sufficient, appropriate, and adequate for the use and the reasonably anticipated operation and expansion thereof.
3. The proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use Districts.
4. The site is particularly suitable for the location of such use in the community.
5. The characteristics of the proposed use are not such that its proposed location would be unsuitable to a church, school, theater, recreational area or other place of public assembly.
6. The proposed use, particularly in the case of a non-nuisance industry, conforms with the Ordinance definition of the Special Exception Use where such definition exists, or with the generally accepted definition of such use where it does not exist in the Ordinance.
7. Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and further that vehicular entrances and exits shall be clearly visible from the street and not within 175 feet of the intersection of street lines at a street intersection except under unusual circumstances.
8. All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.
9. There are off-street parking and truck loading spaces at least in the number required by the provision of Section 21.0, Site Plan Review, p. 50, but in any case an adequate number for the anticipated number of occupants, both employees and patrons or visitors; and further that the layout of the spaces and driveways is convenient and conducive to safe operation.

10. Buffer yards and screening are provided where necessary to protect adjacent properties and land uses. For detailed requirements see Section 21.0.A.16, p. 64.
11. Provisions will be made for the collection and disposal of storm-water runoff from the site, and of sanitary sewage, refuse, or other waste, whether liquid, solid gaseous or of other character.

D. SPECIAL CONDITIONS AND SAFEGUARDS FOR CERTAIN SPECIAL EXCEPTION USES

No authorization for a building permit shall be granted by the Planning Board for any use listed in this Section, unless the Board shall specifically find that, the proposed Special Exception Use meets the special conditions and safeguards required in this Section.

1. HOME OCCUPATION

A home occupation, as defined in this Ordinance, may be permitted provided such use is not specifically prohibited and conforms to the following standards which shall be minimum requirements:

- a. No more than 35% of the total floor area of a dwelling unit or not more than 600 sq ft of an accessory structure may be used for such use.
- b. No more than one employee in addition to the residents of the home may be employed by the home occupation.
- c. The use shall be carried on wholly within the enclosed walls of the dwelling unit or accessory structure.
- d. There shall be no external evidence of such use except for one sign in conformance with Section 15 Supplementary Regulations F. Sign Regulations (p. 32). Stock, merchandise, equipment or displays of any kind shall not be visible outside the dwelling unit or accessory building.
- e. No external structural alterations which are not customary to a residential building shall be allowed.
- f. The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.
- g. Such uses shall also be subject to any other conditions the Planning Board deems necessary to meet the intent of these requirements.
- h. Any form of business, the primary function of which is the wholesale or retail sale of goods or articles at the premises, shall be deemed a commercial use.

- i. The following uses and other uses similar in character shall not be considered to meet the intent of this section;
 - 1) Vehicle repair, engine repair;
 - 2) Vehicle body work;
 - 3) Veterinary hospital, kennel;
 - 4) Bar and restaurant;
 - 5) Any use that is not permitted in a Type 5 building (wood frame) construction under the NYS Uniform Fire Prevention and Building Code;
2. KENNEL STANDARDS
- A kennel shall conform to the following standards which shall be minimum requirements:
- a. Minimum lot size - 5 acres;
 - b. Setback: The actual kennel facility and all associated runs or fenced areas shall be setback a minimum of 150' from all lot lines;
 - c. Buffer: All kennel facilities and associated shall be adequately screened by fence, plantings, or landscaping from all roads and adjacent properties;
 - d. All animal wastes shall be disposed of properly to avoid odor, diseases, and contamination of drinking water supplies;
 - e. Kennel facilities shall have sufficient indoor boarding areas and associated outdoor runs to accommodate the proposed number of animals to be boarded.
 - 1) Indoor area per animal:
 - a) shall be a minimum of 16 sq ft in size;
 - 2) Outdoor runs per animal:
 - a) shall be a minimum of 4 1/2 feet wide and 12 feet long;
 - b) shall be appropriately separated from adjacent runs by fencing, concrete, block or other appropriate materials;
 - c) shall provide a form of shelter if not directly linked to a separate indoor kennel area;
3. AGRICULTURAL USE
- a. Any agricultural use that produces offensive noise, dust, or odors, shall not be considered to be in harmony with and promote the general purpose and intent of this ordinance.
4. BUS PASSENGER SHELTER
- a. The shelter shall be so located that there is ample room to permit the bus to leave the traveled roadway conveniently for picking up or discharging passengers
 - b. The only advertising display on such structure shall be one (1) sign not exceeding two (2) square feet in area.

5. SATELLITE TV ANTENNAS

No satellite television antenna of any kind may be erected or established in the Village except in conformance with the standards in this section.

a. Satellite Antenna Size

- 1) In residential and business districts
 - a) satellite antennas shall not exceed ten (10) feet in diameter
 - b) the total height of ground-mounted antennas shall not exceed fifteen (15) feet above the ground
- 2) In all other districts:
 - a) antennas shall not exceed sixteen (16) feet in diameter
 - b) the total height of ground-mounted antennas shall not exceed twenty (20) feet above the ground
- 3) Roof-mounted installations shall not exceed the height restrictions as set for the zoning district within which the installation is placed.

b. Satellite Antenna Location

- 1) For any use, subject to the provisions contained herein, such antenna shall be located only in the rear yard of any lot provided that such antenna is located a minimum of five (5) feet from any principal building and lot line measured at the outer most diameter of the antenna. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be located on the side yard of the property subject to Site Plan approval. For purposes of this Law a usable satellite signal is a satellite signal which when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television station or via cable television.
- 2) In the event that a usable satellite signal cannot be obtained by locating the antenna on the rear, side or front yard of the property, such antenna may be placed on the roof of the dwelling structure, provided that Site Plan approval is obtained prior to such installation.

c. General Provisions

- 1) For all uses, satellite television antennas shall be located and designed to reduce visual impacts from surrounding properties at street level and from public streets.
- 2) Not more than one satellite television antenna shall be allowed on any residential lot less than 10,000 square feet in size.
- 3) All antennas and the construction and installation thereof shall conform to applicable building and electrical code regulations and requirements.
- 4) Antennas shall meet all manufacturers' specifications, be of noncombustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.
- 5) Every antenna must be adequately grounded for protection against a direct strike by lightning.

6. ADULT USES.

- a. Adult uses shall be allowable in an Industrial Use District only as a special exception by the Board of Appeals after public hearing.
 1. In the execution of this ordinance it is recognized that there are some uses which, due to their very nature, have serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.
 2. It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of greater concern to the Village of Odessa.
 3. These special regulation are itemized in this section to accomplish the primary purposes of preventing a concentration of these uses in any one areas and restricting their accessibility to minors.
- b. The adult uses as define in Section 2.1 Definitions are to be restricted as to location in the following manner in addition to any other requirements of this Zoning Ordinance.
 1. Any of the above uses shall not be located within a five hundred foot radius of any area zoned for residential use.
 2. Any of the above uses shall not be located within a one-half mile radius of another such use.
 3. Any of the above uses shall not be located within a five-hundred-foot radius of any school, church or other place of religious worship, playground or playing field.
- c. The restriction enumerated in subsection b above may be waived by the Town Zoning Board of Appeals if the applicant shows and the Board finds that the following conditions have been met in addition to the general conditions required by the Board of Appeals:
 1. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this ordinance will be observed;
 2. That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and
 3. That fifty-one percent (51%) or more of the property owners within the restricted area as defined in Section B.1. of this section have signed a petition stating that they have no objection to the establishment of one of the uses defined above.
- d. No more than one (1) of the adult uses as defined in Section 2.1 shall be located on any lot.

SECTION 20.0 – SITE PLAN PROCEDURES**A. INTENT**

The intent of Site Plan Review is to determine compliance with the objectives of this Law and with regard to those uses as specified in **Section 3.1 - Use Regulation Table**, that may be permitted in the Village of Odessa. The objective is to evaluate various land uses that may cause a conflict between existing and proposed uses or be in conflict with natural site conditions and thereby minimize the adverse affects concerning health, safety, and overall welfare of the residents of the community. The Planning Board, at its discretion, may waive the Concept and Final application procedures.

The Planning Board, in reviewing a Site Plan, shall be guided by the considerations and standards presented in these regulations. In their review, they shall taken into consideration the prospective character of the development and require improvements be designed to such standards as are consistent with reasonable protection of the public health, safety, or welfare.

B. AUTHORIZATION

The power to approve, approve with modification, or deny site Plans for uses as required by this Article is vested in the Planning Board. Section ____ of the Village Law provides the legislative means for the Village Board to authorize the Planning Board to review and approve Site Plan Review. Prior to issuing a building permit for the construction or expansion of any use as specified in Section 3.1 Use Regulation Table, a site Plan and supporting documentation shall be submitted to the Planning Board for its review and approval. The Planning Board may require that the Site Plan(s) be prepared by a licensed architect or engineer. Such requirement shall be based on the complexity of the site features and the proposed structure(s) or land use as related to same.

C. CONCEPT PLAN CONFERENCE

The concept plan submittal is optional. The purpose of the concept is to encourage the person applying for use to consult early and informally with the Planning Board in order to save time and money and to make the most of opportunities for desirable development.

1. **Requirements:** A concept plan, if prepared, shall be submitted in triplicate to the Planning Board. Before preparing a concept layout, the developer may discuss with the Planning Board, Code Enforcement Officer, or the Village Planning Consultant, the general requirements as to design of streets, reservations of land, drainage, sewerage, water supply, fire protection, and other improvements as well as procedural matters.

The Planning Board shall provide written comments on the concept plan of a proposed development in relation to the applicable requirements of this Section, existing or potential development of the adjacent area, the Village Development Plan, and in the course of its review may consult with other interested public agencies.

The concept plan shall include in as much detail as possible the following information:

- a. An area map showing:
 - 1) Applicant's entire property holdings, that portion of the applicant's property under consideration for development and any adjacent parcels owned by the applicant.
 - 2) All properties, their ownership and uses, subdivisions, streets, zoning districts, easements, and adjacent buildings within 500 feet of the applicant's property.
- b. Site development map showing:
 - 1) Existing natural features such as water bodies, watercourses, wetlands, wooded areas, individual large trees, flood hazard areas.
 - 2) Zoning districts, school districts.
 - 3) Easements.
 - 4) All existing man-made features.
 - 5) All proposed buildings, man-made structures and public improvements.
- c. A map of site topography (if appropriate).
- d. A soils overlay, if general site grades exceed 15% or portions of the site have susceptibility to erosions, flooding or ponding.

D. PRELIMINARY SITE PLAN APPLICATION.

Application for preliminary site plan approval shall be made in writing in triplicate to the Code Enforcement Officer no less than fifteen (15) days prior to a scheduled Planning Board meeting. The Code Enforcement Officer shall refer all preliminary Site Plan applications to the Planning Board for its review and approval. For the purposes of this Section, the submission date shall be the date of the first regular Planning Board Meeting following submission to the Code Enforcement Officer.

E. PRELIMINARY SITE PLAN REQUIREMENTS.

The preliminary site plan application shall include the information listed below. The Planning Board may, at its discretion, waive any preliminary requirements which are clearly not relevant to the proposed use and site.

1. An area map showing that portion of the applicant's property under consideration for development, any adjacent parcels owned by the applicant, and all properties, their ownership, uses thereon, subdivisions, streets, zoning districts, easements and adjacent buildings within 500 feet of applicant's property.
2. A preliminary site plan shall include the following information:
 - a. Title of drawing, including name and address of applicant(s).
 - b. North point, scale and date.
 - c. Boundaries of the project plotted to scale of not more than 100 feet to 1 inch on a survey map prepared by a New York Stated licensed surveyor.

- d. Existing natural features such as watercourses, water bodies, wetlands, flood plains, wooded areas and individual large trees (30" DBH). Features to be retained should be noted.
 - e. Existing and proposed contours at intervals of not more than 5 feet of elevation.
 - f. Location of proposed land uses and their areas in acres and location, proposed use and height of all buildings.
 - g. Location of all existing proposed site improvements, including streets, drains, culverts, retaining walls, fences and easements, whether public or private.
 - h. Description of sewage and water systems and location of such facilities.
 - i. Location and proposed development of buffer areas and other landscaping.
 - j. Delineation of the various residential areas, if applicable, indicating for each such area its general extent, description and composition of dwelling unit type, and calculation of the residential density in dwelling units per square footage for each such areas.
 - k. Location of all parking and truck-loading areas, with access and egress drives thereto.
 - l. Location, design and size of all signs and lighting facilities.
 - m. The approximate locations and dimensions of areas proposed for neighborhood parks or playgrounds, or other permanent open space.
 - n. Building orientation and site design for energy efficiency.
 - o. Location and design of all energy distribution facilities, including electrical, gas and solar energy.
 - p. Grading and erosion plan
 - description and location of control measures including proposed location of sediment sink/settling pond and interceptor swales, etc.
 - proposed maintenance schedule.
 - q. Location and design for storm water management facilities.
 - r. Drainage report including supporting design data and copies of computations used as a basis for the design capacities and performance of drainage facilities.
 - s. The lines and dimensions of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of property owners of the development.
3. The Planning Board may require such additional information that appears necessary for a complete assessment of the project, including information as may be relevant to the SEQR process.
 4. The Planning Board review of the preliminary Site Plan shall include, but is not limited to, the following considerations:

- a. Adequacy and arrangement of vehicular traffic access and circulation.
- b. Location, arrangement and sufficiency of off-street parking and loading.
- c. Location, arrangement, size and design of buildings, lighting and signs.
- d. Relationships of the various uses to one another ran their scale.
- e. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between adjacent use and adjoining lands.
- f. Adequacy of storm water and sanitary waste disposal.
- g. Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding and/or erosions.
- h. Compatibility of development with natural features of the site and with surrounding land uses.
- i. Adequacy of flood-proofing and prevention measures consistent with Flood Damage Prevention District Regulations.
- j. Adequacy of building orientation and site design for energy efficiency. The extent to which the proposed plan conserved energy use and energy resources in the community including the protection of adequate sunlight for use by solar energy systems.
- k. Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
- l. Adequacy of pedestrian access, circulation, convenience and safety.

In their review of a preliminary Site Plan, the Planning Board may consult with the Code Enforcement Officer, Village Superintendent, Fire Commissioners, 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.

5. Applications that meet the criteria as set forth in Section 239 l and m of the General Municipal Law, shall be referred to the County Planning Commission for an advisory report. The Planning Board shall not act contrary to the recommendation of the County Planning Board except by a vote of a majority plus one (1) of all the members thereof, and, after the adoption of a resolution, the reasons for such contrary action shall be set forth in full.

F. PUBLIC HEARING.

Upon the Planning Board's certification that the preliminary site plan application is complete and satisfactory, a public hearing shall be scheduled within sixty (60) days from the time of such certification. For the purpose of this Law, the submission date shall be taken as the date of the first regular Planning Board meeting following submission of the preliminary site plan to the Code Enforcement Officer. The time frame for such certification of completeness shall be subject to the SEQR process. The hearing shall be advertised at least

five (5) days prior to the scheduled date in the Village of Odessa's newspaper of record. The applicant shall also notify all adjoining property owners, including those directly across a public right-of-way, of said hearing by registered, return receipt mail.

G. NOTIFICATION OF DECISION ON PRELIMINARY SITE PLAN

Within sixty (60) days of the public hearing at which a preliminary site plan is considered, the Planning Board shall act upon it. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, conditionally approved, or disapproved. A copy of the appropriate minutes of the Planning Board shall be a sufficient report. The Planning Board's statement may include recommendations as to desirable revisions to be incorporated in the final site plan application. If the preliminary layout is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the proposal and resubmission of the preliminary site plan.

H. FINAL SITE PLAN APPLICATION

After receiving approval, with or without conditions, from the Planning Board on a preliminary site plan, and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare a final site plan and submit it to the Planning Board for its review and approval. However, if more than six (6) months have elapsed between the time of the Planning Board's report on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary Site plan for further review and possible revisions prior to accepting the proposed final site plan for review. The final site plan shall conform to the approved preliminary site plan, and shall incorporate any revisions or other features that may have been recommended by the Planning Board and any other agencies (e.g., Code Enforcement Office, Village Superintendent, Fire Commissioners, other local and county officials, DEC, County Planning Commission, etc.) at the preliminary review. All compliances shall be clearly indicated by the applicant.

I. NOTIFICATION OF DECISION ON FINAL SITE PLAN

Within sixty (60) days of the submission of the final site plan, the Planning Board shall render a decision.

1. Upon approval, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable requirements.
2. Upon disapproval, the Planning Board shall so inform the Code Enforcement Officer and he/she shall deny a building permit. The Planning Board shall also notify the applicant in writing of its decisions and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.

3. Specifications for improvements shown on the Site Plan shall be those set forth in this Law and in other laws, ordinance, rules and regulations, or in construction specifications of the Village of Odessa.
- J. Appeal
- The applicant or any interested person may appeal a decision of the Planning Board. Such appeal shall be made to the Supreme Court for review by a proceeding under Article 789 of the Civil Practice Law and Rules within thirty (30) days of the decision by the Planning Board. The Village Board is not the Appellate body in these actions.

SECTION 21.0 – SITE PLAN REVIEW –

Development Guidelines and General Provisions

A. GENERAL

The Planning Board, in reviewing a Site Plan, shall be guided by the considerations and standards presented in these regulations. In their review, they shall taken into consideration the prospective character of the development and require improvements be designed to such standards as are consistent with reasonable protection of the public health, safety, or welfare.

1. LOTS AND BLOCKS

- a. Lot Size and Arrangement. The dimensions and arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing access to buildings on such lots or in securing building permits to build. In general, side lot lines shall be at right angles or radial to street lines, unless a variation from this, using the Residential Cluster Development (Section 22.0), can be shown to result in a better plan.
- b. Access. Insofar as possible, lots shall not derive access from a major road. Access to lots adjacent to a primary road shall, in general, be from marginal access streets or other streets within the development. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, which shall be subject to the same design criteria and review as all other storm water drainage facilities in the development.

2. STREET, ROAD, AND PAVEMENT DESIGN

- a. Street Arrangement.
 - 1) Street systems shall be designed with due regard to the needs for: convenient traffic access and circulation; traffic control and safety; access for fire fighting, snow removal, and street maintenance equipment; and storm-water drainage and sewage disposal. Streets shall be designed to accommodate the prospective traffic, and so arranged as to separate through traffic from neighborhood traffic insofar as it is practicable.
 - 2) The streets in contiguous development shall be coordinated so as to compose a convenient system. Where a development adjoins undeveloped land, its streets shall be laid out so as to provide suitable future street connections with the adjoining land when the latter shall be developed. A street thus temporarily dead-ended shall be constructed to the property line and shall be provided with a temporary turn-around of the same dimensions as for permanent dead-end streets if in excess of 200 feet., with a notation on the construction plot providing for temporary easements for the turn-around until such time as the street is extended.
 - 3) Streets shall be logically related to the topography, and all streets shall be arranged so as to obtain as many as possible of the building sites at or

- above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided.
- 4) Where a development abuts on or contains an existing or proposed primary street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with or without rear service alleys, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 - 5) Where a development borders or contains an existing or proposed controlled access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for business, commercial or industrial purpose in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- b. Standards for Street Design. All streets shall be designed and constructed to conform to State and Village specifications. The Village Superintendent of Public Works shall approve all street design and construction.
 - c. Dead-end Streets. Where a street does not extend to the boundary of the development and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance sufficient to accommodate a lot meeting the requirements of this Law. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property. However, the Planning Board may require the reservation of an easement fifteen (15) feet wide for pedestrian traffic or utilities. A turn-around of a minimum right-of-way radius of eighty (80) feet shall be provided at the end of any permanent dead-end street. For greater convenience to traffic and more efficient police and fire protection, the length of permanent dead-end street shall be limited to six (6) times the minimum lot width for the zoning district, such length to be measured to the center point of the turn-around.
 - d. Sidewalks. Concrete sidewalks at least five (5) feet wide shall be required on both sides of all streets. They may also be required within pedestrian walkways to schools, parks and other community facilities. Sidewalks should be eighteen feet (18') from the center of the road. Except in an area that has existing sidewalks, replacement sidewalks should be aligned with existing sidewalks, provided they are not posing a liability to traffic and/or pedestrians. Sidewalks within pedestrian easements shall be generally centered within the easement.
 - e. Trees. The Developer shall take adequate measure to preserve desirable existing trees in suitable locations within the development. Street trees shall be planted on both sides of the street and ten feet (10') outside the right-of-way, at intervals of approximately fifty feet (50'), subject to location of

drives, street intersections, or other features. In general, the street right-of-way shall be cleared of existing trees, but occasional existing trees of unusual value may be preserved within the street right-of-way if approved by the Planning Board.

- f. Street Names and Signs. All streets shall be named, and such names shall be subject to the approval of the Planning Board. A street which is a continuation of an existing street shall bear the same name. Relating street names to features of local historical, topographical, or other natural interest is encouraged. Street signs shall be provided by the developer at all intersections and shall be of a type approved by the Village Superintendent of Public Works.
 - g. Street Improvements - General. In addition to the required improvement specifically referred to elsewhere in these regulations, plans shall provide for all other customary elements of street construction and utility service which may be appropriate in each locality as determined by the Village. Such elements may include, but shall not be limited to, street pavement, gutters, standards, water-mains, fire hydrants, fire alarm signal devices and sanitary sewers. Underground utilities within the street right-of-way shall be located as required by the Village and underground service connections to the property line of each lot shall be installed before the street is paved., All street improvements and other construction features of the development shall conform to municipal specifications which may be established from time to time and shall be subject to approval as to design, specifications, and construction by the Village Superintendent of Public Works.
 - h. Widening of Existing Street Right-of-Way. Where a development adjoins an existing street which does not conform to the Town's right-of-way standards, the Planning Board may require that additional right-of-way width as necessary be provided, on the development side of the normal street centerline, a width which is equal to at least one-half of the minimum standard width for the respective type of street.
3. OFF-STREET PARKING
- a. General Requirements.
 - 1) It shall be the responsibility of the owner of a property to provide the off-street parking spaces required in the listing below for any use which is erected, enlarged, or altered after the effective date of this Law.
 - 2) A parking space shall be considered adequate if it is not less than 10'x20', exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to street or alley.
 - 3) No exit or entrance drive connecting a parking area and a street shall be permitted within 30 feet of the intersection of two public rights-of-way.
 - 4) Where appropriate, the Planning Board may, upon the presentation of evidence, vary the number and circumstances of the following parking space requirements, in order that the general welfare be served and the prospective uses be equitably treated.

- 5) In stadiums, churches, and other places of assembly, in which patrons or spectators occupy benches, pews, or other similar seating facilities: each twenty (20) inches of such seating facilities shall be counted as one seat.
 - 6) The lighting of off-street parking lots shall not be directed into adjacent properties.
 - 7) If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
- b. Required Off-Street Parking Spaces. The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new buildings or structures, or added by alteration of buildings or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structures, as follows:
- 1) Single-Family Dwellings - One and one-half spaces per dwelling unit.
 - 2) Multi-Family Dwellings - One and one-half spaces per dwelling unit.
 - 3) Home Occupation - One space for each person or employee engaged in any home occupation.
 - 4) Hospitals, Sanitariums, Nursing Homes - One space for each bed.
 - 5) Tourist Home, Rooming House - One space for each bedroom within the facility, plus sufficient space for vehicles of employees and operators.
 - 6) Hotels/Motels - One space for each unit, plus sufficient space for vehicles of employees and operators.
 - 7) Offices - Service, Retail, Professional - One space for each 200 sq. ft. of gross floor area.
 - 8) Medical and Dental Clinics - One space for each 200 sq. ft. of gross floor area over 1,000 sq. ft.
 - 9) Retail Establishments, Funeral Homes, Veterinary Hospitals, Banks, and Related Commercial Establishments of a Personal Service or Business Service Nature - One space for each 300 sq. ft. of gross floor area.
 - 10) Restaurants - One space for each 100 sq. ft. customer floor area plus one additional space as required to accommodate tractor trailer parking and maneuvering.
 - 11) Commercial Recreation, Private Membership Clubs - One space for every 125 sq. ft. of gross floor area.
 - 12) Roadside Stands - One space for every 50 sq. ft. of area devoted to selling or display.
 - 13) Nursery and Elementary Schools - One space per employee plus two additional spaces for each classroom.
 - 14) High Schools and Colleges - Five spaces for each classroom.

- 15) Churches, Temples, Auditoriums, Theaters - One space for every five seats.
- 16) Industrial Uses
 - a) One space for each 800 sq. ft. of floor area devoted to manufacture including printing, publishing, and laundry or dry cleaning plants, plus
 - b) one space for each 1,500 sq. ft. of floor area devoted to storage or stationary operating equipment, plus
 - c) one space for each 3,000 sq. ft. of area devoted to outside storage, including used car lots and equipment rental or sales yards, plus
 - d) For any industrial use, one space for each company vehicle.
- c. Calculation of Required Spaces. In the case of combination of uses, the total requirements for off-street automobile parking space shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use would permit modification. Whenever a major fraction of space is required, a full space shall be provided.
- d. Dimensions for Off-Street Automobile Parking Spaces and Lots. Every such space provided shall be at least 10' (ten feet) wide and 20' (twenty feet) long, and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:
 - 1) Parallel Parking: 5' between adjacent spaces, with 12' aisle width for one directional flow and 24 foot aisle width for two directional flow.
 - 2) 30 Degree Parking: 13' aisle width for one directional flow and 24' aisle width for two directional flow.
 - 3) 45 Degree Parking: 16' aisle width for one directional flow and 24' aisle width for two directional flow.
 - 4) 60 Degree Parking: 21' aisle width for one directional flow and 24' aisle width for two directional flow.
 - 5) Perpendicular Parking: 24' aisle width for one directional and two directional flow.

e. Location of Required Parking Spaces.

For any residential use, required automobile parking spaces shall be provided on a buildable portion of the same lot. This space shall be graded for parking use and readily accessible from the street.

For any residential use, no open or enclosed parking area shall encroach on any required front yard. Open parking areas may encroach on a required side or rear yard to within three (3) feet of a property line.

For business and industrial uses, such space shall be provided on the same lot, or not more than 400 ft therefrom. Vehicles and equipment for display or for sale shall not be parked or stored within the front yard requirement.

f. Construction of Parking Areas.

Parking areas with the exception of single family dwellings, shall be surfaced with a suitable all-weather, dust-free surface. The individual spaces shall be visibly marked with paint or other durable material.

g. Landscaping.

At least eight (8) percent of the area of the lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs, or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line, and any parking lot for more than 20 cars shall be screened from the adjoining property.

All parking areas and landscaping shall be properly maintained thereafter in a sightly and well kept condition.

4. OFF-STREET LOADING AND UNLOADING REQUIREMENTS

a. Dimensions of Loading Berths. Each loading berth, either open or enclosed, shall be 55 feet long, 12 feet wide and 14 feet high; businesses utilizing vehicles not larger than panel trucks may have berths which are not smaller than 20 feet long, 10 feet wide and 8 feet high.

b. Location of Berths. The Planning Board shall make sure that berths are located in such a way as not to unreasonably interfere with the movement of people and vehicles on public ways.

c. Required Loading Berths. The following shall be considered minimum requirements.

<u>Use</u>	<u>Gross Floor Area (sq. ft.)</u>	<u>Loading and Unloading</u>
<u>Berth</u>	3,000 – 15,000	1
Retail Stores, Wholesale Establishments	15,000 – 40,000	2
Storage, and Other Commercial Uses	each 235,000 additional	1 additional
Motels - Hotels, Office Buildings	100,000 or less	1
	100,001 – 300,000	2
	each 200,000 additional	1 additional
Industrial	15,000 or less	1
	15,000 – 40,000	2
	10,001 – 100,000	3
	each 40,000 additional.	1 additional

The Planning Board may require additional berths as necessary to adequately accommodate the use.

5. ACCESSORY BUILDINGS AND USES

- a. Accessory Buildings. Accessory buildings not attached to principal buildings shall comply with the following:
 - 1) Any structure that has a permanent foundation, and/or has electrical service requires a building permit;
 - 2) Be located in compliance with all setback requirements as stated in the regulations for the applicable Use District;
 - 3) Be located no closer to the principal building than twelve feet (12') or a distance equal to the height of each accessory building whichever is greater.
 - 4) Be no greater in height than fifteen feet (15').
- b. Accessory Uses. For any residential use, accessory uses not enclosed in a building, including swimming pools and tennis courts, shall be erected only on the same lot as the principal structure, shall not be located in front yard on such lot and shall be located not less than 10 feet from any lot line nor less than 10 feet from the principal structure, and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.
 - 1) A swimming pool or the lot or any part thereof within which a pool is located shall be completely enclosed by a chain-link fence, or a type of fence that offers the same degree of security against accidental or unauthorized entry. Such fence shall be four (4') to six feet (6') in height, and all entrance gates thereof shall be self-enclosing, self-latching and capable of being locked. The fence shall be separate and physically detached from the swimming pool itself, and shall be a minimum distance of four feet (4') from the water's edge.
 - 2) An above ground pool with all parts of its side wall height greater than (4) feet above ground, and so constructed by the manufacturer that the vertical sides are smooth, sheer and do not provide any means for intermediate foot or hand holds, and any pool with decking and a ladder that are designed to restrict access, may be exempt from the full provisions of the above fence requirement. However, a full height fence with a self-closing, self-latching gate capable of being locked shall enclose the ladder area not less than four (4) feet in width and four (4) feet in depth, and the ladder shall remain permanently therein. Above ground pools provided with foot or hand holds (draw-banded) and above ground pools less than four (4) foot side wall height above ground are not exempt from the full fencing requirement.
- c. Residential Building Setbacks - Variance. Where 25% or more of the lots in a block are occupied by buildings, the average yard dimensions, average of lot coverage of such buildings, and the average side and rear yard set-back shall determine the yard set-back and coverage requirements for any new accessory building or use, within the block.

Or where no standard block exists the word "block" as used above shall be interpreted to mean those structures within 250 feet of either side of the lot

in question, on the same side of the street. The average set-back shall be based on no fewer than two similar uses.

- d. Special Designs. In cases where a developer has designed a grouping of buildings, the Planning Board may approve the siting of accessory buildings such as garages and carports in the front yard, provided that the buildings are in compliance with all required setbacks.

6. DRIVEWAY STANDARDS

No person, firm, or corporation shall construct or locate any driveway entrance or exit into a highway of the Village of Odessa without having first met the provisions of this section. The "Standard Entrance and Exit Crossing Requirements" shall be as follows:

- a. All design, work and materials shall be required to meet the specifications set by the Village Superintendent of Public Works and/or County and State Highway Departments.
- b. No alteration or addition shall be made to any driveway without first securing permission from the Village Superintendent of Public Works.
- c. A minimum clear vision distance of 250 feet shall be available in each direction.
- d. All driveways shall be constructed with a suitable crown so as to lessen the erosion effect of surface runoff. Driveway drainage can be directed to side yards and allowed to percolate to the ground. Runoff in private developments should be directed to a retention area. This will prevent surface water and debris from being discharged onto the highway.
- e. Agricultural and residential uses, including single-family, two-family dwellings and manufactured homes:
 - 1) Except where required for safe turning radius, the maximum drive width shall not exceed 20'.
 - 2) The slope of the driveway shall not be greater than 10%. Slope of the driveway shall not exceed 2% within 25 feet of the intersecting public road.
 - 3) No more than two (2) driveways to a single commercial establishment entering one (1) highway shall be permitted.

7. FENCES, WALLS, HEDGES, AND SCREEN PLANTING

Fences, walls, hedges and screen planting are permitted as detailed in Section 16.0. (p. 36).

8. STEEP SLOPE GUIDELINES.

The Village of Odessa is characterized by numerous steep slope (15% or greater) areas. Special design treatment for streets, building sites and other development is needed to preserve the natural terrain, trees, rock formation, scenic views, etc. Development on steep slopes (15-20%) may be permitted subject to the following guidelines.

- a. Development proposals shall be of sufficient detail to show site work (cut and fill), housing site location, erosion and drainage control measures

(terraces, sediment basins, diversions, retaining walls, stream channel improvement, etc.) and road location (including cross-sections).

- b. Padding, which is the creation of level building sites, shall be permitted only when it can be clearly demonstrated by exhibits that the final treatment of the site will not reflect an unfavorable visual appearance.
 - c. Design principles shall include, but not be limited to the following:
 - 1) Landscaping of areas around structures making them compatible with the natural terrain.
 - 2) Shaping, grouping and placement of man-made structures to complement the natural landscape.
 - 3) Arrange buildings so they complement one another to promote visual interest. Clustering the residential units and multiple dwellings shall be encouraged to house a given population with a minimum spoilage, of land. The developer shall first of all determine the qualities of the site and then plan and build to accentuate these qualities rather than destroy them.
 - 4) Shape of essential grading to complement existing land forms and prohibit any appearance of successive padding, terracing, or other similar forms for building sites in the hill area.
 - 5) Encourage the development of off-street parking bays.
 - 6) Encourage the use of turning circles at mid-block points to avoid the use of private driveways for turning and parking movement.
 - 7) Encourage split level building sites.
 - 8) Use one-way streets when consistent with traffic safety, circulation needs, and natural topography. This guidelines allows for smaller road right-of-way, less cut and fill within a given area and a highway network consistent with the natural terrain. Roads shall be parallel with the hillside wherever possible and have variable width right-of-way. This not only provides the most economical routing, but also minimizes the amount of grading required.
 - 9) Outstanding natural features such as the highest crest of the hill, range, natural rock outcroppings, particularly desirable vegetation, etc. should be retained.
 - 10) Land within the hill area that is in excess of 25% slope shall not, to the greatest extent possible be developed.
9. DRAINAGE SYSTEM AND EROSION CONTROL
- a. Drainage Systems. Adequate and comprehensive drainage systems shall be provided to convey the storm-water runoff originating within and outside the proposed development as follows:
 - 1) Drainage systems shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed upland of the development.

- 2) Preservation of natural watercourses is generally preferable to the construction of drainage channels.
 - 3) Interior drainage systems shall be designed to accommodate a ten (10) year storm.
 - 4) The design of natural watercourse and structures shall depend upon the drainage area, but in general:
 - a) Watersheds of less than one (1) square mile shall be designed for a 50 year storm frequency.
 - b) Areas of one (1) square mile and over shall be designed for 100 year storm frequency.
 - 5) All structures shall be set back a minimum of one hundred (100) lineal feet (measured horizontally) from the stream-bank.
 - 6) Utilizing the drainage guidelines outlined above, the Planning Board may require the developer to submit the following:
 - a) Plan profiles, and typical and special cross-sections of proposed storm water drainage facilities.
 - b) Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.
 - c) The grading plan shall be developed to suitable contour interval with grading details to indicate proposed street grades and elevations and building site grades and elevations.
 - d) If the development is within or adjacent to any designated flood-plain, a detailed analysis of the area with respect to the management of the flood- plain shall be included in the drainage report.
 - 7) Design criteria shall be in compliance with DEC, Division of Water, Bureau of Water Quality Management Regulations.
- b) Erosion Control. In order to insure that the land will be developed with a minimum amount of soil erosion, the Planning Board shall require the developer to follow certain erosion control practices. Both the Planning Board and the developer shall consult with the Soil Conservation Service, as required, and the Soil Conservation Service shall determine whether or not the required procedures are being put into practice. Such procedures may include:
- 1) Exposing the smallest practical area of land at any one time during the development.
 - 2) Provisions of temporary vegetation and/or mulching to protect critical areas.
 - 3) Provisions of adequate drainage facilities to accommodate effectively the increase runoff caused by changed soil and surface conditions during and after development. The developer's engineer shall show, as part of their submitted plans, the interceptor swales and sedimentation basins along the lower edges of all developments. Topographic data and design grades for the swales shall be shown on the plans.

- 4) Fitting of the development plan to the topography and soils so as to minimize the erosion potential.
- 5) Retention and protection of existing vegetation wherever possible.
- 6) Installation of permanent final vegetation and structures as soon as practicable.
- 7) Provisions of adequate protective measures when slopes in excess of 15% are graded, and minimizing such steep grading). Installation of temporary sedimentation basins as required by the Soil Conservation Service.

10. OPEN SPACE, PARKS AND PLAYGROUND

If specific areas are to be designated for recreational purpose such lands shall meet the following minimum standards.

- a. Such land shall be deed restricted as "Open space" only. Following the guidelines in Section 21 – Residential Cluster Development.
- b. Shall have physical characteristics and locations which render them readily usable for appropriate recreation purposes, and their locations shall be selected with a view to minimize hazards and vehicular traffic for children walking between such facilities and their homes in the neighborhood.
- c. No such area may be smaller than one (1) acre and in general, recreation areas shall be located at a suitable place on the edge of the development so that additional land may be added at such time as the adjacent land is developed.
- d. A detailed development plan shall be provided for each neighborhood park or playground. As a minimum, the development plan shall provide for an approximately level area at least one hundred seventy-five (175) feet square for children's field games or 15% of the total area of the park, whichever is greater.
- e. See Section 20. A. 16, p. 64, for Buffer and Landscaping requirements.

11. UTILITIES

- a. Water Supply and Sewage Disposal. Provisions for water supply and sewage disposal shall comply with requirements of the Schuyler County Watershed Department, Village of Odessa, NYS Health Department and/or NYS Department of Environmental Conservation. All habitable structures shall meet minimum requirements as identified by the Village or NYS Health Department.
- b.. Underground Installation. All utility companies (telephone, electric, etc.) are now equipped to make underground installation of their services; underground installation shall be required when practicable.

12. CONSTRUCTION AND RE-CONSTRUCTION, AND RAZING OF DAMAGED BUILDINGS

- a. Any building which has been damaged by fire or other causes, or intentional demolition for the purpose of new construction, to the extent of more than 50% of its appraised valuation shall be repaired or rebuilt in conformance

with the regulations of the Ordinance. Such building shall either be so repaired or razed within 12 months in a fashion which leaves the site clean.

- b. A building which has been damaged by fire or other causes, or intentional demolition for the purpose of new construction, to the extent of less than 50% of its appraised valuation must be reconstructed within a period not to exceed 12 months or be razed by or at the cost of the owner.
- c. Enforcement will be by the Zoning Enforcement Officer, utilizing the services of a qualified appraiser when necessary.

13. INDUSTRIAL USE REGULATIONS

a. Design Standards

1) General Standards: The following general standards are hereby adopted for the control of any Industrial Use. No such use shall be permitted, established, maintained or conducted therein which shall cause or be likely to cause:

- a) Excessive smoke, fumes, gas, dust, odor, or any other atmospheric pollutant beyond the boundaries of the lot whereon such use is located. What smoke is excessive shall be determined according to the Ringlemann's Scale for Grading the Density of Smoke, published by the U.S. Bureau of Mines, when the shade or appearance of such smoke is darker than No. 2 on said Ringlemann Smoke Chart.
- b) Noise levels greater than 55 dba measured at the boundaries of the lot occupied by such use causing the same.
- c) Any pollution by discharge or any effluent whatsoever into any watercourse, open ditch, or land surface.
- d) Discharge of any effluent whatsoever into any sanitary disposal system or sewerage system except only in accordance with the rules of, and under the control of, public health authorities or the public body controlling such sewerage system. Any chemical or industrial waste which places undue loads, as determined by the Village Engineer, shall not be discharged into any municipal system and must be treated by the industrial use.
- e) Storage or stocking of any hazardous waste material whatsoever unless in accordance with DEC hazardous waste storage regulations.
- f) Glare, objectionably high light levels, or vibration perceptible beyond the lot-lines whereon such use is conducted.
- g) Hazard to person or property by reason of fire, explosion, radiation, or other cause.
- h) Any other nuisance harmful to person or property.

2) Specific Standards: The following specific standards are hereby adopted and must be complied with, for any use in any Industrial district and before the same be permitted, established, maintained, or conducted.

- a) Storage Facilities: Materials, supplies, or semi-finished products shall be stored on the rear one-half of the property and shall be screened from any existing or proposed street. Storage for hazardous

material shall be designed to prevent and contain potential contamination of the aquifer. Uncovered outdoor storage of hazardous materials is prohibited.

- b) Loading Docks: No loading docks shall be on any street frontage. Provisions for handling of all freight shall be on those sides of any building which do not face on any street or proposed streets.
- c) Landscaping: See Section 20. A. 16, p. 64, for Landscaping requirements.
- d) Fences and Walls: Property that is adjacent to a residential or business use shall be provided along such property lines, with a wall, fence, compact evergreen hedge, or a landscaped strip of trees and shrubs so designed as to form a visual screen not less than six (6) feet high at the time of planting. Except for landscaped areas and parking areas, a use which is not conducted within a completely enclosed building shall be screened by a six (6) foot solid masonry wall, chain link fence covered with a evergreen vine, or compact evergreen hedge. Where a front yard adjoins a street, the wall, fence, or hedge shall be located not closer to the street than the depth of the required yard.
- e) Off-Street Parking and Loading: See Section 20.A.3, p. 52.
- f) Signs: Refer to Section 15 F. Sign Regulations
- g) Buffer Strip: In addition to the fences, walls, and hedges, all principal buildings shall be set back from any lot lines abutting residential use a minimum of 100 feet. Such buffer shall be landscaped in accordance with Section 20.B.16, p. 64.
- h) Utilities: All water and sewer facilities shall be designed and installed according to DOH, DEC, and Village standards, and NYS non-point water pollution regulation SPEDE.
- i) Access: Special consideration shall be given to access to and from public streets and traffic volumes generated by the proposed use. A projection of expected vehicular use of neighborhood streets, including estimates of traffic volumes, shall be submitted. No access drive for any industrial use shall be within 300 feet of and on the same side of the street as a school, public library, theater, church or other public gathering place, park, playground, or fire station unless a street 50 feet or more wide lies between such access drive and such building of use.

14. SOLAR ENERGY SYSTEM AND SOLAR ACCESS

To the maximum extent possible, all new development proposals totaling five (5) or more acres may be designed so that the maximum number of buildings shall receive direct sunlight sufficient for using solar energy systems for space, water, or industrial process heating or cooling. Buildings and vegetation should be situated and maintained so that unobstructed direct sunlight reaches the southern exposure of the greatest number of buildings according to the following guidelines.

- a. Solar Access shall be protected between the solar azimuths of - 45 degrees (east of due south) to +45 degrees (west of due south).
- b. For purposes of solar access, streets, lots and building setbacks should be designed so that the buildings are oriented with their long axes running from east to west for single-family development and north to south for townhouse and multi-family development.
- c. In order to maximize solar access, the highest densities shall to the maximum extent possible be placed on the south-facing slopes with lower densities situated on north-facing slopes.
- d. Streets should be oriented on an east/west axis to the greatest possible extent.
- e. Buildings shall to the greatest extent possible be situated as close to the north lot line or lines as possible to increase yard space to the south for better owner control of shading.
- f. Tall buildings shall to the greatest extent possible be situated to the north of shorter ones and be buffered from adjacent development.
- g. Existing vegetation shall be retained and incorporated into the design as practicable.
- h. A description of any mechanism, such as deed restrictions, covenants, etc., that are to be applied shall be provided.

15. WIND ENERGY CONVERSION SYSTEM (WINDMILLS)

The intent of this section is to regulate the placement of an access to wind energy conversion systems for the purpose of protecting the health and safety of individuals on adjacent properties as well as the general public.

- a. Setback: The installation shall not be erected nearer to any lot line than the total height of the structure. Such height shall be defined as the tower height plus one-half (1/2) the rotor diameter on a horizontal axis installation, and on vertical axis installations, the distance from the base of the tower to the top of the unit.
- b. Dimensions:
 - 1) Maximum allowable height shall be 80 feet unless otherwise prohibited by state or federal statutes or restrictions.
 - 2) Minimum blade height shall be 15 feet at the lowest point or arc.
 - 3) Tower climbing apparatus shall be no lower than 12 feet from the ground.
 - 4) All installations shall be designed with braking systems.
- c. Noise: The maximum level of noise permitted to be generated by an installation shall be 55 dba, measured at the property line.
- d. Design Considerations:
 - 1) All electric lines serving the installation shall be installed underground.
 - 2) All towers proposed to have guy wire supports shall have the guy wire foundation setback the minimum distance as specified for the tower in Item R.1.

16. BUFFER AND LANDSCAPING REQUIREMENTS

a. Intent

The objective of this section is to provide necessary consideration to those physical and visual elements of the land uses in the Village of Odessa that require, or may be improved by treatment of the land-form, plant materials and/or man-made features arranged so as to enhance the appearance, screen or effectively separate different types of land use as well as to eliminate or minimize impacts on adjoining uses such as dirt, litter, noise, glare, and incompatible buildings or uses (such as outdoor storage, loading and parking areas). The Planning Board may require that a professional licensed Landscape Architect prepare plans under this Section.

b. Buffer and Landscaping Techniques

The particular type of buffer and landscaping treatment shall be as determined by the Planning Board to meet the intent of this Section. The following major types of treatment and combinations may be considered:

- 1) Visual separation/screening including earth mounding, berm, and screen-planting techniques designed to separate, obscure or soften an incompatible view or use.
- 2) Visual setting, including ground-cover and plant materials designed to stabilize the land-form and provide an appropriate foreground or setting.
- 3) Physical separation, including a combination of plant and manmade materials or features designed to separate distinct land use types or activities.

c. Requirements

1) Planting specifications

The following planting specifications indicate guidelines for each buffer and landscape technique. The requirements are stated in terms of width of the proposed planted yard and the number of plant units required per one hundred (100) linear feet of yard. The requirements of a yard may be satisfied by any of the operations thereof described. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given buffer and landscape technique is determined given a change in the width of that yard. The type and quantity of plant materials required by each yard, and each yard option, are specified in this Section.

2) Minimum Plant Size

Unless otherwise specifically stated elsewhere in this Ordinance, all plant materials shall meet the following minimum size standards:

Plant Material Type	Planting in Buffer-yards Abutting Vacant Lands	All other Plantings
Canopy Tree		
Single Stem	1 1/2 inch caliper	2 1/2 inch caliper
Multi-Stem Clump	6 ft (height)	10 feet (height)
Understory Tree	4 feet (height)	1 1/2 inches caliper
Evergreen Tree	3 feet (height)	5 feet (height)
Shrub		
Deciduous	15 inch (height)	24 inch (height)
Evergreen	12 inch (height)	18 inch (height)

3) Plant Material Substitutions

The following plant material substitutions shall satisfy the requirements of this section.

- a) In all buffer yards, evergreen canopy or evergreen understory trees may be substituted for deciduous shrubs without limitation.
 - b) In all buffer-yards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.
- 4) All disturbed soil areas of the site shall be replanted or reseeded in an appropriate fashion.
 - 5) No landscape feature shall be erected, placed or maintained in such a manner as to interfere with clear vision and/or the safe movement of vehicular traffic.
 - 6) The landscaping plan shall include information on the types, quantities and application rates of horticultural chemicals to be applied so that drinking water supplies shall be protected.

17. TOWNHOUSE AND MULTI-FAMILY DEVELOPMENTS

All townhouse and multi-family developments, as permitted in Section 9 of this Law, shall, in addition to the requirements set forth in said section and articles, conform to the following standards. These standards shall be regarded as minimum requirements:

- a. Townhouse developments shall meet the following standards:
 - 1) There shall be no more than eight (8) townhouse units in any contiguous group.
 - 2) Yard requirements:
 - Front: Minimum 30 feet (from interior project road)
 - Rear: Minimum 25 feet
 - Side: Minimum 10 feet (at ends of buildings)
 - 3) All principal buildings shall be set back a minimum of 50 feet from any lot line.
 - 4) No accessory building, including unattached garages, shall be nearer than fifty (50) feet from any lot line.
 - 5) Maximum building height shall be three (3) stores or thirty-five (35) feet whichever is lesser.
 - 6) Maximum site coverage by all buildings and structures shall not be more than 50% of the lot area, such percentage to be calculated on the basis of the total project area.
 - 7) Accessory buildings, including unattached garages, shall be located a minimum distance of ten (10) feet from any lot line and shall only be permitted in the rear or side yard.
- b. Multi-family developments shall meet the following standards:
 - 1) Yard requirements:
 - a) No building shall be nearer than fifty (50) feet to the road line of any dedicated road peripheral to the site.

- b) No building shall be nearer than thirty (30) feet from the road line of any interior project road. In the case of non-dedicated streets and roads, this setback shall be measured from the limits of the paved area.
- c) No accessory building, including unattached garages, shall be nearer than fifty (50) feet from any lot line.
- 2) No dwelling unit building shall be nearer than fifty (50) feet from any lot line.
- 3) The maximum building height shall be three (3) stories or thirty-five (35) feet whichever is the lesser.
- 4) Maximum site coverage by all buildings and structures shall be not more than 50% of the lot area, such percentage to be calculated on the basis of total project area.
- 5) No building shall contain more than twelve (12) dwelling units
- c. Minimum unit size of multi-family dwelling units:

Efficiency:	550 sq. ft.
One bedroom	700 sq. ft.
Two bedroom	850 sq. ft.
Three bedroom	1,000 sq. ft.

An additional one hundred twenty (120) sq. ft. for each bedroom shall be added for larger apartment sizes.

18. GASOLINE FILLING STATIONS, SERVICE AND REPAIR GARAGES, AUTOMOBILE SALES AREAS

Where permitted, a gasoline filling station, service and repair garage and automobile sales areas shall conform to the following standards, and any applicable County, State and Federal regulations, which shall be regarded as minimum requirements.

- a. Minimum lot size shall be:
 - 1) 30,000 sq. ft. for a gasoline filling station, service and repair garage.
 - 2) 45,000 sq. ft. for a combination gas station, mini-mart convenience food store.
 - 3) Additional lot area and setbacks shall be required as deemed to be adequate by the Planning Board to accommodate tractor trailer servicing.
- b. Lot frontage and width shall be at least 150 feet.
- c. No gasoline service station or public garage shall be located within five hundred (500) feet of any public entrance to a church, school, library, hospital, charitable institution, or place of public assembly. Such distance shall be measured in a straight line from said public entrance along the street line.
- d. Fuel pumps and other service device shall be located at least 35 feet from any front lot line and 50 feet from any side and rear lot lines. This distance shall be measured from the outside edge of the fuel island. These facilities

shall be registered with the NYS Department of Environmental Conservation (DEC) Petroleum Bulk Storage Program.

- e. All automobile parts, including tires and dismantled vehicle are to be stored within a building. Old tires that are offered for sale may be laced outside during normal business hours but must be stored in a rack. Old tires to be scrapped or sold for junk must be stored either inside a building or behind a fence, wall of natural screen in conformance with Section R.
- f. Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans, and/or anti-freeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.
- g. Parking
 - 1) No vehicle shall be parked, stored or left standing within 15 feet of the street line.
 - 2) Parking requirements shall be in conformance with Section C. Such parking areas shall not conflict with the traffic pattern established for the use of the fuel pumps. Additional parking area may be required by the Planning Board to accommodate tractor trailer parking areas.
 - 3) Where parking areas abut a residential use, they shall be screened by a buffer area no less than ten (10) feet in depth composed of densely-planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the Planning Board, will be adequate to prevent the transmission of headlight glare across the zone boundary line. Such buffer screen shall have a minimum height of six (6) feet above finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery becomes decayed and fails to provide an adequate screen, the Zoning Enforcement Officer may direct the property owner to replace said shrubs.
- h. All storage and display areas shall be provided with a hard, dust-free surface, shall be adequately drained in accordance with DEC's storm-water management guidelines, and, if lighted, shall produce no glare on adjacent properties.
- i. A maximum of two driveways and curb cuts shall be permitted. These shall be no less than 20 and not wider than 30 feet, and located a minimum of 30 feet from any street intersection and a minimum distance of 30 feet shall be maintained between such driveways and curb cuts.
- j. Service pits shall either be connected to the public sewer in accordance with the county sewer use law or shall be properly designed and permitted in accordance with EPA's Class V Underground Injection Well program.
- k. Waste degreasing solvents must be stored in drums or a holding tank and disposed of through a licensed waste hauler.
- l. Waste oil must be stored in tanks or drums for disposal by a licensed waste hauler.

- m. Storage facilities for tanks and/or drums require coated concrete floors and dikes to retain accidental spills or leaks; a permanent roof to protect tanks or drums and to prevent precipitation from entering dikes. Drums should be sealed, and tanks and drums must be located away from floor drains.
- n. Large drip pans should be kept beneath drums which have spigots and are stored in horizontal position on racks.
- o. Potential contaminated scrap, including, but not limited to, scrap parts, batteries and used filters shall be stored in proper containers to prevent environmental release of contaminants.

19. FAST FOOD RESTAURANTS

Where permitted, fast food restaurants meeting the definition of this Law shall conform to the following standards which shall be regarded as minimum requirements.

- a. Minimum Lot Size shall be 10,000 sq. ft.
- b. At least one lot frontage shall be a minimum of 100 feet.
- c. Access
 - 1) A maximum of two driveways and curb cuts shall be permitted on each street frontage.
 - 2) All drives shall be no less than 20 and no wider than 30 feet in width.
 - 3) Drives shall be located a minimum of 30 feet from any street intersection and shall maintain a minimum of 30 feet between such driveways or curb cuts.
 - 4) Driveways shall create minimal conflict with pedestrian access to the building from the parking lots and sidewalk abutting the property.
- d. Parking
 - 1) The number of parking spaces shall be as specified in Section 16 E.
 - 2) Parking lots shall be designed to provide pedestrian safety.
- e. Landscape Requirements

A landscape area equal to that portion of land contiguous to the public right-of-way and extending a depth of 5 feet shall be provided. Landscaping shall also be used to screen or buffer to parking, dumpsters, freezers and other accessory uses as per Section 20.B.16, p. 64 .
- f. Signs
 - 1) All signs shall conform to the Village Sign Regulations (Section 15.F.).

20. DRIVE-IN USE REGULATIONS

Where permitted either as accessory to other permitted uses or as principal use, these facilities as defined in this Law shall conform to the following standards which shall be regarded as minimum requirements.

- a. All drive-through lanes shall be distinctly marked and shall be separate from circulation lanes.
- b. Lanes shall not cross any principal pedestrian access to the building or site.
- c. Stacking or Queing Up Requirements

- 1) Fast-Food Restaurants: A minimum of 140 feet between start of lane to service window
 - a) Minimum of 80 feet from start of lane to order station
 - b) Minimum 60 feet from order station to service window
- 2) Banks and other businesses not using order station.
 - a) Minimum of 100 feet from start of lane to service window
- 3) Multiple drive-through lanes: The Planning Board may allow reductions for businesses with multiple drive-through lanes based on review of proposed traffic circulation and usage.
- 4) All uses shall maintain a minimum distance of 20 feet from the service window to the public right-of-way or interior parking aisles.

21. SOLID WASTE MANAGEMENT FACILITIES

Solid Waste management facilities, as defined pursuant to 6 NYCRR Part 360(c) and (d), may be permitted provided that such use meets the following requirements:

- a. A permit for the establishment or expansion of Solid Waste Management Facility pursuant to NYC RR par 360 must be obtained from DEC requirements.
- b. A determination by the Schuyler County Planning Board must be made indicating that such use is consistent with Schuyler County Solid Waste Management Plan.

22. JUNKYARDS AND AUTO SALVAGE OPERATION

General Standards

A junkyard or auto salvage operation may be permitted provided that such use conforms to the requirements of Section 136 of the General Municipal Law, Section 415(a) of the Vehicle and traffic Law, and Section 89 of the Highway Law and all other Village, Town, and/or County Laws as they apply..

SPECIFIC STANDARDS: No such use shall be permitted, established maintained or conducted therein which shall be likely to cause:

- a. Noise levels greater than 55 dba measured at the boundaries of the occupied such use causing the same.
- b. Any pollution by discharge of any effluent whatsoever into any watercourse, open ditch, or land surface.
- c. Discharge of any effluent whatsoever into any sanitary disposal system or sewerage system except only in accordance with the rules and under the control of, public health authorities or the public body controlling such sewage system.
- d. Glare, odors, unsightliness, or other objectionable features as a result of such use.
- e. Negative impacts on vehicular traffic access and circulation.

23. ADULT USES -- REFER TO SECTION 19.D.6. P. 43.

24. GENERAL EXCEPTIONS

a. Public Properties

Nothing in this Law shall restrict construction or use in the exercise of a governmental function of public buildings, lands or property supported in whole or in part by taxes imposed on property in the Village of Odessa.

b. Public Utilities

Nothing in this Law shall restrict the construction or use of underground or overhead distribution facilities of public utilities operating under the Laws of the State of New York. Other facilities may be constructed subject to a conditional use permit.

c. These shall be submitted to the County Planning Commission, in accordance with Section 239-m of Article 12-B of the General Municipal Law:

25. DRINKING WATER SUPPLY PROTECTION

a. Introduction: According to the "Unconsolidated Aquifers in Upstate New York -- Finger Lakes Sheet" prepared by the US Geological Survey (USGS), Report 87-4122, The Village of Odessa is underlain by a "moraine aquifer" -- areas of fine sands, silts, and clay with occasional buried sand and gravel aquifers. Recent mapping from the USGS shows that most of the Village sits upon areas of sand and gravel from 50 feet to 100 feet thick. The overlying soils in the densely settled areas of the village are well drained Howard soils. Rhinebeck soils, in the eastern undeveloped portion of the village are clayey wetlands soils.

b. Contamination Potential Exists

Contamination of the Village of Odessa public water supply well and private wells exists:

- 1) No public sewer system exists to collect and treat wastes from the Village, thus all wastes are treated on-site.
- 2) Well drained soils may drain potential contaminants into the sand and gravel layers below.
- 3) The Village well is located in close proximity to dense development. Many private wells are still in use for outdoor uses and may be located close to on-site sewage disposal systems.

c. Intent

It is the purpose and intent of the Village of Odessa Zoning Ordinance to protect and preserve the existing public water supply from development or land use practices which may adversely affect the quality or availability of water from the underlying aquifer; to protect and preserve potential sources of future water supply for the public health, safety and general welfare; and to assure an adequate supply of suitable drinking water for the residents of the Village of Odessa.

- 1) For any development proposing on-site sewage disposal, a nutrient loading assessment shall be performed and the resultant value shall not exceed 7 milligrams per liter (mg/l) nitrogen.
- 2) For any development proposing on-site storage of hazardous materials, such storage facilities shall be designed to protect ground water quality.

- 3) For any development proposing storm-water management systems, such systems shall be designed to filter and remove contaminants from the collected runoff in accordance with DEC storm-water management regulations.
- 4) For any development proposing landscaping, the proposed horticultural chemicals shall be applied in accordance with accepted standards to protect water quality.
- 5) Monitoring Wells

Any commercial or industrial use which proposes to use or store hazardous materials which applies for a permit on or after the effective date of these regulations shall install a minimum of one (1) groundwater monitoring well in a direction upgradient from on-site activities and one (1) groundwater monitoring well in a direction downgradient from on-site activities. The specific location of these groundwater monitoring wells shall be determined by a professional geologist, hydrogeologist, engineer or other qualified expert trained and experienced in hydrogeology as approved by the Zoning Enforcement Officer and the Village Board and hired by the commercial or industrial use permit applicant.

The monitoring wells shall be installed by a qualified well driller hired by the applicant.

Frequency of required water quality sampling from monitoring wells to be conducted by a certified water quality testing laboratory at the expense of the applicant shall be determined by the Village on a site-specific basis.

Access to the monitoring well shall be provided to employees of the Village of Odessa or the Schuyler Public Health Department for purposes of any additional water quality sampling deemed appropriate.

- 6) New Water Wells

The construction and operation of any new well water supply shall require a permit from the Village of Odessa in consultation with the Schuyler County Watershed Department. This permit shall be in addition to any other required water supply permit(s).

SECTION 22.0 – RESIDENTIAL CLUSTER DEVELOPMENT

A. INTENT

The intent of this article is to permit variation in lot size and housing type, to provide the opportunity for development to occur on the most suitable lands, to facilitate the adequate and economical provisions of public services and to preserve open space areas.

B. AUTHORIZATION TO GRANT OR DENY RESIDENTIAL CLUSTER DEVELOPMENT

Section 22 or 19 of the Village Law empowers the Planning Board to permit variations in the dimensional requirements of this law under Site Plan Review powers. The Planning Board shall comply with all procedures and standards set forth in this article when implementing such power.

C. STANDARDS GOVERNING RESIDENTIAL CLUSTER DEVELOPMENT

Any residential cluster development considered shall conform to the following standards which are regarded as minimum requirements:

1. This procedure shall apply to residential zoned land which shall be a contiguous parcel a minimum of four (4) acres in size. In addition, it shall be determined that such development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements in close proximity and that the proposed development create a residential environment that is in conformity with the objectives of this article; and that the gross density will be no greater than if the tract were developed in accordance with the existing zoning requirements; and that the development proposal guarantee permanent retention of open space areas and ensures the care and maintenance of same. Where the applicant can demonstrate that the characteristics of his holdings meet the objectives of this article, the Planning Board may consider parcels of lesser acreage.
2. In the absence of a municipal sewage system, subsurface communal disposal system and package plants may be incorporated. The sewage waste disposal system must meet all State and County requirements.
3. When such development is proposed adjacent to any existing dwelling or residential area, a minimum setback of 100 feet shall be required from the parcel's perimeter to all principal buildings.
4. The size of lots in a cluster development may vary from the normal requirements of the district as follows:
 - a. Single-Family Detached Houses: Single-family detached houses may be grouped in clusters with maximum lot size reductions for each dwelling as follows (these are minimum requirements):

R-1 - 15,000 sq. ft.	R-2 - 6,000 sq. ft.	R-3 – 3,750 sq. ft.
75 feet of frontage	55 feet of frontage	35 feet of frontage
55 foot front yard	20 foot front yard	25 foot front yard
15 foot side yards	4 foot for one side yard,	4 foot for one side yard,
35 foot back yard	the other a minimum of	the other a minimum of
	14 feet	10 feet
	25 foot back yard	25 foot back yard

5. For each square foot of land gained with the development through the reduction of lot size below that required by minimum average density requirements as set forth in the law, equal amounts of land shall be preserved and maintained as open space.
6. All the land not contained in the lots or the road right-of-way, if provided, shall be contiguous and of such size and shape as to be usable for recreation or agriculture.

Such land shall either be deeded to the town or be held in corporate ownership by the owners of lots within the development, and the developer shall incorporate into the deeds of all property within the development, if appropriate a clause giving to the owners an interest in such open land which shall be used for recreation, cultural or agricultural purposes only. No structure except those incidental to the recreational, cultural or agricultural use shall be permitted thereon.

The open space lands shall be subject to taxation, unless deeded to the town. In the case of such tracts of 5 or more acres, the developer may petition to the town to take over the land to be used in perpetuity as open space.

7. Construction must start within one year of the date of approval and be completed within a time-frame agreed upon by the Planning Board and the developer.
8. In the event that the organization established to own and maintain common property, or any successor organization shall fail to maintain the common property, in reasonable order and condition in accordance with the plan, the Village of Odessa may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common property in reasonable conditions, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice.

At such a hearing the Village may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within 30 days or any extension thereof, the Village, in order to preserve the taxable values of the properties within the development and to prevent the common property from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing upon notice to such organization, or to the residents and owners of the development to be held by the Village, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the Village shall not, at the election of the Village, continue for a succeeding year.

If the Village shall determine that such organization is ready and able to maintain said common property in reasonable condition, it shall cease to maintain said common property at the end of said year. If the Village shall determine such organization is not ready and able to maintain said common property in a reasonable condition, the Village may in its discretion, continue to maintain said common property during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

The cost of such maintenance by the Village shall be assessed at the same proportion as each units assessed value bears to the total assessment of the development.

D. REVIEW OF RESIDENTIAL CLUSTER DEVELOPMENT PLANS

The approval procedure shall be generally the same as that specified in the subdivision regulations for the review and approval of a proposed subdivision of land. The applicant shall submit at successive stages a sketch plan, preliminary layout and subdivision plat in accordance with the requirements of the subdivision regulations. In addition the applicant, at each stage, shall provide the following information:

1. Proposed number of dwelling units and computation of overall residential density per gross acre.
2. A tabulation of the total number of acres in the proposed project; and the percentage designated for each use area.
3. Proposed location and acreage for parks, playgrounds, natural water courses and other open spaces.

E. PUBLIC HEARING ON CLUSTER DEVELOPMENT

A cluster development shall not be approved as a subdivision plat by the Planning Board until a public hearing has been held on the proposal in a manner specified in the subdivision regulations of the Village of Odessa and by Section 281 of the Village Law.

SECTION 23.0 – ENFORCEMENT

This ordinance shall be enforced by the Zoning Enforcement Officer. No building permit application shall be approved by the Zoning Enforcement Officer nor shall a building permit be issued for any purpose except in compliance with the provisions of this ordinance, and such other ordinances, rules, and regulations of the Village currently in force at the time of application. The Building Permit Procedure flow chart explains procedures and steps (see Addendum I – Forms).

A. BOARD OF APPEALS

1. A Board of Appeals of five (5) members is hereby established in accordance with the provisions of the Village Law.

B. PENALTIES

1. Any person violating any provisions of any section of any article of this ordinance; or who shall violate or fail to comply with any order or regulation made thereunder; or who shall build in violation of any statement, specification or plan submitted thereunder; or who shall violate any certificate or permit issued thereunder; or who shall continue to work upon any structure after service of a twenty-four (24) hour notice in writing from the Zoning Enforcement Officer of the Village to desist therefrom shall forfeit and pay a penalty to be determined by the Justice of the Peace but in no case more than \$100 for each offense. Each week that such violation is permitted to exist shall constitute a separate offense. Service of the notice hereinbefore mentioned shall be sufficient if directed to such owner, the agent of the owner or the contractor and left at his/her/its last known place of residence or place of business.

C. ADVERTISING

1. Persons petitioning for a change in the classification of a use district or for the grant of a variance by the Board of Appeals shall at the time application is made for such change or variance deposit with the Clerk of the Village the sum of twenty-five dollars (\$25) for the payment of the cost of advertising for a public hearing and such other expenses incidental thereto.

D. SEPARABILITY

Should any section or portion of this local law be found to be invalid, for whatever reason, the finding of invalidity shall not invalidate any other section or provision thereof.

E. CONFLICT

Where any regulation exists which conflicts with or duplicates this local law, the regulation that is MORE restrictive shall apply.

SECTION 24.0 - AMENDMENTS**A. PROCEDURE**

The Village of Odessa may from time to time, on its own motion, or on petition, or on recommendation from the Planning Board, amend the regulation and districts established under proposed amendments of the regulations or districts herein established shall be filed in writing in a form required by the Village Board.

B. ADVISORY REPORT BY VILLAGE BOARD

Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report in writing 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 date of 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 recommends disapproval of 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 fully setting forth the reasons for such contrary action.

C. PETITION BY OWNERS OF 50 PERCENT OF FRONTAGE.

Wherever the owners of part thereof shall present a petition duly signed and acknowledged to the Village Board, requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the Board to vote upon said petition within ninety (90) days after filing of the same by the petitioners with the Village Clerk.

D. 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:

1. By publishing notices of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Village, not less than ten (10) days prior to the date of public hearing.
2. By giving written notice of hearing to any required municipal, county, regional, metropolitan, state or federal agency in a manner prescribed by law.

E. MANDATED COUNTY REFERRAL

Should any proposed amendment consist of or include any of the following conditions, the Village Clerk shall, prior to final action refer the proposed amendment to the County Planning Commission, in accordance with Section 239-m of Article 12-B of the General Municipal Law:

1. Any change in the district classification of or the regulations applying to real property lying within a distance of 500 feet from:

- a. The boundary of any village of town
 - b. The boundary of any existing or proposed county of state park or other recreation area.
 - c. The right-of-way of any existing or proposed county or state parkway, thruway, expression, road or highway.
 - d. The right-of-way of any existing or proposed stream of drainage channel owned by the county or for which the county has established channel lines
 - e. The boundary of nay existing or proposed county- or state-owned land on which a public building or institution is situated.
- F. PROTEST BY OWNERS
- If a protest against the proposed amendment is presented to the Village Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of land included in such proposed amendment, or by the owners of twenty (20) percent or more of the area of land immediately adjacent extending 100 feet therefrom, or by the owners of twenty (20) percent or more of the area of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least a three-fourths majority of the Village Board.
- G. DECISION BY THE VILLAGE BOARD
- The Village Board shall set the public hearing as required and shall render its decision within 60 days of the receipt of the Planning Board's report. If the Village Board deems it advisable, it may require as a condition for approval of the amendment, that the amended area be put to use within a reasonable length of time.
- H. NOTIFICATION OF DECISION
- The Village Board shall notify the applicant for an amendment of its decision in writing within five (5) days after the decision has been rendered.
- I. FILING WITH THE SECRETARY OF STATE
- Every amendment to this local law shall be filed with the Secretary of the State of New York and becomes effective five (5) days thereafter.

**ARTICLE III
DEPARTMENT OF ZONING**

SECTION 25.0. – ESTABLISHMENT OF ZONING DEPARTMENT

- A. There is hereby established in the Village a Department to be designated as the Department of Zoning for the administration and enforcement of the provisions of all laws, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings and structures and their appurtenances located in the Village of Odessa.
- B. The Department of Zoning shall be administered by a village official designated as the Zoning Enforcement Officer.

SECTION 26.0 – APPOINTMENTS OF ZONING ENFORCEMENT AND BUILDING AND FIRE CODE OFFICER

- A. The Zoning Enforcement Officer shall be appointed by the Mayor with the consent of the Village Board.
- B. Building and Fire Code Officer shall be appointed by the Mayor with the consent of the Village Board.

SECTION 27.0 – DUTIES AND POWER OF ZONING ENFORCEMENT OFFICER

The provisions of this ordinance shall be administered and enforced by the Zoning Enforcement Officer. No permit required hereunder shall be issued by the Zoning Enforcement Officer except in compliance with the provisions of this ordinance or as directed by the Board of Appeals under the provisions of Section 17-A. The Zoning Enforcement Officer shall have the power and authority to make such inspections of the exteriors of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

It is the duty of the Zoning Enforcement Officer:

- A. Upon the filing of an application for a permit, to examine such plans, specifications and other data submitted with the application, and related premises or building, and upon subsequent approval or denial, a notification shall be issued to the applicant and to the Building and Fire Code Officer.
- B. Upon a written complaint of an ordinance violation, from any person, filed with the Zoning Enforcement Officer, who shall properly record such complaint and immediately investigate any report and take appropriate action. A written notice of the disposition of each complaint shall be sent to the complainant.
- C. Upon determination that a violation of this ordinance exists, shall notify the owner of the premises immediately in accordance with regulations set forth in Section 17-C.

- D. To attend the Village Board meetings, and submit to the Village Board for insertion in the Board minutes, a written report that summarizes zoning permits issued each month, as well as complaints of violations and actions taken as a result of such complaints. Copies of the report should go to the Planning Board and Zoning Board of Appeals.
 - E. Must maintain files, open to the public, of all applications with accompanying plans as well as final certificates and permits, and of all violations of local codes and ordinances, as well as actions taken as a result of such complaints. A duplicate file shall be maintained at the Village Office.
 - F. Shall conduct monthly inspections of all property within the Village for zoning violations and take appropriate action of any violation seen.
 - G. Shall render assistance to the Zoning Board of Appeals in providing information and data on matters relating to variance grants and special permit grants (if applicable).
 - H. Shall be available to testify in connection with litigation growing out of enforcement activity; at local Zoning Board of Appeals hearings and for litigation in higher courts.
- Failure to complete the duties outlined above, shall lead to termination by the Village Board.

SECTION 28.0 – DUTIES AND POWERS OF THE BUILDING AND FIRE CODE OFFICER

- A. The Building and Fire Code Officer shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alterations, repair, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof in compliance with all NYS Building and Fire Code Laws.

SECTION 29.0 – COOPERATION OF OTHER DEPARTMENTS

- A. The Zoning Enforcement and Building and Fire Code Officers may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance and cooperation of the Police, Fire and Health Departments and all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

SECTION 30.0 – APPLICATION FOR BUILDING PERMIT

- A. The application for a building permit is a two- or three-phase process.
- The applicant must obtain a Building Permit from the Building and Fire Code Officer for each such building or structure;
[See: Building Permit Procedure flow chart (Addendum I – Forms)].
- B. No person, firm, or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion, or change in the nature of the occupancy of any building or structure, or cause the same to be done without first obtaining a separate zoning permit from the Zoning Enforcement Officer and a building permit from the Building and Fire Code Officer for each such building or structure. **No permit shall be required for the performance of necessary repairs which do not involve material alteration of structural features, and/or plumbing, electrical or heating/ventilation systems, including, for example, the replacement of siding and roofing materials, now the erection of fences, nor for the construction of noncommercial storage facilities of less than 150 square feet of gross floor area. Such work shall nevertheless be done in conformance with the Uniform Code.**
- C. Application for a zoning permit and a building permit shall be made to the Zoning Enforcement Officer and the Building and Fire Code Officer, respectively, on forms provided by the Village Clerk and shall contain the following information:
1. A description of the land on which the proposed work is to be done;
 2. A statement of the present and proposed use or occupancy of all parts of the land and of the building or structure;
 3. The valuation of the proposed work;
 4. The full name and address of the owner and of the applicant, and the names and addresses of their responsible officers if any of them are corporations;
 5. A brief description of the nature of the proposed work;
 6. A duplicate set of plans and specifications as set forth in subdivision D of this section; and
 7. Such other information as may be reasonably required by the Zoning Enforcement Officer and/or the Building and Fire Code Officer to establish compliance of the proposed work with the requirements of the applicable NYS building and fire codes as well as zoning laws, ordinances and regulations.

Applications shall be made by the owner, or leaseholder, or agent of either, or by the architect, engineer, or builder employed in connection with the proposed work.

Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized by the owner and that the applicant is authorized to make such application.

D. Certificate of Compliance.

A Certificate of Compliance shall be issued by the Zoning Enforcement Officer upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this ordinance and such adjustments thereto granted by the Board of Appeals. (see Definitions, p. 4)

- E. Each application for a zoning permit and a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines, the relationship of structure on adjoining property, widths and grades of adjoining streets, walks and alleys, and where required by the Building and Fire Code Officer, details of structural, mechanical and electrical work, including computations, stress diagrams, topographic map showing property lines and structure locations, and other essential technical data.

Plans and specifications shall bear the signature of the person responsible for the design and drawings.

With respect to water supply and/or sewage treatment, when an application is made for a building permit, there shall be submitted with the said application a plot plan showing the layout of the proposed development which will include the size and location of buildings, the source of proposed water supply and the details of sewage treatment and sewage disposal. The source of water supply and/or the method of sewage-waste treatment must be in accordance with the requirements for such facilities and installation as promulgated by the New York State Department of Health.

F Mandated County Referral

All matters which are the subject of a mandatory referral or notice to other agencies, as set forth in the Enabling Statues and in Section 239.1 and m, Article 12-B of the General Municipal Law, shall be transmitted to the appropriate agencies by the Secretary of the Planning Board in accordance with the provisions of those Sections. (e.g., see Sections 19.0-E.5; and 23.0-E).

- G. Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to approvals by the Zoning Enforcement Officer and the Building and Fire Code Officer.

SECTION 31.0 – ISSUANCE OF BUILDING PERMIT

- A. The Zoning Enforcement Officer and the Building and Fire Code Officer shall examine, or cause to be examined, all applications for permits and the plans, specifications and documents filed therewith.

Upon approval of the application and receipt of the legal fees thereof, the Building and Fire Code Officer shall issue a building permit to the applicant upon the form prescribed by him/her and shall affix his/her signature or cause his/her signature to be affixed thereto.

Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved". One set of such approved plans and specifications shall be retained in the files of the Building and Fire Code Officer and the other set shall be returned to the applicant together with the building permit and should be posted at the building site open to inspection by the Zoning Enforcement Officer and the Building and Fire Code Officer or their authorized representatives at all reasonable times.

If the application together with the plans, specifications, and other documents filed therewith described proposed work which does not conform to all of the requirements of the applicable building and zoning regulations, the Zoning Enforcement Officer and/or the Building and Fire Code Officer shall cause such refusal, together with reasons thereof, to be communicated to the applicant in writing.

SECTION 32.0 – PERFORMANCE OF WORK UNDER BUILDING PERMIT

- A. A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six months after the date of its issuance. For good cause, the Zoning Enforcement Officer and the Building and Fire Code Officer, collectively, may allow a maximum of two extensions for periods not exceeding three (3) months each.
- B. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved application.
- C. All work that is to be performed per the approved building permit is to be completed within eighteen months of the issuance of said permit.
- D. Upon satisfactory completion of the proposed renovations, a Certificate of Compliance will be issued by the Zoning Enforcement Officer; and a Certificate of Occupancy for the same shall be issued by the Building and Fire Code Officer.

SECTION 33.0 – ZONING AND BUILDING PERMIT FEES

- A. Except as hereinafter provided, upon the filing of an application for a Building Permit, fees shall be payable in accordance with the Village fee schedule.
- B. Except as hereinafter provided, upon the filing of an application for a Building Permit, the fees shall be payable according to rates at the time of application.

SECTION 34.0 – REVOCATION OF BUILDING PERMIT

- A. The Zoning Enforcement Officer and the Building and Fire Code Officer may revoke a zoning permit or a building permit, respectively, therefore issued and approved in the following instances:
 - 1. Where he/she finds that there has been any false statements or misrepresentation as to a material fact in the application, plans, or specifications on which the issuance of a zoning permit and/or a building permit were issued.
 - 2. Where he/she finds that the zoning permit or the building permit were issued in error and should have been issued in accordance with the applicable law or ordinance; revocation will be after review by the Attorney of Records.
 - 3. Where he/she finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications, or
 - 4. Where the person to whom the zoning permit or the building permit has been issued fails or refuses to comply with a stop order issued by the Zoning Enforcement Officer or the Building and Fire Code Officer

SECTION 355.0 – STOP ORDERS

- A. Whenever the Zoning Enforcement Officer or the Building and Fire Code Officer has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building and zoning laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a zoning permit and/or a building permit were issued, or in an unsafe and dangerous manner, the Zoning Enforcement Officer or the Building and Fire Code Officer shall notify the owner of the property, or the owner's agent or the person performing the work to suspend all work, and any such persons shall forthwith stop such work and suspend all building and activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him/her or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by certified mail.

SECTION 36.0 – RIGHT OF ENTRY

- A. The Zoning Enforcement Officer and the Building and Fire Code Officer, their employees, and/or their agents, upon the showing of proper credentials and in the discharge of their duties, may enter upon any building, structure, or premises at any reasonable hour and no person shall interfere with or prevent such entry.

SECTION 37.0 – ADOPTION OF ORDINANCE**A. EFFECTIVE DATE**

1. This ordinance shall take effect at noon on **September 11, 2002** and shall supersede any and/or all previous Zoning Ordinance for the Village of Odessa, County of Schuyler, State of New York.

DENSITY CONTROL SCHEDULE

District	Minimum Lot Area	Minimum Lot Area per principal Use		Lot Width (feet)	Yard Requirements			Maximum Lot Coverage (percent)	Maximum Building Height	
		Dwelling Unit	Other Permitted Use		Front (feet)	Side (feet)	Rear (feet)		Feet	Story
R-1 Single-family	42,000			150	50	20	50	15	25	3
R-2 Single-family	10,000			75	30	8	35	35	35	3
Two-family	15,000	5,000		75	30	8	35	35	35	3
Multifamily	11,450	3,500		65	25	6	30	40	35	3
R-3 Single-family	6,500			65	25	6	30	40	35	3
Two-Family	8,125	3,500		65	36	6	30	40	35	3
Multifamily	11,450	3,500		65	25	6	30	40	35	3
R-T Single-family	6,500			65	25	6	30	40	35	3
Two-family	8,125	3,500		65	36	6	30	40	35	3
Other permitted	15,000	3,500	20,000	100	50*	25*	50*	30	35	3
C			8,000	65	15	8	35	45	35	3
BC			N/A	N/A	N/A	N/A	N/A	70	35	3
H Single-family	20,000	20,000		100	50	20	50	20	35	3
Two-Family	35,000	17,500		100	50	20	50	35	35	3
Multifamily		14 units per acre		200	**	**	**	40	35	3
Other permitted			N/A	N/A	30	20	20	40	35	3
I			1 acre	19	25*	25*	50*	50	35	3
P-C			5 acres	300	N/A	N/A	N/A	20	20	1

* All **nonresidential** uses shall have a minimum setback of eighty (80) feet to all adjoining residential uses and/or district boundaries.

** As regulated in the PMRP provisions.

ADDENDUM I – FORMS

1. Building Permit Procedure
2. Application for Building Permit
3. Application for Zoning Permit
4. Application to Zoning Board of Appeals