

# Local Law Filing

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

## Village of Wellsville

### Local Law No. 4 of the year 1999

**A local law amending Local Law No. 6 of the year 1978, as amended,**

**Be it enacted by the Board of Trustees of the**

**Village of Wellsville as follows:**

**ERRATA LIST FOR ZONING LAW OF THE VILLAGE OF WELLSVILLE,  
NEW YORK Local Law OF THE YEAR 1978, AS AMENDED:**

<u>PAGE</u>	<u>SECTION</u>	<u>ACTION</u>	<u>ERRATA</u>
5-25	2.02	revise	revised per Local Law #4 of 1999
23	6.01.02 (d)	delete	revised per Local Law #3 of 1987
23	6.01.03 (b)	delete	revised per Local Law #3 of 1987
26	6.08.02 all parts	delete	revised per Local Law #3 of 1987
26&27	6.08.03 all parts	delete	revised per Local Law #3 of 1987
33-35	4.07 complete section	amend	revised per Local Law #4 of 1999
40	7.04.15 complete section	amend	revised per Local Law #3 of 1987
45	9.04 all parts	delete	revised per Local Law #3 of 1987
45-53	6.09 complete section	amend	revised per Local Law #4 of 1999
46	9.06 all parts	delete	revised per Local Law #1 of 1990
48	10.02.05 paragraph	delete	revised per Local Law #3 of 1987
50	10.04.03(b)3(i)(ii)	delete	revised per Local Law #3 of 1987
51	10.04.03(f)1	delete	revised per Local Law #3 of 1987
52	10.04.03(f)1(i)(ii)	delete	revised per Local Law #3 of 1987
52	10.04.03(f)2	delete	revised per Local Law #3 of 1987
52	10.04.03(g)	delete	revised per Local Law #3 of 1987
56-58	7.04.01	amend	revised per Local Law #4 of 1999
back	Village of Wellsville Zoning District Map	revised	revised per Local Law #2 of 1989

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VILLAGE OF WELLSVILLE  
Local Law No. 6 of the Year 1978

A Local Law amending Zoning Requirements and Standards.

SECTION I  
ENACTING CLAUSE, GENERAL PURPOSES AND SHORT TITLE

1.01 ENACTING CLAUSE

Pursuant to the authority conferred by Article VI-A of the Village Law of the State of New York and for each of the purposes specified therein, the Village of Wellsville, County of Allegany, and State of New York, has ordained and does hereby enact the following Local Law regulating and restricting the location, size, and use of buildings and other structures and the use of land in the Village of Wellsville.

1.02 GENERAL PURPOSES

This Local Law is adopted for the purpose of promoting the health, safety, morals, and the general welfare of the community, and in furtherance of the following related and more specific objectives:

- (A) To guide and regulate the orderly growth, development, and redevelopment of the municipality in accordance with a comprehensive plan and with long-term objectives, principles, and standards deemed beneficial to the interests and welfare of the people.
- (B) To protect the established character and social and economic well-being of the evolving community as it is affected by the use of both private and public property.
- (C) To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate.
- (D) To secure safety from fire, panic, and other dangers, and to provide adequate light, air and convenience of access.
- (E) To prevent overcrowding of land or buildings and to avoid undue concentration of population.

- (F) To lessen and, where possible, to prevent traffic congestion on public streets and highways.
- (G) To eliminate nonconforming uses gradually.
- (H) To conserve the value of buildings and to enhance the value of land throughout the municipality.
- (I) To lessen the potential for excessive erosion and to conserve and to reasonably protect the natural scenic beauty of the municipality and its environs.

1.03 SHORT TITLE

This Local Law shall be known as and may be cited as "The Village of Wellsville Zoning Local Law of 1978".

SECTION II

DEFINITIONS

2.01 SCOPE AND MEANING OF CERTAIN WORDS AND TERMS

- (A) Unless the context clearly indicates the contrary, words used in the present tense include the future, the singular number includes the plural, and the plural includes the singular.
- (B) The word PERSON includes a profit or non-profit corporation, company, partnership or individual.
- (C) The word SHALL is mandatory, and not directory; the word MAY is permissive.
- (D) The word LOT includes the word PLOT and the word LAND.
- (E) The word STRUCTURE includes the word BUILDING.
- (F) The word USE refers to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, made available or offered for use, or erected, reconstructed, altered, enlarged, moved, or rebuilt with the intention of design or using the same.

- (G) The word USED refers to the actual fact that a lot or land, building or structure, or part thereof, is being occupied or maintained for a particular USE.

## 2.02 DEFINITION OF WORDS AND TERMS

- .01 **ACCESSORY USE, BUILDING OR STRUCTURE.** A structure subordinate to a principal structure on the same lot or on an adjoining lot under the same ownership, 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.
- .02 **ACCESSORY USE.** A use, occupancy or tenancy customarily incidental to the principal use or occupancy of a building. In a multiple dwelling, such accessory uses may include, among others, the following:
- (i) offices for the building management; or
  - (ii) dining rooms, banquet rooms, public kitchens, and ballrooms; or
  - (iii) recreation and play rooms; or
  - (iv) laundries for the use of tenants and occupants, and in connection with the management and operation of the multiple dwelling;
  - (v) maintenance and work shops, storage rooms for linen, bedding, furniture, supplies, and tenants' equipment and effects; or
  - (vi) rooms or space for the incidental sale or display of merchandise to occupants and tenants, such as newspapers, candy, and cigar stands; or
  - (vii) garages within the multiple dwelling or on the premises thereof used primarily for the storage of passenger-type motor vehicles.
- .03 **ADDITION.** Extension or increase in area, height, or equipment of a building
- .04 **ADULT BOOKSTORES.** Any business enterprise whether retail or wholesale, having more than 5% of its net floor space set aside or more than 5% of the value of its stock in trade allocated to recordings, books, magazines, pamphlets, pictures, drawings, photographs, periodicals, motion picture films, videotapes, cassettes, tapes or sound recordings, compact discs, dvd's, computer files, or printed, visual or audio material of any kind for sale or viewing on or off the premises, which are characterized by their emphasis on matter describing or depicting human males or females in full or partial nudity, including, but not limited to, displaying male or female genitals, pubic areas or buttocks with less than a full opaque covering or related to sexual activities.

.05 **ADULT ENTERTAINMENT ESTABLISHMENT.** Any business enterprise having more than 5% of its net floor space area set aside for the presentation of live shows, motion picture films or sound recordings, or similar visual or audio or computer material, which are characterized by their emphasis on the description or depiction of human male or female genitals, pubic areas or buttocks with less than a full opaque covering or specified sexual activities; or any business enterprise at which entertainers or waiters or waitresses appear in a state of full or partial nudity or that display male or female genitals, pubic areas or buttocks; or any business enterprise that offers services requiring the client or customer to appear in full or partial state of nudity or to display male or female genitals, pubic areas or buttocks; or any business enterprise that offers services in which the provider is in a full or partial state of nudity; except medical and health service establishments.

.06 **ADULT CABARET.** A night club, bar, restaurant or similar commercial establishment which regularly features:

- (a) Persons who appear in a state of nudity; or
- (b) Live performances which are characterized by the exposure of human male or female genitals, pubic areas or buttocks with less than a full opaque covering or which are characterized by performers that carry out or simulate sexual activities; or
- (c) Films, motion pictures, video cassettes, slides, or other photographic reproductions or representations which are characterized by the depiction of human male or female genitals, pubic areas or buttocks with less than a full opaque covering or which are characterized by performers that carry out or simulate sexual activities.

.07 **ADULT MOTION PICTURE THEATER.** A business establishment used for presenting, previewing, projecting, or otherwise disseminating materials distinguished or characterized by an emphasis on matters depicting, describing or relating to human male or female nudity, or depicting human male or female genitals, pubic areas or buttocks, for observation by patrons.

.08 **ADULT THEATER.** A theater, concert hall, auditorium or similar establishment which features persons who appear in a state of nudity or provide live performances which are characterized by the exposure of human male or female genitals, pubic areas or buttocks, by performers who carry out or simulate sexual activities.

- .09 ADULT USE. For purposes of this law, the term Adult Use shall include Adult Bookstores, Adult Entertainment Establishments, Adult Cabarets, Adult Motion Picture Theaters and Adult Theaters as well as any use determined by the Village Board to be similar in nature and character to the uses specifically identified herein.
- .10 AGRICULTURAL USE. The raising of agricultural products including livestock, poultry, dairy products, farm crops, fruits, vegetables, and nursery stock whether for gain or otherwise. This term does not include livery or boarding stables.
- .11 ALLEY. Narrow supplementary thoroughfare for the public use of vehicles, pedestrians, affording access to abutting property.
- .12 ALTERATION. Any change, rearrangement, or addition to a building, other than repairs; any modification in construction or in building equipment.
- .13 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.
- .14 APARTMENT. A dwelling unit.
- .15 APARTMENT, GARDEN. A multiple dwelling or group of multiple dwellings containing dwelling units, occupying not more than 35 percent of the area of the site or plot on which such dwelling or dwellings are situated.
- .16 APARTMENT HOTEL. A multiple dwelling in which dwelling units are leased to permanent and/or transient tenants.
- .17 APARTMENT HOUSE. A multiple dwelling in which dwelling units are leased to permanent tenants.
- .18 APPROPRIATE. Especially suitable or compatible under conditions of use.
- .19 AREA OF PUBLIC ASSEMBLY. An area of public assembly includes a building or a portion of a building used for gathering together 50 or more persons for amusement, athletic, civic, dining, educational, entertainment, patriotic, political, recreational, religious, social or similar purposes, the entire fire area of which it is a part, and the means of egress therefrom.
- .20 AREA, BUILDING. The total of areas taken on a horizontal plane at the main level of the principal building and all accessory buildings exclusive of uncovered

porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

- .21 **ASSEMBLY SPACE.** A room or space for the purpose of assembly of people per the NYS Building Code regulations.
- .22 **ATTIC.** Space between the top of uppermost floor construction and underside of roof.
- .23 **BAR.** 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.
- .24 **BASEMENT.** That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.
- .25 **BATHROOM.** Enclosed space containing one or more bathtubs or showers, or both, and which may also contain water closets, lavatories, or fixtures serving similar purposes.
- .26 **BED AND BREAKFAST.** A building containing a single dwelling unit 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.
- .27 **BILLBOARD.** A sign or structure which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally sold, offered or existing upon such lot.
- .28 **BOARDING HOUSE.** A building, other than a hotel, motel, club, fraternity house or sorority house which may contain a general kitchen and a general dining room in which at least three(3) sleeping rooms are offered for rent, with or without meals. A lodging house, tourist house or rooming house shall be considered a boarding house.
- .29 **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 manmade material to provide a continuous physical screen preventing visual access and reducing noise.

- .30 **BUILDING.** A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property.
- .31 **BUILDING, DETACHED.** A building surrounded by open space on the same lot.
- .32 **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.
- .33 **BUILDING, HEIGHT.** The vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
- .34 **BUILDING LINE.** Line established by law, Local Law, or regulation, beyond which no part of a building, other than parts expressly permitted, shall extend.
- .35 **BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which said building is situated.
- .36 **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.
- .37 **BULK.** A term to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls of the same building; and all open spaces required in connection with a building, other structure, or tract of land.
- .38 **BULK PLANT OR TERMINAL.** That portion of a property where liquids, gases or solids are received by tank vessel, pipelines, tank car or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids, gases or solids by tank vessel, pipeline, tank car, tank vehicle, portable tank or container.
- .39 **CARPORT.** Roofed structure intended to offer weather protection to motor vehicles with a minimum of two sides open at all times-one side being length and the other being width and with no more than four vertical supports per twenty four (24) linear feet. Any carport over 24' by 24' is not allowed.
- .40 **CAR WASH.** A building, premises or portions thereof where automobile are washed either by the patron or others using machinery and mechanical devices specifically designed for this purpose.

- .41 CELLAR. That space of a building that is partly or entirely below grade, which is more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.
- .42 CERTIFICATE OF COMPLIANCE/OCCUPANCY. A certificate issued by the Code 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 Local Law and such variances thereto granted by the Zoning Board of Appeals.
- .43 CHURCH OR PLACE OF WORSHIP. A building or premises used for regular worship by members or representatives of a religious sect or organization as defined by State statute.
- .44 CLUB, COUNTRY. A club catering to members and others for golfing, tennis or similar sports.
- .45 CLUB, MEMBERSHIP, NON-PROFIT. The premises and buildings used by a local chapter holding a valid charter from an international, national, or state organization or by a bona fide local civic association catering exclusively to members and their guest(s) primarily for a patriotic, fraternal, benevolent, social, educational, religious or political purpose. The club shall not be used in whole for the conduct of any private business or enterprise for profit, but this shall not be construed as preventing the utilization of a club for benefits or performances for a recognized charity; nor for the meeting of other organizations, nor for educational and cultural purposes.
- .46 CODE ENFORCEMENT OFFICIAL. The officer charged with enforcement of building codes and/or fire codes and/or the Village Zoning Local Law.
- .47 COMBUSTIBLE. Material or combination of materials which will burn, ignite, support combustion, or liberate flammable vapor or gas. (See definition of noncombustible.)
- .48 COMMERCIAL VEHICLE. A vehicle used for the transportation of persons or goods primarily for gain.
- .49 COMMUNICATIONS TOWER.
- .50 COMMUNITY RESIDENCE. A facility for mentally disabled as defined by the Mental Hygiene Law and the rules and regulations issued under this law.

- .51 **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.
- .52 **CONTIGUOUS PARCEL.** A tract of land under the control of the applicant or his agent and is not divided by any natural or man-made barriers such as existing streets and highways, public right-of-ways identified on the official map and is not bisected by bodies of water.
- .53 **CONTRACTOR'S YARD.** Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, or vehicles, or parts thereof, which are in active use by a construction contractor.
- .54 **CONVALESCENT HOME.** A building used for the accommodating and care of persons recuperating from illness.
- .55 **CORRIDOR.** Passageway or hallway which provides a common way of travel to an exit or to another passageway leading to an exit. (See definition of exit.)
- .56 **CUSTOM WORK SHOP.** A business premises used for the making of clothes, millinery, shoes or other personal articles to individual order and measure, for sale at retail on the premises only, and not including the manufacture of "ready to wear" or standardized products.
- .57 **DAY CARE CENTER.** An establishment that provides activities, meals and supervision to adults or children during the day and is approved and regulated by the New York State Department of Health.
- .58 **DEAD END (STRUCTURE).** A portion of a corridor in which the travel to an exit is in one direction only.
- .59 **DECK.** An open porch without a permanent roof. A deck may be a patio or terrace.
- .60 **DISTANCE SEPARATION.** An open space between buildings on the same premises or between a building and an interior lot line, provided to prevent the spread of fire.
- .61 **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.

- .62 DWELLING. A building arranged, intended or designed to be occupied by one or more persons living independently of each other upon the premises, but not including a boarding house or rooming house, hotel or lodging house or motel.
- .63 DWELLING, MULTIPLE. see multiple dwelling.
- .64 DWELLING UNIT. One or more rooms with provision for living, cooking, sanitary, and sleeping facilities arranged for the use of one family.
- .65 EFFICIENCY APARTMENT. A dwelling unit usually designed or intended for one or two persons and which does not have a bedroom separate from the living areas.
- .66 EQUIPMENT. Plumbing, heating, electrical, ventilating, air conditioning, refrigeration, elevators, dumbwaiters, escalators, or other mechanical additions or installations.
- .67 EXIT. That portion of the way of departure from the interior of a building or structure to the exterior at street, or grade level accessible to street, consisting of:
- (a) corridors, stairways, and lobbies enclosed in construction having a fire-resistance rating, including the door opening thereto from a habitable, assembly or occupied space;
  - (b) an interior stairway;
  - (c) a horizontal exit;
  - (d) a door to the exterior at grade; or
  - (e) an exterior stairway or ramp.
- .68 EXTERIOR FACING. Material, assembly or trim applied to an exterior wall for decorative treatment, protection or surface insulation and which is not intended to add to the structural stability of a wall.
- .69 FACTORY-MANUFACTURED HOMES. A dwelling unit constructed off-site, consisting of one or more segments and designed to be permanently anchored to and supported by a foundation, to become a fixed part of the real estate. Such dwelling unit shall bear an insignia of approval issued by the State of New York.
- .70 FAMILY. A household constituting a single housekeeping unit occupied by one or more persons.
- .71 FENCE. A barrier constructed of wood, masonry, stone, wire, metal, vegetation or any other permitted material or combination of materials, bounding an area of land and designed to limit access to the area, to confine and/or protect children and others, to screen such area from view, or for decorative or aesthetic purposes.

- .72 **FLAMMABLE.** Capable of igniting within five seconds when exposed to flame and continuing to burn.
- .73 **FLOOR AREA.** The floor area within surrounding walls of a building, or portion thereof.
- .74 **GARAGE, PARKING.** A building, not a private garage, used for the storage of automobiles, or trucks, and not used for making repairs thereto.
- .75 **GARAGE, PRIVATE.** An enclosed space for the storage of one or more vehicles, provided that no business, occupation or service is conducted for profit therein.
- .76 **GARAGE, REPAIR.** A building, other than a private or a parking garage used for storage, adjustment, painting, replacement of parts or other repair of motor vehicles, or parts thereof, whether or not accessory or incidental to another use.
- .77 **GASOLINE-DISPENSING SYSTEM.** The portion of a property where gasoline used as a motor fuel is stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. The system shall include the gasoline dispensers, gasoline tanks and associated piping, and the service island.
- .78 **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 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.
- .79 **GASOLINE/GROCERY SERVICE MART.** A commercial retail use which combines the sale of motor vehicle fuel and accessory substances as well as the sale of beverages, dairy and baked goods, snack foods, and similar grocery items.
- .80 **GROUP HOMES.** A building shared by four (4) or more handicapped persons or persons receiving professional treatment, including resident staff, who live together as a single housekeeping unit and in a long-term family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach his or her maximum potential.
- .81 **HABITABLE SPACE.** Space occupied by one or more persons for living, sleeping, eating, or cooking. Restaurants for employees and occupants, kitchens serving them, and kitchenettes shall not be deemed to be habitable space. See definitions of assembly space, area of public assembly, and exit.

- .82 HALLWAY. An enclosed passageway leading to a stairway or other required exit, which provides common access to rooms or exitways in the same story in a building.
- .83 HANGAR. A building in which aircraft are stored, serviced, or repaired.
- .84 HEATER/BOILER ROOM. Space containing central heat producing or heat transfer equipment.
- (a) High capacity - Containing equipment having an individual or combined rated gross capacity of 1,000,000 BTU per hour or more, or capable of operating at more than 15 lbs. psi for steam or more than 30 lbs. psi or 250°F for hot water.
  - (b) Moderate capacity - Containing equipment having an individual or combined rated gross capacity from 250,000 to 1,000,000 BTU per hour, and operating at less than 15 lbs. psi for steam or less than 30 lbs. psi or 250°F for hot water.
  - (c) Low capacity - Containing equipment having a rated gross capacity of less than 250,000 BTU per hour, and operating at less than 15 lbs. psi for steam or less than 30 lbs. psi or 250°F for hot water.
- .85 HISTORIC BUILDINGS. Buildings which have been specifically designated as historically significant by the State or local governing body, or listed in The National Register of Historic Places or which have been determined to be eligible for listing on the National Register by the Secretary of the Interior.
- .86 HOIST WAY. Vertical opening, space, or shaft way in which an elevator or dumbwaiter is installed.
- .87 HOME OCCUPATION/HOME OFFICE. 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 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.
- .88 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.

- .89 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.
- .90 INCINERATOR: A structure, such as a furnace, for burning materials.
- .91 INDUSTRIAL USE. Any activity conducted in connection with the manufacture, assembly, disassembly, fabrication, resource recovery, storage or processing of materials or products, all or part of which is marketed off the premises or marketed to other than the ultimate consumer.
- .92 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.
- .93 JUNK YARD. Any lot, land or structure or part thereof used primarily for the collection, storage or sale of waste paper, rags, scrap metal or other scrap or discarded material or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.
- .94 KENNEL. Any place at which there are kept three 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.
- .95 LAMP POST: A pole or post used for the purpose of supporting a lamp, light or lantern, to illuminate a street, park, driveway, yard or other area.
- .96 LAUNDRY SERVICE. A business premises equipped with individual clothes washing machines and clothes drying machines for the use of retail customers. Does not include laundry facilities provided as an accessory use in a multiple dwelling. May also be referred to as a Launderette or Laundromat.
- .97 LEGAL OPEN SPACE. Open space on the premises, such as yards or courts, or an open space at least 25 feet wide permanently dedicated to public use which abuts the premises.
- .98 LOBBY. A public lounge or waiting place adjacent to and connected with other spaces and a passageway which serves as a principal entrance or exit.
- .99 LODGER. A transient, temporary or permanent paying guest.
- .100 LODGING HOUSE. A multiple dwelling used primarily for the purpose of furnishing lodging, with or without meals, to 15 or less transient occupants, for compensation.

- .101 **LOT.** A parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same. A lot within the meaning of this Local Law may or may not be a lot as shown on a subdivision plot, assessment record, or file deed.
- .102 **LOT AREA.** The total horizontal area included within lot lines.
- .103 **LOT, CORNER.** A lot at the junction of and fronting on two or more intersecting streets.
- .104 **LOT COVERAGE.** The percentage of the horizontal area of the lot covered by a building or buildings, measured to the outside of the wall.
- .105 **LOT, DEPTH OF.** The mean distance from the front street line of a lot to its rear line.
- .106 **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.
- .107 **LOT, INTERIOR.** Any lot other than a corner lot.
- .108 **LOT LINE.** Line dividing one premises from another, or from the center of the street or other public space.
- .109 **LOT LINE, FRONT.** The street line at the front of a lot. On a corner lot, the owner may specify the front lot line on the plot plan.
- .110 **LOT LINE, REAR.** The lot line most distant from the front lot line.
- .111 **LOT, THROUGH.** A lot which faces on two or more streets at essentially opposite ends or sides and which is not a corner lot.
- .112 **LOT WIDTH.** The horizontal dimension measured from side lot line to side lot line, along a line parallel to the street line at the required minimum front yard depth.
- .113 **MANUFACTURED HOME.** A dwelling unit constructed off site, consisting of one (1) or more segments and designed to be permanently anchored to and supported by a perimeter foundation, to become a fixed part of the real estate which it is attached to.
- .114 **MEDICAL CLINIC.** A place where medical or dental care is furnished to persons on an out-patient basis by 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.

- .115 **MEZZANINE.** An intermediate floor between the floor and ceiling of any space that is completely open or provides adequate visibility.
- .116 **MOBILE HOME.** A dwelling unit bearing a seal issued by the Federal Department of Housing and Urban Development that is manufactured as a relocatable living unit, which is designed to be transported on a single permanent chassis and to be installed on a site with or without permanent foundation when connected to utilities. This does not include Department of Motor Vehicles registered recreation vehicles, travel trailers, or dwelling units that are prebuilt in one or more parts and transported to and assembled on a permanent foundation.
- .117 **MOBILE HOME PARK.** A residential land use, designed for the location of two or more mobile homes in designated home spaces and including appurtenant facilities and accessory services for residents only.
- .118 **MOTEL.** A multiple dwelling, intended primarily for motorists, in which the exit from each dwelling unit or sleeping rooms is directly to the exterior. (Includes, but is not limited to, the terms motor court, motor hotel, tourist court.)
- .119 **MULTIPLE DWELLING/MULTIPLE RESIDENCE.** 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.
- .120 **MUNICIPALITY.** A city, town, or village.
- .121 **NET FLOOR AREA.** The actual square footage of an occupied area, not including accessory unoccupied areas or thickness of walls.
- .122 **NONCOMBUSTIBLE.** Material or combination of materials which will not ignite, support combustion or liberate flammable gas when subjected to fire when tested in accordance with generally accepted standards.
- .123 **NONCONFORMING BUILDING OR STRUCTURE.** A building or structure lawfully existing at the effective date of this Local Law, or any amendment thereto, affecting such building or structure, which does not conform to the Table of Dimensional Regulations of this Local Law for the District in which it is situated, irrespective of the use to which structure is put.

- .124 **NONCONFORMING USE.** Any use of a building, structure, lot or land, or part thereof, lawfully existing at the effective date of this Local Law or any amendment thereto affecting such use, which does not conform to the Table of Use Regulations of this Local Law for the District in which it is situated.
- .125 **NON-NUISANCE INDUSTRY.** Any industry which is not detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration, radiation, or excessive light, beyond the limits of its lot, or by reason of generating excessive traffic with attendant hazards, and which does not include any outdoor processing of materials, or open accessory storage yard unless completely enclosed by a solid wall or fence not less than six (6) feet in height.
- .126 **NURSERY SCHOOL.** A nonpublic school organized for the purpose of educating six (6) or more children less than seven (7) years of age for less than three (3) hours per day; two (2) sessions may be held daily, as registered with and regulated by the New York State Education Department under 8 NYCRR Part 125.
- .127 **NURSING HOME.** A building used for the accommodation and care of persons with, or recuperating from, illness or incapacity, where nursing services and meals are furnished as approved and regulated by the New York State Department of Health.
- .128 **OCCUPANCY.** Use of a building, structure, or premises.
- .129 **OCCUPANT.** The person in occupancy, in possession or in control of premises, or using premises.
- .130 **OWNER.** Owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building.
- .131 **PARKING AREA.** A lot or part thereof used for the storage or parking of licensed motor vehicles, with or without the payment of rent or charges in money and/or other consideration.
- .132 **PATIO.** See definition of Deck.
- .133 **PERMITTED USE.** A specific principal use of a building, structure, lot or land, or part thereof, which this Local Law provides for in a particular District as a matter of right.

- .134 **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.
- .135 **PLANNED COMMERCIAL INDUSTRIAL PARK.** A development of land based on any overall development plan approved by the Planning Board in accordance with the Special Exception Use procedures for commercial and industrial uses other than retail stores, personal service establishment or other uses not indicated as permitted or special exception uses in the Commercial-Industrial Park District. Such an overall development plan may provide for variance of the dimensional regulations as provided in this Local Law.
- .136 **PLANNED RESIDENTIAL DEVELOPMENT (SUBDIVISION).** A residential development of land based on an overall development plan approved by the Planning Board in accordance with the Special Exception Use procedure in which the dimensional regulations of this Local Law, and the type of housing may be varied as provided in the Local Law, and where certain lands are set apart as permanent open space or common land.
- .137 **PORCH, OPEN.** A roofed open structure projecting from the outside wall of a building without window sash or any other form of permanent enclosure or partial enclosure other than the outside wall or walls of the building. (See definition for Deck, also.)
- .138 **PREMISES.** A lot, plot or parcel of land including all the buildings, structures and uses thereon.
- .139 **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.
- .140 **PROHIBITED USE.** A use of a building, structure, lot or land, or part thereof, which is not listed as a Permitted or Special Exception Use.
- .141 **PROPERTY LINE.** Line establishing the boundaries of premises.
- .142 **PROPRIETARY HOME.** A private proprietary home shall mean a facility operated for the purpose of providing suitable care therein, for compensation and profit, to two or more adult persons unrelated to the proprietor who, though not requiring medical or nursing care, are in such condition as to require, in addition to lodging and board, the services of attendants to assure their safety and comfort and to enable them to be bathed, dressed, fed, or to move about; and is approved and regulated by the New York State Department of Health.

- .143 PUBLIC ASSEMBLY AREA. The actual square footage of an area used for gathering people together, not including accessory or other areas used for different purposes nor for the thickness of walls.
- .144 PUBLIC WAY. Any street, alley, or similar parcel of land essentially open to the outside air, deeded, dedicated or otherwise permanently appropriated to the public for the public use and having a clear width and height of not less than 10 feet (304.8.cm).
- .145 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.
- .146 RESEARCH INSTITUTE OR LABORATORY. A building for experimentation and manufacture of prototypes, in pure or applied research design, development. No mass production of machines or devices or of new products, and uses accessory thereto; with respect to the application of this Local Law, such Research Institute or Laboratory shall meet the standards of a Non-Nuisance-Industry.
- .147 RESIDENCES, RESIDENTIAL. A building, or any part of a building, which contains dwelling units for permanent occupancy. "Residence", therefore, includes all one-family, and multi-family, boarding, fraternity and sorority houses. However, "residences" shall not include the following:
- (a) transient accommodations, such as hotels, motels, and hospitals; or
  - (b) that part of a building containing both residences and other uses which is used for any non-residential uses, except accessory uses for residences.
- .148 RESTAURANT, FAST FOOD. An establishment where food and/or beverages are sold in 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.
- .149 RESTAURANT, STANDARD. Any establishment, however designated, 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.
- .150 RETAIL USE. Business or commercial use or activity involving primarily the sale of merchandise or stock-in-trade to the public.

- .151 **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.
- .152 **ROOF.** A horizontal or inclined structural element of a building which serves as the top enclosure.
- .153 **ROOMING HOUSE.** See Boarding House.
- .154 **SATELLITE TELEVISION ANTENNA/DISH.** An antenna, the purpose of which is, to receive television and/or radio signals from orbiting satellites.
- .155 **SELF-SERVICE STORAGE FACILITY.** A building having two or more tenants or occupants that is used for the purpose of storage of personal property.
- .156 **SET BACK.** The horizontal distance between a building or other structure and a lot line or street line of the lot on which it is located.
- .157 **SHOPPING CENTER.** A building or group of buildings containing a combination of three (3) or more separate shops, stores, or offices on a single lot providing primarily retail services with supporting service and office establishments.
- .158 **SIGN.** Any kind of billboard, sign-board, pennant, or other shape or device or display, used as an advertisement, announcement, or direction, including any symbol, lights, marks, letters, or figures painted thereon or painted on or incorporated in the composition of an exterior surface of a building or structure.
- .159 **SIGN, BUSINESS.** A temporary or permanent sign which directs attention to a business or profession conducted upon the property.
- .160 **SIGN, PROFESSIONAL OR ANNOUNCEMENT.** A temporary or permanent sign which directs attention to a resident's home, a home occupation, a home professional office, or a public or semi-private building.
- .161 **SIGN, REAL ESTATE OR CONSTRUCTION.** A sign advertising land or improvement thereto, or describing construction activity or a firm doing work related to construction on the premises on which the sign is located.
- .162 **SIGN, TEMPORARY.** A temporary sign which directs attention to a special activity or entertainment or one which indicates the location of a real estate subdivision.
- .163 **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.

- .164 SMOKE-DETECTING ALARM DEVICE, SINGLE-STATION. An assembly comprised of a photoelectric or ionization type of smoke detector, control equipment and audible alarm in one unit which, upon detection of smoke, activates the alarm.
- .165 SPECIAL EXCEPTION USE. Uses permitted upon application to the Zoning Board of Appeals, pursuant to the provisions of Section 7.
- .166 SPECIFIED ANATOMICAL AREAS: These include: (1) less than completely and opaquely covered: human genitals, pubic region, buttock and breast below a point immediately above the top of the areola; and (2), human male genitals in a discernible turgid state, even if completely and opaquely covered.
- .167 SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling or other touching or other erotic touching of human genitals, pubic region, buttock or breast.
- .168 STAGE. Place used for theatrical presentations or other entertainment, whereon movable scenery or other accessories are used.
- .169 STORE. See definition for Retail Use.
- .170 STORY. Portion of a building which is between one floor level and the next higher floor level or the roof.
- .171 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.
- .172 STREET. Thoroughfare dedicated and accepted by a municipality for public use or legally existing on any map of a subdivision filed in the manner provided by law.
- .173 STREET LINE. Line dividing a lot, plot or parcel from a street.
- .174 STREET, LOCAL. A street or road designed primarily to provide access to abutting properties.

- .175 STREET, MARGINAL ACCESS. Those streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.
- .176 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.
- .177 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.
- .178 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.
- .179 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.
- .180 STRUCTURE. Anything constructed or erected on or under the ground or upon another structure or building.
- .181 SWIMMING POOL. A structure intended for bathing, swimming or diving purposes, made of concrete, masonry, metal or other impervious materials, and provided with a recirculating and/or controlled water supply and having a surface area of greater than one hundred square feet.
- .182 TERRACE. See definition of deck.
- .183 TOWNHOUSE. A building consisting of three or more attached single-family dwelling units each having separate entrances and common vertical party walls.
- .184 TRAILER, HOUSE. See "Mobile Home".
- .185 TRAILER, PARK. See "Mobile Home Park".
- .186 TRELLIS: A structure or frame of latticework used as a screen or support for climbing plants.
- .187 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.
- .188 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.
- .189 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 Local Law.
- .190 VARIANCE. A modification of the regulations of the Local Law granted on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of Section 10.
- .191 VESTIBULE. An enclosed space, with doors or opening protectives, to provide protected passage between the exterior and interior of a building, or between spaces within a building.
- .192 VEHICLE SALES AREA. A premises, including open areas, other than a street or way, and/or enclosed showrooms for the display and sale of new or used automobiles, trucks, trailers, motorcycles, and/or recreational vehicles.
- .193 VETERINARY HOSPITAL. A building for the treatment of animal illness including facilities for boarding animals receiving treatment.
- .194 WALL. A structure of wood, stone, or other materials or combination thereof intended for support, defense, security, screening, or enclosure, or for the retention of earth, stone, fill or other material as in the case of retaining walls or bulkheads.
- .195 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 use.
- .196 WAY. A thoroughfare, however designated, permanently established for passage of persons or vehicles.
- .197 WHOLESALE (STORE, BUSINESS, ESTABLISHMENT). A business establishment engaged in selling to retailers or jobbers rather than directly to customers.
- .198 YARD, FRONT. An open unoccupied space on the same lot with a building, situated between the nearest roofed portion of the building and the front lot line of the lot, and extending from side lot line to side lot line.

- .199 **YARD, REAR.** A space on the same lot with a building, situated between the nearest roofed portion of the building and the rear lot line of the lot, and extending from side lot line to side lot line.
- .200 **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 buildings on another lot.
- .201 **YARD, SIDE.** An open unoccupied space on the same lot with a building, situated between the nearest roofed portion of the building or of any accessory building and the side lot line of the lot, and extending through from the front yard or from the front lot line where no front yard exists, to the rear yard or to the rear lot line where no rear yard exists.

## SECTION III

### ESTABLISHMENT OF DISTRICTS

#### 3.01 DISTRICTS

The Village of Wellsville is hereby divided into the following zoning districts:

R-1	RESIDENTIAL
R-2	RESIDENTIAL
B-1	GENERAL BUSINESS
GI	GENERAL INDUSTRIAL
CIP	COMMERCIAL-INDUSTRIAL PARK
RC	RECREATION

#### 3.02 BOUNDARIES OF DISTRICTS ON ZONING MAP

(A) The boundaries of each of the Districts listed in Section 3.01 are hereby established as shown upon the duly adopted Zoning Map which accompanies this Local Law, and which, with all notations, references, and other matters shown thereon, is hereby declared a part of this Local Law. Said zoning map shall show the effective date of this Local Law and of each subsequent amendment to said map, and shall be duly certified by the Municipal Clerk.

(B) The District boundary lines, unless shown otherwise, are intended generally to follow street centerlines, railroad right-of-way boundary lines or their centerlines, other similar right-of-way lines, or lot lines or boundaries of subdivisions, or municipal boundary lines, all as shown on the Zoning Map. Where a District boundary line does not follow such a line, but is shown parallel to such a line on the Zoning Map, the distance between the parallel lines shall be as dimensioned on the Zoning Map. Such dimensions shall be construed to read from the outside edge of all rights-of-way rather than from their centerlines.

(C) Where the street layout actually on the ground varies from the street layout as shown on the Zoning Map, the designation shown on the mapped streets shall be applied in such a way as to carry out the Zoning Officer's judgment as to the purpose and intent of the Zoning Map for the particular area in question.

(D) When the location of a District boundary line cannot be otherwise determined, the determination thereof shall be made by the Zoning Officer by scaling the distance on the Zoning Map from a line of known location to such District Boundary line.

(E) In the case of uncertainty as to the true location of a District Boundary line in a particular instance, an appeal may be taken to the Board of Appeals, as provided in Section 10.

(F) When a District boundary line divides a lot in a single ownership at the effective date of this Local Law or any subsequent amendment thereto, the Board of Appeals may permit an extension into one District of a lawful conforming use existing in the other District as hereinafter provided in Section 10.04.03(A).

## SECTION IV

### DISTRICT REGULATIONS

#### 4.01 R-1 RESIDENTIAL DISTRICT

The Intent of this district shall be to delineate those areas where predominantly single-family, low-density residential development and limited multi-family residential development has occurred or is likely to occur and to protect the integrity of these residential areas by prohibiting the intrusion of any use which is not compatible with this predominant type and intensity of use.

##### 4.01.01 USES:

See District Use Regulation Table, section 4.07.

##### 4.01.02 DIMENSIONAL REGULATIONS:

(A) Lot area-minimum square feet-----10,000

(B) Lot coverage-percent of total area  
occupied by main and accessory buildings-----30

(C) Lot depth-minimum feet-----125

(D) Lot width-minimum feet-----75

(E) Building height-maximum feet-----35

(F) Yards-minimum feet;  
1. Front setback-----20\*

- 2. Each side-----8
- 3. Side-abutting side street on corner lot---20
- 4. Rear-----30

\*or established setback

4.01.03

**MODIFICATION OF DIMENSION REGULATIONS BY ZONING OFFICER**

(A) Notwithstanding any other provisions or sections of this Local Law, application may be made to the Zoning Officer who, subject to the terms herein, may authorize additions to be made to nonconforming dwellings and to accessory structures.

A new accessory structure may be added, provided that such addition or new structure does not encroach upon the side or rear yard to a greater extent than does any existing dwelling or private garage or accessory structure; does not cause a hardship to neighboring property owners, and does not adversely affect, in any substantial way, any neighbor's use and enjoyment of property.

The Zoning Officer may, at his discretion, require that any applicant for a building permit under this section apply to the Zoning Board of Appeals for any area variance pursuant to the provisions of Section 10 of this Local Law.

(B) Application shall be in writing and a proposed site plan of the subject property and the affected neighboring properties drawn to scale may be required by the Zoning Officer. The site plan shall include both side elevation and a top elevation showing the relationship of proposed and existing buildings on all affected properties.

(C) Before the Zoning Officer grants any such application, he shall consider; the distance from the proposed construction to neighbors' living space or any outside activity area; potential creation of noise or outside activity area; potential creation of noise or odors; interference with view; interference with the sunlight; potential esthetic effects; potential effects on privacy; alternatives available to the applicant including changes in proposed site plan; potential effect upon property values; the GENERAL PURPOSES of this Local Law; any other long or short-range factor that could reasonably adversely affect neighboring properties.

(D) The Zoning Officer shall not issue any permit approving construction until copies of the application have been served/sent to any affected neighboring land owner together with a notice that shall contain a provision that the neighboring land owner shall have 10 days to object to

the Zoning Officer, together with the address and phone number where objections can be made.

(E) If all such neighboring land owners consent to the application or do not object in the manner specified in the notice, the Zoning Officer may authorize the necessary zoning approval.

(F) If any neighboring land owner objects to the proposed encroachment, or if the Zoning Officer exercises his discretion not to authorize the encroachment, the applicant shall be required to apply for an area variance.

4.02 R-2 RESIDENTIAL DISTRICT

The Intent of this district shall be to delineate those areas where predominantly single-family, moderate-density residential development and some multi-family residential development has occurred or is likely to occur, to allow in special instances, in accordance with site plan review, and all other applicable regulations, multiple-family dwellings and group homes and to protect the integrity of these residential areas by controlling the type and intensity of uses so that the overall character and density is preserved.

4.02.01

USES:

See District Use Regulation Table, section 4.07

4.02.02

DIMENSIONAL REGULATIONS

- (A) Lot area-minimum square feet-----8,000
- (B) Lot area-minimum per additional dwelling unit-square feet
  - (I) One Bedroom Unit-----1,500
  - (II) Two Bedroom Unit-----2,000
  - (III) Three Bedroom Unit-----2,500
- (C) Lot coverage-percent of total lot area occupied by main and accessory buildings-----30
- (D) Lot depth-minimum feet-----110
- (E) Lot Width-minimum feet-----75
- (F) Building height-maximum feet-----35
- (G) Yards-minimum feet

1. Front setback-----20\*
2. Each side-----8
3. Side-abutting side street on corner lot----20
4. Rear-----30

\*or established setback

4.02.03 The provisions of Section 4.01.03 of this Local Law shall also be applicable to the R-2 Residential District.

4.03 B-1 GENERAL BUSINESS DISTRICT

The intent of this district shall be to delineate the Village Business District which is primarily utilized, and is appropriate for, retail, business and personal service, financial, institutional, office, cultural residential and governmental uses, and to provide and promote a full range of central business uses that cater to the needs of the population and to ensure that any use is compatible with the character of the district and its permitted types and intensities of uses.

4.03.01 USES:  
See District Use Regulation Table, Section 4.07

4.03.02 DIMENSIONAL REGULATIONS:

- (A) Lot area-minimum square feet-----No requirement
- (B) Lot area-minimum per dwelling unit-square feet-----2000
- (C) Lot coverage-percent of total lot area occupied by main and accessory buildings-percent-----No requirement
- (D) Lot depth-minimum feet-----No requirement
- (E) Lot width-minimum feet-----No requirement
- (F) Building height-maximum feet-----50
- (G) Yards-minimum feet
  1. Front setback-----Established setback
  2. Side-minimum for one-----No requirement-  
except 10 feet where provided
  3. Side-abutting side  
street corner lot-----No requirement
  4. Rear-----Established setback

4.04 GI-GENERAL INDUSTRIAL DISTRICT

The intent of this district is to delineate areas within the Village which are now used for and are appropriately suited to manufacturing, distribution, major wholesaling, warehousing, processing or industrial uses, to preserve these areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other land uses and to regulate such industrial development so that it will not be detrimental or hazardous to the Village and its citizens.

4.04.01 USES:

See District Use Regulation Table, Section 4.07

4.04.02 DIMENSIONAL REGULATIONS:

- (A) Lot area-minimum square feet-----20,000
- (B) Lot coverage-percent of total lot area occupied  
by main and accessory buildings-percent-----60
- (C) Lot depth-minimum feet-----200
- (D) Lot width-minimum feet-----100
- (E) Building height-maximum feet-----50
- (F) Yards-minimum feet
  - 1. Front setback-----50
  - 2. Front on State or County highway-----80
  - 3. Each side-----20
  - 4. Side-abutting side street on corner lot-----50
  - 5. Rear-----20

4.05 CIP COMMERCIAL-INDUSTRIAL PARK DISTRICT

The intent of this district is to delineate areas within the Village that are suitable and appropriate for development as intense uses for commercial and industrial applications such as manufacturing, research, business incubators and related uses, and allow cluster development by these uses.

4.05.01 USES:

See District Use Regulation Table, Section 4.07

4.05.02 DIMENSIONAL REGULATIONS:

- (A) Lot area-minimum square feet-----80,000
- (B) Lot area-maximum percent of total lot area occupied  
by main and accessory buildings-----20
- (C) Lot depth-minimum feet-----200
- (D) Lot width-minimum feet-----200
- (E) Building height-maximum feet-----50
- (F) Yards-minimum feet
  - 1. Front setback-----50
  - 2. Front on State or County highway-----80
  - 3. Each side-----25
  - 4. Side-abutting side street on corner lot-----50
  - 5. Rear-----20

**4.06 RC RECREATION DISTRICT**

**4.06.01 USES:**  
See District Use Regulation Table, Section 4.07

**4.07 DISTRICT USE REGULATION TABLE**

#### 4.07 DISTRICT USE REGULATION TABLE

District Use Regulation Table						
KEY:						
P=PERMITTED						
O=NOT PERMITTED						
SEU=SPECIAL EXCEPTION USE						
	R1	R2	B1	GI	CIP	RC
<b>RESIDENTIAL USE:</b>						
Apartment(s) connected with business	O	O	P	O	O	O
Bed & Breakfast	SEU	P	O	O	O	O
Boarding House	O	SEU	P	O	O	O
Group Home	O	SEU	O	O	O	O
Guest Home	O	P	O	O	O	O
Inn	O	SEU	P	O	O	O
Manufactured Home(factory)(side-by-side)	P	P	O	O	O	O
Mobile Home	O	O	O	O	O	O
Multiple dwelling	O	P	O	O	O	O
One family dwelling	P	P	O	O	O	O
Rooming House	O	P	P	O	O	O
Senior Citizen Housing	O	P	O	O	O	O
Tourist Home	O	P	O	O	O	O
Townhouse	SEU	P	O	O	O	O
Two family dwelling	O	P	O	O	O	O
<b>GENERAL USES</b>						
Cemetery	O	SEU	O	O	O	O
Church, etc.	P	P	P	O	O	O
Cultural Facility	SEU	SEU	P	O	O	O
Day Care Center	O	P	P	P	P	O
Dispensing toxic substance	O	O	O	P	P	O
Dispensing Volatile & Flammable substance	O	O	O	P	P	O
Hospital	O	SEU	P	O	O	O
Incinerator	O	O	O	P	P	O
Junk Yard and salvage yard	O	O	O	P	P	O
Non-profit Club	O	SEU	SEU	O	O	O
Nursery School	O	P	P	P	P	O
Parks- public recreation	O	P	O	O	O	P
Public Transportation (Station, Depot)	O	SEU	P	P	P	P
School (private, public)	O	SEU	SEU	O	O	O
Terminal (receiving -trucks, trains, bus)	O	O	P	P	P	O
Trash/Garbage/Recycling collection areas	O	O	O	P	P	O
Warehouse (wholesale, retail)	O	O	P	P	P	O

#### 4.07 DISTRICT USE REGULATION TABLE

	R1	R2	B1	GI	CIP	RC
District Use Regulation Table						
KEY:						
P=PERMITTED						
O=NOT PERMITTED						
SEU=SPECIAL EXCEPTION USE						
<b>BUSINESS USES</b>						
Adult Uses	O	O	SEU	SEU	SEU	O
Amusement Center or Park	O	O	P	P	O	P
Auditorium	O	O	P	P	O	P
Bank, Financial Inst.	O	O	P	P	P	O
Bar, Tavern	O	O	P	P	P	O
Barber & Beauty Shop	O	O	P	P	P	O
Bowling Alley	O	O	P	P	P	O
Business Office	O	P	P	P	P	O
Car Wash	O	O	P	P	P	O
Drive In Services	O	O	P	P	P	O
Dry Cleaning Store	O	O	P	P	P	O
Educational Institution (Large)	O	O	O	P	O	O
Funeral Home	O	SEU	P	O	O	O
Garage Service/Repair	O	O	P	P	O	O
Gas Filling Station	O	O	P	P	O	O
Gas/Grocery Mart	O	O	P	P	O	O
Hotel	O	O	P	P	P	O
Motel	O	O	P	P	P	O
Newspaper Printing	O	O	P	P	P	O
Nightclub	O	O	P	P	P	O
Parking Lot Commercial	O	O	P	P	P	P
Parking Structure	O	O	P	P	P	O
Personal Service Establishment	O	O	P	P	O	O
Pool Hall	O	O	P	P	P	O
Printing Shop	O	O	P	P	P	O
Professional Office	O	P	P	P	P	O
Repair Shop-Large	O	O	P	P	O	O
Repair Shop-Small	O	O	P	P	O	O
Restaurant - fast food	O	O	P	P	P	O
Restaurant - standard	O	O	P	P	P	O
Retail - General	O	O	P	P	P	O
Self Service Laundry	O	O	P	P	O	O
Skateboard Rink (area)	O	O	O	O	O	P
Skating Rink	O	O	O	O	O	P
Studio	O	O	P	P	O	O
Theater	O	O	P	P	O	P

#### 4.07 DISTRICT USE REGULATION TABLE

District Use Regulation Table

KEY:

P=PERMITTED

O=NOT PERMITTED

SEU=SPECIAL EXCEPTION USE

	R1	R2	B1	GI	CIP	RC
<b>INDUSTRIAL USES</b>						
Assembling	O	O	O	P	P	O
Contractor Yard-Storage	O	O	O	P	P	O
Manufacturing	O	O	O	P	P	O
Research/Development Labs	O	O	P	P	P	O
Testing Labs/Buildings	O	O	O	P	P	O
<b>ACCESSORY USES</b>						
Antenna > 3' H	P	P	P	P	P	O
Carport ( per definition )	P	P	O	O	O	O
Fence	P	P	P	P	P	P
Garage (private) attached or separate	P	P	P	P	P	O
Home Occupation	P	P	O	O	O	O
Kennel (3 or more )	O	O	SEU	O	O	O
Lamp post	P	P	P	P	P	P
On Different Lot	P	P	P	P	P	O
On Same Lot	P	P	P	P	P	O
Parking Lot (Private)	O	P	P	P	P	O
Play equipment	P	P	P	P	P	P
Professional Office	O	P	P	O	O	O
Satellite Dish > 3' in diameter	P	P	P	P	P	O
Sauna & Hot Tub	P	P	P	P	P	P
Signs refer to § 6.09						
Solar Collector	SEU	SEU	SEU	P	P	O
Storage Structure	P	P	P	P	P	P
Swimming Pool	P	P	P	P	P	P
Trellis	P	P	P	O	O	O
Wind Energy	SEU	SEU	SEU	P	P	O