

VILLAGE OF BRIDGEWATER

ZONING LOCAL LAW 1997-1

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ARTICLE I ENACTING CLAUSE, TITLE, PURPOSES, APPLICATION AND DEFINITIONS

SECTION 101 ENACTING CLAUSE

Pursuant to the authority conferred by Article 4 and 20 of the Village Law of the State of New York, the Village Trustees of the Village of Bridgewater hereby adopts and enacts as follows.

SECTION 102 TITLE

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

SECTION 103 PURPOSES

The purpose of this Zoning Law and zoning districts as outlined on the zoning map are to provide for orderly growth and development, to lessen congestion in streets, to secure safety from fire, flood and other dangers, to provide adequate light and air, to prevent overcrowding, to avoid undue concentration of population, to conserve, enhance and perpetuate special historical sites, places and buildings, to facilitate the adequate provision of transportation, parks and other public requirements, and to promote the health, safety, morals or general welfare of the public.

The Zoning Law has been made with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

SECTION 104 APPLICATION OF REGULATIONS

No building shall be erected, constructed, moved, altered, rebuilt or enlarged, nor shall any land, water, or building be used, designed or arranged to be used for any purpose except in conformity with this Local Law, with the exception of the performance of necessary repairs which do not involve material alteration of structural features, and/or plumbing, electrical or heating/ventilation systems. Such necessary repairs shall include, for example, the replacement of siding and roofing materials. No building, structure or premises shall be used, and no building or other structure shall be erected which is intended, arranged or designed to be used for any trade, industry, business or purpose of any kind, that is noxious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, fumes, gas, noise or vibration, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community, or tends to its disturbance, inconvenience, discomfort or annoyance.

In interpreting and applying this Local Law, the requirements contained herein are declared to be the minimum requirements for the protection and promotion of the public health, safety, morals and general welfare. This Local Law shall not be deemed to affect in any manner whatsoever any easements, covenants or other agreements between parties provided, however, that where this Local Law imposes a greater restriction upon the use of buildings or land, or upon the creation, erection, construction, establishment, moving, alterations or enlargement of buildings than are imposed by other ordinances, rules, regulations, licenses, certificates or other authorizations, or by easements, or covenants, or agreements, than the provisions of this Local Law shall prevail.

This Local Law shall not apply to uses which were legal, prior existing, nonconforming uses as defined herein.

Nothing herein contained shall require any change in plans or construction of a building for which a building permit has been issued.

SECTION 105 VALIDITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court to be invalid, or void. Such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 106 NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

No provision of this local Law shall be construed to repeal, modify or constitute an alternative to the New York State Uniform Fire Prevention and Building Code (hereafter referred to as the Uniform Code). Village residents and other individuals using these zoning regulations should make sure they refer to the Uniform Code in order to determine its applicability to their specific project.

SECTION 107 DEFINITIONS

Except where specifically defined herein, all words used in this Zoning Law shall carry their customary meanings. Words used in the present tense shall include the future tense and the plural includes the singular; the word "lot" includes the word "plot", the word "buildings" includes the word "structure", the word "shall" is always mandatory; the words "occupied" or "used" shall be construed to mean and shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

The following terms are specifically defined. As used in this Zoning Law the following words shall have these meanings:

Accessory Use: Use of buildings customarily incidental and subordinate to the principal use or buildings, and located on the same lot.

Alley: Narrow supplementary thoroughfare for the public use of vehicles or pedestrians, affording access to abutting property.

Alteration: Structural change, rearrangement, change of location, addition to, or deletions from a building, other than repair and modification in building equipment systems (i.e., heating, cooling, electrical, etc.)

Arcade: Any establishment having three (3) or more video or pinball games.

Basement (see Cellar): A story partly underground and having one half or more of its clear height above the average level of the adjoining ground. A story which has one or more walls completely above ground shall not be considered a basement. The basement shall not be considered in determining the permissible number of stories.

Board of Zoning Appeals: That Board appointed by the Village Board, specifically to hear all appeals as provided by these regulations and other duties specifically set forth in this Local Law or as assigned to it by the Village Board.

Boarding House: Owner-occupied dwelling wherein three or more people are sheltered for profit.

Buffer Zone: A continuous strip of trees and/or shrubs densely planted to provide a physical screen preventing visual access from one use to another and to reduce the escape and/or intrusion of litter, fumes, dust, smoke, noise, or other noxious or objectionable elements.

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.

Building Accessory: A building, subordinate to the principal building on the lot and used for purposes customarily incidental to that of said main building.

Building, Front Line Of: The line of that face of the building nearest the street line, or if there are street lines on two or more sides of the building, it is the line of that face of the building frontage on that street line where the principal entrance is located. This face includes covered porches whether enclosed or unenclosed, but does not include steps.

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.

Building, Temporary: A "temporary building" or "temporary structure" is one erected, constructed or placed upon the premises, to exist there for a brief or temporary duration of time, not exceeding six months. All other buildings or structures shall be deemed and considered as permanent for the purposes of this Local Law.

Cellar: A story partly underground and having more than one-half of its clear height below the average finished grade of the adjoining ground. A story which has one or more walls above ground shall not be considered a cellar. The cellar shall not be considered in determining the permissible number of stories.

Certificate of Compliance: A certificate issued by the zoning officer upon completion of construction, alteration or change in occupancy or use of a building or land. Said certificate shall acknowledge compliance with all the requirements of this Zoning Law only and such adjustment thereto granted by the Board of Appeals and/or the Planning Board.

Club Membership: A group of persons organized in accordance with the Not-For-Profit Corporation Law for social and/or recreational purposes (example - fish and game clubs).

Child Day Care Center: Shall mean a program or facility in which child day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation or otherwise, except those programs operating as a group family day care home, a family day care home, or school-age child care program.

Community Center: Any meeting hall, place of assembly, museum, art gallery or library, not operated primarily for profit.

Community Residence: A supervised community home operated in compliance with the New York State Mental Hygiene Law which houses not more than fourteen (14) individual and provides client supervision on a 24-hour basis. For the purposes of this Local Law an approved community residence as defined herein is considered a one-family dwelling.

Convalescent Home, Nursing Home, or Extended Care Facility: See Hospital.

Coverage: That percentage of the lot area covered by the combined are of all buildings or structures on the lot.

Development: Any man-made change to improve or unimproved real estate, including, but not limited to, buildings or other structures, utilities, mining, dredging, filling, grading, paving, excavation, or drilling operations, which would lead to increased flood damage excluding normal maintenance to farm roads.

Domestic Animal: Animals commonly kept as household pets including, but not limited to: dogs, cats, caged birds, rabbits, guinea pigs, non-poisonous snakes, fish, turtles, frogs, mice and ferrets. Species of animals which are considered harmful (i.e., poisonous) to humans shall not be considered domestic animals for the purposes of this Zoning Law.

Drive-In Service: Building or use where a product is sold to, or a service performed for customers while they are in or near their motor vehicle including, but not limited to, fast food restaurants, drive-up bank tellers, film processing service booths, etc.

Dwelling: A detached building designed or used exclusively as living quarters for one or more families; the term shall not be deemed to include automobile court, motel, boarding or rooming house, mobile home, recreation vehicle, tourist home or tent.

Dwelling, One Family: A dwelling containing one dwelling unit only.

Dwelling, Two Family: A dwelling containing two dwelling units only.

Dwelling, Multi-Family: A dwelling containing three or more dwelling units.

Dwelling Unit: A building, or portion thereof, providing complete housekeeping facilities for one family.

Educational Institution, Private: Any non-public school or other organization or institution conducting a regularly scheduled curriculum of study similar to that of the public schools and operated under the Education Law of New York State and recognized by the appropriate educational authorities.

Factory - Manufactured Home (Modular Home): A factory-manufactured home incorporates structures of components designed for residential occupancy, constructed by a method or system of construction whereby the structure or component is wholly or in substantial part manufactured in a manufacturing facility and is intended for permanent installation on a building site. Such home shall be constructed and installed in accordance with the requirements of Subchapter B of the State Fire Prevention and Building Code and shall bear an Insignia of Approval issued by the State Fire Prevention and Building Code Council. Factory-manufactured homes shall be deemed to be one of two-family or multiple dwellings.

Family: One or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guest.

Family Day Care Home: Shall mean a family home which is a personal residence and occupied as a family residence which provides child day care on a regular basis for more than three house per day per child for three to six children for compensation or otherwise, except as provided below. The name, description or form of the entity which operates a family day care home do not affect its status as a family day care home. For the purposes of the Local Law, a family day care home shall be considered an accessory used to a one family dwelling unit.

Farm Animal: Animals commonly kept for agricultural purposes including, but not limited to, cattle, horses, sheep, pigs, goats, and chickens.

Floor Area of a Building: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding basement or cellar floor areas and not devoted to habitable use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor, Lowest: Lowest level including basement, cellar, crawl space, or garage of lowest enclosed area.

Frontage: The extent of a building or a lot along one public street as defined herein.

Garage, Public: Any garage, other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, adjusting, or equipping of automobiles or other motor vehicles, painting and body repairs.

Gasoline Station: Any building or land or any part thereof used for sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing vehicles.

Gasoline Station-Market: A gasoline station which provides one or more additional commercial service such as a restaurant, dairy bar, beverage market, or food market or such a commercial use which also provides for gasoline sales. For the purpose of this definition, sales from vending machines are not considered commercial service.

Group Family Day Care Home: Shall mean a family home which is a personal residence and occupied as a family residence which provides child day care on a regular basis for more than three house per child for seven to twelve children for compensation or otherwise, except as provided below. Such home must be operated by a provider and have at least one assistant present during the hours that care is provided. The name, description or form of the entity which operates a group family home does not affect its status as a group family day care home. For the purpose of this Local Law, a group family day care home shall be considered a home occupation when considered in conjunction with a residential use.

Habitable Floor Area: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation or combination thereof. A floor used only for storage purposes is not "habitable".

Home Occupation: An occupation or profession which: (A) Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit, and (B) Is carried on by a member of the immediate family residing in the dwelling unit, and (C) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Hospital: Hospital, sanitarium, clinic, rest home, nursing home, convalescent home, home for aged, and any place for diagnosis and treatment of human ailments, except a doctor's office.

Hospital, Animal: An establishment for the medical and/or surgical care of sick or injured animals.

Hotel/Motel: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room may be provided within the building or in an accessory building.

Junk: Shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, scrapped, ruined, dismantled or wrecked motor vehicles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material, tires, lumber, pallets and other wood debris.

Junkyard: Outside storage or deposit, whether in connection with another business or not, where one (1) or more unregistered, old, or secondhand vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric, or otherwise, for the purpose of disposing of the same or for any other purpose; such terms shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles and/or material defined as junk by this zoning law

which, taken together equal in volume one hundred (100) cubic feet. A junkyard shall include any land or structure used for collecting, storage, sale or disposal of junk, scrap metal, or other discarded materials. Not included is a single motor vehicle intended, maintained and used on a seasonal basis (i.e., motorcycles and winter or summer cars) provided such vehicle is intact, located in other than the front yard.

Kennel: Any building or land or part thereof used for harboring three or more dogs over six months old.

Laundromat: A business premise equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

Lot: Land occupied or which may be occupied by a building and its accessory uses, together with required open space, having not less than minimum area, with and depth required for a lot in the district in which such land is situated; and having frontage on a street, or other means of access as may be determined by the Planning Board to be adequate as a condition for issuance of a zoning permit.

Lot Area: Total area within property lines.

Lot Corner: A lot located at the junction of and fronting on two or more intersecting streets (Also see definition "Lot Line Front").

Lot Depth: Mean horizontal distance from street right-of-way line of the lot to its opposite rear line measured at right angles to building line.

Lot Width: The horizontal distance between the side lot lines, measured at right angles to the lot depth.

Lot Lines: The property lines bounding a lot as defined herein.

Lot Line, Front: In the case of a lot abutting upon only one street, the line separating the lot from the street right-of-way, in the case of a lot abutting more than one street, each street line shall be considered a front lot line.

Lot Line, Rear: The lot line which is generally opposite the front lot line, if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

Lot Line, Side: The property line or lines extending from the front lot line to the rear lot line.

Mobile Home: A structure, whether occupied or not, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities. Such vehicle must have attached to it a seal certifying the mobile home complies with federal construction standards.

Mobile Home Park: A parcel which has been improved for the rental or lease of two or more lots and the provision of services for mobile homes for nontransient residential use.

Motel: See "Hotel".

Motor Vehicle Repair Shop: Any building or structure used for repair and servicing of motor vehicles for profit or as part of a commercial operation.

Non-conforming Use: A use of a building or of land that does not conform to the regulations as to use and area in the district in which it is situated, which was lawful under any applicable preceding ordinances or laws at the time the use was established, or if established before 1997, was lawful before such date and in either event has not been extended after becoming non-conforming use or otherwise been rendered an illegal use pursuant to provisions of any prior law or ordinance.

Non-intensive outdoor recreation, noncommercial: any family or small group recreational activity of short duration, such as kickball, volleyball, croquet, or badminton.

Nursing Home or Convalescent Home: See "Hospital".

Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

Parking Space: An off-street space available for the parking of one motor vehicle on a transient basis and having a width of ten (10) feet, and an area of not less than two hundred (200) square feet, exclusive of passageways and driveways, and having direct usable access to a street.

Principal Use: The main or primary use to which a lot or building is or is intended to be used.

Recreation, Indoor: Includes, but is not limited to, bowling alley, theater, table tennis, and pool hall, skating rink, gymnasium, swimming pool, hobby workshop, arcade, and similar places of indoor recreation.

Recreation, Outdoor: Includes, but is not limited to, golf courses, golf driving range, and archery range, swimming pool, skating rink, riding stable, tennis court, recreation stadium, skiing facility, and similar places of outdoor recreation.

Recreation Vehicle: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes motor cycle & pop ups camper.

Recyclables Handling and Recovery Facility: A solid waste management facility, other than collection and transfer vehicles, at which recyclables are separated from the solid waste stream, or at which previously separated recyclables are collected.

Religious Institution: Church, temple, parish house, convent, seminary, and retreat home.

Retail Store/Service: Enclosed store for sale of retail goods and services including, but not limited to, the following: barber, beauty, dry clean, personal service shop, department store and restaurant/tavern. Retail store/service shall not be interpreted to include the following: drive-up service, freestanding retail stand, gasoline station, gasoline station-market, motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

School: Parochial, private and public school, college, university and accessory uses operated under the Education Law of the Statue of New York and recognized by the appropriate educational authorities, and shall exclude commercially operated schools of beauty, culture, business, dancing, driving, music and similar establishments.

School-age Child Care Program: Shall mean a program or facility providing school-age child care (care provided on a regular basis to more than six school-age children under 13 years of age or who are incapable of caring for themselves) during the school year to an enrolled group of children before and/or after the period children enrolled in such program are ordinarily in school or during school lunch periods and may also include such care during school holidays and those periods of the year when school is not in session, including summer vacation.

Self-Service Storage Facility: A building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses and residential users. A warehouse operated for a specific commercial or industrial establishment shall not be considered a self-storage facility.

Sign: Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any persons or business or cause when such is placed in view of the general public.

Awning Sign: Any visual message incorporated into an awning attachment to a building.

Copy-Change Sign: A sign on which the visual message may be periodically changed.

Directional Sign: A sign limited to providing information on the location of an activity, business or event.

Free-standing Sign: Any sign not attached or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs.

Illuminated Sign: Any sign illuminated by electricity, gas, or other artificial light either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

Off-Premise Sign: A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Portable Sign: A sign, whether on its own trailer, wheels, or otherwise, designed to be moveable and not structurally attached to the ground, a building, a structure or another sign.

Projecting Sign: A sign which is attached to the building wall or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall, or a sign which is perpendicular to the face of the such wall or structure.

Representational Sign: A three-dimensional sign built so as to physically represent the object advertised.

Temporary Sign: A sign related to a single activity or event having a duration of no more than fifteen (15) days.

Wall Sign: A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

Window Sign: A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

Sign Directory: A listing of two or more business enterprises, consisting of a matrix and sign components.

Sign Structure: The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides where the angle formed between any two of the sides or the projections thereof exceeds thirty (30) degrees, each side shall be considered a separate sign structure.

Sign Surface Area: The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display.

Site Plan: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

Special Use: A specifically designed use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience appearance, prosperity or general welfare.

Street: Public way for vehicular traffic which affords principal means of access to abutting properties.

Street Line: Right-of-way line of a street as dedicated by a deed of records. If no such deed exists, then by any other records establishing such right-of-way line of a street.

Structure: A combination of materials to form a construction for use, occupancy or ornamentation, including, but not limited to, buildings, mobile homes, towers, wind energy conservation systems (WECS), antennas, satellite dishes, or gas or liquid storage tanks, that are principally above ground.

Substantial Improvements: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either

(a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pool: A structure of receptacle for water having a depth greater than one foot (1 foot), used for swimming, and shall exclude portable plastic pools designed to hold less than 100 gallons.

Tourist Home: Owner-occupied dwelling in which overnight accommodations, with or without meals, is provided for transient guests for profit. Term includes "bed and breakfast" establishments.

Trailer: Any vehicle which may be towed and used for carrying or storing goods, equipment, machinery, construction materials, snowmobiles, boats, all terrain cycles (ATC), motor vehicles or as a site office.

Utility, Public: Any person, firm, corporation or governmental subdivision, duly authorized to furnish to the public, under public regulation, electricity, gas, water, sanitary sewers, storm sewers, steam, telephone, telegraph or cable television.

Veterinary Facility: Any structure or premises in which animals are kept, boarded, bred or trained for commercial gain.

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

Yard, Front: An open unoccupied space on the same lot with the building, situated between the front line of the building and the street line and extending the full width of the lot.

Yard, Rear: The area of the lot extending across the entire rear of the lot, bounded by the real property lot line and the rear building line and between the two side lot lines.

Yard, Side: The area between the side building line and the related side lot line and between the front yard and the rear yard.

ARTICLE II ADMINISTRATION

SECTION 201 ENFORCEMENT

The duty of administering and enforcing the provisions of this Local Law is hereby conferred upon the Zoning Enforcement Officer, who shall have such powers as are conferred upon him by this Local Law and as reasonably may be implied therefrom. He shall be appointed by the Village Board and shall receive compensation as the Village Board shall determine. The Zoning Enforcement Officer shall have such other and further duties as may be assigned by the Village Board pursuant to this Local law or otherwise.

The Village of Bridgewater, it's elected officials and appointed officials, hereby disclaim liability and responsibility for any inaccuracies, mistakes or errors contained within the zoning laws and enforcement of same.

SECTION 202 DUTIES OF THE ZONING ENFORCEMENT OFFICER

A. Inspection and Review

It shall be the duty of the Zoning Enforcement Officer, or his duly authorized assistants, to cause any plans, buildings or premises to be examined or inspected to determine that they are not in violation of the provisions of this Local Law.

The Zoning Enforcement Officer and all his duly authorized assistants shall be entitled to enter any building or premises (which includes the internal premises such as basement, etc.) for the purpose of inspection, observation, measurement, testing and records examination in performing his duties set forth in this Local Law, and for the further purpose of ascertaining whether the provisions of this Local Law are being met and all requirements are being complied with. Persons or occupants of premises to be entered shall allow the Zoning Enforcement Officer and/or his assistants ready access at all reasonable times to all parts of the premises to carry out the actions specified herein. Where any owner or occupant has security measures in force which would require proper identification and clearance before entry into their premises, the owner or occupant shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel

from the Village will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

The Zoning Enforcement Officer or any of his duly authorized assistants seeking to enter private property pursuant to the provisions of this Local law may enter such property on the consent of the owner or occupant. In the event such consent is denied or if said Zoning Enforcement officer or assistant determines that it is preferable to obtain a search warrant without first seeking such consent, said Zoning Enforcement Officer or assistant shall be entitled to obtain a search warrant pursuant to the applicable provisions of law from a court of competent jurisdiction to compel the owner or occupant to permit immediate entry and inspection.

B. Violations and Written Orders

Where the Zoning Enforcement Officer, in the course of his duties, determines that any plans, buildings, or premises are in violation of the provisions of this Local Law, he shall order the responsible party in writing to remedy such conditions. Said written order shall comply with the provisions of this Local Law.

C. Revocation of Certificate of Compliance

On the serving of notice and failure to comply with the time limits specified in such notice by the Zoning Enforcement Officer to the owner of any violation of any of the provisions of this Local Law, any Certificate of Compliance previously issued for such buildings or use shall be held null and void. A new Certificate of Compliance shall be required for any further use of such building or premises.

D. Records

The Zoning Enforcement Officer shall maintain a permanent record of all matters considered and all action taken by him. Such records shall form a part of the records of his office and shall be available for the use of the Village Board and other officials of the Village. The records to be maintained shall include at least the following:

(1) Application File

An individual permanent file for each application for a permit provided for by this Local Law shall be established at the time the application is made. Said file shall contain one (1) copy of the application and all supporting documents and plans; notations regarding pertinent dates and fees, and the like; as appropriate, one (1) copy of the resolution of the Planning Board and/ or Zoning Board of Appeals in acting on the application if such action is required; and the date the permit applied for was issued or denied by the Zoning Enforcement Officer as well as a copy of any permit issued by the Zoning Enforcement Officer and any correspondence sent or received by the Zoning Enforcement Officer regarding such application.

(2) Monthly Reports

The Zoning Enforcement Officer shall prepare a monthly report for the Village Board. Said report shall cite all actions taken by the Zoning Enforcement Officer, including all referrals made by him, all permits and certificates issued and denied; all complaints of violations received and all violations found by him, and the action taken by him consequent thereto. A copy of this monthly report shall also be transmitted by the Board of Appeals at the same time it is transmitted to the Village Board.

SECTION 203 CERTIFICATES AND PERMITS

The Certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this Local Law.

A. Zoning Permit

The Zoning Enforcement Officer is hereby empowered to issue a zoning permit for any plans regarding the construction of alteration of any building or structures or part of any building, or the change in the use of any land or building or part thereof, where he shall determine that such plans are not in violation of the provisions of this Local Law.

B. Temporary Use Permit

Upon written direction of the Planning Board, the Zoning Enforcement Officer is hereby empowered to issue a temporary use permit. A temporary use permit shall only be effective for a period not to exceed twelve (12) months; such permit may be extended by the Zoning Enforcement Officer not more than once for an additional period not to exceed six (6) months.

C. Special Use Permit

Upon written direction of the Zoning board of Appeals, the Zoning Enforcement Officer is hereby empowered to issue any special use permit provided for by this Local Law.

D. Certificate of Compliance

The Zoning Enforcement Officer is hereby empowered to issue a certificate of compliance which shall certify that all provisions of this Local Law have been complied with in respect to the location and use of the building, structure, or premises in question.

SECTION 204 APPLICATION PROCEDURES

A. Application

Applications for zoning permits shall be accompanied by a layout sketch, drawn to scale, showing the shape and dimensions of the lot to be built upon the size and location of all buildings or structures proposed as well as those that shall remain, the intended use of each building or structure, and any such other information with regard to the lot and neighboring lots, buildings and/or structures as the Zoning Enforcement Officer may in his discretion deem necessary to determine and provide for the enforcement of this Local Law. Applications, together, with a layout sketch shall be submitted in triplicate. The Zoning Enforcement Officer shall carefully consider the application and supporting documents for compliance with this Local Law and either issue or deny the zoning permit applied for. When the application is for any non-residential use within the Village the Zoning Enforcement Officer shall, prior to the issuance of any permit, refer one (1) copy of such plans, drawings and statements to the Planning Board for site plan review (See Article IV).

B. Issuance of Zoning Permit

The Zoning Enforcement Officer shall issue a zoning permit only after the site plan, if required, has been approved by the Planning Board and all required variances and special use permits have been obtained.

C. Installation of Foundation

The Zoning Enforcement Officer shall be notified that the site is prepared for installation of the foundation of a structure, and shall inspect the site to check the location of the structure.

D. Initiation of Construction

If a zoning permit is not obtained by the applicant within ninety (90) days after final approval, such approval shall be void.

E. Completion of Construction

A permit shall be void if construction is not substantially completed within a period of one year from the date of said permit. The Zoning Enforcement Officer may issue a six-month extension of a permit for good cause shown. Two such extensions of a permit will be allowed.

F. Location of Permit

The Zoning permit shall be located in a place readily visible to the public during construction activities.

SECTION 205 FEES FOR PERMITS, AMENDMENTS, VARIANCES, AND SPECIAL USE PERMITS

Fees may be charged for permits issued, and processing of applications for amendments, variances, and special use permits. The fees shall be set by resolution of the Village Board and may be changed from time to time in the same manner.

SECTION 206 CERTIFICATES OF COMPLIANCE

No land shall be used or occupied and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of compliance has been issued by the Zoning Enforcement Officer in accordance with the provisions of this Local Law.

SECTION 207 BOARD OF APPEALS

A. Organizations

The Village Board of Trustees have appointed a Zoning Board of Appeals for the Village of Bridgewater.

The Village Board of trustees shall appoint a Zoning Board of Appeals pursuant to the provisions of Article 12-c of the General Municipal Law and applicable local laws, resolutions. The Mayor of the Village shall appoint three (3) residents of the Village. This Board having Three (3) members will be appointed by the Mayor, or mutual agreement of the members choose one member to be the Chairman. A secretary shall be hired for duties described in this Local Law, as well as other duties required for that position.

B. Meetings, Minutes, and Records

Meetings of the Zoning Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

C. Filing Requirements

Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be a public records.

D. Hearing Appeals

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by the Zoning Enforcement Officer or other administrative official. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer, or to grant a use or area variance. Such appeal may be taken by any persons aggrieved, or by an officer, department, board or bureau of the Village.

E. Time of Appeal

Such appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the Zoning Enforcement Officer by filing with said official and with the Village Clerk a notice of appeal specifying the grounds thereof and the relief sought. Such notice of appeal shall be filed on forms available from the Zoning Enforcement Officer or Village Clerk. The cost of sending or publishing any notice relating to such appeal shall be born by the appealing party and shall be paid to the Village Clerk prior to the hearing of such appeal.

F. Hearing an Appeal

A public hearing shall be held by the Zoning Board of Appeals before deciding an appeal. Such public hearing shall be advertised by publication in a paper of general circulation within the Village of a notice of such hearing at least five (5) days prior to the date thereof. When required by the provisions of Section 239 of the General Municipal law, the Zoning Board of Appeals shall forward the application to the County Planning Board for its review.

When considering an application for a use variance, at least thirty (30) days before the date of the public hearing unless such time limit is waived by the Planning Board, the secretary of the Zoning Board of Appeals shall transmit to the Planning Board a copy of the notice of hearing. The Planning Board shall inform the Zoning Board of Appeals in writing of its advisory opinion (including recommendations) prior to the hearing. Failure of time shall be deemed to signify a recommendation for approval of the application.

The Zoning Board of Appeals shall send, by regular mail, a copy of the notice of hearing to all owners of property situated within two hundred (200) feet of the property which is the subject of the application at least seven (7) days before the date of the hearing.

G. Time of Decision

The Zoning Board of Appeals shall decide upon an appeal within 62 days after the conduct of the public hearing.

H. Filing of Decision and Notice

The decision of the Zoning Board of Appeals on an appeal shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

I. Compliance with State Environmental Quality Review Act (SEQR)

The Zoning Board of Appeals shall comply with the provisions of SEQR under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of NYCRR. The SEQR process may extend the time limits set forth in this Article.

J. Permitted Action by the Zoning Board of Appeals

Interpretations, Requirements, Decision and Determinations of

The Zoning Board of Appeals may reverse or affirm, wholly or partially, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determinations as in its opinion ought to have been made.

1. Special Use Permits - Granting of special use permits based upon the criteria set forth in paragraph F of this section.

A. Procedure for Special Use Permit

1. Applications for special use permits shall be made in writing on the appropriate form. Four copies of each application, including site plan, shall be submitted to the Zoning Enforcement Officer, who shall review the application for completeness prior to forwarding it to the Village Clerk, and the Zoning Board. One copy shall be retained by the Zoning Enforcement Officer.

2. A public hearing shall be held by the Zoning Board of Appeals within sixty-two (62) days upon receipt of a special use permit application, and the Zoning Board of Appeals has an additional sixty-two days after the public hearing in which to render a decision on a special use permit. When necessary, under Section 239 of the General Municipal Law, the Zoning Board shall forward the application to the County Planning Board for its review. The Zoning Board shall send, by regular mail, a copy of the notice of hearing to all owners of property situated within 200 feet of the property at least ten (10) days before the date of the hearing.

3. Every Zoning Board decision shall be by resolution, which shall contain a full statement of the pertinent facts in the case, and shall be recorded in the minutes.

B. Required Plan for Special Use Permit

Four sets of the application and site plan shall be submitted to the Zoning Enforcement Officer to portray clearly the intentions of the applicant. These documents shall become part of the record. Such site plan shall show location of all buildings, parking, access and circulation, open space, landscaping and other information necessary to determine that the proposed special use complies with the intent of this Local Law.

C. Special Use Permit

A special use permit may be issued when such use is listed as a use permitted with a special use permit within that specific district. Such special use permit may be issued only when authorized by the Zoning Board after considering those factors set forth herein, provided that such use is not inconsistent with the public convenience and welfare. Such use shall be subject to conditions and safeguards which may be imposed by the Zoning Board to protect the use of neighboring properties. Such special use permit shall not be granted if it substantially changes the characteristics of the neighborhood in which the subject property is located. The Zoning Enforcement Officer, at least yearly, shall review the use of the property to determine compliance with any conditions which have been prescribed by the Planning Board in issuing such special use permit. Violation of said conditions shall require review of the permit by the Zoning Board which shall have the discretion to revoke said special use permit.

D. Standards Applicable for all Special Use Permits

The Zoning Board may issue a special use permit only after it has found that all the following standards and conditions have been satisfied.

(1) The location and size of the use and all structures, the nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to streets giving access, are such that the use will be in harmony with the orderly development of the district.

(2) The location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.

(3) No radio or television antenna or tower, water or cooling tower, oil or gas holder, elevator bulkhead, or similar structure may be erected in excess of district height limits unless an area variance has been issued therefor.

2. Use Variance

The Zoning Board of Appeals, on appeal from the decision or determination of the Zoning Enforcement Officer, shall have the power to grant use variances, authorizing a use of land which otherwise would not be allowed or would be prohibited by this Zoning Law.

No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that:

a. Under applicable zoning regulations, the applicant cannot realize a reasonable return from the property in question, provided that lack of return is substantial as demonstrated by competent financial evidence;

b. That the alleged hardship relating to the property in question is unique, and does not apply to substantial portion of the district or neighborhood;

c. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

d. That the alleged hardship has not been self-created.

The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area Variances

The Zoning Board of Appeals shall have the power, upon appeal from a decision or determination of the Zoning Enforcement Officer, to grant area variances from the area or dimensional requirements of the Zoning Law.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:

a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the area variance;

b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

c. Whether the requested area variance is substantial;

d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and

e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessary preclude the granting of the area variance.

The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Imposition of Conditions

The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this Zoning Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

K. Solar Access

Pursuant to Chapter 74-2 of the Laws of 1979, the setting of houses to take best advantage of solar energy and/or the construction of residential solar equipment shall be considered in the application of the provisions of this Chapter. Upon appeal pursuant to this Section of this Local Law the Zoning Board of Appeals shall consider the specific conditions of the case and may make provisions for, so far as conditions permit, the accommodation of solar energy systems and equipment and access to sunlight necessary thereof when hearing a request for an area variance.

SECTION 208 PLANNING BOARD

A. Organization

The Town Board and the Village Board of Trustees have joined together to develop a consolidated Planning Board for the municipality of Bridgewater. Hereafter referred to as Planning Board in this Local Law.

The Town Board and the Village Board of trustees shall appoint a Planning Board pursuant to the provisions of Article 5-J of the General Municipal Law and applicable local laws, resolutions, intermunicipal agreements. The Mayor of the Village shall appoint two (2) residents of the Village and the Supervisor of the Town shall appoint three (3) Town residents, one (1) if possible a farm owner. This Board having five (5) members will by appointment by the Supervisor and Mayor, or mutual agreement of the members choose one member to be the Chairman. A secretary shall be hired for duties described in this Local Law, as well as other duties required for that position.

B. Powers and Duties

Powers and duties of the Planning Board shall be as follows.

1. Review Variances - Review in an advisory capacity variances referred to the Planning Board as set forth in Section 207.

2. Temporary Uses and Structures - Grants permits for temporary uses and structures.

a. The Planning Board may direct the Zoning Enforcement Officer to issue a temporary permit for the period of time not to exceed 12 months, for incidental non-conforming uses and structures as follows:

(1) Temporary uses incidental to a construction project.

(2) Temporary real estate sales office incidental to a subdivision.

(3) Other similar temporary incidental uses which:

(a) In no way exert a detrimental effect upon the lawful use of land and activities normally permitted in the zone in questions, and

(b) Contribute materially to the welfare and well-being of the village.

b. Permits shall be conditioned upon an agreement by the applicant to remove the use upon expiration of the permit.

c. Permits may be reissued a maximum of one time for additional periods of six (6) months.

C. Other Powers and Duties - The Planning Board shall have such other powers and duties as are provided by law including this Local Law or as are otherwise assigned to it by the Village Board.

SECTION 209 VIOLATION AND PENALTY

A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any land, building or structure or part thereof in a manner not permitted by an approved zoning permit or certificate of compliance.

B. Any person violating any provision of this Local Law shall be served by the Zoning Enforcement Officer with a written Notice of Violation and Correction Order stating the nature of the violation found to exist, the remedy ordered and providing a time limit for the satisfactory correction thereof. Unless a different time limit is provided by this Local Law for the correction of any violation, which alternate time limit shall

prevail, said Notice of Violation and Correction Order shall provide a time limit of thirty (30) days for the satisfactory correction of the violation. The Notice of Violation shall further inform the violator of his right to appeal the Zoning Enforcement Officer's interpretation to the Zoning Board of Appeals.

Service of the Notice of Violation/Correction Order shall be sufficient if directed to the owner, operator or occupant of a residence, commercial or industrial facility, as the case may be, violating this Local Law. Service of said Notice of Violation/Correction Order shall be made personally upon the alleged violator, if said violator can be found with due diligence; otherwise, service of said Notice of Violation/Correction Order shall be sufficient if service is completed by delivering the same to a person of suitable age or discretion at the actual residence, commercial or industrial facility at which said violation is occurring and by mailing the Notice to the person to be served at his last known residence or business address; or, where service cannot otherwise be made with due diligence, by affixing said Notice of Violation/Correction Order to the door of the residence, commercial or industrial facility at which said violation is occurring and by mailing said Notice to such person at his last known residence or place of business. It shall be unlawful for any person to fail to comply with a written Notice of Violation/Correction Order of the Zoning Enforcement Officer within the time fixed for compliance therewith.

C. It shall be unlawful for any owner, builder, architect, tenant, contractor, sub-contractor, construction superintendent or their agents, or for any person taking part or assisting in the construction, repair or use of any land, building or structure to violate any of the applicable provisions of this Local Law, or any lawful order, notice, directive, permit or certificates of the Zoning Enforcement Officer made hereunder.

D. Any violation of this section and/or this Local Law shall be punishable by a fine and/or imprisonment as set forth in New York Village Law. Each and every week such violation continues shall be deemed a separate additional violation. A violation of this article or of this Local Law or regulation is hereby declared to be an offense, punishable by a fine or imprisonment as follows:

FIRST OFFENSE: A fine not to exceed three hundred fifty dollars (\$350.00) or imprisonment for a period not to exceed six (6) months or both for conviction.

SECOND OFFENSE: (Both committed within a period of five years.) A fine not less than three hundred fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed six (6) months, or both.

THIRD OFFENSE OR SUBSEQUENT OFFENSE: (All committed within a period of five (5) years.) A fine not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed six (6) months, or both.

Provisions of law relating to misdemeanors shall apply to such violations.

E. The Zoning Enforcement Officer may, with permission of the Village Board, institute court action to enforce the provisions of this Local Law, or may refer the matter to the Village Board for its action.

F. Any person violating any provision of this Local Law shall be liable to the Village for any and all losses, damages and expenses incurred by the Village or for which the Village may be held liable as a result of said violation. The Village or Zoning Enforcement Officer shall have the right to obtain reimbursement for any loss, damage or expense incurred by it as a result of any violation of this Local Law.

Nothing contained in this Local Law shall prevent the Village or Zoning Enforcement Officer, either alone or in conjunction with the foregoing penalties from maintaining an action or proceeding in the name of the Village or Zoning Enforcement Officer in any court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this Local Law.

SECTION 210 COMPLAINT OF VIOLATION

Whenever a violation of this Local Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, signed, and shall be filed with the Zoning Enforcement Officer, who shall properly record such complaint and immediately investigate it. Where the Zoning Enforcement Officer finds such violation, he shall take appropriate action and/or submit the results of his investigation in writing to the Village Board if action by them is required.

SECTION 211 PROCEDURE FOR AMENDMENT

A. The Village Board may, from time to time, on its own motion, or petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Local Law after official notice has been given and a public hearing has been held by the Village Board as required by law.

B. Each petition requesting a change of zoning regulations or district boundaries shall be typewritten, signed by the owner and filed in triplicate, accompanied by the required fee.

C. Every such proposed amendment shall be referred to the Planning Board for a report prior to any public hearing.

D. Prior to adoption by the Village Board, a proposed amendment may, in the proper case, have to be referred to the County Planning Board pursuant to law.

E. In case of a protest against such change signed by the owners of twenty per centum or more, either of the area of the land included in such proposed change, or of that immediately adjacent extending one hundred (100) feet therefrom or of that directly opposite thereto, extending one hundred (100) feet, from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least two-thirds (2/3) of the members of the Village Board.

SECTION 212 REMEDIES

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

SECTION 213 STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

A. The State Environmental Quality Review Act (SEQR) requires that local government examine the environmental impact of all actions they permit, fund, or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations (8 NYCRR Part 617) sets forth the SEQR regulations in detail and should be reviewed for compliance prior to undertaking any of the above mentioned activities.

B. As set forth in 8 NYCRR Part 617, determination of lead agency status is one of the initial steps in the SEQR process. The following boards (agencies) may typically be the lead agency for the actions identified on the following page:

Site Plan review.....	Planning Board
Zoning text amendment.....	Village Board of Trustees
Zoning district amendment.....	Village Board of Trustees
Special permit.....	Zoning Board of Appeals
Zoning permit (if necessary).....	Planning Board
Variations.....	Zoning Board of Appeals

When a project involves two or more separate zoning actions, Section 617.6 of 6 NYCRR shall be the determining factor in establishing the lead agency. Nothing in this section shall be interpreted to override the process for designation of a lead agency as set forth in 6 NYCRR Part 617.

SECTION 214 REQUIRED REFERRAL TO THE COUNTY PLANNING DEPARTMENT

Pursuant to Section 239-l and 239-m of General Municipal Law of the State of New York, certain classes of zoning actions shall be referred to the Oneida County Department of Planning before final action is taken.

The actions to be referred include the following:

A. Any municipal zoning regulation or any amendment thereof, which would change the district classification of or the regulations applying to real property lying within a distance of five hundred (500) feet from:

1. Any Municipal boundary, or
2. The boundary of any existing or proposed county or state park or other recreation area, or
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or
4. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated;
5. The boundary of a farm operation located in an agriculture district, as defined by article twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.

B. And, any special permit or variance affecting such real property within such distance of five hundred (500) feet. The term "special permit" shall be deemed to include any special permit, use permit, exception or other special authorization which a Board of Appeals, Planning Board or legislative body is authorized to issue under the provisions of this Local Law.

However, any county planning agency report received after thirty days or such longer period agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions identified in the following paragraph.

Within thirty days after receipt of such referred matter, the Oneida County Planning Department shall recommend approval, modification, or disapproval, of the proposed action, or report that the proposed action has no significant county-wide or inter-community impact. If the Oneida County Planning agency fails to report to the referring body within the thirty day period, or such longer period as may have been agreed upon, the municipal body may act without such a report.

If the County agency disapproves the proposal, or recommends modifications thereof, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county agency. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

ARTICLE III ZONING DISTRICT REGULATIONS, ZONING MAP

SECTION 301 GENERAL REGULATIONS

The provisions of this Local Law shall be subject to such exceptions, additions, or modifications as herein provided by the following general supplementary regulations. The dimensional requirements and restrictions set forth in Schedule "A" annexed hereto are incorporated herein and made a part of this Local Law. No building or structure shall be erected and no land used in violation of those dimensional requirements and restrictions.

A. Buildings, Uses and Lots

1. One Principal Building and Use Per Lot

There shall not be more than one principal structure and one principal use on any lot in the residential districts (R, R-A, R-C).

2. Yard and Open Space for Every Building

No part of any yard or other open space required about any building or structure for the purpose of complying with the provisions of the Local Law shall be included as part of the yard or other open space similarly required for another structure. Also, no yard or other open space on one lot shall be considered as a yard or open space for a building or structure or any other lot.

3. Subdivision of a Lot

Where a lot is hereafter formed from part of a lot already occupied by a building, such separation shall be effected so as not to violate any of the requirements of this Local Law with respect to the existing building, including yards and other required spaces in connection therewith. No zoning permit shall be issued for the erection of a building on the new lot thus created unless there is full compliance with all the provisions of this Local Law.

4. Irregularly Shaped Lots

Where a question exists as to the proper application of any of the requirements of this Local law to a particular lot or parcel, the matter shall be referred to the Zoning Board of Appeals and dealt with in accordance with the applicable provision of Section 207.

5. Required Street Frontage

No zoning permit shall be issued for any structure unless the lot which that structure is to be built upon has the required frontage on a street. Said required street frontage shall be a minimum of fifty (50') feet, which frontage provides the actual access to such structure, and which street shall have been suitably improved to the Village Board standards or a bond posted therefore to the satisfaction of the Village Board.

6. Adjacent Lots

Where two or more adjacent lots are at the time of the effective date of this Local Law in the same ownership, they shall not be considered a single lot, unless they are described as one parcel in a deed recorded at the Oneida County Clerk's Office.

7. Supplementary Yard Regulations

a. Porches

No unroofed structure shall be considered part of a building insofar as yard requirements are concerned. A porch shall be considered a part of the building in determining the yard requirements or amount of lot coverage.

b. Projecting Horizontal Architectural Features

Architectural features, such as window sills, belt courses, chimneys, cornices, eaves or bay windows, shall not project more than three feet into any required yard.

c. Visibility at Intersections

On a corner lot in any district, no fence, wall, hedge, or other structure or planting more than three feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are twenty (20) feet distance from the point of intersection, measured along said street lines. This paragraph shall not apply to existing trees, provided that no branches are closer than six (6) feet to the ground.

d. Swimming Pools

All swimming pools whose capacity is one hundred (100) gallons or more shall be considered accessory buildings within the provisions of Section 301 of this Local Law, and shall set back from lot lines at least the minimum distance required for other buildings and structures. Pools shall be fenced and protected by a gate or other protection when required by the New York State Uniform Fire Prevention and Building Code.

e. Buffer Strip

Wherever a buffer strip is required by this Local Law, it shall meet the following standards:

- (1) Be at least ten (10) feet in width along any commercial lot line abutting a lot in a residential district.
- (2) Be of evergreen planting of such type, height and spacing as, in the judgment of the Planning Board, will screen the activities on the lot from view of a person standing at street level on the adjoining lot. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.
- (3) A wall or fence of location, height, and design for the required planting.

f. Waste Containers/Dumpsters

The location of all waste containers and/or dumpsters for multi-family and non-residential uses shall be determined by the Planning Board through the Site Plan Review process. Relocation of existing waste containers and/or dumpsters shall also be subject to review and approval by the Planning Board. The Planning Board may require screening of waste containers/dumpsters. This provision shall not apply to the temporary placement of garbage cans awaiting collection or the temporary use of dumpsters or "roll-offs" during a cleaning, moving or construction projects.

8. Excavation

In any construction, open excavations shall be limited to a maximum of thirty (30) days with appropriate fencing, barricades, or covering.

B. Location of Accessory Building, Structures and Satellite Dishes

1. Accessory Buildings are Permitted as Follows:

a. A one story accessory building having a total floor area of one hundred fifty (150) square feet or less and a building height of not more than nine (9) feet shall not be located closer than five (5) feet of the rear and side lot lines and must be located in the rear yard or side yard areas.

b. The location of accessory buildings having a total floor area greater than one hundred fifty (150) square feet or a building height of greater than nine (9) feet shall be located in compliance with the required yard areas of the respective district and shall not be located in front of the principal building, i.e., the front yard.

2. Accessory Structures (other than buildings) are Permitted as Follows:

(for fences, see Section 508)

a. Accessory structures equal to or less than fifteen (15) feet in height, shall not be located closer than three (3) feet of the rear and side lot lines in the rear yard area.

b. Accessory structures greater than fifteen (15) feet in height, shall be located in compliance with the required yard areas of the respective district and shall not be located in front of the principal building, i.e., the front yard.

c. Satellite dish antennas may not occupy front or side yard in any district. Satellite dish antennas shall be permitted as follows:

(1) Satellite dish antennas with a diameter of less than thirteen (13) feet, and with a height of less than fifteen (15) feet shall not be located closer than three (3) feet to any rear or side lot lines.

(2) Satellite dish antennas with a diameter of thirteen (13) feet or more or with a height of fifteen (15) feet or more shall only be located in compliance with the required rear and side yard areas of the respective district (according to Schedule A of this Local Law).

(3) Attachment to principle dwelling.

C. Nonconforming Uses, Structures and Lots

1. Lawful Existing Uses or Structures

Except as otherwise provided in this Section, the lawful use of land or structures existing at the effective date of this Local Law may be continued, although such use or structure does not conform to the regulations specified in this Local Law for the zone in which such land or structure is located, provided, however:

a. That no non-conforming lot shall be further reduced in size.