

The following sections of Chapter 112 (Zoning) of the Code of the Village of Williamsville are amended as indicated below. Words stricken out are to be deleted and double underscored words are to be added. All other sections remain unchanged.

## **§ 112-2 Definitions.**

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

### ACCESSORY APARTMENT

A dwelling unit that is self-contained, including separate kitchen facilities, incorporated within an existing one- or two-family dwelling.

### AGRICULTURAL ACTIVITY

The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

[Added 12-17-2007 by L.L. No. 4-2007]

### AIR STRUCTURE

An air-supported structure of plastic or other material of rigid or nonrigid construction, whether or not the same is permanently affixed or anchored to the ground or some other permanent base.

### ALLEY

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

### ALTERATION

Any change, rearrangement or addition to a building or parking lot, other than repairs, including any change of use as defined in the New York State Uniform Building and Fire Safety Code.

### ANIMAL, DOMESTIC

Includes dogs and cats, as well as other common household pets, such as fish, hamsters, gerbils and birds, which are maintained indoors.

### APPLICANT

A property owner or agent of a property owner who has filed an application for a land development activity.

[Added 12-17-2007 by L.L. No. 4-2007]

### APPROPRIATE

The Planning/Architectural Review Board and the Zoning Board of Appeals shall determine appropriateness based on the consistency of the proposed action with the spirit and intent of the Zoning Code, and substantive compliance with all relevant Chapters of the Village Code.

### ARTIST STUDIO

A room, building, or group of buildings where art is produced or studied.

### AWNING

A roof-like protective cover of canvas or other flexible material over a door, entrance, window or outdoor service area that projects from the façade of a structure.

### BAR

An establishment primarily engaged in the sale and service of alcoholic beverages for on-premises consumption as permitted by the New York State Liquor Authority. The incidental sale or provision of food or snacks shall not entitle such a use to be considered a Restaurant under other provisions of this code. Synonyms include: tavern; saloon; barroom; pub; watering hole; drinking hole; gin mill; tap room.

### BED AND BREAKFAST

An owner-occupied residence in which rooms are rented to transient, paying customers, for a period of four or fewer continuous days, with no more than four guest rooms, with a

maximum occupancy of two persons per room, without cooking facilities in guest-occupied rooms and without food service, except meals served before 12:00 p.m.

#### BERM

A mound of earth, artificially created as part of a landscaping or architectural scheme, rising significantly above the surrounding natural terrain.

[Added 11-23-1992 by L.L. No. 8-1992]

#### BOARDINGHOUSE or ROOMING HOUSE

A building, other than a motel or hotel, wherein fewer than three unrelated persons are located for compensation, either transiently or as permanent residents.

#### BUFFER-STRIP

~~A strip of open land along the perimeter of a lot, which shall contain no buildings or structures except for planting of grass, trees, shrubs and a legal fence.~~

A combination of physical space and vertical elements, such as vegetation, berms, fences or walls used to visually and physically separate and screen incompatible land uses from each other and/or to protect significant environmental features. See "Screen."

#### BUILDING

A structure wholly or partially enclosed within exterior walls or exterior and party walls and a roof.

#### BUILDING, ACCESSORY

A building, the use of which is customarily incidental to that of the main or principal building and which is located on the same lot as the principal building.

#### BUILDING, MIXED-USE

Multi-story building which includes retail or commercial uses on the first floor, and residential uses on upper floor(s).

#### BUILDING, PRINCIPAL

A building or structure designed primarily to accommodate a principal use. An attached garage shall be considered part of the "principal building."

#### BUILDING, PUBLIC

Any building or structure used for municipal, civic, community, ecclesiastical, recreational or other public purposes not associated with for-profit commercial enterprise.

#### BUILDING ADDITION

A structural expansion of the footprint or height of an existing building.

#### BUILDING AREA, GROSS

The entire area contained within a building, inclusive of non-leaseable or utility space. Essentially, the footprint of the building on the building lot, measured in square feet.

#### BUILDING BASE

The area of a building directly above grade to a line typically at or below three feet above grade. The delineation of this interface assists in anchoring the building façade to the ground plane, and provides an orderly transition of building components.

#### BUILDING CORNER, INSIDE

An inward-projecting corner where two walls meet.

#### BUILDING CORNER, OUTSIDE

An outward-projecting corner where two walls meet.

#### BUILDING ENTRY, PRIMARY

The primary location from which patrons, tenants, visitors and the general public may enter or exit the building. Utility and loading doors shall not be constituted as principal entrances unless they serve a dual purpose as such.

#### BUILDING ENTRY, RECESSED

A building entry primarily utilized on commercial building storefronts which steps a portion of the building storefront into the structure a distance typically ranging from 2 to 6 feet, thereby creating a small and noticeable void along the building frontage and a pronounced and well-defined space outside of the principal building entry.

#### BUILDING ENTRY, SECONDARY

Any entry point with restricted access and not utilized as a primary means to access habitable or leaseable space within a building.

#### BUILDING ENTRY, SHARED

An entrance utilized by multiple building tenants or occupants to access common areas and internal corridors within the building.

BUILDING FAÇADE, PRIMARY

Any building frontage: (a) facing public streets and/or any drive, parking lot, public or semi-public space, with or without a primary building entry; (b) greater than three feet from any adjacent structure in side yards; or (c) within 50 feet of any rear property boundary.

BUILDING FAÇADE, SECONDARY

All other building frontages not defined as a primary building facade.

BUILDING FRONTAGE

That portion of a building facing a property boundary. The terms 'frontage,' 'fronting,' and 'façade' shall be considered synonymous.

BUILDING GLAZING

Glass windows that provide transparency into the building or structure.

BUILDING OVERHANG

A permanent component of the building façade which extends beyond the plane of the building, typically to provide shelter for entrances, dining areas, or windows. A Building Overhang differs from an awning (defined herein), in that overhangs are typically clad in solid surface materials.

BUILDING REHABILITATION

The investment in and the physical upgrading of a structure to improve its appearance or usefulness.

BUILDING RENOVATION

A change in the interior layout, exterior appearance, or footprint of any structure.

BUILDING STOREFRONT

The area of commercial building facades between grade level and the lowest portion of the second story for multistory buildings, or the area of commercial building facades between grade level and the lowest portion of the roof structure for single story buildings.

BUILDING TRANSPARENCY

The ability to see into or out of a structure through glazings.

CANOPY

A roof-like covering of metal or other rigid material over a door, entrance or outdoor service area that projects from the façade of a structure.

CERTIFIED ARBORIST

A professional having achieved and holding a certification from the International Society of Arboriculture as an ISA Certified Arborist.

CHANNEL

A natural or artificial watercourse, with a definite bed and banks, that conducts continuously or periodically flowing water.

[Added 12-17-2007 by L.L. No. 4-2007]

CLEARING

Any activity that removes the vegetative surface cover.

[Added 12-17-2007 by L.L. No. 4-2007]

CLUB, MEMBERSHIP

An organization catering to members and their guests for recreational, athletic or social purposes.

CLUB, PRIVATE

A nonprofit social organization whose premises are restricted to its members and their guests.

CODE ENFORCEMENT OFFICER

The person designated pursuant to §28-3 of this Code.

COMMERCIAL RESIDENCE

A building where lodging for three or more unrelated persons is provided for compensation, whether transient or permanent occupancy.

COMMERCIAL VEHICLE

A commercially licensed vehicle used primarily for purposes other than passenger transportation or designed, used or maintained primarily for the transportation of property.

#### COMMUNITY PLAN

The Community Plan as adopted by the Village Board in accordance with Section 7-722 of the Village Law, and all amendments thereto.

#### COMMUNICATING SIDEWALK

A sidewalk which connects primary building entrances, public or semi-public spaces with an Americans with Disabilities Act compliant accessible route or accessible parking spaces. Communicating sidewalks must be six feet or greater in width.

#### CORNICE

The uppermost section of moldings along the top of a wall or just below a roof.

#### CULTURAL USE FACILITY OR MUSEUM

Any building, room or area with a minimum area designed or utilized primarily for the presentation to the general public of live theater, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, historic, academic or scientific material

#### DARK SKY COMPLIANT

Fixtures, appurtenances and design and installation practices that adhere to the International Dark-Sky Associations' Model Lighting Ordinance recommendations for Type 2 Lighting Zones.

#### DAY-CARE FACILITY

A place, person, association, corporation, institution or agency which provides day care for three or more children for more than three hours and less than 24 hours per day per child and in which parents, guardians or others responsible for care place children.

#### DEDICATION

The deliberate appropriation of property by its owner for general public use.

[Added 12-17-2007 by L.L. No. 4-2007]

#### DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The New York State Department of Environmental Conservation.

[Added 12-17-2007 by L.L. No. 4-2007]

#### DESIGN MANUAL

The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation), most recent version or its successor, including applicable updates, which serves as the official guide for stormwater management principles, methods and practices.

[Added 12-17-2007 by L.L. No. 4-2007]

#### DEVELOPER

A person who undertakes land development activities.

[Added 12-17-2007 by L.L. No. 4-2007]

#### DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, clearing, mining, dredging, filling, paving, excavation or drilling operations.

#### DRAINAGE RIGHT-OF-WAY

The lands required for the installation of stormwater sewers, drainage ditches or field tiles along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

#### DRIVE-IN SERVICE FACILITY

An establishment which includes provision for a customer to conduct business or secure consumer goods while remaining within a motor vehicle.

#### DRIVEWAY

Any entrance or exit used by vehicular traffic to or from lands or buildings abutting a street or alley.

#### DRY-CLEANING FACILITY

An establishment used to collect, distribute and process articles made of fabric through dry cleaning, pressing, dyeing or stain removal.

#### DRY-CLEANING OUTLET

An establishment used primarily to collect and distribute articles to a dry cleaning facility.

#### DWELLING OR DWELLING UNIT

One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family.

#### DWELLING-UNIT, ACCESSORY

An accessory use involving a separate and complete dwelling unit either in or added to an existing single-family dwelling, or a separate accessory building on the same lot as the principal building with separate bathing, housekeeping and cooking facilities, intended to provide supplementary housing and not to exceed 35 percent of the primary structure or occupancy of more than two persons.

#### DWELLING, GROUP

A group of two or more dwellings located on the same lot and having any yard or open space in common.

#### DWELLING-UNIT, MULTIPLE, MULTI-FAMILY

A building or portion thereof containing three or more dwelling units designed or used for ~~or occupied~~ occupancy by three or more families living independently of each other, with separate bathing, housekeeping and cooking facilities ~~for each~~.

#### DWELLING-UNIT, SINGLE-FAMILY

A ~~detached building~~ dwelling unit designed for or occupied ~~by one family only and containing no other principal use, exclusively by one or more persons living as a single, nonprofit housekeeping unit.~~ The dwelling must consist of a permanent structure placed on a permanent foundation, cellar, or basement.

#### DWELLING-UNIT, TWO-FAMILY

A building ~~designed for or occupied~~ containing two dwelling units and used or intended to be used exclusively for occupancy by two families ~~only,~~ living independently of each other, or two single-family dwellings having a party wall in common with separate bathing, housekeeping and cooking facilities ~~for each and containing no other principal use,~~

#### ENGINEER OR LICENSED PROFESSIONAL ENGINEER

A person licensed as a professional engineer by the State of New York.

#### EROSION CONTROL MANUAL

The New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004), most current version or its successor, commonly known as the "Blue Book."

[Added 12-17-2007 by L.L. No. 4-2007]

#### FAMILY

One or more persons occupying a premises and living together as a single housekeeping unit, subject to a limit of not more than three unrelated persons 18 years of age or over.

#### FLOOR AREA

The sum of the horizontal area of all floors of a building, excluding the basement (unless used and habitable in conjunction with the building function), stairway, permanent corridors, attic storage and toilet areas. All dimensions shall be measured between the interior faces of walls.

#### FRONTAGE

~~The length of a front lot line or a building site along a street or alley. In the case of a cul-de-sac or pie-shaped lot, "frontage" shall be calculated at the depth of the minimum setback requirement or at the depth of the average setback of existing structures within 150 feet of the lot, whichever depth is less.~~

#### FUNERAL HOME

A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith.

#### GARAGE, PRIVATE

A building or enclosed space not available to the public that is used primarily for the storage of vehicles, provided that no business, occupation or service is conducted for profit therein.

#### GASOLINE SERVICE STATION

A place for the sale at retail of gasoline and/or other petroleum products which may or may not include facilities for the servicing of vehicles or the sale of convenience goods.

#### GRADING

Excavation or fill of material, including the resulting conditions thereof.

[Added 12-17-2007 by L.L. No. 4-2007]

#### GREEN

A parcel of land located in a central position in the neighborhood and surrounded by streets and/or building lots on at least three sides. It is designed and landscaped as a space for common neighborhood use.

#### GREEN INFRASTRUCTURE FACILITY

Those infrastructure elements, materials and construction practices designed in accordance with the most current version of the New York State Storm Water Management Design Manual, which facilitate the evaporation, transpiration and infiltration of storm water runoff and minimize the flow of such runoff into the Municipal Separate Storm Sewer System.

#### GREENSPACE

Any non-impervious vegetated surface.

#### GROUP RESIDENCE

A place and/or domicile occupied by two or more persons wherein the residential quarters are considered an integral component of a recognized program of rehabilitation, custodial supervision or care, together with required supervisory personnel living in a family-type setting. Said residence shall not be institutional in character or scale and shall maintain a resident count compatible with the character of the neighborhood.

#### HARDSCAPE

Areas within a property or public right-of-way that are paved with durable, hard surface materials, typically poured concrete, brick or concrete pavers. These areas typically form plazas, patios and other outdoor pedestrian oriented spaces. Parking lots are not considered hardscape for the purposes of these design standards.

#### HEIGHT

The vertical distance measured from the finished grade level at the sides of the building or structure to the highest level of a flat or mansard roof, to the average height of a pitched, gabled, hip or gambrel roof (excluding spires, chimneys, stairwell housings and other similar structures) or to the highest elevation of structures not containing a roof.

#### HOME OCCUPATION

Any use for personal gain conducted entirely on a residential premises by the residents thereof and which use is clearly incidental and secondary to the residential purposes and does not change the character thereof.

#### HOTEL

A building which contains 15 or more living and sleeping accommodations for transient occupancy and which may or may not include dining facilities. The word "hotel" includes the word "motel," "motor lodge," "motor hotel," "motor court," "tourist court," or similar names.

#### HOSPITAL

A facility providing inpatient medical treatment and care.

#### IMPERVIOUS COVER, or IMPERVIOUS SURFACE

— Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

[Added 12-17-2007 by L.L. No. 4-2007]

### INAPPROPRIATE

The use, design or construction of land or any structure thereon deemed by the Planning/Architectural Review Board and/or the Zoning Board of Appeals to be inconsistent with the spirit and intent of Sections 101 and 105 of the Design Standards, or that which fails to substantially achieve the Standards outlined in Sections 300-1000.

### INDUSTRIAL STORMWATER PERMIT

A state pollutant discharge elimination system (SPDES) permit, issued to a commercial industry or group of industries, which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

[Added 12-17-2007 by L.L. No. 4-2007]

### INFILL DEVELOPMENT

New development on vacant or unimproved land that is located directly adjacent to existing developed sites.

### INFILTRATION

The process of percolating stormwater into the subsoil.

[Added 12-17-2007 by L.L. No. 4-2007]

### INN

A commercial facility for the housing and feeding of transients, containing more than four rooms and less than 15 rooms. The facility may have accessory uses such as a restaurant or a bar.

### INTERIOR WALK

A right-of-way for pedestrian use extending from a street into a structure or across a structure to another street.

### JUNKYARD

An activity characterized by the storage, sale or dismantling of discarded machinery equipment, paper, rags, scrap, vehicles and similar materials.

### JURISDICTIONAL WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

[Added 12-17-2007 by L.L. No. 4-2007]

### KENNEL

Any premises that:

#### A.

Accommodates the boarding, sale or care of more than three dogs, cats, rabbits or any domestic animal.

#### B.

Harbors more than three domestic animals over the age of three months.

### LAND DEVELOPMENT ACTIVITY

~~Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale disturbing one acre or more in the aggregate, even though multiple separate and distinct land development activities may take place at different times on different schedules.~~

~~[Added 12-17-2007 by L.L. No. 4-2007]~~

### LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.  
[Added 12-17-2007 by L.L. No. 4-2007]

#### LANDSCAPED AREA

That area of a site plan not consisting of structures or pavement. Landscaped area shall consist of those areas on a site plan that are planted, seeded or provide similar vegetative or landscaped cover. Landscaped area does not include man-made stormwater retention ponds, but may include other green infrastructure. [note: conform definition at §57-2]

#### LICENSED ~~PROFESSIONAL~~ LANDSCAPE ARCHITECT

~~A landscape architect or professional engineer licensed to practice his or her profession in New York State.~~

~~[Added 12-17-2007 by L.L. No. 4-2007]~~

An individual holding a valid license as a Registered Landscape Architect in New York State.

#### LOADING SPACE AREA

~~Any off-street space, commercially zoned, used for the temporary location of one licensed vehicle and which is at least 12 feet wide and 40 feet long, not including access driveway, and having direct access to a street or alley.~~

An area of a commercial property utilized for the loading, unloading, staging and standing of commercial delivery vehicles.

#### LOT

A parcel of land that is described on a subdivision map or defined by a survey.

#### LOT AREA

The total horizontal area included within lot lines, expressed in square units.

#### LOT, CORNER

A lot at the junction of and abutting two or more intersecting streets.

#### LOT COVERAGE

That percentage of the lot area covered by the combined area of all principal and accessory buildings and structures on the lot.

#### LOT, DEPTH

The mean horizontal distance between the front and rear lot lines.

#### LOT, EXTERIOR

A lot on a corner.

#### LOT, INTERIOR

A lot other than a corner lot.

#### LOT LINE

The legally defined boundary or limit of a parcel of land.

#### LOT LINE, FRONT

A lot line coincidental with the line of the public right-of-way, except that where such line is described as being within the boundaries of a public right-of-way, then the most interior boundary of such rights-of-way shall be construed to be the "front lot line."

Where two public rights-of-way intersect, a lot line coincidental with the boundary line of either may be selected as the "front lot line," as long as no nonconforming elements are thereby created.

#### LOT LINE, REAR

A lot line generally parallel to or directly opposite a front lot line.

#### LOT LINE, SIDE

A lot line extending between a front and rear lot line.

#### LOT, THROUGH

A lot in which both the front lot line and rear lot line abut a street or alley.

#### LOT WIDTH

The mean horizontal distance between side lot lines.

#### MAINTENANCE AGREEMENT

A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

[Added 12-17-2007 by L.L. No. 4-2007]

#### MANUFACTURING OR INDUSTRIAL BUSINESS

A business activity characterized by the transformation of raw materials or the fabrication of new products, as well as transportation facilities, storage facilities, truck terminals and similar facilities.

#### MASSING

The sense of bulk, size and shape of a structure, usually perceived by reference to the surrounding space, nearby structures and natural features such as trees.

#### MEDICAL CENTER

A facility providing outpatient medical treatment and care.

#### MIXED OCCUPANCY

Occupancy of a building in part for one use and in part for some other use not accessory thereto.

#### MOBILE HOME

A transportable dwelling unit that is designed for year-round occupancy and connected to utilities.

#### MOTEL

See Hotel.

#### MOTOR VEHICLE SERVICE

The on-premises repair, maintenance and general servicing of motor vehicles.

#### NEIGHBORHOOD

An area of the Village where the primary use as a percentage of total gross building area is residential housing.

#### NIGHTCLUB

Any room, space, or premises operated as a commercial establishment in which eating and/or drinking takes place, where alcoholic beverages are served subject to the regulatory authority of the New York State Liquor Authority, and where the provision of entertainment is the primary activity. Entertainment includes music by a live musician or musicians, or any mechanical, electronic, or other means such as records, laserdiscs, audio, video, or other audio or audio-visual means, including operation as a motion-picture theater; acting, play performances, theater performances, dinner theater, burlesque shows, revue pantomime, scene, dance, act, or song-and-dance act participated in by one or more employees, guests, customers, or other person or persons; or dancing by guests, customers, or any other person or persons.

#### NONCONFORMING USE

Any lawful building, use of a building or use of land existing at the time of enactment of this chapter or any amendments thereto which does not conform to the regulations of this chapter or to the regulations of the zoning district in which it is located.

#### NONPOINT SOURCE POLLUTION

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

[Added 12-17-2007 by L.L. No. 4-2007]

#### OFFICE

Any facility in which consulting, recordkeeping or clerical work is conducted and no retail product is offered.

#### OPEN LAND

Dedicated parkland and other undeveloped public or private properties, excluding highway and utility rights-of-way.

#### OUTPARCEL

A parcel of land, generally located on the perimeter of a larger parcel of commercial land that is subordinate to the larger parcel for access, parking and drainage purposes.

#### PARAPET WALL

A low wall projecting from the edge of a platform, terrace, or roof. Parapets may rise above the cornice of a building or form the upper portion of a screen wall to hide rooftop equipment.

#### PARKING, ROOM

An arrangement that utilizes parking lot medians to break up the massing of parking lots into smaller components with no more than 50 parking spaces each.

#### PARKING, REAR-LOADED

Parking that is located behind the principal structure and outside of front yards and side yards.

#### PARKING, SIDE-LOADED

Parking that is located between the principal structure and the side yard property boundary.

#### PARKING AREA OR LOT

Any place, lot, parcel, or yard used in whole or in part for the storage or parking of motor vehicles.

#### PARKING GARAGE

A garage, in which licensed motor vehicles used for personal conveyance or conveyance of passengers are parked.

#### PARKING LOT END ISLAND

An enclosed and typically curbed area of vegetation that is formed parallel to, within, or at the end of a row of parking to separate parked cars from vehicular drive aisles within a parking lot.

#### PARKING LOT MEDIAN

An enclosed and typically curbed area of vegetation that is formed parallel to parking lot drive aisles and separates vehicles from pedestrian and vehicular circulation routes.

#### PARKING SPACE

A space used for the temporary location of one motor vehicle, not including an access driveway, and having direct access to a street or alley.

#### PARKING SPACE, OFF-STREET

A parking space not located ~~solely within the boundaries of the private property~~ in the public right of way.

#### PARKING SPACE, ON-STREET

A parking space located in the public right-of-way.

#### PEDESTRIAN CONNECTION

An improved pathway at least 5 feet in width devoid of obstructions or hazards and intended for use by pedestrians to commute between destinations, including but not limited to buildings, structures, parks and open spaces, parking areas, the sidewalk system or other walkways.

#### PHASING

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

[Added 12-17-2007 by L.L. No. 4-2007]

#### PLACE OF WORSHIP

A building and its accessory buildings where people regularly assemble for religious worship, maintained and controlled by a religious organization.

#### PLANTING UNIT

The unit of measure, based upon gross building square footage and the lot line distance along public streets, utilized to determine the amount of plant material required for development applications in the Mixed Use Zoning District.

#### POLLUTANT OF CONCERN

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

[Added 12-17-2007 by L.L. No. 4-2007]

#### PROFESSIONAL RESIDENCE-OFFICE

A dwelling in a residentially zoned district containing the office of a health-care practitioner, architect, engineer, accountant, attorney or similar professional.

#### PROJECT

Land development activity.  
[Added 12-17-2007 by L.L. No. 4-2007]

#### PUB

See Bar.

#### PUBLIC USES

Any one or more of the following uses, including grounds and accessory buildings necessary for their use:

- Places of worship, cemeteries, parish houses and convents.
- Public parks, playgrounds and recreational areas when authorized or operated by governmental authority.
- Nursery schools, elementary schools, high schools, colleges or universities having curriculum approved by the Board of Regents of the State of New York.
- Public libraries and museums.
- Nonprofit fire, ambulance and public safety buildings.

#### PUBLIC REALM

All areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys and parks, as well as the interior and areas surrounding public buildings.

#### PUBLIC REALM AMENITY

Structures or improvements op to the general public and intended to strengthen the urban fabric and enhance the pedestrian experience, such as, but not limited to, sidewalks, landscaped open spaces, public seating, public art and crossing aids.

#### PUBLIC RIGHT-OF-WAY

Land dedicated for the construction or maintenance of a public street or alley. For the purpose of this chapter, that part between the curbline or outer pavement edge and the outer edge of the public sidewalk shall be the "public right-of-way"; where no curb and/or sidewalk exists, the area within eight feet of the outer pavement edge shall be the "public right-of-way."

#### RECHARGE

The replenishment of underground water reserves.

[Added 12-17-2007 by L.L. No. 4-2007]

#### RECREATION/FITNESS CENTER

A privately operated establishment providing facilities or recreational athletics, exercise or physical therapy.

#### RECREATIONAL AREA

A space designed and used for active and passive participatory athletic and general recreation activities.

#### REFUSE AREA

A screened and enclosed area that is solely utilized for the temporary staging and storage of refuse, and located on the same parcel as the primary structure to which it services.

#### RELIGIOUS FACILITY

[Amended 6-5-1992 by L.L. No. 4-1992]

##### A.

A place of worship, together with such other structures and uses as are normally incidental thereto.

##### B.

A residential care facility operated exclusively for aged persons, under the control and supervision of a religious or eleemosynary society or agency, shall for the purposes of this chapter be deemed a "religious facility."

#### RESTAURANT

Any ~~structure establishment, however~~ designed, ~~intended or used, in whole or in part, for the retail sale of prepared at which~~ food and/or beverages ~~are sold for on-premises consumption, not including drive-through facilities~~ consumption on the premises to patrons seated within a structure or otherwise enclosed within a building or elsewhere on the premises. A snack bar or refreshment stand at a public, semipublic or community swimming pool, playground, playfield or park, or an approved vendor operating the recreational facilities for the convenience of the patrons of the facility, shall not be deemed to be a restaurant.

#### RETAIL BUSINESS

A commercial activity, including personal service establishments, characterized by the direct on-premises sale of goods and services to a consumer, generally involving stock-in-trade.

#### RETAIL, BOUTIQUE

Any retail use of a building or structure less than eight thousand square feet in gross building area in which a limited range of merchandise or services are provided for sale, including, but not limited to, salons, clothing and accessory stores, small-scale grocery or nutritional goods stores, or proprietary goods manufactured or assembled within the Village of Williamsville.

#### RETAIL, CONVENIENCE STORE

Small commercial establishments less than three-thousand square feet in gross building area catering primarily to residents of nearby areas, providing frequently needed retail goods and personal services, except petroleum-based fuels and lubricants for motor vehicles.

#### RETAIL, GOODS AND SERVICES

Any retail use of a building or structure larger than eight thousand square feet in gross building area in which one or more articles of general merchandise, commerce or services are provided, including, but not limited to, department stores, banks, salons, insurance sales, clothing and accessory stores, grocery stores and pharmacies. Such uses may include an individual business, a building with multiple businesses, or a parcel with multiple retail buildings.

#### RETAIL, NEIGHBORHOOD MARKET

A small retail establishment not to exceed eight thousand square feet in gross building area, specializing in the sale of articles such as food products, over-the-counter drugs, tobacco products, magazines, candy, beverages and similar convenience items.

#### REVERSE-FRONTAGE LOT

A lot extending between and having frontage on a collector or arterial traffic street and a local street, and with vehicular access solely from the latter.

#### ROOF

The exterior covering on the uppermost part of a building, with the primary purpose to protect the building and its contents from the effects of weather.

#### ROOF, FALSE

A structure utilized to screen the appearance of rooftop mechanical equipment, having the appearance of a roof structure that is integrated and appropriate to the architecture of the building.

#### ROOF, GABLE

A roof section with a single break at the center of the roof structure which creates a triangular portion of wall below the sloping roof.

#### ROOF, GAMBREL

A usually symmetrical two-sided roof with two slopes of either side, with the upper slope positioned at a shallow angle, and the lower slope having the steeper pitch.

#### ROOF, HIP

A roof where all sides slope downwards to the walls, usually with a fairly gentle slope.

#### ROOF, MANSARD

A roof with a double pitch on all four sides, the lower slope having the steeper pitch.

#### ROOF, SHED

A roof that slopes only in one direction, having a side wall that is higher than the other.

#### ROOF EAVE

The extension of the roof beyond the structural building wall.

#### SATELLITE ANTENNA

Any parabolic dish or other antenna apparatus or device which is designed to receive television, radio, microwave or other electronic signals or combinations thereof from a transmitter or transmitter relay located in outer space.

[Added 8-23-1993 by L.L. No. 8-1993]

#### SCHOOL

An institution providing instruction on a regular basis.

#### SCREEN OR SCREENING DEVICE

~~A permanent barrier intended to provide privacy and/or security.~~

A method of reducing the impact of noise, glare and unsightly visual intrusions with less offensive or more harmonious elements, such as vegetation, berms, fences, walls or any appropriate combination thereof. See "Buffer."

#### SEASONAL OUTDOOR SEATING

The temporary installation or location of removable tables and chairs on any public sidewalk or other outdoor area fronting upon any public street within the Village for the purpose of serving patrons in connection with the operation of a restaurant or other commercial establishment serving food or beverages.

[Added 5-24-2010 by L.L. No. 3-2010]

#### SEDIMENT CONTROL

Measures that prevent eroded sediment from leaving the site.

[Added 12-17-2007 by L.L. No. 4-2007]

#### SELF-SERVICE LAUNDRY

A business establishment providing clothes washers and dryers for hire to be used by customers on the premises and may also include washing and folding service for a fee.

#### SENSITIVE AREAS

Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, or habitats for threatened, endangered or special concern species.

[Added 12-17-2007 by L.L. No. 4-2007]

#### SERVICE USE

Uses which provide skilled professional labor to consumers including insurance offices, restaurants, financial services, business-to-business consulting and other similar services.

#### SERVICE CANOPY

A canopy utilized to protect drive-through areas, drop-off zones and gas station fuel pumps.

#### SETBACK

The distance between a lot or street line and a building, structure or portion thereof.

#### SETBACK, FRONT

The horizontal distance between the front lot line and the principal building measured at the shortest point.

#### SETBACK, REAR

The horizontal distance between the rear lot line and the principal building measured at the closest point.

#### SETBACK, SIDE

The horizontal distance between the side lot line and the principal building measured at the closest point.

### SHOPPING CENTER

A grouping of retail and service establishments providing a range of uses on a single lot or adjacent lots under common ownership.

### SHRUB

A woody plant, smaller than a tree, consisting of several stems from the ground or small branches near the ground, may be deciduous or evergreen.

### SITE PLAN REVIEW

See §112-22 of the Village Code.

### SOLID TO VOID RATIO

The proportion of wall surface area to window and door openings in the exterior wall of a building.

### SPACE, PUBLIC

A publicly controlled space that is typically available and open to the public.

### SPACE, SEMI-PUBLIC

A privately held space that is made available to the public for public and private use, such as parking lots, interior and exterior circulation spaces and common areas.

### SPACE, PRIVATE

Privately held space that is only accessible to the public upon invitation or upon the granting of permission to enter the space.

### SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

[Added 12-17-2007 by L.L. No. 4-2007]

### SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

[Added 12-17-2007 by L.L. No. 4-2007]

### SPECIAL PERMIT

Authority to use property in a manner which is otherwise prohibited by this chapter.

### STABILIZATION

The use of practices that prevent exposed soil from eroding.

[Added 12-17-2007 by L.L. No. 4-2007]

### STOP-WORK ORDER

An order issued which requires that all construction activity on a site be stopped.

[Added 12-17-2007 by L.L. No. 4-2007]

### STORAGE, REFUSE

The location for the temporary storage or staging of refuse, recyclable, hazardous, or spent materials prior to pick-up by a sanitation company.

### STORAGE, MATERIALS AND EQUIPMENT

The location for the long-term or permanent storage of materials and equipment required to sustain a commercial enterprise.

### STORMWATER

Rainwater, surface runoff, snowmelt and drainage.

[Added 12-17-2007 by L.L. No. 4-2007]

### STORMWATER HOTSPOT

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

[Added 12-17-2007 by L.L. No. 4-2007]

### STORMWATER MANAGEMENT

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

[Added 12-17-2007 by L.L. No. 4-2007]

#### STORMWATER MANAGEMENT FACILITY

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

[Added 12-17-2007 by L.L. No. 4-2007]

#### STORMWATER MANAGEMENT OFFICER (SMO)

An employee or officer designated by the Board of Trustees to accept and review stormwater pollution prevention plans (SWPPPs), forward the plans to such agency, committee, employee, or board of the Village of Williamsville which may be reviewing any application for a construction activity requiring submission of a SWPPP, and inspect stormwater management practices. The Board of Trustees shall appoint such employee or officer to act as the SMO by resolution.

[Added 12-17-2007 by L.L. No. 4-2007]

#### STORMWATER MANAGEMENT PRACTICES (SMPs)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

[Added 12-17-2007 by L.L. No. 4-2007]

#### STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

[Added 12-17-2007 by L.L. No. 4-2007]

#### STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

[Added 12-17-2007 by L.L. No. 4-2007]

#### STORY

That portion of a building which is between one floor level and the next higher floor level or the roof.

#### STREET

A thoroughfare, publicly or privately owned, other than a driveway, designed for vehicular use.

#### STREET, PRIMARY

[New York State Route 5, also known as Main Street, and all intersecting streets.](#)

#### STREET, SECONDARY

[All streets not defined as primary streets.](#)

#### STREET LINE

The right-of-way or established property line of a street as indicated by dedication, deed of record or by a filed subdivision plan.

#### STREETWALL

[The perceived visual boundary of the Main Street corridor created by building frontages for individual lots.](#)

#### STRINGCOURSE

[A horizontal band \(such as bricks\) in a building forming a part of the design.](#)

#### STRUCTURE

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, but not including a trailer.

#### STRUCTURE, ACCESSORY

Any structure, other than a principal or accessory building, generally associated with the use of property.

#### SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial,

inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

[Added 12-17-2007 by L.L. No. 4-2007]

#### SWIMMING POOL

A structure intended for bathing, swimming or diving purposes, either permanently or temporarily installed, whether above or below the ground.

#### TAVERN

See Bar.

#### TOWNHOUSE OR TOWNHOME

A multifamily project of single-family dwelling units, which may consist of one or more buildings, attached or detached, wherein the real property title and ownership are vested in an owner having an undivided interest with others in the common usage areas and facilities which serve the project. Administration and maintenance of common usage areas and facilities must be provided. Although units may share party walls, each unit is situated on a different parcel of land.

#### TOWNHOUSE OR TOWNHOME, PARENT PARCEL

A lot which is subdivided into privately owned parcels to create a project of townhouse or townhome units, which may consist of one or more buildings, attached or detached.

#### TRADITIONAL ARCHITECTURE

Architectural designs and styles which were commonly utilized in the Village of Williamsville and throughout Western New York State prior to the 1950s. Traditional architectural styles often include locally-driven design elements, materials, and conventions utilized during the 19<sup>th</sup> and 20<sup>th</sup> centuries.

#### TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

A development pattern that caters to the pedestrian, requiring a walkable scale and a mix of residential and commercial uses similar to a traditional village.

#### TRAILER

A vehicle with two or more wheels designed to be towed by another motor vehicle, but not including trailers used for the general hauling of freight.

#### TRAILER, BOAT

A trailer used for the purpose of transporting a boat.

#### TRAILER, CAMP

A transportable camping unit designed to be towed by another vehicle, suitable for temporary shelter but not equipped with permanent services for water, waste disposal or electricity.

#### TRAILER, PORTABLE HOT TUB

A trailer used for the purpose of transporting a hot tub specifically designed for temporary use out-of-doors.

#### TRAILER, RECREATIONAL VEHICLE

A transportable dwelling unit, either self-propelled or designed to be towed, suitable for year-round occupancy.

#### TREE, ORNAMENTAL

A small deciduous tree (rarely, evergreen), typically less than 35 feet in height when mature, that is utilized and valued for the aesthetic appearance, color and/or texture of its flowers, fruits, foliage, bark, form or habit.

#### TREE, SHADE

A large deciduous tree (rarely, evergreen), typically greater than 35 feet in height when mature, that is utilized for its broad leaf canopy and ability to cast a shadow upon a large area.

#### TREE LAWN

The area between the edge of a sidewalk and the curb line of a street, typically within the public right of way.

#### USABLE SATELLITE SIGNAL

In the case of a television antenna, a satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from a local commercial television channel or by way of cable television.

[Added 8-23-1993 by L.L. No. 8-1993]

#### USE

The specific purpose for which land, a building or a structure is designed, arranged or intended or for which it is or may be occupied or maintained.

#### USE, ACCESSORY

An activity which is incidental, subordinate to and which may not be carried on independently of a principal use.

#### USE, PRINCIPAL

An activity which may be carried on independently of any other activity and which generally characterizes the primary purpose for which land, buildings or structures thereon are intended and designed.

#### VALUED HISTORIC FORMS

Those architectural styles and building forms determined valuable and of historic and aesthetic importance by the Village of Williamsville Historic Preservation Commission.

#### VERNACULAR

The use of locally available resources, materials and traditions, typically developed over many generations within a limited geography.

#### VIDEO SALE OR RENTAL FACILITY

Any establishment dedicated primarily to the sale or rental of video cassette recordings.

#### WATERCOURSE

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

[Added 12-17-2007 by L.L. No. 4-2007]

#### WATERWAY

A channel that directs surface runoff to a watercourse or to the public storm drain.

[Added 12-17-2007 by L.L. No. 4-2007]

#### WHOLESALE BUSINESS

A commercial activity characterized by the sale, storage or distribution of merchandise in quantity to retail establishments.

#### WINDOW AREA

The total area of any single windowpane or series of windowpanes separated by mullions.

#### YARD

That portion of a building plot not occupied by a building, extending open and unobstructed from the ground upward.

#### YARD, FRONT

The lot area bounded by the front and side lot lines and front building line, open and unoccupied.

#### YARD, FRONT EQUIVALENT

That portion of a rear yard of a through lot extending along a street and from the street line for a depth equal to a required front yard.

#### YARD, REAR

The lot area bounded by the rear and side lot lines and rear building line, open and unoccupied.

#### YARD, SIDE

The lot area between the side lot line and side building line further bounded by the front and rear yards, open and unoccupied.

#### YARD, SIDE EXTERIOR

A side yard abutting on a street line.  
YARD, SIDE INTERIOR  
A side yard abutting on a lot line of an adjoining lot.

**§ 112-3 Applicability.**

A.

Except as hereinafter provided:

(1)

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the provisions of this chapter and the Code Enforcement ~~Official~~Officer has issued an approved building permit.

(2)

No building or structure shall hereafter be erected or altered ~~to exceed the height; to accommodate or house a greater number of dwelling units; to occupy a greater percentage of lot area; or to have narrower or smaller rear yard, front yard, side yard or other open space than is specified in~~ except in compliance with all applicable provisions of this chapter.

(3)

~~No~~ Except as expressly provided for in this chapter, no part of a yard or open space required about any building or structure for the purpose of complying with this chapter shall be included as part of a yard or open space similarly required for another building or structure.

(4)

All uses not specifically permitted in a district shall be deemed prohibited.

(5)

This section shall not apply to existing buildings or structures, nor to the existing use of any building, structure or land to the extent that it was a legal use at the time of enactment of this chapter. Hereafter, this chapter shall apply to any change in use, alteration, extension or movement of a building or structure and to any change in use of land.

B.

Certain public uses excluded. This chapter shall not be construed to limit or interfere with the dedication, development or use of any land or building as public parks, playgrounds or schools required for compulsory education, or with the use of land or buildings owned by the United States government, State of New York, County of Erie, Village of Williamsville or the Town of Amherst and used for governmental purposes, or with the construction, installation, operation and maintenance for public utilities existing or hereafter authorized, and shall not be interpreted to permit yards, garages or structures for service or storage unless permitted within the district

C.

Interpretation of permitted uses and boundaries.

(1)

If any use can be construed to be incorporated within a more general use listing, the more specific listing, if any, shall control. Where a use is first listed in a less restricted district, such use shall not be construed to be permitted in a more restricted district.

(2)

No use shall be permitted in any zoning district unless stated to be permitted in a specific or generally permitted use listing for such zoning district.

D.

Temporary structures or uses.

(1)

Any contractor, engineer or architect may erect in any district(s) an on-site temporary structure for use incidental to construction work, for a period of time not to exceed one year. Such structure shall be removed immediately upon the completion or abandonment of the work.

(2)

The temporary use of a dwelling or dwelling unit as a sales model shall be permitted in all districts.

#### **§ 112-5 Administration, enforcement and penalties.**

A.

Unless otherwise provided, the provisions of this chapter shall be administered and enforced by the Code Enforcement ~~Official~~Officer.

B.

The Code Enforcement ~~Official~~Officer may cause inspection of any building, structure, land or use thereof. The Code Enforcement ~~Official~~Officer shall order, in writing, the correction of any violation of this chapter.

C.

A violation of this chapter shall be punishable by a fine not to exceed \$250 for each violation. Each day of continued violation shall constitute a separate and additional violation.

#### **§ 112-6 Zoning districts.**

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

R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Single-Family or Two-Family Residential District
R-3M	Multiple-Dwelling Residential District
<u>MU</u>	<u>Mixed Use District</u>
C-1	Professional and Administrative District
C-2	Restricted Commercial District
C-3	General Commercial District
M-1	Light Manufacturing District

**§ 112-10 Nonconforming uses.**

A.

Any legal use continued in existence without interruption for a period of one year which is made nonconforming by this chapter or by any amendment thereto may be continued except as hereinafter provided.

B.

Any nonconforming use may be changed to any other use permitted in the district in which it is first permitted. Once a nonconforming use is changed to a conforming use or to a more restricted use, such use thereafter shall not revert to a less restricted use.

C.

A nonconforming use shall not be enlarged or extended, except that in any MU, C, or M-1 District a nonconforming building may be enlarged to an extent not exceeding 20%, in the aggregate, of the floor area devoted to such nonconforming use. In no case shall such enlargement extend beyond the lot occupied by the nonconforming use or violate any height, yard, parking area or other open space requirement of this chapter. When the total of all enlargements equals 20% of the floor area existing at the time the use became a nonconforming use, no further enlargement shall be permitted.

D.

Nothing herein shall be deemed to prevent normal maintenance or repair of a nonconforming building or structure or use thereof.

E.

No alteration, either interior or exterior, shall be made to a nonconforming building or structure except:

(1)

When required by law.

(2)

To restore to a safe condition after determination by the Code Enforcement Official that it is unsafe.

[\(3\)](#)

To accomplish enlargements as authorized by this chapter.

[\(4\)](#)

To accomplish a change to a conforming use or to a more restricted use.

[F.](#)

Any nonconforming building or structure that has been destroyed or damaged by any means shall be allowed to be rebuilt and shall maintain its nonconforming status, provided that:

[\(1\)](#)

The total floor area is not increased from the total floor area of the original nonconforming building or structure.

[\(2\)](#)

If any modification shall result in additional parking spaces being required, provision for the installation of such parking spaces shall be required by the Planning/Architectural Review Board as a precondition to approval of reconstruction.

[\(3\)](#)

Reconstruction shall commence within one year of date of damage or destruction.

[G.](#)

~~Whenever a nonconforming use has been discontinued for a period of one year, such nonconforming use may be reestablished only upon reasonable modification imposed by the Zoning Board of Appeals for the purpose of providing additional off-street parking.~~

~~[Amended 2-23-1998 by L.L. No. 2-1998]~~

~~With respect to any such building or structure located in the MU District, any reconstruction shall be subject to the Design Standards set forth in § 112-16.~~

[H.](#)

Nothing shall prevent the construction of a building or other structure which is made nonconforming by this chapter or any amendment thereto, provided that a building permit has been lawfully issued, and further provided that:

[\(1\)](#)

Construction of the foundation shall have commenced prior to the nonconforming date and completion shall have been diligently pursued.

[\(2\)](#)

The Board of Appeals determines that substantial expenditures have been made or substantial financial obligations have been incurred prior to the nonconforming date and completion has been diligently prosecuted.

**§ 112-16 MU Mixed Use District.**

The permitted uses and regulations governing the MU District are set forth in Attachment 1, "Mixed Use District Design Standards," expressly incorporated herein.

\*\*\*\*\*

Former § 112-16 (C-1 Professional and Administrative District) is re-numbered § 112-17

Former § 112-17 (C-2 Restricted Commercial District) is re-numbered § 112-18

Former § 112-18 (C-3 General Commercial District) is re-numbered § 112-19

Former § 112-19 (M-1 Light Manufacturing District) is re-numbered § 112-20

Former § 112-20 (Residential Parking) is re-numbered § 112-21

Former § 112-21 (Commercial and Light Manufacturing Parking) is re-numbered § 112-22

\*\*\*\*\*

**§ 112-23 Planning/Architectural Review Board.**

A.

Purpose and intent.

(1)

It is the purpose of this chapter to:

(a) preserve and promote the character and appearances and conserve the property values of the Village, the attractiveness of whose residential and business areas is the economic mainstay of the community, by providing procedures for a site plan and architectural review of structures henceforth erected, reconstructed or altered in any MU, C-1, C-2 C-3, R-3M and M-1 District. ~~Te,~~ as well as any proposed subdivision of land within any district;

(b) encourage good qualities of exterior design and appearances and to relate such design and appearances to the sites and surroundings; ~~te~~

(c) permit originality and resourcefulness in building design and appearances which are appropriate to the sites and surroundings; ~~and to~~

(d) prevent such designs and appearances as are unnecessarily offensive to visual sensibilities or out of character with the valued historic building forms within the Village;

(e) foster the attractiveness and functional utility of the community as a place to live and work;

(f) encourage, where appropriate, a mix of uses within permissible use zones;

(g) raise the level of community expectations for the quality of its built environment; and

(h) promote the Village Land Use Vision as adopted in the Village Community Plan.

(2)

The Village Board shall hereby concur that any building or structure found by the Planning/Architectural Review Board to be visually offensive or inappropriate by reason of poor quality of exterior design, by excessive similarity or striking visual discord in relation to its site or surroundings mars the appearance of its area; is detrimental to the character of its neighborhood; prevents the most appropriate use and development of land; and therefore adversely affects the economic stability, prosperity, health, safety and general welfare of the entire community.

B.

Creation of the Planning/Architectural Review Board. There is hereby created a Planning/Architectural Review Board, which shall consist of seven members appointed by the Village Board. Alternate members shall be appointed by the Board of Trustees, to serve for such terms established by the Village Board. All members shall be residents of the Village. The Village Board shall annually choose one member to serve as Chairperson. The Village Board shall have the power to remove any member for cause. Vacancies shall be filled for the unexpired term of any member whose place has become vacant. The Building and Zoning Clerk or other Village Board designee shall serve as the Secretary to the Board.

[Amended 1-28-2008 by L.L. No. 1-2008]

(1)

Alternate Planning/Architectural Review Board member. The position of alternate Planning/Architectural Review Board member is hereby created for purposes of substituting for Board members in the event that a Board member is unable to serve because of a conflict of interest or for any other reason. The Village Board shall have the power to appoint up to two alternates. The Planning/Architectural Review Board Chairperson may designate an alternate or alternate member(s) when such member(s) is/are unable to participate for the reasons set forth herein. Such alternate member(s) shall have all the powers and responsibilities of such member(s) of the Planning/Architectural Review Board. Such designation shall be entered into the minutes of the initial Planning/Architectural Review Board meeting at which the designation(s) occurred.

[Amended 1-11-2010 by L.L. No. 1-2010]

(2)

Effective date. This subsection shall take effect immediately upon its filing with the New York State Department of State.

C.

Referrals. The Planning/Architectural Review Board shall review ~~and advise on~~ all applications in the following categories:

(1) For lots zoned MU, any proposed action described in § 112-16(A)(4).

(2) For lots zoned C-1, C-2, C-3, R-3M and M-1 in the following categories:

(1a) All applications for the construction or reconstruction of any building or structure.

(2b)

~~All applications for new or proposed subdivisions in all districts.~~

(3) All plans for any exterior alteration or addition to any building or structure or for which the Code Enforcement ~~Official~~Officer estimates the cost to be in excess of \$10,000.

(4c) All plans for the erection of a permanent sign as required under Chapter 84, Signs, of the Village Code.

(5)

~~All site development applications.~~

(3) For lots in any district:

(6a) All proposals ~~by the Village Board for revisions of the Master Plan, Zoning Map and zoning of specific land areas~~involving the subdivision of land.

(7b)

~~All petitions for exceptional development permits.~~

(8) All plans or proposals which, in the opinion of the Code Enforcement Official, violate the intent of this chapter.

(c) All proposals by the Village Board for revisions of the Comprehensive Plan, Zoning Map and zoning of specific land areas.

D.

~~Standards for action:~~

(1) No activity subject to site plan or architectural review shall be undertaken, or a permit issued therefore, without approval from the Planning/Architectural Review Board.

~~Approval of any application referred to the Planning/Architectural Review Board shall be by a majority vote of its members.~~

(2)

~~No building permit shall be issued for those plans subject to architectural review unless the Board of Trustees grants an exceptional development permit under Chapter 7.07 of the Building Code or plans have been approved by the Planning/Architectural Review Board.~~

(3)

~~Approval granted by the Planning/Architectural Review Board shall be valid for a period of six months from date of approval. Prior to expiration of a valid approval the applicant may request, in writing, a three-month extension.~~

(2) Prior to the Planning/Architectural Review Board making a determination on any application subject to site plan and/or architectural review, the applicant may request, or the Planning/Architectural Review Board may, at its discretion, require, a preliminary sketch plan conference to review basic design concepts and generally determine the information to be required for the Board to make its determination on the application. At any such sketch plan conference, the applicant shall provide a statement of rough sketch describing what is proposed, as well as an area map depicting the lot under consideration and all properties, streets and easements within 200 feet of the boundaries thereof.

(3) Upon a finding by the Planning/Architectural Review Board that, due to special conditions peculiar to a site, certain information normally required as part of the application for site plan and/or architectural review, as specified below, is inappropriate, unnecessary or may cause extraordinary or unnecessary hardship, the Board may waive the provision of such information, provided that such waiver will not impair the ability of the Board to fully review such application or have the effect of nullifying the intent and purpose of these procedures.

E.

Site plan approval.

(1)

Any application ~~for~~requiring site plan approval shall be accompanied by the following information:

(a)

Proposed use.

(b)

Cost of project.

(c)

Current survey showing all existing buildings, lot lines and fences.

(d)

Site plan, to scale, showing all properties, structures, streets and easements within 500 feet of the applicant's property and location of all proposed structures.

(e)

Parking, including number of spaces, ingress, egress, buffers, drainage, lighting and lot surface.

(f)

Proposed site improvements, including fences, culverts, retaining wall, etc.

[\(g\)](#)

Compliance with Uniform Code regarding handicapped access and parking.

Editor's Note: See Ch. [28](#), Fire Prevention and Building Code Administration. See also the New York State Uniform Fire Prevention and Building Code, Chapter 13, Article 1B.

[\(h\)](#)

Access for fire fighting.

[\(i\)](#)

Recommendation from the Traffic and Safety Committee, if the application involves any planned alteration in movement of vehicular traffic on the property, the addition or subtraction of on-site parking or the addition or elimination of any curb cut on the property.

[Amended 2-23-1998 by L.L. No. 2-1998; 1-10-2011 by L.L. No. 1-2011]

[\(j\)](#)

Recommendation from the Environmental Advisory Council, if a landscape plan is required pursuant to § [57-3](#) of this Code.

[\(k\)](#)

SWPPP, if required for the proposed land development activity under § [112-27](#) of this chapter, together with the recommendation of the SMO to approve, approve with modifications, or disapprove the SWPPP pursuant to § [112-27D](#) of this chapter. If a SWPPP is submitted pursuant to this section, the site plan and SWPPP shall meet with the requirements of § [112-27](#) of this chapter.

[\(2\)](#)

In acting on any proposed site plan development, the Planning/Architectural Review Board shall take into consideration the following:

[\(a\)](#)

The requirements of any Village Development Plan, [Comprehensive Plan](#) and/or the Official Map as the same may have been adopted.

[\(b\)](#)

The proposed location of principal and accessory buildings and any other site improvements.

[\(c\)](#)

The relation to one another of traffic circulation within the site, height and bulk of buildings, provisions for off-street parking space, provision of buffer areas and other open spaces on the site so that any development will adequately handle pedestrian and vehicle traffic within the site and in relation to the street system adjoining.

[\(d\)](#)

Snow removal provisions.

[\(e\)](#)

Location of permanent signage.

[\(f\)](#)

Adequate off-street parking, where applicable.

[\(g\)](#)

Drainage.

[\(h\)](#)

Lighting.

[\(i\)](#)

Lot surface.

[\(j\)](#)

The factors of drainage, road alignment and other aspects which may require review by engineering authorities.

[\(k\)](#)

Landscaping.

[\(l\)](#)

Adequate stormwater management facilities.

[Added 12-17-2007 by L.L. No. 4-2007]

[\(m\) With respect to any application relating to a lots or lots within the MU District, conformance with the applicable Mixed Use District Design Standards set forth in § 112-16.](#)

[F.](#)

Architectural review.

[\(1\)](#)

Any application ~~for architectural review~~ [involving the proposed construction or exterior alteration of a building or structure](#) shall be accompanied by the following information:

[\(a\)](#)

Elevations of exterior design fronting on any public street.

[\(b\)](#)

Samples of exterior colors, materials, roofing, window and door design.

[\(c\)](#)

All anticipated signage and location of all existing and proposed signage.

[\(d\)](#)

Cost of the project.

[\(e\)](#)

Landscaping.

[\(f\)](#)

Sealed drawing if project value is in excess of \$50,000.

[\(g\)](#)

Recommendation from the Environmental Advisory Council, if a landscape plan is required pursuant to § [57-3](#) of this Code.

[Amended 2-23-1998 by L.L. No. 2-1998; 1-10-2011 by L.L. No. 1-2011]

[\(2\)](#)

In acting on any proposed project under architectural review, the Planning/Architectural Review Board shall take into consideration the following:

[\(a\)](#)

The natural features of the site and its surroundings, exterior design and appearances of existing structures and the character of the district and its peculiar suitability for particular purposes, with a view to conserving the values of property and encouraging the most appropriate use of land.

[\(b\)](#)

The building, if erected or altered, would be in harmony with the purpose of this chapter; would not be visually offensive or inappropriate by reason of poor quality of exterior design, excessive similarity or striking visual discord in relation to the sites or surroundings; would not impair the use, enjoyment and desirability and reduce the values of properties in the area; would not be detrimental to the character of the neighborhood; would not prevent the most appropriate development and utilization of the site or of adjacent lands; and would not adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the community.

[\(c\)](#)

Excessive similarity or striking dissimilarity to any other structure or structures located or proposed to be located on the same street or within 150 feet of the site would, if erected, provoke one or more of the following effects:

[1]

Substantially identical or striking dissimilar facade, disregarding color.

[2]

Substantially identical or striking dissimilar size and arrangement of either doors, windows, porticoes, porches, garages or other openings, breaks or extensions in the facade, including reverse arrangements.

(d)

Visual offensiveness or other poor qualities of exterior design with respect to signs, harmony and discord of colors or incompatibility of the proposed structure with the terrain on which it is to be located, such as divergences of the height or levels of any part of the structure from the finished grade level.

(e) With respect to any application relating to a lots or lots within the MU District, conformance with the applicable Mixed Use District Design Standards set forth in § 112-16.

G.

~~In approving any application, the Board may impose any appropriate conditions and safeguards.~~

H.

Hearing; Notice; Decision.

(1) The Planning/Architectural Review Board may, at its discretion, hold a public hearing on any application reviewed hereunder. If the Board elects to hold such hearing, it shall be scheduled within 62 days from the date of the submission of said application, and notice thereof shall be published in the official Village newspaper at least 10 days prior to the date thereof. Notice of the public hearing shall also be posted by the Code Enforcement Officer on the property that is subject to the hearing in a manner such that the notice can be viewed from a public street.

(2) The Planning/Architectural Review Board shall render its decision on an application within 62 days after either the public hearing, or, if no such hearing is held, the submission of a complete application; provided that the time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board.

(3) The ~~Board may~~ Planning/Architectural Review Board shall approve, approve with modification(s) or disapprove ~~any~~ application; provided that, prior to disapproval, the applicant has been afforded an opportunity to confer upon suggestions for any change ~~of plan(s) to the proposed action~~.

I.

(4) Approval of any application hereunder shall be by a majority vote of the Planning/Architectural Review Board's members.

(5) The decision of the Planning/Architectural Review Board shall be filed in the office of the Village Clerk within 5 business days of the vote thereon and a copy mailed to the applicant.

H.

~~Any approval granted hereunder shall become null and void six months after the date of approval if a building permit has not been approved. Prior to the expiration of a valid approval an applicant who is aggrieved by any final decision of the Planning/Architectural Review Board may appeal such decision to the Board of Appeals by filing written notice of appeal with the Village Clerk. Failure to file such an appeal within 30 days from the date of decision shall make the decision of~~  
may request, in writing, a six month extension, which request the  
Planning/Architectural Review Board ~~final and binding~~may grant for deny at its discretion.

\*\*\*\*\*

Former § 112-23 (Zoning Board of Appeals) is re-numbered § 112-24.

Former § 112-24 (Satellite Antennas) is re-numbered § 112-24.

Former § 112-25 (Telecommunication facilities) is re-numbered § 112-26.

Former § 112-26 (Adult Uses) is re-numbered § 112-27.

Former § 112-27 (Stormwater Management) is re-numbered § 112-28.

Former § 112-28 (Seasonal Outdoor Seating) is re-numbered § 112-29.

