

ARTICLE VI REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

SECTION 600 SIGNS

A. PURPOSE

The purpose of these sign regulations is to promote and protect the public health, welfare and safety by regulating existing and proposed advertising signs and signs of all types. It is intended to protect the property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the community's appearance and attractiveness.

These sign regulations are also intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

B. GENERAL REGULATIONS

Except as otherwise provided, no person shall erect, alter, or relocate any sign without first obtaining a sign license from the Village of Lyndonville. Within six (6) months following the effective date of this Local Law, a license shall also be obtained for any pre-existing sign unless excluded by the exempt signs provision under this Local Law.

1. Application Procedure

Applications shall be made in writing to the Code Enforcement Officer on forms prescribed and provided by the Village of Lyndonville, and shall contain the following information:

- a. Name, address and telephone number of:
 - (i) Applicant
 - (ii) Owner of the property
- b. Location of the building, structure or land upon which the sign now exists or is to be erected.
- c. If a new sign is to be erected, elevation and plan drawings to scale should be included. In addition, a full description of the placement and

appearance of the proposed sign should be included and should cover the following:

- (i) The type of sign
- (ii) Location on the premises, specifically its position in relation to adjacent buildings, structure and property line
- (iii) The method of illumination, if any, and the position of lighting or other extraneous devices
- (iv) Graphic design, including symbols, letters, materials and colors.
- (v) The visual message, text, copy or content of the sign.
- (vi) Written consent, or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner

2. License

Upon the filing of a completed application for a sign license and the payment of the required fee, the Zoning Enforcement Officer shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If the sign is in compliance with all the requirements of this Local Law the Zoning Enforcement Officer shall, within fifteen (15) days, issue a license for the erection of the proposed sign or for an existing sign. The issuance of a license shall not excuse the applicant from conforming to the other laws and ordinances of the Village or with the Codes of New York State. If the erection of the sign authorized under any such license has not commenced within six (6) months from the date of issuance, the license shall become null and void.

3. License Period and Fees

All licenses issued pursuant to this Local Law shall expire on the 31st day of December next after the date of issuance. The license fees may be set from time to time by the Village Board of Trustees by resolution.

B. EXEMPT SIGNS THAT REQUIRE NO LICENSE

1. Exempt Signs Requiring No License

The following types of signs may be erected and maintained without permits or fees, provided that such signs comply with the general requirements of this Section:

- a. Historical markers, tablets and statues, memorial signs and plaques; name of buildings and dates of erection when cut into masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by government agencies, religious or non-profit organizations. Such signs shall not exceed six (6) square feet.
- b. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- c. On-premises directional signs not exceeding four (4) square feet per face and six (6) feet in height. Business and personal names shall be allowed, excluding advertising messages.
- d. Non-illuminated warning, private drive, posted or no trespassing signs not exceeding two (2) square feet per face.
- e. Temporary non-illuminated "for sale," "for rent," real estate signs and signs of similar name, concerning the premises on which the sign is located in a residential district, one (1) sign not exceeding four (4) square feet per side. In a business or industrial zoning district, one (1) sign not exceeding fifty (50) square feet set back at least fifteen (15) feet from all property lines. All such signs shall be removed within three (3) days after the sale, lease or rental of the property.
- f. Private-owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet and displayed no more than three (3) times per year and for no more than three (3) consecutive days each time.
- g. One (1) temporary sign for a roadside stand selling produce grown on the premises in season, provided that such sign not exceed twenty-four (24) square feet and not be set on the public right-of-way.
- h. Temporary non-illuminated window signs and posters not exceeding twenty-five percent (25%) of the window surface or displayed for more than thirty (30) days.
- i. One (1) sign, not exceeding six (6) square feet in the residential districts nor sixteen (16) square feet in the business districts, listing the architect, engineer, contractor and/or owner on premises where construction, renovation or repair is in progress. All such signs shall be removed within seven (7) days following completion of the construction or repair.
- j. "Non-commercial speech" signs, also known as "free speech" signs, which express an opinion or a statement unrelated to a business venture, are permitted subject to the following conditions:

- (i) The maximum number of non-commercial speech signs shall be two (2) per lot.
 - (ii) Such signs shall not exceed a total of four (4) square feet in residential areas and sixteen (16) square feet in business areas for all such signs on a single lot.
 - (iii) Non-commercial signs shall not be illuminated, except indirectly.
- k. Political campaign posters, banners and similar devices not exceeding four (4) square feet in residential areas or sixteen (16) square feet in business areas, provided that:
- (i) Placement shall not exceed thirty (30) days.
 - (ii) The names and addresses of the sponsor and the person responsible for the removal of the sign are identified on the signs.
- l. Temporary illuminated or non-illuminated signs, posters, banners or other similar devices erected by not-for-profit community organizations to advertise suppers, banquets, benefits, fund raising events and similar functions, and directional signs for meetings, conventions and other assemblies may be erected provided that:
- (i) Placement shall not exceed thirty (30) days.
 - (ii) The event sponsor shall be responsible for removal of the sign.
- m. Holiday decorations, including lighting, are exempt for the provisions of this Local Law and may be displayed in any district without a permit.
- n. Integral graphics or attached price signs on fuel pumps at gas stations.

2. Prohibitions

- a. No advertising sign shall be placed on premises other than the site of the business advertised except as permitted under the exempt signs provisions of this Local Law.
- b. The total number of permitted signs on a single storefront shall not exceed two (2), of which only one (1) may be freestanding.
- c. No sign shall be illuminated by or contain flashing intermittent, rotating or moving lights except to show time and temperature.
- d. No sign shall create a traffic hazard or impair or cause confusion or unduly distract motorists or pedestrians traffic in its design, color or placement. No

sign shall impair visibility for the motorist at a street corner or intersection by placement and location within twenty-five (25) feet of the intersection of the street or highway lines.

- e. No sign shall be attached to a public utility pole or traffic control structures nor reduce the effectiveness of traffic control devices and signs needed to direct the public.
- f. No sign or sign supports shall be placed on the roof of any building.
- g. No sign shall consist of banner, pennants, ribbons, streamers, spinners or similar fluttering or revolving devices.
- h. No exterior portable or temporary signs shall be erected, used or maintained except for a new business, or a business in a new location, awaiting installation of a permanent sign. In such an instance, the portable or temporary sign may be utilized for a period of not more than sixty (60) days or until installation of a permanent sign, whichever occurs first. Such a portable sign must meet all construction standards of the district. A separate license for such a sign shall be required.

3. Nonconforming Signs

Signs which lawfully existed at the time of the enactment of this Local Law and which would be prohibited or restricted under the terms of these regulations may continue in use subject to the following provisions:

- a. Intent - It is the intent of this local law to permit non-conforming signs to continue in use until they are removed or replaced, but not to encourage their survival.
- b. General Regulations
 - (i) A non-conforming sign shall not be enlarged nor otherwise modified unless such modification would reduce the degree of non-conformance.
 - (ii) Should any non-conforming sign be moved for any distance for any reason, it shall be modified in such a way that thereafter it shall conform to the provisions of this Local Law.
 - (iii) Any non-conforming sign that is declared unsafe by a proper authority may be restored to a safe condition.
 - (iv) Normal maintenance repairs and incidental alterations of a building or other structure containing a non-conforming use shall

be permitted, provided that the maintenance or repair does not increase the degree of non-conformance.

4. Abandoned Signs

Except as otherwise provided in this Local Law, any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. Failure to remove an abandoned sign shall be a violation of this Local Law. The reuse of an abandoned, non-conforming sign shall be prohibited unless said sign is modified in such a way to bring it into compliance with this Local Law.

5. Maintenance of Signs

Every sign shall, at all times, be in a safe and structurally sound condition and maintained by replacement of defective or worn parts, painting, repainting and cleaning. The Zoning Enforcement Officer shall require compliance with all standards of this chapter. If a sign does not comply with adequate safety standards, it shall be removed.

6. Dangerous or Hazardous Signs

No person shall maintain or permit to be maintained on any premises owned, occupied or controlled by him any sign which is either not structurally sound or creates an electrical hazard. Any such sign shall be removed or repaired by the owner or user of the sign or the owner of the premises.

7. Gasoline Price Signs

The price of gasoline offered for sale at retail for use in motor vehicles shall be continuously posted on the individual pump or other dispensing device from which such gasoline is sold by a sign or placard not less than seven (7) inches in height and eight (8) inches in width, nor larger than twelve (12) inches in height and twelve (12) inches in width which shall clearly state the selling price per gallon. The use of a placard may be eliminated if the calling price appears on the face of electronic computing-type dispensing pumps. No other sign or placard stating the selling price of gasoline shall be posted or maintained on the premises on which said gasoline is sold or offered for sale.

C. CONSTRUCTION STANDARDS

1. General Regulations

- a. All internally illuminated signs shall be constructed in conformance with the Standards for Electric Signs (UL48) of Underwriters' Laboratories, Inc., or an equivalent standard, and bear the seal of Underwriters' Laboratories, Inc., or another acceptable service.
- b. If such sign does not bear the Underwriters' Laboratories, Inc. label, the sign shall be inspected and certified by the New York Board of Fire Underwriters. All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.
- c. All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area.
- d. All signs, including wall-mounted and projecting signs, shall be securely anchored, free from all hazards and employ acceptable safety materials.
- e. The total cumulative area of all signs permitted on a single storefront, including permanent window signs, shall not exceed: the greater of twenty-eight (28) square feet or an amount calculated at the rate of one (1) square foot of sign area per lineal foot of building frontage, plus one (1) square foot of sign area for every four (4) lineal feet setback of the principal building on the property, but in no such case shall the total sign area allowed exceed eighty (80) square feet, except that a sign not exceeding nine (9) square feet may be placed on the rear of building and shall not be included in the total cumulative limit on sign area set forth herein.

2. Specific Regulations of Sign Types

The following are descriptions of signs varying in construction and type which shall comply with the additional conditions set forth herein:

- a. Wall Signs
 - (i) Wall signs shall not extend beyond the ends or over the top of the walls to which attached and shall not extend above the level of the second floor of the building.
 - (ii) Wall signs shall not extend more than nine (9) inches from the face of the buildings to which attached except that copy-change signs may extend fifteen (15) inches therefrom.

b. Projecting Signs

- (i) Projecting signs shall not have more than two (2) faces.
- (ii) The exterior edge of a projecting sign shall extend not more than five (5) feet from the building face or one-third (1/3) the width of the sidewalk, whichever is less.
- (iii) No part of a projecting sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of eight (8) feet.
- (iv) Projecting signs shall not extend above the level of the second floor of the buildings to which attached or in any case be higher than twelve (12) feet.
- (v) No projecting sign shall be closer than fifteen (15) feet to the corner of a building located at a street intersection.

c. Freestanding Signs

- (i) No freestanding sign shall be located less than two (2) feet from the front property line nor less than five (5) feet from the side property line. No freestanding sign may be located less than fifty (50) feet from any other freestanding sign. It shall not obstruct the view or constitute a safety hazard.
- (ii) If, for any reason, the property line is changed at some future date, any freestanding sign made nonconforming thereby must be relocated within ninety (90) days to conform to the minimum setback requirements.
- (iii) Except as otherwise provided herein, no freestanding sign shall be more than twenty (20) square feet per side for a double-faced sign.
- (iv) No freestanding sign shall be more than thirty (30) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.
- (v) No freestanding sign shall extend over or into the public right-of-way nor shall it overhang the property lines.
- (vi) Freestanding signs under which a pedestrian walkway or driveway passes shall have a ten-foot vertical clearance.

- (vii) Masonry wall-type signs shall not exceed four (4) feet in height and shall not be placed so as to impair visibility for motorists.

d. Other Types of Signs

(i) Awning Signs

- (a) No sign shall project from an awning.

- (b) Awning graphics may be painted or affixed flat to the surface of the front or sides and shall indicate only the name and/or address of the enterprise or premises.

D. DESIGN GUIDELINES

The purpose of this section is to encourage appropriate and compatible graphic design, material, colors, illumination and placement of proposed signs.

1. Signs should be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics should relate with and not cover architectural features and should be in proportion to them.
2. Signs should be appropriate to the types of activities they represent.
3. Layout should be orderly and graphics should be of simple shape, such as rectangle, circle or oval.
4. No more than two (2) typefaces should be used on anyone (1) sign or group of signs indicating one (1) message.
5. The number of colors used should be the minimum consistent with the design.
6. Illumination should be appropriate to the character of the sign and surroundings.
7. Groups of related signs should express uniformity and create a sense of harmonious appearance.
8. After the issuance of a sign license and upon completion of installation, the Zoning Enforcement Officer shall produce a photograph of the sign to be kept on file with the license.

E. REVIEW AND APPEALS

1. Any person aggrieved by a decision of the Code Enforcement Officer relative to the provisions of this Local Law may appeal such decision in writing to the

Zoning Board of Appeals as provided for in Article VIII of this Local Law and shall comply with all procedural requirements prescribed by such Board.

2. In granting any variance from the provision of this chapter, the Zoning Board of Appeals must find that the variance is necessary for the reasonable use of the land or buildings, that granting the variance is in harmony with the general purposes and intent of this chapter, that such will not be injurious to the neighborhood character or otherwise detrimental to the public welfare and that denial of the variance would result in practical difficulty or unnecessary hardship to the applicant.

SECTION 601 OFF-STREET PARKING REGULATIONS

This Section shall apply to all property within all districts except the Central Business District.

A. LOCATION OF OFF-STREET PARKING FACILITIES

1. Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking facility to the nearest public entrance of the building that such facility is required to serve.
 - a. For one and two family dwellings and for all types of residential structures: On the same lot with the building they are required to serve.
 - b. For multiple family dwellings: Not more than two hundred (200) feet from the building they are required to serve.
 - c. For other uses: Not more than five hundred (500) feet from the building they are required to serve.
2. Off-street parking spaces or parking areas with the exception of driveways to access parking spaces and parking areas shall not be permitted within required front yards.
3. No off-street parking shall be permitted in the area between the edge of street paving and the sidewalk or in any other public right-of-way.
4. Off-Street parking shall be in side or rear yards only, and shall be a minimum of ten (10) feet from property lines. Areas for parking of more than five (5) vehicles shall be screened from view by a fence of acceptable design, or by landscaping. All fence and landscaping installations shall meet all the requirements for fences and landscaping set forth in this Local Law and all other Village requirements.

5. No motor vehicle with a gross weight of more than ten thousand (10,000) pounds may be parked on any lot within the scope of this Section except for such periods of time as are actually necessary to pick up or make deliveries of merchandise; or to receive or discharge passengers; or to provide services requested by the lot owner or to construct authorized structures or other improvements on such lot.
6. A permit for front yard parking may be granted by the Village Planning Board for a property with side yard widths less than ten (10) feet. The Village Planning Board may attach reasonable conditions to any such permit.
7. A boat, boat trailer, camper or recreational vehicle may be stored only in the rear or side yard. Placement of the parked boat, boat trailer, camper or recreational vehicle shall be in accordance with the setbacks required for principal buildings in the respective zoning district of the property.

B. DESIGN REQUIREMENTS

1. All uses shall provide adequate off-street parking for all vehicles parked during typical peak periods. Parking should be designed to eliminate the need to back out on to public streets.
2. A parking space shall be not less than ten (10) feet by twenty (20) feet, exclusive of accessways and driveways. Single family residences need not exclude the driveway area.
3. Off-street parking areas with a capacity for more than twenty (20) vehicles shall delineate fire lanes and post “no parking” signs.
4. Any off-street parking areas subject to the Americans with Disabilities Act shall provide handicapped parking in accord with the following table:

Total Parking Spaces per Lot	Total Minimum Number of Accessible Spaces Required	Minimum No. of Van-Accessible Spaces with at Least 96"-wide Access Isles	Minimum No. of Accessible Spaces with at Least 60"-wide Access Isles
1 to 25	1	1	0
26-50	2	1	1
51-75	4	1	2
76 to 100	3	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 - 400	8	1	7
401 to 500	9	2	7

501 to 1,000	2% of the total spaces	1/8 of the total required spaces	7/8 of the total required spaces
1001 and over	20 plus 1 for each 100 over 1,000	1/8 of the total required spaces	7/8 of the total required spaces

Handicapped accessible parking spaces shall be at least ten (10) feet wide exclusive of the access aisle. Two handicapped accessible parking spaces may share an access aisle.

5. All off-street parking spaces shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner.
6. Each off-street parking space shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any motor vehicle may be parked and unparked without moving or damaging another.
7. The collective provision of off-street parking areas by two (2) or more buildings or uses located on adjacent lots may be approved by the Village Planning Board during Site Plan Review, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately.
8. No driveway to an off-street parking area shall be located closer than fifty (50) feet to the intersection of any two streets or within twenty (20) feet of any side lot line provided that sufficient distance will always remain for all required radii for said driveway. The distance from the driveway to the intersection shall be measured by extending the curb line of the intersecting street until it intersects the curb line of the driveway in question, extending such driveway curb line if necessary. A minimum distance of fifty (50) feet shall be maintained between two driveways located on any one frontage.
9. Except where otherwise specified in this Local Law, off-street parking areas may be located in any yard space for non-residential uses but shall not be located closer than thirty (30) feet to the right-of-way line of all streets and no closer than ten (10) feet to any other property line.
10. Car stops or other suitable devices shall be installed to protect fencing, landscaping and other screening devices from damage.
11. Stormwater drainage shall be installed to direct stormwater runoff from the parking area away from adjacent properties.
12. Parking facilities shall be provided with a snow storage area to ensure that fencing, landscaping and other screening devices are protected from snowplowing.

13. Driveways and parking areas shall be paved with concrete, asphalt or crushed stone, and shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled, and necessary repairs or replacement shall be made.
14. Driveway aprons shall be paved with concrete or asphalt.
15. Surfaces shall be constructed and maintained so as to be all weather, durable and dustless.
16. Sidewalks crossing driveways, aprons or parking areas shall be concrete and shall comply with all applicable Village Code requirements.

C. LIGHTING

1. All off-street parking areas and appurtenant passageways and driveways (excluding areas serving one-family and two-family dwellings and farm dwellings) shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation.
2. Any lights used to illuminate an off-street parking area shall be so arranged as to direct light away from all adjoining property and public or private roadways.

D. JOINT USE

The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point in time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

E. EXISTING NONCONFORMING PARKING AREAS

1. Parking spaces within the area between the edge of street paving and the sidewalk or front yards in existence at the time of enactment of this Local Law shall be subject to review by the Village Planning Board. Property owners shall apply to the Village of Lyndonville Planning Board for such review.
2. Such parking areas shall be paved with asphalt or concrete.
3. Curbing shall be installed to match existing curbing if any.
4. Such areas shall be provided with adequate drainage and shall not result in ponding of stormwater.

5. Such parking areas shall not be enclosed as carports or garages.
6. Applicants shall provide information to demonstrate that no other practical parking alternative exists on the premises or demonstrated extreme hardship. The Village Planning Board shall also consider the general character of the surrounding neighborhood and the suitability of the applicant's request.
7. Upon satisfactory review of an existing parking area between the edge of street paving and the sidewalk, the Village Planning Board may issue a permit to allow such area to continue in use. The Village Planning Board may attach reasonable conditions to any such approval.

F. INTENSIFICATION OF USE

When the intensity of an existing use has increased through the addition of dwelling units, gross floor area or modification of the use, parking facilities shall be provided as required by this Local Law.

G. RESIDENTIAL DRIVEWAY REGULATIONS

1. The maximum number of driveways opening to a Village street or alleyway shall be one per one hundred fifty (150) feet of frontage or less. Where frontage exceeds one hundred fifty (150) feet the Village Planning Board may upon review permit more than one driveway opening.
2. The angle of driveway openings with Village streets and alleyways shall be as close to ninety degrees (90°) as practicable.
3. The maximum width of a driveway opening shall be twenty (20) feet; the minimum driveway opening width shall nine (9) feet.
4. The size and slope of any driveway storm drains and culverts within the Village right-of-way shall be specified by the Village Superintendent of the Public Works. The owner shall bear all costs for pipe, grating, paving and other construction materials required within the Village right-of-way.
5. Brush and trees shall be trimmed so as to provide and maintain optimal sight lines.
6. All permits required by Article I, Section 205-2 of Chapter 205 of the Lyndonville Village Code shall be obtained prior to any driveway construction.

H. MINIMUM PARKING STANDARDS

Off-street parking spaces shall be provided and maintained by the owner of the property in accord with the following schedule:

Use	Minimum Space Required
Single-family and two-family dwellings	2 spaces per dwelling
Multiple-family dwellings	1 space for each efficiency unit 2 spaces for each one-bedroom unit 2 spaces for each two-bedroom unit 3 spaces for each three-bedroom unit or larger unit.
Senior Citizen apartment buildings	1 space per dwelling
Home Business- Class A	4 spaces excluding the number of spaces required for the dwelling
Bed and Breakfast Inns	1 space for each guest bedroom, plus 2 spaces for the residence.
Outdoor Recreational Facilities	To be determined through site plan review.
Churches, auditoriums, theaters, funeral homes and other places of public assembly	1 space for each 4 seats at maximum capacity.
Veterinarian Offices / animal hospitals	1 space per 200 square feet of floor area plus 1 space per every 2 employees
Private Schools / Pre-Schools	1 space for each instructor plus 1 space for each 6 students.
Libraries and Museums	1 space for each staff member plus 1 space for each 200 square feet of public area
Manufacturing, industrial, warehousing and wholesale	1 space for each 500 square feet of gross floor area
Restaurants	4 spaces for each 1,000 square feet of net floor area
Taverns, bars and night clubs	13 spaces for each 1,000 square feet of net floor area
Motels/hotels	1 space for each guest bedroom
Business and professional offices	4 spaces for each 1,000 square feet of net floor area
Hospitals and nursing homes	1 space for each 4 beds or residents plus 1

	space for each 2 employees.
Medical clinics and offices	5 spaces for each 1,000 squarer feet of net floor space
Bowling alleys	5 spaces per alley
Day care centers	1 space per employee, plus 1 for each 6 persons enrolled
Cemeteries	3 spaces per acre
General retail stores	4 spaces for each 1,000 square feet of net floor area
Financial Institutions and banks	1 space for each 200 square feet of floor area for customers, plus 1 space per employee
Personal service businesses (barber shops, beauty salons, dry cleaners, etc.)	1 space for each 200 square feet of gross area, plus 1 space per each employee
Building materials storage and sales	1 space for each 200 square feet of sales floor areas, plus 1 space per company vehicle
Gasoline station	To be determined through site plan review.
Real estate offices	1 space per 300 square feet of floor area, plus 1 space per employee
Riding stables	1 space per each 2 horse stalls
Private schools (elementary and intermediate)	1 space for each faculty member, plus 1 for each 2 staff members
Secondary schools	1 space for each faculty member, plus 1 for each 2 staff members, plus 1 for each 10 students.
Motor vehicle sales and service	1 space per 200 square feet of sales floor area, plus 1 space per 600 square feet of service floor area
Health and fitness clubs	7 spaces per each 1,000 square feet of net floor area

I. MIXED OCCUPANCIES AND USES NOT SPECIFIED

In any case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the Village Board of Trustees. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for joint use.

SECTION 602 OFF-STREET LOADING

- A. For every building, structure or part thereof having more than four thousand (4,000) square feet of gross building area erected and occupied for commerce and industry as well as other uses requiring the receipt and distribution of materials and merchandise by vehicles, adequate space for loading and unloading services shall be provided and permanently maintained in order to avoid undue interference with the public use of streets, alleys, or parking areas.
- B. Every building, structure or addition thereto having a use which complies with the above definition shall be provided with at least one (1) truck standing, loading and unloading space on the premises not less than twelve (12) feet in width, fifty-five (55) feet in length, and fourteen (14) feet in height. One (1) additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet, or fraction thereof, of gross area in the building.

SECTION 603 ACCESS CONTROL

In order to encourage the sound development of street frontage, the following special regulations shall apply to all non-residential buildings and uses:

- A. The maximum number of driveways opening to a Village street or alleyway shall be one per one hundred fifty (150) feet of frontage or less. Where frontage exceeds one hundred fifty (150) feet the Village Planning Board may upon review permit more than one driveway opening.
- B. The use of common access points by two or more permitted uses shall be encouraged by the Village Planning Board in order to reduce the number of access points along a street in close proximity to each other and to encourage the fronting of significant traffic generating uses on parallel access streets and not directly on Village streets.
- C. Access points for points for industrial uses shall not be less than twenty-four (24) feet nor more than forty (40) feet in width. All other access points for non-residential uses shall not be less than twenty (20) feet nor more than thirty (30) feet in width.
- D. All accessways shall meet the applicable standards and requirements of the New York State Department of Transportation, Orleans County Highway Department and Village Superintendent of Public Works.
- E. No driveway providing access to an off-street parking area shall be located within twenty (20) feet of any side lot line, or within fifty (50) feet of a street intersection measured along the curb line of the same street on which the driveway is located. In addition a minimum distance of fifty (50) feet shall be maintained between two driveways located on any one frontage.

SECTION 604 FENCES

A. ZONING AND BUILDING PERMITS REQUIRED

Zoning and building permits is required for all fences, free-standing walls or retaining walls constructed in the Village of Lyndonville except for decorative fences less than two (2) feet in height used for protection of home gardens or as lawn accents and being of visually non-obstructive construction. A site plan showing the property lines and proposed fence or wall location shall accompany all permit applications. No permits shall be required for temporary fences under Subsection E of this Section.

C. FENCE BUILDING AND MAINTENANCE REGULATIONS

1. All fences, walls or retaining walls extending beyond the front façade of a residential home shall be limited to a maximum height of four (4) feet. All other fences, walls or retaining walls in the Agricultural-Residential and Residential Districts and the Central Business and General Business Districts shall be limited to a maximum height of six (6) feet. Fences in the Light Industrial District shall be limited to a maximum of ten (10) feet.
2. The finished or good side of the fence or wall must face the closest neighboring property except where written permission is made with the adjoining property owner. Such written agreement must accompany the permit application. All fences shall be set back a minimum of one (1) foot from any Village right-of-way.
3. Any fence erected along a lot line shall be erected wholly on the property of the owner and neither the fence itself nor any supporting accessory components thereof shall encroach upon the adjoining properties.
4. No fence or wall shall be constructed to a height greater than thirty (30) inches, measured from the sidewalk grade in the triangular shaped area of a corner lot adjacent to intersecting streets. The dimensions of said triangular shaped area shall be determined by establishing a point on the front lot line and a point on the side lot line equal distance from the corner of the intersection of the street lines that when such points are connected by a straight line, the straight line touches the corner or face of a structure if there is a structure, except that the distance of the two points established on the front and side lot lines need not be greater than seventy-five (75) feet from the corner intersection.
5. Fence posts shall be set in the ground to a depth of forty-two (42) inches. The fence post must be surrounded in the ground by concrete or crushed stone at least six (6) inches greater than the post diameter. Masonry fencing or walls must be supported with a foundation in the ground to a depth of forty-two (42) inches. Metal post anchors are not permitted.
6. No fence or wall shall be erected which creates a traffic hazard or endangers public safety.

7. Fences and walls shall be maintained in a good state of repair and in a safe condition. Paint stain or wood preservative shall be applied to wood and metal fences as necessary for maintenance. No fence or wall shall be permitted to become unsightly or in a state of disrepair. Fences comprised of shrubbery, hedge or other type of vegetation shall be periodically trimmed so as to not obstruct any sidewalk or interfere with any pedestrian, obscure the clear view at any street intersection or exceed the permitted height for such fence.
8. Barbed-wire and electric fences are permitted on active farms in the Agricultural-Residential District and only for the purpose of confining farm animals to the premises.
9. Barbed-wire and razor-wire fences are permitted in the Light Industrial District provided the barbed wire and razor wire is used only as a barrier at the top of a security fence comprised of some other fence material that is not injurious to humans. Minimum height above grade for barbed wire and razor wire shall be eight feet. Installations using barbed wire or razor wire shall require the approval of the Village Planning Board, and the applicant shall submit information to the Village Planning Board showing the necessity for use of such wire.
10. No fence, wall of similar structure, as well as shrubbery, shall be constructed or maintained in a manner having adverse effect on public safety or present a hazard, dangerous condition or obstruction to emergency personnel and equipment for combating fires.
11. All chain link fences shall be erected with the closed loop at the top of the fence.
12. All entrance gates shall open into the property.

D. EXISTING FENCES AND WALLS

Existing fences and walls constructed before this regulation took effect shall be maintained as required in Subsection C of this Section and in keeping with the original architecture of the fence or wall. Any significant changes in height, length or material made to an existing fence or wall will require that the fence or wall meet currently existing regulations.

E. TEMPORARY FENCES

Snow fences shall be permitted only on a seasonal basis from November 15 through April 15. Construction site safety-type fences shall meet all Village, State and Federal codes and shall be allowed at construction sites only.

F. VISIBILITY AT INTERSECTIONS

The Zoning Enforcement Officer shall have the authority to direct the removal, trimming or modification of any fence, wall, hedge vegetation; including plants, trees and flowers, in the Village whenever the same shall interfere with the adequate visibility of operators of motor vehicles at street intersections, driveways or curbs.

SECTION 605 CLEAR VIEW OF INTERSECTING STREETS

No obstruction to view in excess of thirty (30) inches in height, measured perpendicular from the street grade, shall be maintained on any premises within the triangle formed by intersecting streets within the distance of seventy-five (75) feet measured along the center lines of each street from the intersection thereof. Such a clear sight triangle shall be maintained in order to ensure visibility of traffic approaching the intersection.

SECTION 606 MINIMUM REQUIREMENTS FOR DWELLINGS

- A. All single-family dwellings shall have a gross habitable floor area of not less than nine hundred (900) square feet except that manufactured homes located in manufactured home parks shall be exempt from this requirement.
- B. The minimum width of a dwelling at its narrowest dimension, excluding porches or patios, shall be twenty (20) feet except that manufactured homes located in manufactured home parks shall be exempt from this provision.
- C. All manufactured homes manufactured after June 15, 1976 shall comply with the minimum standards set forth in the Code of Federal Regulations at 24 CFR 3280, as may be amended from time to time, and shall bear a seal, plaque or tag of the U.S. Department of Housing and Urban Development (HUD), or such other Federal agency as may be subsequently designated to enforce the provisions of said minimum standards, attesting to compliance with 24 CFR 3280. All manufactured homes manufactured before June 15, 1976 shall be in compliance with the Codes of New York State.
- D. All dwellings must have a concrete or masonry foundation that extends at least forty-two (42) inches below ground level, except manufactured homes which must comply with the requirements set forth in the Manufactured Home Park District regulations set forth in this Local Law.
- E. Any dwelling that does not have a cellar for storage must have a storage shed or garage on the lot. Such storage shed or garage will provide necessary storage space to compensate for the lack of cellar storage space. The minimum dimensions for a storage shed shall be 120 square feet and said storage shed shall be anchored to a concrete foundation or concrete pad.
- F. No cellar sited independently of a structure shall be used exclusively as a dwelling.

- G. The exterior siding shall consist of vinyl or aluminum lap siding, wood, masonite, stucco or other materials similar to the exterior siding commonly used in standard residential construction.
- H. The construction and installation of all structures, including seasonal dwellings, manufactures homes and appurtenant utilities shall conform to provisions of the Codes of New York State and all other applicable standards.
- I. Not more than one (1) building or structure on any one lot may be occupied as a dwelling.

SECTION 607 STATE ENVIRONMENTAL QUALITY REVIEW

- A. The State Environmental Quality Review Act requires local government to examine the environmental impact of all actions they permit, fund or construct.
- B. All "Unlisted" and "Type I" actions (NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.
- C. For zoning action reviewed by the Village, the following bodies shall be lead agency unless otherwise delegated by the Village Board of Trustees.

Zoning Text Amendments	- Village Board of Trustees
Zoning District Amendments	- Village Board of Trustees
Special Permits	- Village Planning Board
Site Plan Reviews	- Village Planning Board
Zoning Variances	- Village Zoning Board of Appeals

- D. If in the opinion of the local lead agency, after review of the Environmental Assessment Form, there appears to be the potential for significant environmental impact, the lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement. Review, notice and action on the Environmental Impact Statement shall be conducted in accord with NYCRR Part 617.

SECTION 608 RECREATIONAL VEHICLES

- A. Recreational vehicles shall not be occupied outside of an approved campground.
- B. No more than one (1) recreational vehicles may be parked on any residential property at anytime.
- C. Recreational vehicles shall not be parked in the front yard of a parcel upon which there is a dwelling.

- D. Placement of parked recreational vehicles shall be in accordance with the setbacks required for principal buildings in the respective zoning district of the property.

SECTION 609 NON-CONFORMING USES, LOTS AND STRUCTURES

Lots, structures, uses of land, and characteristics of uses which lawfully existed at the time of the enactment of this Local Law and which would be prohibited or restricted under the terms of these regulations may be continued subject to the following provisions.

A. INTENT

It is the intent of this Local Law to permit non-conforming uses to continue until they are removed, but not to encourage their survival.

B. GENERAL REGULATIONS

1. A non-conforming lot shall not be further reduced in size.
2. A non-conforming building shall not be enlarged, extended or increased unless such enlargement would tend to reduce the degree of non-conformance.
3. A non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of this Local Law.
4. A non-conforming use may be changed into a conforming use. When a non-conforming use is changed to conform to the requirements of this Local Law, the use of the building or tract of land shall not be changed again except in accordance with these regulations.
5. Where such non-conforming use is upon the land itself and not enclosed within a structure, such use may be continued upon the land being so used at the time of the adoption of this Local Law. Any such non-conforming use of the land may be extended or expanded to include any part of the plot or parcel of land now being used or held in reserve for future use, however, such extension or expansion of such non-conforming use shall comply with the setback and fencing requirements of this Local Law.
6. Should any structure be moved for any distance for any reason, it shall thereafter conform to the requirements for the zoning district in which it is located after it is moved.

C. RESTORATION AND ALTERATIONS

1. A non-conforming structure damaged by fire or other causes to the extent of more than seventy-five percent (75%) of its assessed value, based upon the State

Board of Equalization and Assessment rates, shall not be repaired or rebuilt except in conformity with the requirements of these regulations; except residential property owners may rebuild a home, on the same foundation area, provided that:

- a. The property owner provides the Zoning Enforcement Officer an instrument survey demonstrating that the foundation lies totally within the property boundaries.
 - b. The owner provides evidence of applicable County Health Department approval for the new construction.
 - c. The new construction shall be in compliance with all other applicable laws and regulations.
2. Any structure or portions thereof declared unsafe by a proper authority may be restored to a safe condition.
 3. Normal maintenance repairs and incidental alteration of a building or other structure containing a non-conforming use shall be permitted, provided it does not extend the area or volume of space occupied by the non-conforming use.
 4. Any building which is non-conforming due to insufficient yard distances or lot area shall not be considered a non-conforming use. Any alterations or structural changes may be accomplished within the existing frame of said building, but any additions shall conform to the specific setback and yard distance requirements of this Local Law.

D. DISCONTINUANCE

1. In any district, whenever a non-conforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year, such non-conforming use shall not thereafter be re-established, and all future uses shall be in conformity with the provisions of this Local Law.
2. Such discontinuance of the active and continuous operation of such non-conforming use, or part or portion thereof, for such period of one (1) year, is hereby construed and considered to be an abandonment of such non-conforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations.
3. If actual abandonment in fact is evidenced by the removal of buildings, structures, machinery, equipment and other evidences of such non-conforming use of the land and premises, the abandonment shall be construed and considered to be completed and all rights to re-establish or continue such non-conforming use shall thereupon terminate.

E. EXISTING UNDERSIZED LOTS OF RECORD

1. Any lot of record held in single and separate ownership prior to the adoption of this Local Law and whose area and/or width and/or depth are less than the minimum requirements specified herein for the district, may be considered as complying with this Local Law and no variance therefore shall be required provided that:
 - a. Such lots do not adjoin any other lot or lots held by the same owner, the aggregate area of which lots is equal to or greater than the minimum lot area required for the district;
 - b. for single-family residential properties, the side yards meet the minimum side yard requirements for pre-existing, non-conforming lots as set forth in the Dimensional Requirements Table attached hereto.
2. In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one single-family dwelling.
3. A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's property.

SECTION 610 ALTERNATIVE ENERGY SYSTEMS

The erection or construction and use of electric energy producing devices powered by the wind shall be prohibited in all districts in the Village.

SECTION 611 HABITATION

All residential habitation shall be in residential dwellings as defined by this Local Law.

SECTION 612 ONE PRINCIPAL STRUCTURE AND USE PER LOT

There shall be not more than one (1) principal structure and not more than one (1) principal use on any one lot.

SECTION 613 SLOPE OF YARDS

- A. The surface of the front yard of the principal building in any residential district shall be at the front wall at the front wall of such principal building on a gradient of lot less than one and one-half percent (1-1/2%) above the established grade of the sidewalk.
- B. Where unnecessary hardship due to topographic conditions is proven, the Zoning Board of Appeals may vary the front yard gradient requirements except that minus gradients shall not be established closer than twelve (12) feet to the front of the building line.

- C. Where the principal building is established on a terrace, the lot shall be graded so that surface water will not be discharged on adjoining lots.

SECTION 614 REFUSE CONTAINERS

Commercial and industrial uses shall utilize commercial refuse containers for the disposal of commercial and industrial waste.

SECTION 615 STRIPPING OF TOP SOIL AND EXCAVATIONS

No person, firm or corporation shall strip, excavate or otherwise remove top soil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto. Any area of land consisting of more than one (1) acre from which top soil has been removed or covered over by fill shall be seeded to provide an effective cover within the first growing season following the start of said operation. Open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a zoning permit and a building permit have been issued, and only for such period of time as the zoning and building permits are in full force and effect.

SECTION 616 SWIMMING POOLS

Private swimming pools shall be permitted in any Residential District provided that there is an existing residence on said lot and the following regulations are complied with:

A. SETBACKS

1. Outdoor swimming pools shall be located in the rear or side yards and shall conform to the minimum setback requirements for a structure in the district. Aprons and decks which are accessory to a pool shall not be within the minimum setback area specified in the Schedule for accessory uses.
2. No swimming pool shall be closer to the street or front lot line than the front of the building or structure to which the pool is an accessory use.

B. DRAINAGE

No permit shall be issued for such pool unless the applicant can show that the proposed drainage of such pool is adequate and will not interfere with the property of others, with public streets or area drainage facilities.

C. PERMITS

Zoning permits shall be required for all swimming pools having a depth equal to or greater than twenty-four (24) inches regardless of whether the pool is temporary or permanent or whether the pool is above or below ground.

D. FENCES

Fences and gates shall be required, pursuant to the requirements of the Codes of New York State.

E. LADDERS

Ladders on all above ground pools shall be retractable or capable of being locked during all times the owner or occupant of the premises is not present at such pool.

SECTION 617 HOME OCCUPATIONS

Home occupations shall be permitted in any residential dwelling in any district in the Village without the need for a special use permit provided the following standards and provisions are maintained.

- A. Employees - No persons other than a member or members of the immediate family residing in the dwelling may be engaged in the home occupation.
- B. Area Utilized for Home Occupation - No more than twenty-five percent (25%) of the gross floor area of the residence shall be used for conducting the home occupation.
- C. Customer and Client Traffic - The home occupation shall be conducted in such a manner so as to generate no customer or client pedestrian or vehicular traffic to or from the premises. The sale of merchandise, products, goods, materials supplies or services on the premises shall be prohibited.
- D. Deliveries and Shipping: The home occupation shall be conducted in such a manner that there are no deliveries to and no shipments from the premises.
- E. Signage - The display of any type of signage on the premises related to the home occupation shall be prohibited.
- F. Outdoor Storage - There shall be no outdoor storage or display of materials, goods, supplies or equipment related to the home occupation.
- G. Nuisances and Hazards - No home occupation shall create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in a typical residential dwelling in the neighborhood in which the home occupation is located.

- H. Evidence of Use and Maintenance of Residential Character - The appearance of the dwelling shall not be altered and the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from the residential character of the dwelling or the residential neighborhood in which the home occupation is located by the use of colors, materials, construction, lighting or the emission of noises, odors or vibrations. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the dwelling used for the home occupation shall be permitted.
- I. Home Occupations Exceeding Thresholds - Any home occupation that exceeds the thresholds established in this Section shall be deemed to be a home business, shall comply with the thresholds established for home businesses and shall require a Special Use Permit (see Sections 710 and 711 of Article VII of this Local Law).

SECTION 618 HARBORING OF ANIMALS

- A. The keeping of any poultry or fowl or any horses, cattle, hogs, sheep, goats, rabbits or other fleece-bearing or fur-bearing animals or other customary farm animals on any parcel in the Village shall be prohibited except on farms or riding stables within the AR Agricultural-Residential District.

SECTION 619 TEMPORARY SPECIAL EVENTS

A. PURPOSE AND INTENT

The purpose and intent of this Section is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this Section to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use. Finally, it is the intent of this Section to preserve the public health, safety and convenience.

B. SPECIAL EVENT DEFINED

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these Regulations, for one or more of the following types of activities:

1. Type 1: Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures in conjunction with the event.
2. Type 2: Temporary banners attached to the wall of a building or placed across street rights-of-way.

3. Type 3: Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as signs, searchlights or balloons.
4. Type 4: Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmers market, Christmas tree sales, or product demonstration.
5. Type 5: Public events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades; or large private events such as film production. In addition, the temporary placement of a portable asphalt plant during construction work on any public road when such placement is not adjacent to said construction but will be placed within one and one-quarter (1-1/4) miles of said construction.

The term "special event" shall not include amusement enterprises, garage sales at an individual residence, transient merchants, or off-site promotional signs.

C. SPECIAL EVENTS SUBJECT TO AN ADMINISTRATIVE PERMIT

Special events meeting the following standards may be issued a Special Event Permit administratively by the Zoning Enforcement Officer. In administering the provisions of this Section, the Zoning Enforcement Officer shall be guided by applicable Village policies as adopted by the Village Board of Trustees. Any applicant denied a Special Event Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Village Board of Trustees.

1. Special events meeting the Type 1 definition may be permitted administratively by the Zoning Enforcement Officers provided all of the following performance standards are met:
 - a. An application is made in accordance with Subsection E of this Section.
 - b. The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
 - b. Any structure use in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid zoning certificate, and shall be promptly removed upon cessation of the event.
 - c. The special event shall be restricted to hours of operation between 6:00 a.m. and 10:00 p.m., to a maximum duration of four (4) days, and to a maximum frequency for similar events of two (2) times per calendar year.
2. Special events meeting the Type 2 definition may be permitted administratively by the Zoning Enforcement Officer, provided that all of the following performance standards are met:

- a. An application is made and a fee paid in accordance with Subsection E of this Section.
 - b. No more than one banner will be displayed when attached to the wall of a building.
 - c. The size and design of the banners will be appropriate given the size of the building to which they are attached and the character of the surrounding neighborhood.
 - d. The banner will be displayed for a maximum duration of thirty (30) days per permit.
3. Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of Subsection C.1. of this Section., may be permitted administratively by the Zoning Enforcement Officer subject to the prior review and approval of special arrangements for traffic and crowd control by the Chief of Police, Fire Chief of the appropriate Fire District, and Village Superintendent of Public Works. No such administrative permit shall be issued unless all of the following performance standards are met:
- a. An application is made and a fee paid in accordance with Subsection F of this Section.
 - b. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
 - c. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.
 - d. The special event shall not endanger the public health, safety, or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.
 - e. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.
 - f. Any structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event.
 - g. The special event shall be conducted on private property where the property owner has granted the appropriate permission.

- h. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed ten (10) days.

D. SPECIAL EVENTS SUBJECT TO VILLAGE BOARD OF TRUSTEES APPROVAL

Any special event not meeting the criteria of Subsection C of this Section may be granted a Special Event Permit by the Village Board of Trustees. Such permit may be subject to such conditions and safe guards as the Village Board of Trustees may deem necessary to protect the public health, safety and welfare. These conditions may include, but shall not be limited to:

- 1. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristic.
- 2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to Village Board of Trustees expectations.
- 3. The provision of traffic control or security personnel to increase the public safety and convenience.
- 4. Obtaining liability and personal injury insurance in such form and amount as the Village Board of Trustees may find necessary to protect the safety and general welfare of the community.

E. APPLICATION AND FEE

- 1. No Special Event Permit shall be issued until an application has been submitted to the Zoning Enforcement Officer and the appropriate fee paid. The application shall be made on forms provided by the Zoning Enforcement Officer, and shall be accompanied by the following items as applicable:
 - a. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.
 - b. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.
 - c. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.
- 2. Each application for a Special Event Permit shall be accompanied by an application fee, except that such fee shall be waived for any not-for-profit religious, educational or community service organization or other applicant registered with the State of New

York as a nonprofit organization. The fees shall be as established and amended from time to time by a resolution enacted by the Village Board of Trustees.

3. The Special Event Permit shall be posted on the site of the event for the duration of the event.

**SECTION 620 SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES
IN SIDE YARDS**

Accessory structures located in a side yard shall meet the same front and side yard lot line setback requirements established for the principal building.