

## ARTICLE VII SPECIAL PERMIT CRITERIA

### SECTION 700 GENERAL PROVISIONS

The uses specified in this Article are hereby declared to possess unique characteristics requiring that each proposal for any such use shall be considered by the Village Planning Board as an individual case. Upon application, special use permit may be approved by the Village Planning Board and zoning permits issued by the Zoning Enforcement Officer in accordance with the administrative procedures set forth in this Local Law and only after it has found that each and all of the following standards have been met:

- A. The proposed special use is consistent with the general intent of the Village's Comprehensive Plan and with each of the specific purposes set forth in this Local Law.
- B. The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the zoning district.
- C. Operation of the proposed special use is no more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.
- D. The proposed special use satisfies each and all standards and conditions for such special use specified in the relevant sections of this Article.
- E. The Village Planning Board may impose additional conditions or restrictions as it may deem necessary prior to approving any special use permit application in order to protect public health and safety, the quality of the Village's natural resource base and the value of property.
- F. The Zoning Enforcement Officer may make periodic on-site visit to each property authorized as a special use. The purpose of said site visit is to insure that the use is being operated in accord with the with the standards and conditions specified in the relevant sections of this article and in accord with any special conditions specified by the Village Planning Board. If the Zoning Enforcement Officer determines that a violation of this Local Law or the conditions imposed by the Village Planning Board exists, the owner and, if applicable, the operator of such special use shall be notified in writing of the violation. If such violation continues to exist fifteen (15) days following such notification, or if three violations occur within a consecutive twelve (12) month period, the Certificate of Compliance ad/or Certificate of Occupancy shall be null and void. A new special use permit application shall be required to be submitted and approved prior to the re-establishment of said use.

- G. No site preparation or construction shall commence nor shall existing structures be occupied for any special permit use until final site plan approval has been granted by the Village Planning Board and permits have been issued by all governmental agencies involved.

## **SECTION 701 BED AND BREAKFAST INNS**

The Village Planning Board may approve special use permits for Bed in Breakfast Inns as an accessory use in the AR Agricultural-Residential District and R-1 Residential District provided that the following standards and provisions are maintained:

- A. The building proposed for occupancy as a bed and breakfast inn shall be a single-family dwelling with no more than five lodging rooms for hire.
- B. The operator of the bed and breakfast inn shall reside in the dwelling.
- C. The dwelling shall not be altered in a manner that would cause the premises to differ from its residential character by the use of colors, materials, constructions or lighting, nor shall any extensions or additions to the dwelling be made for the purpose of renting such space for overnight lodging.
- D. Outbuildings detached from the principal dwelling shall not be used for the lodging.
- E. A minimum of one (1) off-street parking space shall be provided for each rentable unit, in addition to the minimum number of parking spaces required for a single-family dwelling. No such parking spaces shall be located in the front yard area and each space shall be not less than ten by twenty (10x20) feet in size.
- F. One unanimated, non-illuminated flat or window sign and one unanimated, free-standing sign, each not to exceed four (4) square feet per side, shall be permitted. Illuminated signs may be permitted subject to the review and approval of the Village Planning Board.
- G. No bed and breakfast inns shall be permitted in a manufactured home or manufactured home park.
- H. No bed and breakfast inn shall be permitted where access is provided by a shared driveway.
- I. Each rentable room shall be equipped with a functioning smoke detector.
- J. Each bed and breakfast inn shall comply with the Orleans County Sanitary Code and the Codes of New York State.

**SECTION 702 PLACES OF WORSHIP**

The Village Planning Board may approve special use permits for Places of Worship in the AR Agricultural-Residential and R-1 Residential Districts provided the following standards and conditions are maintained:

- A. Dimensional requirements in the AR Agricultural Residential and R-1 Residential Districts:

Minimum Lot Size:	32,670 square feet
Minimum Lot Width:	150 feet
Minimum Front Setback:	30 feet (from the right-of-way line)
Minimum Side Setback:	30 feet
Minimum Rear Setback:	30 feet
Maximum Building Height:	50 feet
Maximum Spire/Steeple Height:	100 feet
Maximum Building Lot Coverage:	30%
Minimum Green Space:	25%

- B. Each such use shall have only a single point of access to each public street on which the use may have frontage.
- C. If located in the AR and R-1 districts, off-street parking shall be provided in accord with Section 601 of this Local Law. Said parking shall be located in the side and/or rear yard areas. Each off-street parking area shall be adequately illuminated, landscaped and screened from any adjoining residential site so as to prevent the illumination of adjoining residential properties by motor vehicle headlights utilizing the parking lot. All off-street parking shall be designed to complement the internal circulation pattern and the point, or points of access to the property
- D. If a bus is to be used as part of the operation of the special use, a designated parking area shall be provided for the storage of said vehicle. Such parking area shall be located behind the principal building and screened from the view of adjoining residential uses with a wall or densely planted shrubs of no less than six (6) feet in height.
- E. Site lighting shall be provided as part of any special use permit. Such lighting shall not illuminate adjoining residential sites. Site lighting shall be restricted to providing adequate security lighting for the property after the public use of the property has been concluded for the day.
- F. All special permitted uses shall provide acceptable facilities for the storage of trash. In no instance shall any trash be stored outside of enclosed containers. All outdoor storage areas shall be screened from the view of adjoining properties with a fence or shrubs.

- G. One unanimated, non-illuminated flat or window sign and one unanimated, free-standing sign, each not to exceed four (4) square feet per side, shall be permitted. Illuminated signs may be permitted subject to the review and approval of the Village Planning Board.

## **SECTION 703 LIBRARIES AND MUSEUMS**

The Village Planning Board may approve special use permits for Libraries and Museums in the AR Agricultural-Residential and R-1 Residential Districts provided the following standards and provisions are maintained:

- A. Dimensional requirements for libraries and museums located in AR and R-1 Districts:

Minimum Lot Size:	1 Acre
Minimum Lot Width:	150 feet
Minimum Front Setback:	35 feet (from the right-of-way line)
Minimum Side Setback:	25 feet
Minimum Rear Setback:	20 feet
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	30%
Minimum Green Space:	20%

- B. If located in the AR and R-1 districts, off-street parking shall be provided in accord with Section 601 of this Local Law. Said parking shall be located in the side and/or rear yard areas. Each off-street parking area shall be adequately illuminated, landscaped and screened from any adjoining residential site so as to prevent the illumination of adjoining residential properties by motor vehicle headlights utilizing the parking lot. All off-street parking shall be designed to complement the internal circulation pattern and the point, or points of access to the property.
- C. Access driveways shall be located no closer than 20 feet to side lot lines.
- D. Site lighting shall be provided as part of any special use permit. Such lighting shall not illuminate adjoining residential sites. Site lighting shall be restricted to providing adequate security lighting for the property after the public use of the property has been concluded for the day.
- E. All special permitted uses shall provide acceptable facilities for the storage of trash. In no instance shall any trash be stored outside of enclosed containers. All outdoor storage areas shall be screened from the view of adjoining properties with a fence or shrubs.
- F. One unanimated, non-illuminated flat or window sign and one unanimated, free-standing sign, each not to exceed four (4) square feet per side, shall be permitted. Illuminated signs may be permitted subject to the review and approval of the Village Planning Board.

**SECTION 704      PINBALL AND VIDEO ARCADES**

The Village Planning Board may approve special use permits for Pinball and Video Arcades in the CBD and GB districts provided the following standards and provisions are maintained:

A.      Dimensional requirements in the CBD District:

Minimum Lot Size:	None
Minimum Lot Width:	None
Minimum Front Setback:	None
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height	35 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	0%

B.      Dimensional requirements in the GB District:

Minimum Lot Size:	12,500
Minimum Lot Width:	90 feet
Minimum Front Setback:	15 feet (from the right-of-way line)
Minimum Side Setback:	12 feet each
Minimum Rear Setback:	20 feet
Maximum Building Height	35 feet
Maximum Building Lot Coverage:	40%
Minimum Green Space:	35%

C.      Arcades shall not be permitted as home occupations.

D.      No one under the age of sixteen (16) shall be permitted in an arcade while school is in session.

E.      The owner or a responsible person over the age of eighteen (18) shall be on the premises during all hours of operation to maintain proper decorum.

**SECTION 705      MOTOR VEHICLE AND BOAT SALES AND RENTALS**

The Village Planning Board may approve special use permits for the sale and/or rental of motor vehicles or boats in the CBD Central Business District provided the following standards and provisions are maintained:

- A. Sale or rental of such vehicles or equipment may be conducted either in a fully enclosed building located on the same lot or in an unenclosed area. If sale or rental of new and/or used automobiles or boats is carried on in an unenclosed area, the following standards shall be maintained:
1. Such unenclosed area used for the storage of motor vehicles or boats, or traversed by motor vehicles, shall be paved, shall be suitably drained, and shall be maintained in a neat and orderly manner.
  2. All exterior illumination shall be approved by the Village Planning Board and shall be shielded from the view of all surrounding properties and streets.
  3. No establishment for the sale or rental of new and/or used motor vehicles or boats shall be opened, conducted, or maintained in the CBD Central Business District except as provided above. None of the provisions of this section, however, shall be deemed to prohibit the continuance of the present use of any property for such uses provided that any such continued use shall be subject to all of the provisions of this section. Plans for any changes required to bring about such conformance shall be submitted to and approved by the Village Planning Board before any such change shall be made. The Village Planning Board may approve, modify, or disapprove such plans and may impose reasonable and appropriate conditions to such approval so that the spirit of this Local Law shall be observed.
- B. No vehicles shall be displayed for sale or rent within ten (10) feet of the front property line, or within ten (10) feet of any side or rear property line. The maximum coverage for buildings shall apply to manufactured homes for sale, in addition to buildings used in the conduct of such sales.
- C. No retail sale of fuels shall occur on the site at any time. Any fuel stored on site must be stored in an underground tank or tanks.
- D. All signage shall comply with Section 600 of this Local Law.
- E. No exterior light source shall be erected in excess of fifty (50) feet above the ground surface and all lighting shall be placed to eliminate the casting of direct light or glare upon adjacent properties.
- F. Landscaped areas of at least ten (10) feet in width shall be provided along property lines to lessen any visual unattractiveness.
- G. Repair of motor vehicles on site is prohibited unless the provisions found in Section 706 of this Article are complied with in full.

H. Dimensional requirements for sale of automobiles, trucks or boats:

Minimum Lot Size:	21,780 square feet
Minimum Lot Width:	150 feet
Minimum Front Setback:	None
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height:	50 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	0%

I. Dimensional requirements for sale of motorcycles, snowmobiles, all-terrain vehicles:

Minimum Lot Size:	None
Minimum Lot Width:	None
Minimum Front Setback:	None
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height:	50 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	0%

**SECTION 706 MOTOR VEHICLE REPAIR AND/OR SERVICE SHOPS**

The Village Planning Board may approve special use permits for motor vehicle repair shops and motor vehicle service shops that do not sell gasoline or other fuels in the CBD Central Business District provided the following standards and provisions are maintained.

A. Dimensional requirements:

Minimum Lot Size:	None
Minimum Lot Width:	None
Minimum Front Setback:	None
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	0%

B. The entire area of the site traveled by motor vehicles shall be constructed of concrete or asphalt.

- C. All repairs of motor vehicles, except for minor servicing, shall be performed in a fully enclosed building. No motor vehicle parts, or partially dismantled motor vehicles shall be stored outside of an enclosed building.
- D. Storage of junked or damaged motor vehicles or motor vehicles awaiting repair for periods in excess of forty-eight (48) hours shall be in rear yard areas only and shall be screened from view from neighboring properties by a fence or similar enclosure.
- E. Landscaped areas of at least ten (10) feet in width shall be provided along property lines to lessen any visual unattractiveness.
- F. No commercial parking shall be allowed on the premises of a motor vehicle service station or auto repair shop.
- G. Accessory goods for sale may be displayed on the building island only provided the products are contained in a suitable stand or rack.
- H. No accessory building or structure, including automotive service appliances, shall be erected within thirty (30) feet of any street line.
- I. Motor vehicles for sale or resale may be displayed in designated and appropriate areas in front, side and rear yards provided said display area does not exceed 20% of the entire area of the parcel.
- I. No motor vehicle service station or auto repair shop shall have more than two (2) driveways on any public street fronting the site. The driveway width on any street shall not exceed one third of the total site frontage on each street.
- J. No driveway shall be closer than fifty (50) feet to the intersection of two street lines, or within ten (10) feet of an adjacent lot line.
- K. No motor vehicle service station or auto repair shop and no driveway to any such use shall be established within fifty (50) feet of the boundary line of the R-1 Residential District, or of any school, church, park, playground, public library, or any place of public assembly designed for occupancy by fifty (50) persons or more, regardless of the district where the subject premises are located. For the purposes of this Section, the distance shall be measured along the street line on the side of the street where such use is proposed or such driveway would cross.
- L. Any fuel stored on site shall be stored in an underground tank or tanks.

## **SECTION 707      GASOLINE STATIONS**

The Village Planning Board may approve special use permits for gasoline stations in the CBD Central Business and GB General Business Districts provided the following standards and provisions are maintained.



- A. Entrance and exit driveways shall have an unrestricted width of not less than twenty-five (25) feet and not more than fifty (50) feet.
- B. Entrance and exit points shall be from major and secondary streets only. No gasoline station may have more than two (2) driveways on any public street fronting the site. No driveway shall be closer than fifty (50) feet to the intersection of two street lines or within fifteen (15) feet of an adjoining property line.
- C. Gasoline pumps shall be located not less than twenty (20) feet from the street line and not less than thirty (30) feet from all other property lines.
- D. No such establishment shall be located within fifty (50) feet of a any boundary line of a residential parcel or within two-hundred (200) feet of any cemetery, school, church, hospital, nursing home, senior citizen housing or other place of public assembly designed for the occupancy by more than fifty (50) persons, or within five hundred (500) feet of another gasoline station on the same side of the street. Said distances shall be measured in a straight line between the nearest points on each of the lots or premises.
- E. Landscaped areas of at least ten (10) feet in width shall be provided along property lines to lessen any visual unattractiveness.
- F. The entire area of the site traveled by motor vehicles shall be constructed of asphalt or concrete.
- G. All repairs of motor vehicles, except for minor servicing, shall be performed in a fully enclosed building. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside an enclosed building.
- H. The storage of junked or damaged motor vehicles or motor vehicles awaiting repair for periods in excess of forty-eight (48) hours shall be in rear yard areas only and shall be screened from view from neighboring properties by a fence or similar enclosure.
- I. No commercial parking shall be permitted on the premises.
- J. Motor vehicles for sale or resale may be displayed in areas designated for such use in front, side and rear yards provided said display area or areas does not exceed twenty percent (20%) of the area of the entire parcel.
- K. The storage, display and sale of automotive goods and products, food, household items and convenience merchandise shall take place entire within an enclosed building except that accessory automotive goods and products may also be displayed outside the building on the building island and fuel pump islands provided that they are displayed in a suitable display stand or rack to hold the goods and products in place.
- L. All fuel storage shall be in an underground tank or tanks.

M. Dimensional requirements in the CBD Central Business District:

Minimum Lot Size:	None
Minimum Lot Width:	None
Minimum Front Setback:	30 feet (from the right-of-way line)
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	0%

N. Dimensional requirements in the GB General Business District:

Minimum Lot Size:	14,520 square feet
Minimum Lot Width:	100 feet
Minimum Front Setback:	30 feet (from the right-of-way line)
Minimum Side Setback:	20 feet
Minimum Rear Setback:	20 feet
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	40%
Minimum Green Space:	20%

**SECTION 708 VETERINARIAN OFFICES AND ANIMAL HOSPITALS**

The Village Planning Board may approve special use permits for Veterinarian Offices and Animal Hospitals in the AR Agricultural-Residential District provided the following standards and provisions are maintained:

A. Dimensional requirements:

Minimum Lot Size:	21,780 square feet
Minimum Lot Width:	90 feet
Minimum Front Setback:	25 feet (from the right-of-way line)
Minimum Side Setback:	25 feet
Minimum Rear Setback:	25 feet
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	30%
Minimum Green Space:	60%

- B. No animal boarding structure shall be located closer than one hundred (100) feet of any lot line. Animal boarding structures shall be screened from the view of adjoining properties with fencing or shrubs.
- C. Off-street parking is provided on the lot sufficient to accommodate all employees and all patient parking needs.
- D. All animal hospital facilities, kennels, exercise pens and runways and any other facilities utilized by animals shall be maintained in enclosed structures which shall be of soundproof constructions and so maintained as to produce no dust, odors or noise at the property line. All animals receiving treatment, kennel or otherwise being kept on the premises shall be kept inside at all times except when the animal is being transported to or from the premises.
- E. No deceased animal shall be cremated on the premises.
- F. No outdoor storage of feed, supplies, equipment and animal waste shall be permitted.

**SECTION 709 TELECOMMUNICATION FACILITY**

The Village Planning Board may approve a special use permit for the use of land and buildings for a telecommunication facility in the I Industrial District provided that the following standards and provisions are maintained:

**A. PURPOSE**

The purpose of these supplemental regulations is to promote health, safety, and the general welfare of the residents of the Village of Lyndonville to provide standards for safe provision of telecommunications consistent with applicable federal and state regulations; to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from telecommunications towers by requiring careful siting, visual impact assessment, and appropriate landscaping.

**B. GENERAL CRITERIA**

No Special Use Permit or renewal thereof or modification of a current Special Use Permit relating to a Telecommunications Facility shall be authorized by the Village Planning Board unless it finds that such Telecommunications Facility:

1. Is necessary to meet current or expected demands for service;
2. Conforms with all applicable regulations promulgated by the Federal Communications Commission, Federal Aviation Administration, and other federal agencies;

3. Is designed and constructed in a manner which minimizes visual impact to the extent practical;
4. Complies with all other requirements of this Local Law, unless expressly superseded herein;
5. Is the most appropriate site among those available within the technically feasible area for the location of a Telecommunications Facility;
6. When including the construction of a tower, such tower is designed to accommodate future shared use by at least one (1) other telecommunication service provider. Any subsequent location of telecommunication equipment by other service providers on existing towers specifically designed for shared use shall not require a new or modified special permit if there would be no increase in the height of the tower. However, the additional equipment shall require site plan approval.

### C. CO-LOCATION

The shared use of existing Telecommunications Facilities or other structures shall be preferred to the construction of new Facilities. Any Special Permit applications, renewal or modification thereof shall include proof that reasonable efforts have been made to co-locate within (share) an existing Telecommunication Facility or upon an existing structure. The application shall include an adequate inventory report specifying existing Telecommunication Facility sites and structures exceeding seventy-five percent (75%) of the height of the proposed tower within the search range of the cell grid. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to the proposed location.

The applicant must demonstrate that the proposed Telecommunication Facility cannot be accommodated on existing Telecommunications Facility sites in the inventory due to one (1) or more of the following reasons:

1. The planned equipment would exceed the structural capacity of existing and approved Telecommunication Facilities or other structures, considering existing and planned use for those facilities;
2. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
3. Existing or approved Telecommunications Facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
4. Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures;

5. The property owner or owner of the existing Telecommunication Facility or other structure refuses to allow such co-location.

**D. DIMENSIONAL STANDARDS**

1. A fall zone around any tower constructed as part of a Telecommunications Facility must have a radius at least equal to the height of the tower and any antennae(s) attached upon its zenith. The entire fall zone may not include public roads and must be located on property either owned or leased by the applicant or for which the applicant has obtained an easement, and may not contain any structure other than those associated with the Telecommunications Facility. If the Facility is attached to an existing structure, relief may be granted by specific permission of the Zoning Board of Appeals on a case-by-case basis.
2. All Telecommunications Facilities shall be located on a single parcel.
3. All Telecommunications Facilities shall comply with the setback standards of the underlying zoning district. The size of the leased or owned lot shall be, at a minimum, sufficiently large to include the entire fall zone. A lot leased or owned for the purpose of construction of a tower as part of Telecommunications Facility shall not result in the creation of a non-conforming lot.
4. The frontage requirement of the underlying zoning district shall not apply, provided the Telecommunications Facility is not proposed on a parcel to be partitioned specifically for the Facility and/or is designed for occupancy by staff. In the absence of required frontage, an accessway for service vehicles - either through easement, lease or ownership - shall be in accord with Subdivision G herein.

**E. LIGHTING AND MARKING**

1. Towers shall not be artificially lighted and marked beyond requirements of the Federal Aviation Administration (FAA).
2. Notwithstanding paragraph E.1. above, an applicant may be compelled to add FAA-style lighting and marking, if in the judgment of the Village Planning Board, such a requirement would be of direct benefit to public safety.

**F. APPEARANCE AND BUFFERING**

1. The use of any portion of a Telecommunications Facility for signs, promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited.

2. The facility shall have the least practical visual effect on the environment, as determined by the Village Planning Board. Any tower that is not subject to FAA marking, pursuant to Subdivision E.1. and E.2. of this Section, shall otherwise:
  - a. have a galvanized finish, or shall be painted gray above the surrounding tree line and gray or green below the tree line, as deemed appropriate by the Village Planning Board; or
  - b. be disguised or camouflaged to blend in with the surroundings, to the extent that such alteration does not impair the ability of the Facility to perform its designed function.
3. Accessory structures shall maximize the use of building materials, colors, and textures designed to blend in with the natural surroundings.
4. The Village Planning Board may require a State Environmental Quality Review (SEQR) Full EAF (Environmental Assessment Form) for proposed Facilities at key viewpoints in the community. A Visual Environmental Assessment Form (Visual EAF), may be required as an addendum to either the Full or Short EAF. The Village Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.
5. The Village Planning Board shall require that the Facility have appropriate vegetative buffering around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, or public roads. Such screening shall include the maximum feasible retention of existing vegetation. The Village Planning Board may similarly require screening adjacent to waterways, landmarks, refuges, community facilities, or conservation or historic areas within common view of the public.
6. Equipment or vehicles not used in direct support, renovations, additions or repair of any Telecommunications Facility shall not be stored or parked on the Facility site.

**G. ACCESS AND PARKING**

1. Accessways shall make maximum use of existing public or private roads to the extent practicable. New access ways constructed solely for Telecommunications Facilities must be at least twenty (20) feet, but no more than thirty (30) feet wide, and closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
2. The road surface (driveways) shall be centered within accessways and shall not comprise more than sixty percent (60%) of the width of the accessway.

3. Parking areas shall be sufficient to accommodate the greatest number of service vehicles expected on the premises at any one time.
4. Driveways or parking areas shall provide adequate interior turn-around, such that service vehicles will not have to back out onto a public thoroughfare.

#### **H. SECURITY**

1. Towers, anchor points of guyed towers, and accessory structures shall each be surrounded by fencing at least eight (8) feet in height, the top foot of which may, at the discretion of the Village Planning Board in deference to the character of the neighborhood, be comprised of three-strands of barbed wire to discourage unauthorized access to the site.
2. Motion activated or staff activated security lighting around the base of a tower or accessory structure entrance may be provided if such lighting does not project off the site. Such lighting should only occur when the area within the fenced perimeters has been entered.
3. There shall be no permanent climbing pegs within fifteen (15) feet off the ground of any tower.
4. A locked gate at the junction of the accessway and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public right-of-way.

#### **I. ENGINEERING AND MAINTENANCE**

1. Site plans for all Telecommunications Facilities must bear the seal of a professional engineer licensed to practice in the State of New York. Every facility shall be built, operated and maintained to acceptable industry standards including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).
2. Every Facility shall be inspected at least every second year for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the Zoning Enforcement Officer.
3. A safety analysis by a qualified professional must accompany any special permit or site plan application, renewal thereof or modification, for the purpose of certifying that general public electromagnetic radiation exposure does not exceed standards set by Federal Regulations.
4. The municipality, at the expense of the applicant, may employ its own consulting assistance to review the findings and conclusions of safety analysis, visual analysis, or structural inspection, provided by the applicant.

**J. REMOVAL**

1. At the time of submittal of the application of a special use permit for a Telecommunications Facility, the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use within a Telecommunications Facility if such Facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve (12) consecutive months. Upon removal of said Facility, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils.
2. At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the Telecommunications Facility and property restoration, with the municipality as the assignee, in an amount approved by the Village Planning Board, but not less than one hundred thousand dollars (\$100,000).
3. At time of renewal or modification of the Special Use Permit, the Village Planning Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the Telecommunications Facility and property restoration.

**SECTION 710 HOME BUSINESS - CLASS A**

The Village Planning Board may approve special use permits for Class A Home Business as an accessory use in the AR Agricultural-Residential and R-1 Single-Family Residential Districts provided the following standards and provisions are maintained:

- A. Purpose - The purpose of this Section is to provide opportunities for economic advancement among the residents of the Village and to protect the character of the residential areas of the Village. Home businesses established pursuant to this Section are expected to blend in with the existing character of the neighborhood in which they are located.
- B. Site Plan Review - Site plan review shall be required in accord with the site plan regulations set forth in this Local Law.
- C. Types of Dwellings and Maximum Area - Home businesses shall be permitted within single-family dwellings only. Home businesses shall not be permitted in any two-family dwelling, multiple family dwelling, manufactured home park, or any accessory building. No more than twenty-five percent (25%) of the gross floor area of a dwelling may be used for the home business.



- D. Shared Driveway - No Home Business shall be permitted where access is provided by a shared driveway.
- E. Number of Home Businesses - No more than one (1) home business shall be permitted in any residential dwelling.
- F. Employees - No employees other than the persons who reside in the dwelling shall be employed in the home business.
- G. Number of Clients and Customers - The home business shall be conducted in such a manner that the maximum number of clients and/or customers on the premises at any one time shall not exceed four (4) persons.
- H. Hours of Operation - The home business shall be conducted in such a manner that all the business activities shall occur between the hours of 8:00 a.m. and 8:00 p.m. and all clients, customers and others coming to conduct business at the site of the home business shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- I. Deliveries and Shipping - No home business shall be permitted that requires tractor-trailer deliveries. No more than fifteen (15) pickups and/or deliveries per week by U.S. Postal Service and commercial delivery services shall be permitted. All pickups and deliveries shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- J. Off-Street Parking - Off-street parking shall be provided in accordance with the provisions of Section 601 of this Local Law. All such required off-street parking shall be achieved on site and not in the required front yard and shall be in addition to the off-street parking required for the residence.
- K. Commercial Vehicles - Not more than one (1) commercial vehicle shall be permitted in connection with the home business and such vehicle shall be parked in the driveway or parking area or stored in an enclosed garage. No construction vehicles, construction equipment or heavy vehicles may be used in connection with the home business.
- L. Signage - One unanimated, non-illuminated single-sided flat sign or window sign, not to exceed two (2) square feet attached shall be permitted to identify the home business. Signs shall be mounted flat against the building so that only the front side of the sign is exposed and visible from the street.
- M. Maintenance of Residential Character - The appearance of the structure shall not be altered and the business within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, constructions, 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 shall be used. No outdoor display of goods or outside storage of equipment, supplies or materials used in the home business or profession shall be permitted.

- N. Additional Conditions - The Village Planning Board may impose additional conditions and/or restrictions as the Board deems appropriate when issuing the Special Use Permit.
- O. Inspections - The Zoning Officer may periodically inspect the premises operating under the Special Use Permit for compliance with these regulations and any conditions imposed by the Village Planning Board.

## SECTION 711 HOME BUSINESS - CLASS B

The Village Planning Board may approve special use permits for Class B Home Business as an accessory use in the AR Agricultural-Residential and R-1 Single-Family Residential Districts provided the following standards and provisions are maintained:

- A. Purpose - The purpose of this Section is to provide opportunities for economic advancement among the residents of the Village and to protect the character of the residential areas of the Village. Home businesses established pursuant to this Section are expected to blend in with the existing character of the neighborhood in which they are located.
- B. Site Plan Review - Site plan review shall be required in accord with the site plan regulations set forth in this Local Law.
- C. Types of Dwellings - Home businesses shall be permitted within and limited to one building accessory to a single-family dwelling. Home businesses shall not be permitted in any building accessory to a two-family dwelling, multiple family dwelling or manufactured home.
- D. Shared Driveway - No Home Business shall be permitted where access is provided by a shared driveway.
- E. Number of Home Business - No more than one (1) home business shall be permitted on any one residential parcel.
- F. Employees - No employees other than the persons who reside in the dwelling shall be employed in the home business.
- G. Number of Clients and Customers - The home business shall be conducted in such a manner that the maximum number of clients and/or customers on the premises at any one time shall not exceed four (4) persons..
- H. Hours of Operation - The home business shall be conducted in such a manner that all the business activities shall occur between the hours of 8:00 a.m. and 8:00 p.m. and all clients, customers and others coming to conduct business at the site of the home business shall occur between the hours of 8:00 a.m. and 8:00 p.m.

- I. Deliveries and Shipping - No home business shall be permitted that requires tractor-trailer deliveries. No more than fifteen (15) pickups and/or deliveries per week by U.S. Postal Service and commercial delivery services shall be permitted. All pickups and deliveries shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- J. Commercial Vehicles - Not more than one (1) commercial vehicle shall be permitted in connection with the home business and such vehicle shall be parked in the driveway or stored in an enclosed garage. No construction vehicles, construction equipment or heavy vehicles may be used in connection with a home business.
- K. Signage - One unanimated, non-illuminated single-sided flat sign or window sign, not to exceed two (2) square feet attached shall be permitted to identify the home business. Signs shall be mounted flat against the building so that only the front side of the sign is exposed and visible from the street.
- L. Maintenance of residential character - The appearance of the structure shall not be altered and the home business shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, constructions, 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 shall be used. No outdoor display of goods or outside storage of equipment, supplies or materials used in the home business shall be permitted.
- M. Additional Conditions - The Village Planning Board may impose additional conditions and/or restrictions as the Board deems appropriate when approving the Special Use Permit..
- N. Inspections - The Zoning Officer may periodically inspect the premises operating under the Special Use Permit for compliance with these regulations and any conditions imposed by the Village Planning Board.

## **SECTION 712      ESSENTIAL SERVICES**

The Village Planning Board may approve a special use permit for essential services and utilities, excluding telecommunications facilities, in all districts provided the following standards and provisions are maintained:

- A. The proposed installation in a specific location is necessary and convenient for the efficiency of the essential services or for the satisfactory and convenient provision of service to the area in which the particular use is located.
- B. The design of any building constructed in connection with the essential service shall conform to the general character of the areas and will not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.

- C. Adequate landscaping shall be provided to create a visual and sound buffer between such use and adjoining properties.
- D. All new and replacement electric distribution, telephone, cable television and other lines shall be placed underground, if practical, as determined by the Village Planning Board during Site Plan Review.
- E. All service connections from distribution lines shall be placed underground.
- F. Adequate off-street parking shall be provided.
- G. The proposed improvement shall not create interference with the television, radio or telephone reception at nearby properties.
- H. All major electrical transform facilities and substations, if above ground, shall be secured by outer and inner fences, each ten feet from each other at any point. No transformer facilities or substations shall be closer than one hundred (100) feet to any lot line.
- I. Adequate and attractive fences and other safety devices shall be provided.

**SECTION 713 CHILD AND ADULT DAY CARE CENTERS DAY CARE CENTERS**

The Village Planning Board may approve special use permits for Child Day Care Centers and Adult Day Care Centers in the AR Agricultural-Residential and GB General Business Districts provided the following standards and provisions are maintained:

- A. Dimensional requirements:

Minimum Lot Size:	14,520 square feet
Minimum Lot Width:	100 feet
Minimum Front Setback:	35 feet (from right-of-way line)
Minimum Side Setback:	20 feet
Minimum Rear Setback:	20 feet
Maximum Building Height	35 feet
Maximum Building Lot Coverage:	30%
Minimum Green Space:	40%
- B. The applicant obtains and maintains all the requisite governmental approvals to operate the proposed facility.
- C. On-site recreation facilities shall be provided and maintained for the exclusive use of clients. Recreation areas shall be physically separated from on-site parking areas and driveways and screened from adjoining properties.

- D. Off-Street Parking shall be provided in accordance with Section 601 of this Local Law. All off-street parking shall be illuminated and adequately screened from adjoining residential sites and available for use by employees and visitors.
- E. All outdoor recreation areas shall be located in the rear and/or side yard areas. Where such facilities are to be located adjacent to a residential site, berms with landscaped planting shall be installed along the borders to mitigate the effects of noise on the adjacent residential sites.

**SECTION 714 DRIVE-IN BUSINESSES**

The Village Planning Board may approve special use permits for Drive-In Businesses in the CBD Central Business and GB General Business Districts provided the following standards and provisions are maintained:

A. Dimensional requirements in the CBD District:

Minimum Lot Size:	None
Minimum Lot Width:	None
Minimum Front Setback:	None
Minimum Side Setback:	None
Minimum Rear Setback:	None
Maximum Building Height:	35 feet
Maximum Building Lot Coverage:	85%
Minimum Green Space:	None

B. Dimensional requirements in the GB District:

Minimum Lot Size:	29,040 square feet
Minimum Lot Width:	100 feet
Minimum Front Setback:	25 feet (from right-of-way line)
Minimum Side Setback:	12 feet each
Minimum Rear Setback:	20 feet
Maximum Building Lot Coverage:	40%
Minimum Green Space	15%

C. Additional Setback and Density Restrictions - All drive-in businesses shall be a minimum of two hundred (200) feet from other drive-in businesses, said distance shall be computed as follows:

1. For such businesses located on the same side of the street, two hundred (200) feet measured between the two closest property lines.
2. For such businesses located on opposite sides of the street, two hundred (200) feet measured diagonally between the two closest property corners.

3. For four-corner intersections, one (1) such business may be located on a diagonally opposite corner exclusive of the two hundred (200) foot distance requirement.
  4. The minimum distance from a driveway to a property line shall be twenty (20) feet.
  5. The minimum distance between ingress and egress driveways on the site shall be fifty (50) feet measured for the two (2) closest driveway curbs.
  6. The minimum distance into the site from a street intersection shall be one hundred (100) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
- D. Drive-in businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- E. Exterior lighting proposed for the site shall be planned, erected and maintained so it will not cast direct light or glare upon adjacent properties or public rights-of-way. The light source shall not exceed twenty (20) feet in height.
- F. Any outdoor eating area associated with a drive-in restaurant shall be maintained free of litter, and landscaped and physically separated from any off-street parking area or driveway.
- F. Drive through lanes shall be situated for circulation within the parking lot so as to eliminate or reduce the conflict between pedestrians within the parking lot and vehicles utilizing the drive-in facilities.
- H. Drive through lanes will be of sufficient length so that the lines of vehicles in the drive-in lane waiting for service shall not extend onto the public street nor block public sidewalks.

## **SECTION 715 CLUSTER RESIDENTIAL DEVELOPMENT**

The Village Planning Board may approve special use permits for Cluster Residential Development in the AR Agricultural-Residential and R-1 Residential District provided the following standards and provisions are maintained:

- A. Minimum Tract Size - The minimum tract size shall be fifteen (15) acres.
- B. Dimensional Requirements - The lot size, yard area and height requirements shall be established on an individual case basis which reflects the unique conditions of each site proposed for development, the potential impact on adjacent properties and to insure consistency with the Village Comprehensive Plan.

- C. Density - The number of lots or units (density of development) in a cluster plan shall not exceed the maximum density that could be created under a conventional development plan for the same tract of land. In determining the overall density to be allowed for residential development, all areas of the tract will be included.
- D. Recreational and Open Space - The developer shall set aside an area of not less than twenty percent (20%) of the gross acreage of the tract to be devoted exclusively to permanent recreation areas and/or open space. All recreation or open space areas shall, in the opinion of the Village Planning Board, be suitable for such use. The ownership and future maintenance of such recreation areas shall be subject to the approval of the Village Board or offered for dedication to the Village.

**SECTION 716 SENIOR HOUSING INCLUDING INDEPENDENT AND/OR ASSISTED LIVING APARTMENT BUILDINGS**

**SENIOR HOUSING DEFINITION:** Housing shall be designed for, and residency shall be limited to, persons sixty-two (62) years of age and older with said housing meeting all requirements of Section 3607(b)(2)(B) of the Federal Fair Housing Act. Such housing for senior citizens may include unassisted senior housing, elderly assisted housing that provides support services for the elderly such as dining rooms, lounges, laundry facilities, recreational uses and the like and nursing homes for the elderly.

The Village Planning Board may approve special use permits for senior citizen housing in the AR Agricultural-Residential and R-1 Residential Districts provided the following standards and provisions are maintained:

A. Dimensional requirements:

Minimum Lot Size:	3,500 square feet per dwelling unit
Minimum Lot Width:	100 feet
Minimum Front Setback:	50 feet
Minimum Side Setback:	30 feet
Minimum Rear Setback:	30 feet
Maximum Building Height:	40 feet
Maximum Building Coverage:	30%
Minimum Green Space	50%

- B. Off-street parking shall be provided in accord with Section 601 of this Local Law.
- C. Housing described in this Section shall exist, be designed and constructed for the needs of senior citizens and shall be occupied exclusively by senior citizens age sixty-two (62) and older except that in the case of married couples or siblings living together one of the persons may be under sixty-two (62) years of age provided the other spouse or sibling is age sixty-two (62) and older. The owner of the building used or erected for senior housing purposes shall file with the Zoning Enforcement Officer, a signed, sworn

affidavit, on or before the first day of January of every year, certifying that all occupants of the building comply with the age requirements set forth in this Section.

- D. Senior housing shall be serviced by municipal water and sanitary sewer service.

## **SECTION 717 NURSING AND CONVALESCENT HOMES**

The Village Planning Board may approve a special use permit for a Nursing or Convalescent Home in the AR Agricultural-Residential District provided the following standards and provisions are maintained:

- A. Dimensional requirements:

Minimum Lot Size:	One (1) acres
Minimum Lot Width:	150 feet
Minimum Front Setback:	50 feet
Minimum Side Setback:	30 feet
Minimum Rear Setback:	30 feet
Maximum Building Height:	35 feet
Maximum Building Coverage:	40%
Minimum Green Space	40%

- B. Off-street parking shall be provided in accord with Section 601 of this Local Law.
- C. Each such use shall have only a single point of access to each public street on which the property abuts.
- D. Site lighting shall be provided. Such lighting shall not illuminate adjoining residential properties. Site lighting shall be restricted to providing adequate security lighting for the property during times the medical clinic and/or laboratory is not open for business.
- E. One unanimated, non-illuminated flat sign or window sign and one unanimated, free standing sign, each not to exceed four (4) square feet per side, shall be permitted. Illuminated signs may be permitted subject to the review and approval of the Village Planning Board.

## **SECTION 719 OUTDOOR RECREATION BUSINESSES**

The Village Planning Board may approve a special use permit for an Outdoor Recreational Business in the GB General Business District provided the following standards and provisions are maintained:

- A. Dimensional requirements shall be determined by the Village Planning Board during the Site Plan Review process and shall be predicated on the type and scale of the proposed business.



- B. The use of motorized vehicles in conjunction with outdoor recreational businesses is expressly prohibited, except that electric golf carts may be used in conjunction with golf courses and a single motorized vehicle may be used to gather golf balls at golf driving ranges.
- C. Lighting shall be installed so as to not illuminate or cause light glare on adjoining residential properties.
- D. The broadcasting of music and/or the use of public address systems shall be such that the sound produced is not audible at the property line of any adjoining properties.
- E. The Village Planning Board may establish the hours of operation of outdoor recreational businesses to prevent the creation of nuisances or the disruption of the public peace during late evening, night and early morning hours.
- F. The facility shall be laid out and constructed in such a way that errant golf balls, baseballs, softballs, volleyballs or similar objects utilized shall not be hit, thrown, or deflected so as to leave the parcel on which the recreational business is located.
- G. Adequate fencing and/or shrubbery shall be installed to adequately buffer outdoor recreational uses from adjoining residential uses.
- H. Suitable and adequate off-street parking shall be provided in accordance with the requirements established by the Village Planning Board based on the Site Plan Review.

## **SECTION 720 RIDING STABLES**

The Village Planning Board may approve a special use permit for the use of land and buildings for stables for the commercial boarding of horses or for riding academies in the AR Agricultural-Residential District provided that the following standards and provisions are maintained:

- A. No site preparation or construction shall commence nor shall existing structures be occupied until final site plan approval has been granted by the Village Planning Board and permits have been issued by all governmental agencies involved.
- B. The permitted use may include any of the following:
  - 1. Storage of horse vans for conveying or vanning of horses as may be accessory to the principal use.
  - 2. Sale or rental of horses for use by public by the hour, day, month or year.
  - 3. Rides on horses by the public.

4. Rental of horse vans.
  5. Riding lessons to the public.
  6. Sale of horse supplies and/or equipment.
- C. The land devoted to this use shall not be less than ten (10) contiguous acres.
- D. One principal single family dwelling may be located on the land devoted to this use provided that the dwelling complies with the requirements for this Local Law. The land area on which the principal single family dwelling is located (minimum lot size of AR District) shall not be considered part of the "land devoted to this use" set forth in Subsection C above.
- E. The number of horses that may be boarded and/or trained at such property shall not exceed twenty-five (25) horses for the first ten (10) acres of land devoted to this use, plus one horse for each additional half acre of land available for such purpose.
- F. The stable shall be located not less than one hundred (100) feet from any boundary line. The storage of manure shall be located on land not less than two hundred (200) feet from any boundary line. The Village Planning Board may require manure storage areas to be screened and/or buffered from adjacent areas.
- G. Any riding ring shall be at least fifty (50) feet from any boundary line.
- H. Accessory buildings not used to house horses such as sheds, out buildings and the like, may be located on the land devoted to this use provided that they are set back a minimum of fifty (50) feet from all property boundary lines, and provided that they are not used for the storage of manure.
- I. Structures on the land devoted to this use (not including the principal dwelling) shall not be in the aggregate cover more than five percent (5%) of the area of the land devoted to this use.
- J. No structure shall exceed thirty-five (35) feet in height.
- K. Suitable and adequate off-street parking shall be provided in accordance with the requirements established by the Village Planning Board based on the Site Plan Review.
- L. Exterior lighting shall be permitted only to the extent necessary to prevent injury to the public and shall be so installed and arranged as to reflect light away from the adjoining streets and prevent any nuisance to adjoining property.
- M. The installation and use of exterior loudspeakers shall be conducted in such a manner as to minimize potential nuisances to adjacent properties.

## SECTION 721      ACCESSORY APARTMENTS

The Village Planning Board may approve a special use permit for accessory apartments in the AR Agricultural/ Residential and in the R-1 Residential District provided that the following standards and provisions are maintained:

- A.    Intent -The purpose of this Section is to permit, by Special Use Permit, temporary accessory apartments only in single-family residential dwelling units in the AR Agricultural-Residential and R-1 Residential Districts specifically to accommodate the special housing needs of elderly parents who may have insufficient incomes to be able afford a private dwelling of their own; and/or who have physical and/or mental impairments and need the assistance of adult children caregivers; as well as the housing needs of adult children starting out on their own who may have insufficient incomes to be able to afford to rent or purchase a dwelling of their own. The intent of this Section is not to permit permanent two-family dwellings.
  
- B.    Site Plan Review - Site plan approval shall be required as a prerequisite for the approval of an accessory apartment permit.
  
- C.    Standards
  - 1.    The accessory apartment shall have no more than two (2) bedrooms, its occupancy restricted to two (2) persons and shall be designed to the greatest extent possible to be barrier free.
  - 2.    The property owner shall reside on the premises and the occupancy of either unit by a person other than the owner and his immediate family (parent(s), parent(s)-in-law, spouse or children or step-children) shall be prohibited.
  - 3.    The accessory apartment shall be subordinate to the principal residence and shall contain at least four-hundred (400) square feet, but not more than six hundred (600) square feet of gross floor area or twenty-five percent (25%) of the gross floor area of the entire building, whichever is more restrictive. The accessory apartment must be attached to the principal dwelling by at least twenty-five percent (25%) of a common wall.
  - 4.    The accessory apartment shall not adversely alter the exterior appearance of the dwelling or alter the single-family character of the building.
  - 5.    The accessory apartment shall not result in any decrease in the front yard setback of the building.
  - 6.    The accessory apartment shall be self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s). A separate entrance to the accessory apartment shall be provided at the side or rear of the structure, but no entrance to the accessory apartment shall face the front yard of the lot.

7. Utility services shall be shared in common.
8. No more than one (1) accessory apartment may be created on any single parcel.
9. A minimum of two (2) off-street parking spaces shall be provided for the accessory apartment in addition to the off-street parking required for the single-family dwelling unit in which the accessory apartment is located. No new driveway access to the street shall be permitted. Off-street parking for such accessory apartment shall be designed and located to be convenient but without encroaching on any required yard or setback.

**C. Special Use Permit Requirement**

1. An accessory apartment dwelling shall not be occupied until a Special Use Permit has been granted by the Village Planning Board.
2. The owner of the property shall be required to submit a notarized affidavit biennially to the Zoning Enforcement Officer attesting to the fact that the owner is in full and complete compliance with the standards set forth in this Section and any other conditions imposed by the Village Planning Board at the time the special use permit was approved.
3. The special use permit for an accessory apartment is conditioned on the continuous compliance with all of the standards set forth in this Section and any other conditions imposed by the Village Planning Board at the time the special use permit was issued. . The Special Use Permit shall automatically and immediately terminate upon the non-compliance of any or all of the standards set forth in this Section or upon the accessory apartment becoming vacant.

**SECTION 722 ADULT BUSINESSES**

The Village Planning Board may approve special use permits for Adult Businesses in the Light Industrial District in accord with the regulations and provisions contained in Local Law No. 1 of 1999 titled "Regulating Adult Businesses in the Village of Lyndonville."

**SECTION 723 CEMETERIES**

The Village Planning Board may approve special use permits for Cemeteries in the Agricultural-Residential (AR) and Residential (R-1) Districts provided the following standards and provisions are maintained:

- A. A new cemetery shall contain at least seven (7) acres of contiguous land. An existing cemetery may be increased in size provided that the land being added contains a minimum of three (3) acres, is located adjacent to the existing cemetery and is not separated from the existing cemetery by a public street, highway or other public right-of-way.

- B. The lot shall not be less than three hundred (300) feet wide.
- C. Each cemetery shall provide a maintenance building for the storage of all equipment and materials being used for the maintenance and operation of the cemetery. Mausoleums and chapels that are incidental to the cemetery shall be permitted as accessory uses.
- D. No internment shall be within thirty (30) feet of any street or lot line.
- E. Memorials and monuments may not exceed six (6) feet in height.
- F. Off-street parking spaces shall be provided in accord with Section 601 of this Local Law.
- G. Each cemetery shall post the hours of operation and use by the public including a telephone number to call for information or to report an incident.

**SECTION 724 COMMERCIAL GREENHOUSES AND NURSERIES**

The Village Planning Board may approve special use permits for Cemeteries in the Agricultural-Residential (AR) District provided the following standards and provisions are maintained:

- A. Dimensional requirements:

Minimum Lot Size:	Three (3) acres
Minimum Lot Width:	200 feet
Minimum Front Setback:	75 feet
Minimum Side Setback:	50 feet
Minimum Rear Setback:	40 feet
Maximum Building Height:	35 feet
Maximum Building Coverage:	50%
Minimum Green Space	30%
- B. The outdoor storage of lawn and garden supplies shall be screened from the view of adjoining properties by a fence, hedge or shrubbery.
- C. Commercial vehicles shall not be stored in the front yard and shall be screened by a fence, hedge or shrubbery from the view of adjoining property owners.
- D. The nursery shall be operated such that dust, odors, noise and vibrations shall not exceed the ambient levels of dust, odors, noise and vibrations and so as to not adversely impact on adjoining properties.

**SECTION 725            MEDICAL CLINICS AND MEDICAL LABORATORIES**

The Village Planning Board may approve special use permits for medical clinics and laboratories in the Agricultural-Residential (AR) District provided the following standards and provisions are maintained:

A.     Dimensional requirements:

Minimum Lot Size:	32,670 square feet
Minimum Lot Width:	100 feet
Minimum Front Setback:	50 feet
Minimum Side Setback:	30 feet
Minimum Rear Setback:	30 feet
Maximum Building Height:	35 feet
Maximum Building Coverage:	30%
Minimum Green Space	40%

B.     Each such use shall have only a single point of access to each public street on which the property abuts.

C.     Site lighting shall be provided. Such lighting shall not illuminate adjoining residential properties. Site lighting shall be restricted to providing adequate security lighting for the property during times the medical clinic and/or laboratory is not open for business.

D.     One unanimated, non-illuminated flat sign or window sign and one unanimated, free standing sign, each not to exceed four (4) square feet per side, shall be permitted. Illuminated signs may be permitted subject to the review and approval of the Village Planning Board.