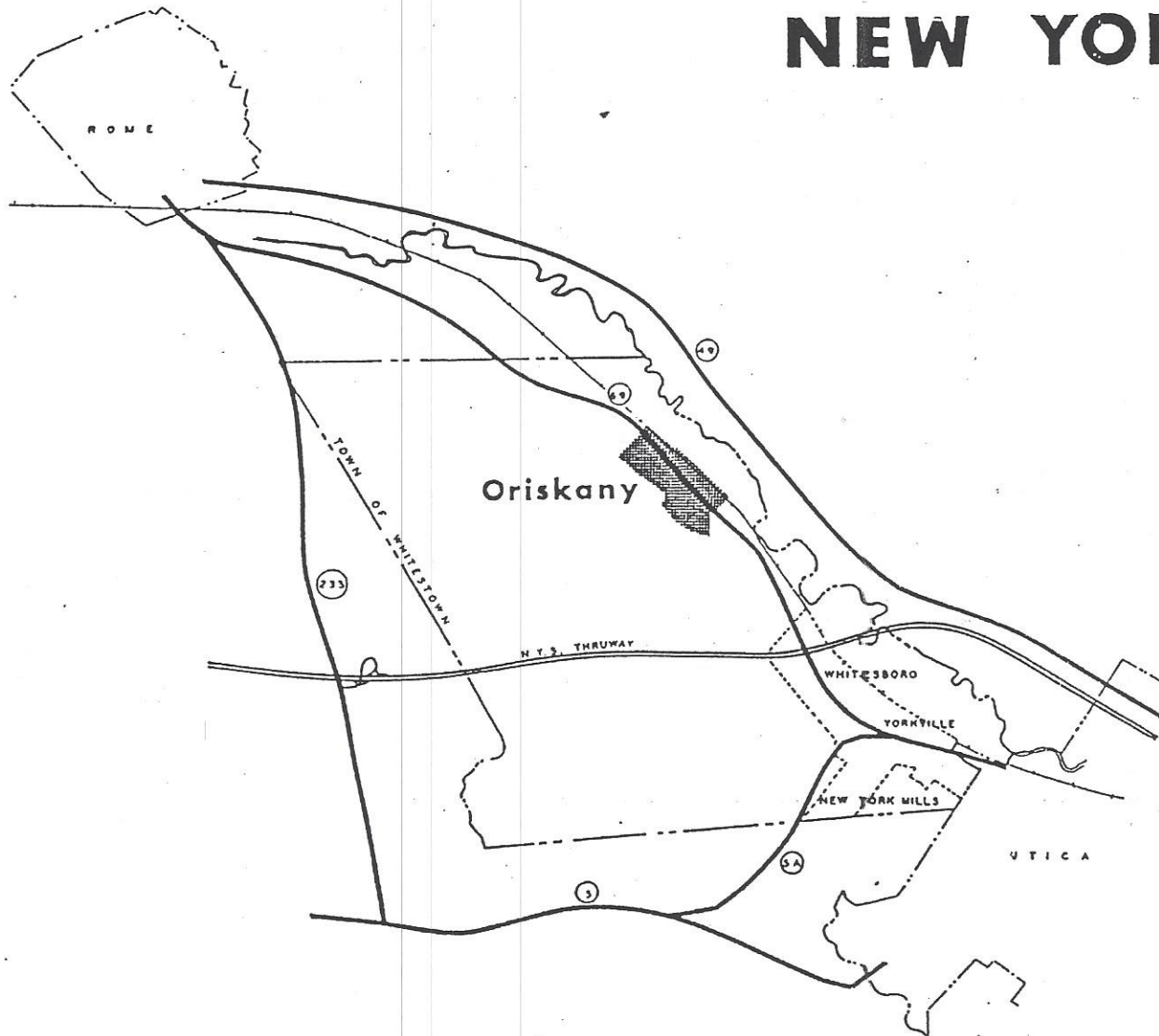


VILLAGE OF ORISKANY NEW YORK



zoning

regulations



- LEGEND**
- R-1 RESIDENTIAL
 - R-2 RESIDENTIAL
 - C-1 COMMERCIAL
 - C-2 COMMERCIAL
 - M-1 MANUFACTURING
 - P-D PLANNED DEVELOPMENT

ZONING MAP

NOT TO SCALE



NORTH

ORISKANY VILLAGE BOARD OF TRUSTEES SPECIAL MEETING
October 29, 1996

Present: Mayor Donald F. Rothdiener, Trustees; Clifford M. O'Connor, Paul J. Rieben, Bernard I. Block, clerk Mary Lou O'Connor and Mr. & Mrs. Brian J. Donohoe.

Absent: Trustee Andrew F. Trinkaus.

The special meeting was called to order at 6:00 P.M. by the Mayor.

This meeting is for the purpose of adopting the new revised Zoning Regulations for the village.

A PUBLIC HEARING, held 10/22/96, with only four (4) residents appearing to examine and speak out about the new regulations brought a few remarks for discussion.

There was some discussion as to the wording on page 27, paragraph D, by removing the word side, only accessory buildings can be erected in the rear. If erected on the side the party would need a variance. This was discussed by members indicating a few existing examples. Trustee O'Connor recommended that the rule remain the same as it is presently written in the new book. Mayor Rothdiener felt there was no problem with removing (side yard) from the new regulations. It was motioned by Trustee O'Connor and seconded by Trustee Rieben to accept the Zoning Regulations as written. The vote was:

Trustee O'Connor - yes	Trustee Rieben - yes	Trustee Block - no
Mayor Rothdiener - no	Vote rescinded.	

With a tie vote it was suggested that it be tabled until Trustee Trinkaus can be here to vote. Trustee Block motioned to omit the word side and accept the rule. this was also voted as a tie vote.

Board Members again discussed it further with a final decision.

A motion by Trustee Block and a second by Trustee O'Connor to terminate the old 1961 Zoning Regulations and accept the new 1996 Zoning Regulations with a revised paragraph D on page 27, omitting the word side. The motion was unanimously carried by the following vote:

Trustee Block - yes	Trustee Rieben - Yes
Trustee O'Connor - yes	Mayor Rothdiener - yes

A resolution was agreed to and passed, by a motion from Trustee Rieben and seconded by Trustee Block, to Oneida County that the village agreed with everything advised from the County which retains to the new Zoning Regulations. Motion carried.

These will be filed with New York State as soon as the Local Law is received from Attorney Deery. New additions to the zoning rules, regarding pornography, adult book stores, dance halls, etc., should be forwarded to the Planning Board as soon as possible.

Mayor Rothdiener mentioned the Environmental Impact study that will have to be adopted at the regular meeting on November 18th, 1996.

This special meeting closed at 6:35 P.M.

Respectfully submitted,

Mary Lou O'Connor
Mary Lou O'Connor, Clerk

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ZONING LAW

VILLAGE OF ORISKANY, ONEIDA COUNTY, NEW YORK.

A LOCAL LAW REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION, ALTERATION AND USE OF BUILDINGS AND LAND IN THE VILLAGE OF ORISKANY, NEW YORK PURSUANT TO THE ZONING PROVISIONS OF ARTICLE 7 OF THE VILLAGE LAW OF THE STATE OF NEW YORK.

THE ORISKANY VILLAGE BOARD, by virtue of the power and authority vested in it by law, does hereby adopt and enact as follows:

ARTICLE I - TITLE AND PURPOSE

1-1 - TITLE

This local law shall be known and may be cited as the "Village of Oriskany Zoning Law."

1-2 - PURPOSE

This Zoning Local Law is a land use control to guide development in the Village of Oriskany and is based, and is in conformance with, the Village Land Development Plan.

The provisions of this local law shall be held to be the minimum requirements adopted to promote the health, safety and general welfare of this community. Such requirements are deemed necessary for the following purposes:

A. Promote orderly development. To protect the character and maintain the stability of residential business and manufacturing areas within the village and to promote the orderly and beneficial development of such areas.

B. Regulate intensity of use. To regulate the intensity of use of zoning lots and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy, convenience of access to property and to protect the public health.

C. Regulate location of buildings. To establish building lines and the location of buildings designed for residential, commercial, manufacturing or other uses with such lines.

D. Establish standards of development. To fix reasonable standards to which buildings or structures shall conform.

E. Prohibit incompatible uses. To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.

F. Regulate alterations of existing buildings. To regulate such additions to and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

G. Limit congestion in streets. To limit congestion in the public streets and to protect the public health, safety, convenience and general welfare by providing for off-street parking of automobiles and for the locating and unloading of commercial vehicles.

H. Protect against hazards. To provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and the general welfare.

I. Conserve taxable value of land. To conserve the taxable value of land and buildings throughout the village.

ARTICLE II - DEFINITIONS

1-3 - WORD USAGE

For the purposes of this local law, certain terms or words used herein shall be interpreted as follows:

A. Words used in the present tense shall include the future. The singular number includes the plural, and the plural, the singular.

B. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.

C. The word "lot" includes the word "plot" or "parcel".

D. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged, or designed to be used or occupied."

E. The word "shall" is mandatory.

Doubt as to the precise meaning of any word used in this Law shall be clarified by the Board of Appeals under its power of interpretation.

1-4 - DEFINITIONS

ACCESSORY APARTMENT: A dwelling unit which is subordinate to a permitted principal one-family residence in terms of size, location and appearance. This use must be located on the same lot as the principal use and can either be accomplished by conversion within the existing one-family structure or conversion of another accessory building.

ACCESSORY BUILDING: A building (attached or detached) subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ALLEY: A service way which affords a secondary public means of vehicular access to abutting property.

ALTERATION: As applied to a building or structure, a change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location to another.

AMUSEMENT ARCADE: An establishment in which the principal use is the operation of mechanical, electrical, and or coin operated games and/or devices for the enjoyment of the general public.

AUTO WRECKING: The dismantling or disassembling of used motor vehicles or the storage, sale, salvaging or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

As used herein the term "vehicle" shall mean passenger type automobile, truck, tractor truck, trailer, bus, motorcycle, or other vehicles, however propelled, as well as tractors, bulldozers, machinery, and similar equipment.

AUTO WASH: A building or portion thereof, the use of which is devoted to the washing of automobiles, including, but not limited to, one of the following types:

- A. Conveyor type - An auto wash facility where automobiles progress through the washing process pulled by an electrically operated chain conveyor, or by some means other than their own power.
- B. Drive-Trough Type - An auto wash facility, where automobiles are driven through the washing process under their own power.
- C. Self-Service Type - An auto wash facility where automobiles are washed by the drivers of the automobiles, using machinery provided by the manager of the facility.

BASEMENT: A space of full story height partly below grade and having at least one-half of its clear floor-to-ceiling height above the finished grade of the ground adjoining the building.

BOARDING HOUSE: A building wherein lodging and meals for more than four (4) persons are provided for compensation.

BUILDING: Any roofed structure intended for the shelter, housing, or enclosure of persons, animals, or property.

BUILDING AREA: The total ground floor area of a principal building and accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

BUILDING COVERAGE: That area of the lot or plot covered by building area.

BUILDING DETACHED: A building surrounded by open space on all sides of the same lot.

BUILDING LINE: A line parallel with the front, side and rear property lines, respectively, beyond which a structure may not extend as specified in this Law.

BUILDING FLOOR AREA: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential occupancy and the areas of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

BUILDING, HEIGHT OF: Vertical distance measured from the mean natural grade at the foundation to the highest peak of the roof.

BUILDING, PRINCIPAL: A building in which the main use of the lot is conducted.

CARPORT: Any space outside a building and contiguous thereof wholly or partly covered by a roof, and used for the shelter of parked motor vehicles. A carport is to have no enclosure other than the side of the building to which the carport is contiguous, that is more than eighteen (18) inches in height, exclusive of screens.

CELLAR: That space of building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the finished grade of the ground adjoining the building.

CHANNEL: Natural or artificial water course, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel..

CLINIC: Office building used by members of the medical profession for the diagnosis and out-patient treatment of human ailments.

CLUB, PRIVATE: Building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.

COMMERCIAL EXCAVATION: The excavation and processing or sale of topsoil, earth, sand, gravel, clay or other natural deposits.

COMMUNITY CENTER: Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, church, not operated primarily for profit.

CONVENTIONAL ENERGY SYSTEM: Any energy system, including supply elements, furnaces, burners, tanks, boilers, related controls, and energy distributed components, which uses any source (s) of energy other than solar or wind energy. These sources include, but are not limited to gas, oil, coal, and nuclear materials.

DAY CARE CENTER: A structure other than a private residence licensed by the State of New York, which receives for care and supervision more than ten (10) children for more than three (3) hours but less than twenty-four (24) hours per day per child unattended by his/her parent or legal guardian.

DAY CARE FACILITY: A structure, including a private residence licensed by the State of New York, which receives for care and supervision at least three (3) children but not more than ten (10) children for more than three (3) hours but less than twenty-four (24) hours per day per child unattended by his/her parent or legal guardian.

DISH ANTENNA: Consists of three main components - the antenna itself, often called a disk; a low noise amplifier (LNA); and a receiver. The antenna and LNA are generally located outdoors and are connected by coaxial cable to the receiver, which is usually placed indoors.

DORMITORY USE: Uses including but not limited to fraternity, sorority, nurses, home, college dormitory.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND: Any place or premises used for selling, dispensing, or servicing of food, refreshments, or beverages to persons in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises or those primarily of a pick-up or carry-out service nature.

DRIVEWAY: That space or area of a lot which is specifically designated and reserved for the movement of motor vehicles from the lot to a public street. Such space or area shall be a minimum of nine (9) feet in width and a maximum of twenty (20) feet in width. In no instance shall motor vehicles be parked or stored within any other area of the front yard except in this designated space.

In Residence Districts the required off-street parking established in Schedule B shall be located only in the side or rear yard of the lot, and not between the street and the building setback line. Any additional off street parking over and above that required by Schedule B shall be limited to a designated driveway as defined herein.

DUMP: A plot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means or for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING, MOBILE HOME: A single family residential unit with all of the following characteristics, as well a bearing the seal from the Federal Department of Housing and Urban Development.

- A. Designated for a long term occupancy, and containing sleeping accommodations, flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside system.
- B. Designed to be transportable after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels.
- C. Arriving at the site where it is to be occupied as a dwelling unit, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation support, connection to utilities and the like.
- D. Designed for removal to an installation or erection on other sites.

A mobile home may include one (1) or more units, separately towable, which when joined together shall have the characteristics as described above. For the purpose of the law, a mobile home shall not be deemed a Single Family Detached Dwelling.

DWELLING, MODULAR UNIT: A factory fabricated transportable building designated to be used by itself or to be incorporated with similar units at a building site into a modular structure that be a finished building in a fixed location on a permanent foundation.

DWELLING, MULTIPLE FAMILY: A building or group of buildings containing three (3) or more dwelling units designed for year around occupancy by more than two (2) families living independently of each other.

DWELLING, ONE FAMILY: A detached dwelling unit, other than a mobile home or temporary structure, designed for exclusive year around occupancy by one (1) family only.

DWELLING, SECTIONAL: Two (2) or more factory fabricated units which are transported to the site by means other than on their own chassis; where they are placed on a permanent foundation and are joined to make a dwelling unit for year around living which is capable of complying with all applicable local and state building codes. The term "sectional" shall include the term "modular", and such dwelling units shall be deemed to be one (1), two (2), or multiple family dwelling, as is appropriate in the context of this section.

DWELLING, TWO FAMILY: A detached building containing two (2) dwelling units other than a mobile home or temporary structure, designed for exclusive year around occupancy by two (2) families living independently of each other.

DWELLING UNIT: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use as a complete, independent living facility for one (1) family and which includes permanent provisions for sleeping, eating, cooking and sanitation.

ENERGY STORAGE FACILITY: Equipment consisting of containers, heat exchangers, piping, and other transfer mechanism (including fluids, gases or solids), controls, and related structural support for

transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

ENFORCEMENT OFFICER: Refers to the individual appointed by the Village Board of Trustees, who is charged by law with the duty to enforce the provisions of this Law.

FAMILY: One (1) or more persons occupying a dwelling unit as a single, non-profit housekeeping unit.

FINANCIAL INSTITUTION: Any building wherein the primary occupation is concerned with such governmental regulated businesses as banking, saving and loans, loan companies and investment companies.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers or other inland areas of water.

FLOOD HAZARD AREA: A land area adjoining a river, stream, watercourse or lake, which is likely to be flooded during a one-hundred (100) year flood as depicted by the Federal Emergency Management Agency and/or the New York State Department of Environmental Conservation.

GARAGE, PRIVATE: A roofed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a nonresident of the premises.

GARAGE, STORAGE: A building or part thereof used only for the storage of vehicles for gain, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired, hired, or sold.

GARBAGE: Putrescible solid waste including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, or serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

GASOLINE STATION: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or other wise servicing motor vehicles, but not including the painting or major repair thereof. The term "gasoline station" shall be deemed to include filling stations and service stations.

HAZARDOUS WASTE: A solid or liquid waste which appears on the State list or satisfies the criteria promulgated by the Commissioner of the Department of Environmental Conservation pursuant to Section 27-0903 of the Environmental Conservation Law, and until, but not after the promulgation of such list and criteria, a solid or liquid waste or combination of solid and liquid wastes, which because of its quantity concentration, or physical, chemical, or biological characteristics may:

A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness.

B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed.

HOME OCCUPATION: Any personal or professional service customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in which there is kept no stock in trade. Among other things, the conducting of a medical clinic, barber shop, beauty shop, tourist home, animal hospital or vehicle service establishment or any similar activities shall not be deemed to be a Home Occupation.

HOSPITAL: A building or structure for the diagnosis and medical or surgical care of human sickness or injury, including facilities for the temporary housing of patients.

HOSPITAL, ANIMAL: A building or structure for the diagnosis and medical or surgical care of sick or injured animals, including facilities for the temporary housing of such animals.

HOTEL OR MOTEL: A building or group of buildings where transient guests are lodged for remuneration, but excluding rooming houses.

JUNK YARD: A lot, area of land, or structure, or part thereof used for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded materials; or for the collecting, dismantling storage and salvaging of junk machinery or vehicles, and for the sale of the parts thereof. It shall mean any place of storage or deposit, whether in connection with another business or not, where two (2) or more unregistered, old or second hand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, the use of some or all of the materials therein, whether metal, glass, fabric or otherwise; or disposing of the same; or for any other purpose. Such shall include any disposing of the same; or for any other purpose. Such shall include any piece of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which taken together, equal in bulk, two (2) or more such junk vehicles. As used herein, the term "vehicle" shall mean passenger type automobile, truck, tractor truck, trailer, bus, motorcycle, snowmobile or other vehicle however propelled, as well as tractors, bulldozers, machinery and similar equipment

JUNK VEHICLE: Any motor vehicle, trailer, or semi-trailer which is inoperable and which by virtue of its condition cannot be economically restored. In addition, any vehicle may be presumed to be a junk when:

- A. Valid license plates are not displayed or license plates have been expired for more than sixty (60) days.
- B. Valid state inspection stickers, as required for the use of the vehicle are not displayed or have been expired for more than sixty (60) days.
- C. The vehicle remains in an inoperable condition for more than ninety (90) days.

LAUNDERETTE: A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential hotel or club.

LOT: A parcel of land considered as a unit, occupied or capable of being occupied by a building or use or use and accessory buildings or used, or by a group of buildings united by a common use or interest, and including such open spaces as are required by this Law, and having its principal frontage on a street or road.

LOT AREA: The total area included with lot lines. No part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER: A lot located at the intersection of and fronting on two (2) or more intersecting streets, and having an interior angle at the corner of an intersection of less than one hundred thirty five (135) degrees.

LOT, COVERAGE: The percentage of the lot area that is occupied by the floor area of the building and its accessory building.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The property lines bounding the lot, including:

- A. **Front Lot Lines** - The lot line separating the lot from the street right-of-way.
- B. **Rear Lot Lines** - The lot line opposite and the most distant from the front lot line.
- C. **Side Lot Lines** - Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

LOT, THROUGH: A lot having frontage on two (2) approximately parallel, or converging streets other than a corner lot.

LOT, WIDTH: The distance between side lot lines measured paralleled to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

MOBILE HOME COURT: A parcel of land containing at least two (2) acres which has been planned and improved for the placement of two (2) or more mobile homes for non-transient use. The term shall include mobile home court, mobile home park, or other area planned and/or improved for two (2) or more mobile homes.

MOTOR VEHICLE SALES SHOWROOM: Enclosed establishment for display and sale of new and used motor vehicles, trailers, mobile homes, and boats.

NIGHT CLUB: An establishment that remains open late at night and provides food, drink and live entertainment.

NON-CONFORMING BUILDING OR USE: A building or use of land or building that does not conform with regulations for the district in which it is situated, and which existed legally on the effective date of this Law or its applicable amendment.

NON-CONFORMING LOT: Any lot which does not conform with the minimum area or dimensions required in the district in which it is situated or with the characteristics normally required of lots in the district where located and which lot existed on the effective date of the Law or an amendment thereto affecting the same.

NON-RESIDENTIAL USE: All uses of buildings, structures, or land except one (1) family dwellings, two (2) family dwellings and multiple family dwellings.

NURSING HOME: A facility for the accommodation of convalescents or other persons who require skilled nursing care and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.

OBSTRUCTIONS: A dam, wall wharf, embankment, levee, dike, pile, abutment, projections excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood-hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or

ROOMING HOUSE, TOURIST HOME: A dwelling in which overnight accommodations are provided for transient or non permanent guests or lodgers for compensation.

SCHOOL: Includes parochial, private, public and nursery school, college, university and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.

SIGN: Any device affixed to or painted or represented directly or indirectly upon a building, structure of land and which directs attention to an object, product, place, activity, person, institution, organization or business. Each display surface shall be considered to be a "sign", and all exterior lighting designed to identify or attract attention in such manner as to constitute an integral part of the identification and signing of such use shall be considered to be a "sign" and shall comply with all regulations hereinafter set forth pertaining to "signs."

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed and only incidentally on the premises if at all.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted or a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed. A "for sale" or "for rent" sign relating to the lot or premises on which it is displayed shall not be deemed to be a "business sign."

SIGN, FLASHING: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this Law, any revolving illuminated sign shall be considered a "flashing sign."

SIGN, ILLUMINATED: Any sign containing or designed to be exhibited by an artificial source of light.

SOLAR COLLECTOR: A device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structures energy supply.

SOLAR ENERGY: Radiant energy (direct and/or reflected) received from the sun.

SOLAR ENERGY STORAGE FACILITY: Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

SOLAR ENERGY SYSTEM: A complete design or assembly consisting of a solar energy collector, and energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural, recreational, and whether installed permanent or portable.

SOLAR SKYSPACE: The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost effective operation.

SOLAR SKYSPACE EASEMENT: A right, expressed as an easement, convenient, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a prescribed location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar

collecting debris carried by such water, or which in places where the flow of water might carry the same downstream to the damage of life or property.

PARKING SPACE: Off-street space used for the temporary location of one (1) licensed motor vehicle which is at least nine (9) feet wide and twenty (20) feet long, not including access driveway, and have direct access to a street or alley.

PASSIVE SOLAR ENERGY SYSTEM: A solar energy system that uses natural and architectural components to collect and store solar energy without using any external mechanical power.

PERSONAL SERVICES: Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, Laundromat, dry cleaner, photographic studio, and businesses providing similar services of a personal nature.

PLANNED DEVELOPMENT DISTRICT: A tract of land in single ownership or controlled by an individual, partnership, cooperative or corporation, designed or capable of being designed and used as a unit or group of related units and having certain facilities in common such as yards, open space, recreation areas, garages, or parking areas. A planned development district may be residential, commercial, industrial, recreational or a combination of such uses.

PLANT NURSERY: An area or establishment where trees, shrubs, or plants are grown for transplanting, for use as stock for budding and grafting or for sale.

PUBLIC UTILITY STATION OR STRUCTURE: Includes but is not limited to such uses as electric substations, transformers, switches, auxiliary apparatus serving a distribution area and water pumping stations.

RECREATION, COMMERCIAL OUTDOOR: Includes but is not limited to such uses as golf driving range, golf pitch and putt course, par three golf courses, outdoor amusement park, go-cart tract, moto-cross course, and batting range.

RECREATION, INDOOR: Includes but is not limited to such uses as bowling alley, theater, table tennis and pool hall, skating rink, gymnasium, swimming pool, hobby workshop, and similar places of indoor commercial recreation.

RECREATION, PRIVATE OUTDOOR: Includes but is not limited to such uses as privately owned and operated yacht club, golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, lake and beach, tennis court, recreation, stadium, skiing facility and hunting preserve.

RECREATION, PUBLIC OUTDOOR: Includes but is not limited to such uses as publicly owned and operated playground, play field, park, open space, and swimming pool.

RECREATION VEHICLE: A mobile recreational unit including travel trailer, motor home, pickup camper, converted bus, tent trailer, tent or similar device used for temporary portable housing.

RELIGIOUS INSTITUTION: Includes church, temple, parish house, convent, seminary, retreat house, and schools affiliated with religious sects.

RESTAURANT: A place that sells and serves meals, primarily to be eaten on the premises.

RETAIL STORE: A store for the sale of retail goods.

skyspace must be described as the three-dimensional space in which obstruction is prohibited or limited, or as the time of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods.

SPECIAL EXCEPTIONS: A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, moral, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a certain zoning district as "special exceptions" if specific provisions for such "special exceptions" is made in the Zoning Law.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if no floor exists above it, then the space between any floor and the ceiling next above it.

STORY, HALF: That part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five (5) feet clear headroom shall not be considered as floor area.

STREET FRONTAGE: Lot lines which abut a public street.

STREET GRADE: Officially established grade of the street upon which a lot fronts. If there is not officially established grade, the existing grade of the street at its center line shall be taken as the street grade.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground.

STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

SUBSTANTIAL IMPROVEMENT/ALTERATION: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

A. Before the improvement or repair is started, or

B. if the structure has been damaged and is being restored before the damage occurred.

"substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

SWIMMING POOL: A private, outdoor pool designed and built for swimming purposes as an accessory use on the same parcel as the principal use, for use primarily by the occupants or tenants of said property. Shall include any in ground or above ground pool and portable pool more than three (3) feet in height and fifteen (15) feet in length or diameter.

VEHICLE SERVICE ESTABLISHMENT: Buildings and premises wherein mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles.

WAREHOUSE: An enclosed building or structure used for the storage of merchandise or commodities. For the purpose of the Local Law, a warehouse shall not include a garage, storage shed, pole barn, or any other structure which serves primarily as an accessory structure to a residential use.

YARD: An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward except as otherwise provided in this Local Law.

YARD, FRONT: An open space extending across the principal street side of a lot measured between the side lot lines, the depth of which yard is the minimum horizontal distance between the front lot line and the main building or any projection thereof other than steps and unenclosed balconies, not extending more than six (6) feet from the front of the building, except as otherwise provided in this Law.

YARD, REAR: An open space extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof other than steps and unenclosed balconies not extending more than six (6) feet from the rear of the building, except as otherwise provided in this Law. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front.

YARD, SIDE: An open space from the front yard to the rear yard between the building and the nearest side lot line unoccupied and unobstructed from the ground upward, except for steps and as otherwise specified in the Law. Side yard requirements for a corner lot shall be the same as for the front yard or any yard adjacent to a street.

ARTICLE III - DISTRICTS AND BOUNDARIES

1-5 - DISTRICTS ESTABLISHED

For the purpose of this Zoning Law, the Village of Oriskany is divided into the following districts:

- R-1 - Residential District
- R-2 - Residential District
- C-1 - Retail Commercial District
- C-2 - General Commercial District - Limited
- M-1 - Manufacturing District
- P-D - Planned Development District
- F-D - Flood Plain

1-6 - ZONING MAP

The locations and boundaries of the zoning districts hereby established are shown on a map entitled "Zoning Districts." The Zoning District Map and all notations, references and other information shown thereon are hereby declared to be a part of this Law. A copy of the Zoning Map is attached hereto.

1-7 - INTERPRETATION OF DISTRICT BOUNDARIES

A. District boundary lines are intended to follow the center line of streets or alleys, rights-of-way, water courses, or lot lines, or be parallel or perpendicular thereto, unless such boundary lines are fixed by dimensions as shown on the zoning map.

B. Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

C. In unsubdivided land and where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.

D. If, after the applications of the foregoing rules, uncertainty exists as to the exact location of a district boundary, the Board of Appeals shall determine and fix the location of said line.

E. Where a district boundary line divides a lot of record held in one ownership at the time of adoption of said district line, the regulations for the less restricted portion of such lot shall apply to the remainder of said lot up to a distance of not more than fifty (50) feet from said district line.

F. Any land hereafter annexed to or consolidated with the Village of Oriskany shall be deemed to be zone R-1 until said land is reclassified by an amendment to this Law.

1-8 - APPLICATION OF REGULATIONS

Except as hereinafter otherwise provided:

A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the district in which such building or land is located.

B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

C. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.

D. No yard or other open space provided about any building for the purpose of complying with the provisions of this Law shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

E. No lot in any R-1 or R-2 Residential District shall be used for more than one residential structure, unless lot area and yard requirements are met for each dwelling, including required street frontage.

ARTICLE IV - USE REGULATIONS

1-9 - PURPOSE OF RESIDENTIAL DISTRICTS

A. Delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance with the Village Plan.

B. To improve the character of residential areas by requiring standards of land use and lot and building size which accurately reflect existing and desirable future development.

C. Protect the integrity of residential areas by prohibiting the intermixture of incompatible non-residential uses.

1-10 - R-1 RESIDENTIAL DISTRICT

In the R-1 Residential District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

A. Single Family Detached Dwelling.

- B. Single Family Attached Dwelling, limited to no more than two (2) dwelling units.
- C. Public, Parochial School.
- D. Church, Parish House, Convent, Rectory.
- E. Public Library, other public building or use. Police or Fire Stations, Public or Private School, but not including any building operated for profit.
- F. Accessory building, use.
- G. Private Swimming Pool.

Special uses permitted upon authorization of the Board of Appeals and upon issuance of special use permit:

- A. Home Occupation.
- B. Three or Four Family Dwelling, by conversion of existing building.
- C. Cemetery.
- D. Public Utility Structure, use.
- E. Day Care Facility.
- F. Wind Energy Conversion Systems.
- G. Accessory Apartments.
- H. Dish Antennas.
- I. Family Day Care Home.
- J. Recreation, Public Outdoor.
- K. Municipal Structure, Use.
- L. Nursing, Convalescent, or Home for the Aged.

1-11 - R-2 RESIDENTIAL DISTRICT

In the R-2 Residential District, no building or premises shall be used and no building shall be erected or altered except for one (1) or more of the following uses:

- A. Uses permitted in the R-1 Residential District.
- B. Two Family Dwelling.
- C. Home Occupations.
- D. Hospital or Public Health Clinic.

E. Three or Four Family Dwelling through conversion or new construction provided that lot area requirements and parking shall be as provided for under the requirements of Article V, Article VI and Article VII.

F. Accessory building and uses customarily incidental to any of the above uses when located on the same lot.

Special uses permitted upon authorization of the Board of Appeals and upon issuance of special use permit:

A. Such uses as are permitted by the Board of Appeals in the R-1 Residential District.

B. Funeral Parlor or Undertaking Establishment.

C. Private Club or Lodge.

1-12 - C-1 COMMERCIAL DISTRICT

A. The purpose of the C-1 District is to:

- (1) To delineate an area where retail stores, personal services and offices, recreational, institutional and cultural facilities, and municipal buildings and services are provided for the community.
- (2) To encourage new development in the Retail Commercial District by providing for public and commercial off street parking areas for patrons of the businesses in the district.

B. In the C-1 Commercial District, no building or premises shall be used and no building shall be used and no building shall be erected or altered except for one or more of the following uses:

- (1) Existing residential uses.
- (2) Retail Store, bakery for retail sale of goods primarily on the premises.
- (3) Personal Service Shop.
- (4) Launderette.
- (5) Restaurant, Tavern.
- (6) Business or Professional Office, Studio.
- (7) Education, Charitable, Religious, or Philanthropic Institutions.
- (8) Florist Shop.
- (9) Funeral Home.
- (10) Club or Lodge, except those the chief activity of which is a service customarily carried on as a business.
- (11) Radio, Television, or Household Appliance Sales or Service.

- (12) Antique sales and accessory service.
- (13) Public Utility Station or Structure.
- (14) Business Signs.
- (15) Accessory Building or uses.
- (16) Four or more family dwelling by conversion of existing structure.

C. Uses permitted as a special exception of the Board of Appeals:

- (1) None.

1-13 - C-2 COMMERCIAL DISTRICT

A. The purpose of the C-2 District is to:

- (1) To delineate areas appropriate for commercial uses which are oriented either to highway use or intended for service to vehicles, or non-retail commercial uses.

B. In the C-2 Commercial District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

- (1) Uses, permitted in the C-1 Commercial District, except residences.
- (2) Motel, Restaurant, Tavern.
- (3) Sales or rental of automobile, boat, farm implement, mobile home, trailer, snowmobile, or motorcycle.
- (4) Laundry, Dry Cleaning Plant.
- (5) Office Equipment, Business Machines sales and service.
- (6) Letter Press Shop, Printing Plant.
- (7) Animal Hospital, Kennel.
- (8) Hardware, Building supplies.
- (9) Heating, Plumbing, Air Conditioning, Electrical, Cabinet or similar fabrication shop.
- (10) Bowling Alley, Billiard or Pool Hall.
- (11) Business Sign.
- (12) Accessory building or uses.

C. Uses permitted as a special exception by the Board of Appeals.

- (1) Drive-In Restaurant or Refreshment Stand.
- (2) Auto Wash.

- (3) Used Car Sales.
- (4) Vehicle Service Establishment.
- (5) Garage, Gasoline Station.

1-14 - M-1 MANUFACTURING DISTRICT

A. The purpose of the M-1 Manufacturing District is to:

- (1) To delineate those areas best suited for industrial use because of location, transportation, topography, existing facilities and relation to other land uses.
- (2) To preserve the integrity of the manufacturing areas by excluding uses which are incompatible with industry.

B. In the M-1 Manufacturing District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

- (1) Any use permitted in the C-2 Commercial District, but not including any dwelling, school, hospital, or other institutional for human care except when incidental to a permitted principal use.
- (2) Automobile repair, painting, and collision service when conducted entirely within a completely enclosed building; battery manufacturing; tire retreading and capping.
- (3) Bottling Works for Non-Alcoholic Beverages.
- (4) Cold Storage Plant, Ice Manufacturing Plant.
- (5) Dry Cleaning, Dyeing Establishment or Laundry.
- (6) Laboratory; research, experimental or testing, provided that no operation shall be conducted, or equipment used which would create conditions hazardous, noxious, or offensive in the district in which such laboratory is located.
- (7) Manufacture, compounding, assembling, or treatment of articles or merchandise from the following materials: Fiber, fur, glass, leather, paper, metals, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wire and wood.
- (8) Manufacture or assembly of electrical appliances, electronic instruments or devices, precision instruments (surgical or dental), measuring devices, musical instruments, novelties, rubber or metal stamps, other molded rubber products and toys .
- (9) Building Material Sales Yard.
- (10) Contractors, or Public Utility Storage Yard or Plant.
- (11) Animal Hospital, Veterinary Clinic, Kennel.
- (12) Stone or Monument works, not employing pneumatic hammers unless within a completely enclosed building.

(13) Wholesale Storage and Warehouse facilities.

(14) Any use equivalent to the above but not including any use which may become hazardous or noxious or offensive by reason of emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.

(15) Accessory Buildings, or uses.

C. Uses permitted upon issuance of a special exception by the Board of Appeals.

(1) Such uses as are permitted in the C-2 Commercial District.

(2) Drive-In Theaters, Miniature Golf or Golf Driving Ranges.

(3) Commercial excavating of sand and gravel or rock.

(4) Truck Terminal, including any premises where any vehicle used in long distance freight hauling is parked, parked loaded or unloaded.

(5) Carnival, circus or other transient amusement enterprise.

(6) Accessory Building and uses.

D. Uses Specifically prohibited:

(1) Abattoir or rendering of grease, tallow or fats.

(2) Above ground storage of inflammable liquids in excess of 25,000 gallons.

(3) Manufacture of alcohol, dye or rubber.

(4) Manufacture of corrosive acid or alkali.

(5) Manufacture of lime, gypsum, plaster of paris or abrasives.

(6) Manufacture of fertilizer, glue, or size involving the recovery or refining of products from fish or animal refuse.

(7) Manufacture of fire works and small arms ammunition.

(8) Production or refining of petroleum or other inflammable liquids.

(9) Smelting of copper, iron or zinc ore.

(10) Stockyards.

(11) Slaughterhouses.

(12) Any use equivalent to the above.

(13) Junk Yard.

15 - P-D PLANNED DEVELOPMENT

A. The regulations hereinafter set forth in this section are intended to provide a means for the development of residential, business, commercial, manufacturing, recreations, solar energy systems, or mixed use areas in a manner which will foster flexible and imaginative design concepts. These regulations are also intended to provide the Village of Oriskany with adequate supervision and control over such projects, through the Planning Board and the Village Board, to insure that the spirit and intent of this Zoning Law will be respected and preserved. No specific requirements are established with respect to minimum lot sizes within the district, lot coverage, building height, yard dimensions, off street parking or density of development. Rather within the overall context of the planned development concept, the Planning Board and Village Board should be guided by the requirements established for neighboring districts in determining reasonable requirements for comparable uses with a planned development district.

B. The General Planning Development :

(1) The planned development process consists of two basic steps:

- a. Review of the specific site plans for the area.
- b. Change of zoning district designation.

(2) Any change to a planned development (P-D) district shall be based on a specific development proposal. Although the designation for all planned development will be P-D, each district will reflect the type of use which was the basis for the zone change.

C. Procedure for the establishment of a planned development district (Phase I).

- (1) Pre-application Conference: Before submission of a preliminary application for approval of a planned development district, the developer shall meet with the Village Planning Board to determine feasibility and suitability of the application prior to entering into commitments or incurring substantial expenses of site and plan preparation.
- (2) Application Procedure: Application for the establishment of the planned development district shall be made to the Village Board. Each application shall be accompanied by a fee of one hundred (\$100.00) dollars. The Village Board shall refer the application and all application materials to the Village Planning Board within fifteen (15) days of receipt of the application.
- (3) Planning Board Review: Within forty five (45) days of the receipt of the application, the Planning Board shall recommend approval, approval with modifications or disapproval of the application to the Village Board. Failure of the Planning Board to act within forty-five (45) days or such longer period as may be consented to, shall be deemed to be a grant of approval of the plan as submitted. Prior to issuing its recommendations to the Village Board, the Planning Board shall hold a public hearing on the proposal. Notice of the time and place of the public hearing shall be published and posted as required by law. In the event that approval subject to modifications is granted, the applicant may, within ten (10) days after receiving a copy of the Planning Board's decision notify the Village Board in writing of their refusal to accept all such modifications, in which case the Planning Board shall be deemed to have denied approval of the application. In the event that the applicant does not notify the Village Board within said period of their refusal to accept all said modifications, approval of the application, subject to such modifications, shall stand as granted.
- (4) Submission Requirements: Application to the Village Board must include a petition

for the zone change. The applicant must provide proof of full legal and beneficial ownership of the property, or proof of an option or contractual right to purchase the property. Two complete copies of the preliminary plans shall be submitted including:

- a. Completed full or short Environmental Assessment Form (EAF) as determined by Planning Board, on a case by case basis, is required.
- b. Preliminary Plan for consideration of the creation of a planned development district.
- c. Site Plan to be prepared at a minimum scale of 1" = 100' (preferred scale of 1" = 40') unless otherwise approved by the Planning Board, to include:
 1. Title, scale, north arrow and date.
 2. Location map showing location of proposed development project in the Village boundaries of the tract, contiguous properties and any zoning districts and easements.
 3. Topographic data based on USGS or equivalent and other site characteristics including soils, drainage and tree cover.
 4. Existing land use on and immediately adjacent to the parcel.
 5. Proposed lot and/or building layout, including adequate means to identify each lot and block or group of buildings, and minimum set-back or building line.
 6. Street layout, including right-of-way and improved surface widths and typical cross sections of proposed roadways.
 7. Location and description of utilities on and adjacent to the tract and proposed connection thereto, or alternative means of water supply, sewage disposal, electric, telephone and other service facilities.
 8. Location, dimension and purpose of any easement.
 9. Existing drainage ways and provisions for collecting and discharging surface drainage and storm water run-off.
 10. Location, dimension and description of land or facilities to be dedicated or reserved for public use.
- d. The applicant must demonstrate that alternative design concepts have been explored.
- e. A written description of the proposal including the major planning assumptions and objectives, the probable effect on adjoining properties and the effect of the proposal on overall Village Development Plan.
- f. A written description of the probable impacts on the natural systems of the Village.
- g. A written description of the probable fiscal impacts including a summary of new costs and revenues to the Village as a result of the project.
- h. Description of any solar energy systems to be incorporated as a part of the proposal.

- (5). Review Criteria: In considering the application for the creation of a planned development district, the Planning Board may require such changes in the preliminary plans and specify such additional requirements as are deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote and protect the orderly growth and sound development of the community. In reaching its decision on the proposed development and changes, if any, in the preliminary plans, the Planning Board shall consider, among other things, the following:
- a. The need for the proposed land use in the proposed location.
 - b. The existing character of the neighborhood or area.
 - c. The location of principal and accessory buildings on the site in relation to one another and in relation to buildings and uses on properties adjoining the proposed district.
 - d. The general circulation and open space pattern relative to the structures.
 - e. The traffic circulation features with the site, and the amount, location and access to automobile parking area.
 - f. The environmental factors on the Environmental Assessment Form (EAF).
 - g. The quantity and quality of available solar energy at the site if solar equipment is being proposed.
 - h. The impacts of this development on the solar access of adjacent properties.
- (6). Planning Board Action: Establishment of a planned development district is a rezoning action and may be subject to the State Environmental Quality Review Process (SEQR). Therefore the Planning Board should make a two part recommendation to the Village Board as part of this process.
- a. The Planning Board should identify the type of action and the zone change is according to the SEQR Regulations. Depending on a number of factors the zone change itself may be a TYPE I or an UNLISTED action. In making this determination the Planning Board should consult part 617 of Article 8 of the State Environmental Quality Review Act (6NYCRR Part 617). The Planning Board should review the Environmental Assessment Form (EAF) submitted by the applicant and make a preliminary determination of environmental significance.
 - b. If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement has been filed. An application is not complete and therefore the review clock does not start, until a determination of no significant has been made or until a draft environmental impact statement is completed, the time frame for Planning Board review begins (45 days). If another agency has determined that the proposal in question may have a significant effect on the environment, the Planning Board shall not issue a decision until a final environmental impact statement has been filed.
 - c. The second part of the recommendation is a decision on the zone change request itself. The decision of the Planning Board shall be in the form of a written resolution which shall include findings of fact and shall set forth the reasons for granting or denying tentative approval specifying with particularity in what respects the proposal contained

in the application would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

1. In what respects the plan is or is not consistent with the statement of purpose set forth in this section.
2. The extent to which the proposal departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
3. The nature and extent of the common open space in the planned development district, the reliability of the proposals for maintenance and conversion of such open space and the adequacy or inadequacy of the amount and function of the open space in terms of densities of residential uses and the types thereof where residential uses are proposed.
4. The plat of the proposal and the manner in which such plat does or does not make adequate provision for public services, control over vehicular traffic and the amenities of light and air, and visual amenities.
5. The relationship, beneficial or adverse, of the proposed planned development district upon the neighborhood in which it is proposed.
6. In case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect the interests of the public and the residents of the district in the integrity of the plan.
- (7). The resolution required by this section shall be filled with the Village Clerk and shall be available during regular office hours for inspection by any person.
- (8). Upon the filing of such resolution with the Village Clerk, the Village Board shall within thirty (30) days hold a public hearing on said proposal after giving the public notice as required by law.
- (9). The Village Board may thereafter amend this Local Law so as to establish the proposed planned development district and define the boundaries thereof. Such action shall have the effect only of establishing a planned development district for the use proposed by the applicant. Such amendment of this Local Law shall not constitute or imply a permit for construction or final approval of plans.
- (10) In the event that construction has not commenced within one (1) year from the date that the zoning map amendment establishing the planned development district became effective, the Planning Board may so notify the Village Board and the Village Board may, on its own motion institute a zoning map amendment to return the planned development district to its former classification pursuant to Section 1-6 of this Local Law.

D. Final Development Plan Review (PHASE II).

- (1). Completion of the preliminary plan review and adoption of the zoning map amendment establishing the planned development district in no way implies approval to proceed with actual development of the project. Upon approval of the rezoning request the applicant is required to follow the procedure outlined hereinafter

- a. **Concept Review:** Before proceeding with the final design for the areas in question, the developer shall meet with the Planning Board and the Village Board to clarify any conditions that either Board has requested. This should promote an understanding by all parties before the preliminary concepts are changed to detailed designs and before the developer spends large amounts of money.
- b. **Planning Board Review:** Upon approval of the zone change, the applicant has one (1) year in which to submit a final plan to the Planning Board for review and recommendation to the Village Board. Within sixty-two (62) days of the receipt of the application, the Planning Board shall grant approval, approval with conditions or disapproval of the application.
- c. **Submission Requirements:** Before final approval of the plan, the applicant must show evidence of full legal and beneficial ownership interest in the land. The final plan shall include but not be limited to, the following:
 1. A completed short of full Environmental Assessment Form (EAF) to comply with the provisions of the State Environmental Quality Review Process (SEQR).
 2. A mapped final development plan of the property in question. Such a plan shall be a certified survey showing all existing and proposed grades, existing and proposed structures, existing and proposed vegetation, the layout of all roadways, walkways, and parking areas. Construction details for such areas described shall also be submitted.
 3. A separate map showing all existing and proposed water lines, sewer lines, electric lines, natural gas lines and other utility and service lines. refuse storage and disposal and fuel storage facilities and rights-of-way.
 4. If the project will involve construction of new water supply and the infrastructure, new sewage treatment systems, and/or new or alternative power systems, the design and details of such proposals must be included.
 5. A plan showing the treatment of storm water run off.
 6. The total number of acres in the site, the number and type of housing units, the gross and net residential densities, the approximate selling and/or rental prices of the units, the phasing plan, and the approximate completion date of the entire project
- d. **Review Criteria:** The Planning Board may not in all cases have the expertise to review the detailed design and construction drawings. If they do not, the Planning Board may confer with the Village Engineer, the Department of Environmental Conservation (DEC), the County Health Department, the County Planning Department and other agencies to insure that review of those areas outside the Planning Board scope is being attended. Any and all costs incurred by the Planning Board in the course of its review may be charged to the applicant. Within its own capabilities the Board may use the the following criteria as general guidelines.
 1. The height and bulk of buildings and their relation to other structures in the vicinity.
 2. The proposed location, type, and size of signs, vehicular and pedestrian circulation, loading zones and landscaping.

3. The safeguards provided to prevent possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
4. Storm drainage and sanitary waste disposal to and adjacent to the area.
5. The compatibility of uses proposed for such districts where a combination of uses are proposed.
6. The provisions of adequate and sufficient public utilities.
7. The environmental factors on the Environmental Assessment Form (EAF).

NOTE: The Planning Board may require as a condition of final approval the posting of a bond to assure completion of all requirements of the Board including the dedication, maintenance and completion of all streets, easements and open space or recreational areas, creation of extension of special districts or improvement areas, construction of storm and sanitary sewers, landscaping and other such improvements.

- e. When compliance with SEQR is complete and within the established sixty two (62) day review period, the Planning Board shall either grant such approval subject to specified conditions or deny final approval and forthwith file its decision with the Village Clerk and notify the applicant thereof. Thereupon, within ninety (90) days the applicant shall file with the Village Clerk the final plat of any subdivision proposed and shall make application for a building permit or permits in accordance with the proposal as finally approved.
- E. No building permit shall be granted for the construction of any building or structure other than as approved by the Planning Board and no improvements shall be constructed at variance with the decision proposal as finally approved except upon resubmission and approval of the Planning Board.
- F. The applicant may appeal to the Village Board a decision of the Planning Board denying final approval or granting final approval subject to conditions with which the applicant is unwilling to comply. Such action shall be taken within thirty (30) days of the filing with the Village Clerk of the decision of the Planning

1-16 - F-P FLOODPLAIN OVERLAY DISTRICT

- A. Purpose: To delineate those areas which lie within the special flood hazard boundaries as defined by the Federal Emergency Management Agency's National Flood Insurance Program's Flood Insurance Rate Map for the Village of Oriskany.
- B. Procedure: The Floodplain Overlay District is an overlay. The uses in the underlying districts are permitted subject to conformance with the Village of Oriskany Flood Damage Prevention Local Law and approved by the Enforcement Officer.

ARTICLE V - SUPPLEMENTARY REGULATION

1-17 - LOT AREA AND WIDTH, YARDS, COVERAGE AND HEIGHT REGULATIONS

- A. Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height are as specified in Schedule A. The Regulations appearing in Schedule A are

hereby made a part of this Law and subject to the supplementary regulation set forth following:

1-18 - ADDITIONAL AREA AND YARD REQUIREMENTS

A. Lots of less than required dimension:

- (1) Any lot with an area of width less than that required in the district in which said lot is located may be used for any purpose permitted in the district, provided that all other regulations prescribed for the district shall be complied with, and further provided that said lot was held under separate ownership on the effective date of this Law or any amendment thereto, and the owner thereof owned no adjoining unimproved land that could be combined with said lot to meet the dimension requirements.
- (2) In the event that compliance with the yard requirements of the district would result in a residential structure of less width than twenty four (24) feet, the Board of Appeals shall determine and fix yard requirements for said lot to permit its reasonable utilization for a permitted use.

B. Reduction of Lot area: The minimum yards and open spaces required by this law for any building existing on the effective day of this Law, or for any building hereafter erected or extended shall not be encroached upon or considered as yard or open space for any other building, nor shall any lot be reduced below the district requirements of this Law.

C. Corner Lot: On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard for the district. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a permit.

D. Yard: As defined in Article II, 1-4, Definitions.

E. Yard, Front: As defined in Article II, 1-4, Definitions.

F. Yard, Rear: As defined in Article II, 1-4, Definitions.

G. Yard, Side: As defined in Article II, 1-4, Definitions.

H. Front Yard Exceptions: The front yard of all buildings and structures hereafter constructed within a residential district shall be not less nor required to be more than the average front yard of all lots in the block for a distance of three hundred (300) feet on each side of such lot. A vacant lot within the three hundred (300) foot distance shall be considered as having the minimum front yard required in the district for the purpose of computing such average front yard.

I. Transition Yard Requirements:

- (1) Where two (2) districts abut on the same street, and the front yard requirements of one district are less than those of the other district, there shall be provided for buildings thereafter constructed or extended within a distance of fifty (50) feet from the district boundary line in the less restricted district a front yard equal in depth to the average of the required depth in the two (2) districts.
- (2) Where the side or rear yard of a lot in one district abuts a side or rear yard of a lot in a more restricted district, there shall be provided along such abutting line or lines a side or

rear yard equal in depth to that required in the more restricted district.

- J. Visibility at Street Corners: On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than two and one-half (2 1/2) feet in height shall be erected, placed or maintained so as to obstruct visibility or vehicular traffic with the triangular area formed by the intersecting street right-of-way lines and straight line joining said lines at points twenty (20) feet distance from the point of intersection, measured along said lines.
- K. Projecting Architectural Features, Terraces, Porches, Fire Escapes, and Solar Energy Equipment:
- (1) Cornices, canopies, eaves or other architectural features may project a distance not exceeding four (4) feet into any front or rear yard, and forty (40) percent into any side yard to a maximum of four (4) feet.
 - (2) Fire escapes may project a distance not exceeding four (4) feet six (6) inches.
 - (3) Unenclosed entrance steps or stairways providing access to the first story, cellar or basement or a building may extend into any required yard a distance not to exceed six (6) feet.
 - (4) Bay windows, balconies, and chimneys may project a distance not exceeding three (3) feet.
 - (5) A paved terrace shall not be considered as part of a building in determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls, parapets, or other form of enclosure exceeding six (6) feet in height.
 - (6) In determining the percentage of building coverage of the size of yard for the purpose of this law, enclosed porches or porches open at the side but roofed, shall be considered a part of the building.

1-19 - ADDITIONAL HEIGHT REQUIREMENTS

- A. General Application. No building or structure shall have a greater number of stories, nor have an aggregate height or a greater number of feet that is permitted in the district in which such building or structure is located, except as noted elsewhere in this Law.
- B. Chimney, spires, etc. The height limitations of this Law shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, and necessary mechanical appurtenances usually carried above the roof level; nor to flag poles, monuments, transmission towers and cables, radio and television antennas or towers and similar structures. Such features, however shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above height limitations.
- C. Permitted Exceptions to Height Regulations. Schools, public buildings and institutions may be erected to a height not exceeding eighty five (85) feet in any district in which they are permitted, provided front, side, and rear yards are increased in width one (1) foot for each foot of height that the building exceeds the height regulations of the district in which it is located.

1-20 - ACCESSORY BUILDINGS AND USES

- A. Permit: All accessory buildings or uses shall require a Permit to be issued prior to their initiation as elsewhere required in this Law, except that no Permit shall be required for a single accessory building with dimensions that do not exceed a maximum of one hundred (100) square feet in size, providing minimum required yard dimensions are observed.
- B. Number: There shall be not more than two (2) accessory buildings to the residential lot, except that Planned Development Districts shall not be subject to such provisions.
- C. Height: Maximum height of accessory buildings shall be one (1) story or fifteen (15) feet, whichever is less.
- D. Location: Accessory buildings or structures in residential districts which are not attached to a principal building may be erected within the rear yard in accordance with the following requirements:
 - (1) For garage, tool house or similar storage building, ten (10) feet from side or rear lot line.
 - (2) On the street side of a corner lot, the same setback as for the principal building.
 - (3) Not closer to a principal building or another accessory building than (10) feet.
- E. Attached Accessory building in Residential Districts: When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this Law applicable to the principal building.
- F. Accessory Building in a Nonresidential District: Buildings accessory to other than a residential structure shall comply with front, side, and rear yard requirements for the principal building in which they are accessory.

1-21 - SATELLITE AND OTHER ANTENNAS

For the purpose of this Local Law, a dish antenna is a device which is utilized solely for the receipt of satellite television transmissions/signals and it is not intended to include an apparatus utilized by a licensed amateur radio operator.

- A. The following regulations shall apply to all dish and tower type antenna:
 - (1) No person shall erect, alter or reconstruct any dish or tower type antenna without having first obtained a permit from the Enforcement Officer.
 - (2) Application for such permit shall be made in writing on forms provided by the Enforcement Officer, and shall contain the following information:
 - a. Name address and telephone number of applicant.
 - b. Location of real property upon which the antenna is to be erected.
 - c. Construction drawing (to scale) shall be submitted showing the proposed method of installation, structural engineering analysis and a site plan depicting structures and planting on the property.
 - d. Present documentation of possession of any required Federal or State License; and

- e. All contiguous properties.
- (3) The applicant shall pay to the Enforcement Officer upon issuance of an antenna permit a fee of five (5) dollars.
 - (4) No antenna may be erected in any district or any location within a district which is prohibited by regulations of the Federal Communication Commission or other regulatory agency having jurisdiction.
 - (5) No more than one (1) such antenna shall be permitted on any lot or parcel.
 - (6) A satellite antenna is only permitted as an accessory use on a lot that contains a principal structure.
 - (7) The dish antenna shall be located in rear yards only and shall be an accessory structure requiring compliance with a minimum yard requirements of this Law. When a back yard is not accessible or does not meet building specifications and a side yard meets this sections requirements, a dish antenna may be located there. If said side yard borders on a street, a screen of foliage shall be provided so as to shield said satellite antenna from the street and adjoining properties during the entire year.
 - (8) A satellite antenna is only permitted as a free standing structure.
 - (9) Every satellite antenna shall be located and effectively screened by landscaping or fencing, as approved by the Enforcement Officer, in order to minimize motor noise and visibility from the street and adjacent properties.
 - (10) A satellite antenna shall not be closer to the rear property line than the height of said antenna nor closer to any side property line than the height of said antenna or the side yard setback requirements for the principal structure n the lot, whichever is the greatest setback.
 - (11) Any permitted satellite antenna shall not have a surface receiving area greater than twenty-five (25) square feet.
 - (12) The dish antenna shall not be connected to or placed upon any roof and shall not at any point or part of the antenna be elevated to or reach a height of more than fifteen (15) feet above the natural grade of the subject premises. In no event shall the natural grade be changed by any means in order to increase the elevation of the dish antenna.
 - (13) The dish antenna shall not be located on any trailer or any portable device.
 - (14) Distance of any guy anchorage or similar device shall be a least five (5) feet from any property line.
 - (15) No dish or tower type antenna shall be allowed on a corner lot unless approved as a special permit by the Zoning Board of Appeals under the provisions of Article VIII of this law.
 - (16) Suitable protective anti-climb fencing shall be provided and maintained around the structure and accessory attachments of greater than twenty (20) feet in height.
 - (17) The owner of such a structure shall assume complete liability in case of personal or property damage.

B. Design Review Districts: Antenna applications affecting those areas subject to the regulations by Section 1-35. Design Review Process, shall be accompanied by a written statement from the Chairman of the Planning Board that said antenna application has been received and approved by said board.

C. Procedure for Relief:

- (1) The Zoning Board of Appeals may grant a special permit from any of the requirements of this Section if it finds all of the following conditions exist:
 - a. The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of adjacent districts.
 - b. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous to or inconvenient to the neighborhood. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of development of the neighborhood.
 - c. The location and height of buildings, the location, nature of height of walls and fences and the nature and extend landscaping of the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.

D. In granting such relief, the Zoning Board of Appeals:

- (1) May require screening;
- (2) May require additional setback from the property line to that imposed by these regulations; and
- (3) Shall attach such reasonable conditions as it shall require consistent with the intent of these regulations and that the essential character of the neighborhood shall not be disturbed by the installation of any such antenna.

E. Enforcement of Antenna Regulations:

- (1) When the Enforcement Officer determines that there has been a violation of this section, written notice shall be served upon the applicant antenna owner, or property owner by certified mail, return receipt requested, at his last known address. Such notice specifying the alleged violation, providing a reasonable time within which the violation is to be corrected, stating what legal remedies will be imposed upon a failure to correct said violation and informing said individual (s) of their rights pursuant to Section 1-41 of this Law. Such notice of violation shall automatically become a final order if the violation is not corrected within the time allowed or if an application for an appeal in accordance with Section 1-43 herein is not submitted to the Enforcement Officer within seven (7) days after receipt of said notice.
- (2) Removal of antenna; storage; sale: Upon failure of the applicant antenna owner or property owner to correct this cited violation within the time allowed by the Enforcement

Officer, or to apply for an appeal as provided by Article VIII, the Enforcement Officer by written instructions to the Commissioner of Public Works shall direct that the violating antenna be removed. Such antenna shall be stored for a thirty (30) day period during which the antenna may be claimed upon proof of ownership and upon payment for the reasonable cost of removal and storage as determined by said Commissioner. If the antenna is not timely claimed, said Commissioner is authorized to sell the stored antenna at public auction to the highest bidder, or to otherwise dispose of said antenna at his discretion and to thereupon apply the proceeds, if any, to the remaining storage costs.

1-22 - ACCESSORY APARTMENTS

A. Accessory apartment units shall be permitted only upon the issuance of a special permit by the Zoning Board of Appeals and in accordance with the following regulations:

- (1) The principal dwelling unit is owner occupied;
- (2) The accessory unit has a maximum floor area of seven hundred fifty (750) square feet.
- (3) The accessory unit is entirely self contained, with separate cooking, sanitary and sleeping facilities for the exclusive use of the accessory unit's occupant(s);
- (4) Any exterior changes made to the principal building shall be made on the existing foundation(s);
- (5) The principal dwelling unit shall have only one (1) front entrance; all other entrances shall be at the side or rear of the building;
- (6) One (1) off street parking space shall be provided for each occupant of the accessory unit; and
- (7) The accessory dwelling shall conform to all requirements of the New York State Uniform Fire Prevention and Building Codes.

1-23 - HOME OCCUPATION

A. A home occupation as defined by this Law, shall be subject to the following regulations:

- (1) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, non-illuminated and not exceeding two (2) square feet in area.
- (2) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the home occupation shall be provided off the street, and not in a required front yard.
- (3) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot; and in the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

1-24 - RESIDENTIAL LIVING AREA REQUIREMENTS

A. Minimum living areas shall be as specified in the New York State Uniform Fire Prevention

and Building Codes, as amended.

1-25 - WALLS, FENCES, AND HEDGES

- A. No walls, fences, barricades or structures similar thereto, shall be erected or maintained more than six (6) feet in height above the surface of the ground, without permission granted by the Village Board. This provision does not apply to unenclosed commercial or industrial uses.
- B. All fences, walls, barricades or structures similar thereto shall be properly erected, supported and braced.
- C. No barbed wire fence shall be erected or maintained within the limits of the Village of Oriskany.
- D. Pools, court yards, and patios may be screened with an open or closed fence a minimum of four (4) feet in height and comply with New York State Regulations and Building Codes.
- E. All walls, fences and hedges must be setback a minimum of two (2) feet from property boundary lines with good side facing neighbor.
- F. For all enclosed screening and fencing for any use required by this Law to be screened in accordance with the appropriate section, the owner shall provide a fence, screen, or landscaping sufficient to obscure such uses from view from abutting properties in Residence Districts or from the public right-of-way.
- G. Any unenclosed commercial or industrial use which is not conducted within a completely enclosed building, including, but not limited to junk yards, storage yards, and used building material yards and which use in, abuts, or is adjacent to a Residence District, or front on a public right-of-way, shall be screened from view from such Residence Districts and public right-a-way in an effective manner. The provisions of A above do not apply in the case of an unenclosed commercial or industrial use.
- H. Approval by the Enforcement Officer:
 - (1) Plans and site design for the installation of such fencing or screening as are required by this law shall be reviewed and approved by the Enforcement Officer prior to issuance of a building permit. Any fencing or screening in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing, screening or plant material shall be considered a violation of this Law.

1-26 - SIGNS

- A. In R-1, R-2 Residential Districts, nonadvertising signs are permitted, but not in any required yard as follows:
 - (1) One (1) nameplate, identification or professional sign not to exceed two (2) square feet of sign area, showing the name and address of the resident or a permitted home occupation of the resident of the premises. In the case of a corner lot, such sign shall be located on the principal street frontage of the dwelling unit. For multiple dwellings a sign shall not exceed twelve (12) square feet of sign area.
 - (2) One (1) nonilluminated sale or rental sign not to exceed six (6) square feet of sign area during and pertaining to the sale, lease or rental of the land or building. Such sign shall be removed after the premises have been sold or rented.

- (3) One (1) temporary artisan's sign not to exceed six (6) square feet of sign area during and pertaining to construction, repair or alterations on the property. Such sign shall be removed promptly upon completion of the work.
 - (4) Institutional or religious announcement sign not to exceed fifteen (15) square feet in area.
 - (5) Signs advertising the sale or development of a tract of land may be erected upon the tract by the developer, building contractor or owner. The size of the sign shall not exceed twenty (20) square feet, and not more than two (2) signs shall be placed upon the tract. Such signs shall be removed when the last lot is sold.
 - (6) Signs advertising functions, uses, products or services not pertaining to the premises on which they are located and mobile advertising or attracting devices shall not be permitted in any R - Residence District.
- B. In the C-1 and C-2 Commercial Districts, the applicable signs above are permitted, and, in addition, the following:
- (1) One (1) principal and accessory business sign may be permitted for any separate and distinct business of record in the C-1 and C-2 Districts. Such signs shall not project into a public right-of-way. No sign shall be higher than the building to which it is attached, and no sign shall be erected higher than the roof of any building to which it is accessory. In addition, in any C-1 District, no such sign shall be located in any required yard.
 - (2) The gross surface area of the principal business sign in the C-1 and C-2 Districts shall not exceed three (3) square feet per linear foot of building frontage for nonilluminated signs or two (2) square feet per linear foot of building frontage for illuminated signs. Accessory business signs shall not exceed fifty percent (50%) of the area of the principal business sign.
- C. In the M-1 Manufacturing District, the applicable signs above are permitted, and, in addition, the following:
- (1) Business signs are permitted, provided that such signs shall not exceed three hundred (300) square feet in area and, if illuminated the light shall not be directed toward any public street or adjacent residential property.
 - (2) Advertising signs and commercial billboards are permitted as follows:
 - a. The maximum size of any advertising sign or commercial billboard shall be twelve (12) feet in height and fifty (50) feet in length, and the bottom of such sign shall be at least four (4) feet from the ground and no more than six (6) feet above ground.
 - b. Any advertising sign or commercial billboard shall be located at least fifty (50) feet from the edge of the pavement of the nearest street or highway. No such sign or billboard shall be erected or established within two hundred (200) feet of any street or road intersection.
- D. In any Planned Development District, the Planning Board shall review and approve any proposed business signs. No advertising signs shall be permitted in any Planned Development District.
- E. General Regulations. The following regulations shall apply to all permitted sign and billboard uses:

- (1) Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- (2) Signs, other than official traffic signs, shall not be erected within the right-of-way lines of any street.
- (3) Signs shall not project beyond property lines nor over public sidewalk areas, except as noted.
- (4) A permit shall not be required for the erection, alteration or maintenance of any permitted signs in an R District.
- (5) A permit shall be required for the erection, alteration or reconstruction of any business or advertising sign.
- (6) All temporary signs erected for a special event shall be removed by the property owner when the circumstances leading to their erection no longer apply.
- (7) In all districts, nonconforming signs shall not be replaced unless they shall be made to conform to the provisions of this Section.
- (8) No flashing sign shall be permitted in any district.
- (9) Garage sale signs shall be removed at the close of the last day of the sale.

1-27 - OFF STREET PARKING

- A. Off Street Parking Space shall be required for all buildings constructed or substantially altered after the effective date hereof. Each off street space shall consist of at least one hundred and eighty (180) square feet with a minimum width of nine (9) feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. Required off street parking areas shall be so arranged and regulated as not to interfere with pedestrian or motor traffic on the public street or highway and no parking or maneuvering incidental to off street parking shall be on any right-of-way or walkway. Parking requirements are specified in Schedule B, which is hereby made a part of this Law.
- B. For uses not specified, the Board of Appeals shall, on appeal and after recommendation of the Planning Board, establish parking requirements in specific cases consistent with those specified in Schedule B.
- C. For any building having more than one use, parking space shall be required for each use.
- D. In Residence Districts, the required off street parking established in Schedule B shall be located only in the side or rear yard of the lot, and not between the street and the building setback line. Any additional off street parking over and above that required by Schedule B shall be limited to a designated driveway.
- E. Required off street parking in Commercial or Industrial Districts shall be located within two hundred fifty (250) feet of the commercial or industrial use but not in any residence district, and, if such parking area abuts a dwelling or a residence district, the parking area shall be screened in accordance with Section 1-25.
- F. Floor area for the purpose of computing parking requirements shall be the sum of the horizontal area within exterior walls of the several floors of a building excluding basement,

cellar and attic areas used primarily for storage or service.

- G. No travel trailer, boat or boat trailer or recreation vehicle shall be stored in any residential district except in the driveway, side or rear yard.
- H. No travel trailer, boat or boat trailer, or recreation vehicle shall be used for any residential, commercial or industrial purpose on the premises for a period exceeding two (2) weeks annually. No travel trailer, boat or boat trailer, or recreation vehicle shall be located within five (5) feet of any property line. For any single property, no more than one (1) unit of each shall be placed on such property at any given time.
- I. Overnight parking or storage out of doors in any Residence District of any vehicle licensed for commercial purposes with a weight limit in excess of twelve thousand (12,000) pounds shall be prohibited.
- J. Off street parking lots for five (5) or more cars or trucks shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, pedestrian walkways, ingress and egress, and shall be developed as an integral part of an overall site design and the plan shall be submitted to and approved by the Planning Board.
- K. The maximum number of unregistered motor vehicles parked off street on properties in R-1 and R-2 Zoning Districts shall be two (2).
- L. At least one off street load facility shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of five thousand (5,000) square feet. Space for off street loading shall be in addition to space for off street parking.
- M. An off street loading space may occupy any part of any required side or rear yard, except that no such berth shall be located closer than one hundred (100) feet to any lot in any Residential District unless wholly within a completely enclosed area or within a building.

1-28 - NIGHT CLUBS

- A. Night clubs, as defined by this Law, shall be permitted only upon the issuance of a special permit by the Zoning Board of Appeals. In reaching its decision on the proposal, the Board shall consider among other things, the following:
 - (1) The need for the proposed land use in the proposed location.
 - (2) The existing character of the neighborhood of the area.
 - (3) The location of principal and accessory buildings on the site in relation to one another and in relation to buildings and uses in properties adjoining the proposed district.
 - (4) The general circulation and open space pattern relative to the structures.
 - (5) The traffic circulation features with the site and the amount, location, and access to auto parking areas.

1-29 - SWIMMING POOLS

- A. A private, outdoor swimming pool shall be permitted as an accessory use to a dwelling unit only in accordance with the following regulations:

- (1) Such pool shall be accessory to a principal residential use and shall be erected only on the same lot as the principal structure.
 - (2) Such pool may be erected or constructed only in the side or rear yard of the lot, shall conform with the minimum side and rear yard requirements for the district in which it is located and shall be not less than fifteen (15) feet distant from any principal or accessory structure
 - (3) Such pool shall be enclosed by a fence with a minimum height of four (4) feet in order to assure that it will be used only by those persons having approved entrance to the pool.
 - (4) Such pool shall be adequately screened or otherwise situated so as to not be obtrusive from the public right-of-way or to present a nuisance to any adjoining use.
 - (5) Such pool shall not adversely affect the character of any residential neighborhood and all lighting or other appurtenances shall be so arranged as not to interfere with neighboring uses.
- B. A swimming pool to be constructed or installed as an accessory use to a motel, tourist or like accommodation or as a part of any commercial or club facility shall be permitted after application to, and issuance of a permit therefore, by the Enforcement Officer. Such swimming pool shall be so located as not to cause a hazard or nuisance and shall be designed and located in accord with acceptable engineering standards and applicable County and State requirements.

1-30 - DAY CARE FACILITY/DAY CARE CENTER/FAMILY DAY CARE HOME

- A. No day care facility, center or family day care home, as defined herein, shall be established until the Village of Oriskany is provided written notification of such a facility and advised that written notification was given to each of the property owners within three hundred (300) feet of such use.
- B. All day care facilities, center and family day care homes, as defined by this Law, shall be required to obtain an operating permit from the New York State Department of Social Services pursuant to the New York State Social Services Law. If at any time the State of New York does not require an operating permit for the types of facilities as defined by this Law, then this section shall not apply.
- C. All day care facilities, centers and family day care homes, as defined herein, shall provide a fenced outdoor play space. Such fence shall be four (4) feet in height. Such play space shall be adequately screened to minimize the impact of such area on adjacent residential uses.

ARTICLE VI - NONCONFORMING BUILDINGS AND USES

1-31 - CONTINUATION

- A. The lawful use of any land or principal or appurtenant structure or use requiring a permit under this section and existing on the effective date of same may be continued although such use or structure does not conform to the provisions of the section, and any such use or structure may be reconstructed, altered or changed in use, subject to the following:
 - (1) A nonconforming building or use shall not be added to or enlarged unless such non-

conforming building or use is made to conform to the regulations of the district in which it is located.

- (2) A building nonconforming as to use may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the fair value of the building, unless the use of such building is changed to conforming use.
- (3) A nonconforming use may not be changed to another nonconforming use under the provisions of this section.
- (4) Whenever a nonconforming use has been discontinued for a period of one year, any future use shall be in conformity to the provisions of this Local Law.
- (5) Restoration:
 - a. A building devoted to a nonconforming use destroyed or damaged by fire, wind, explosion, structural failure or other causes to the extent of fifty (50) percent of the fair market value at the time of such damage, shall not be repaired or rebuilt except in conformity with the provisions of this local Law and within one (1) year.
 - b. A building devoted to a nonconforming use destroyed or damaged by fire, wind, explosion, structural failure or other causes to the extent of less than fifty (50) percent of the fair market value at the time of such damage, may be restored, reconstructed or used as before, provided the bulk, height, and area requirements shall not exceed that which existed before said damage. Said restoration must be completed within one (1) year of such occurrence or the use of the building or land as a legal nonconforming use thereafter shall be terminated.
- (6) If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building erected thereon shall conform with the regulations of the district.

1-32 - BUILDINGS UNDER CONSTRUCTION

- A. Any building or use for which a permit has been lawfully granted, and on which the construction has been started and diligently prosecuted before the effective date of this Local Law may be completed.

ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

1-33 - ENFORCEMENT OFFICIAL designated

- A. This Local Law shall be enforced by a person hereinafter called the "Enforcement Officer," designated by the Village Board, who shall in no case grant any permit for any building or use on the premises where the proposed erection, alteration, relocation or use thereof would be in violation of any provision of this Local Law. The Enforcement Officer shall make such inspections of building or premises as are necessary to carry out his duties. No Permit or Certificate of Compliance required hereunder shall be issued by the Enforcement Officer except in compliance with the provisions of this Local Law or as directed by the Board of Appeals.

1-34 - PERMIT REQUIRED, APPLICATION AND ISSUANCE

- A. No building, structure, apparatus, or swimming pool shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change in its use and no excavation for

any building shall be begun unless and until a Permit therefore has been issued by the Enforcement Officer, or upon authorization of the Board of Appeals wherever it is provided in this Local Law that the approval of the Board of Appeals is required. The fee for any such Permit shall be as determined by the Village Board from time to time.

- B. No such Permit shall be issued until there has been filed with the Enforcement Officer a sketch or plot plan showing the actual dimensions and angles of the lot to be built upon, the exact size and location on the lot of the building or accessory building to be erected, relocated, or altered and such other information as may be necessary to determine and provide for the enforcement of the Local Law. Each application shall state the purpose for which the structure or land is to be used and a general description of the type of construction.
- C. The Enforcement Officer shall issue or refuse all such Permits within a reasonable time. Notice of refusal to issue any Permit shall be given to the owner or to his authorized representative in writing and shall state the reasons for said refusal. Upon refusal of Permit, the owner can then apply to the Zoning Board of Appeals for a variance.
- D. A Permit shall be valid for a period of one (1) year from the date of issuance, after which time it shall expire and all rights and privileges granted thereunder shall terminate. A permit holder may apply, however, to the Enforcement Officer for an extension of time up to one (1) additional period of one (1) year.
- E. No demolition in whole or in part of any building shall be initiated unless and until a Permit therefore has been issued by the Enforcement Officer or authorized by the Board of Appeals wherever it is provided in this section that the approval of the Board of Appeals is required. The fee for such permit shall be determined by the Village Board from time to time.

1-35 - DESIGN REVIEW PROCESS

- A. The purpose of this section is to encourage preservation of important business, public, semi-public and transitional residential areas of the Village, including the preservation of buildings of architectural or historical importance and the appropriate and compatible location and design of new or altered structures and signs.
- B. All applications for a Permit for all construction and/or reconstruction or remodeling, in the Residential, Commercial and Manufacturing Districts, which are hereby designated as Design Review Areas, shall be referred to the Planning Board. The Planning Board shall in discharging its duties under this design review process, consult with such advisors as may be appropriate on a particular project, including planners, historians, architects, landscape architects and artists.
- C. Upon application for a permit for construction, exterior reconstruction or alteration of any principal structure or sign in a Design Review Area, two (2) copies of a plan shall be submitted showing the dimensions of the lot, proposed bulk and height of the building, proposed elevation plan, the size, color, lighting and lettering for any sign, a description of adjacent structures (including photographs), along with such other material as may be required by the Planning Board for their review of project.
- D. The Planning Board shall review the proposal according to those requirements of lot size and dimension, required front, side and rear yards, bulk, height, and location of the building, adequacy of parking and other facilities according to those regulations specified for the respective districts in Schedules A and B.
- E. In addition, the Planning Board will consider the property and acceptability of the proposal

according to the following design criteria:

- (1) Architectural character or motif and its appropriateness to the location and overall character of the Village.
- (2) The exterior construction materials and colors - their contribution to the appearance of the Design Review Area and their relationship to adjoining uses.
- (3) The size, location and graphics of all signs and displays.
- (4) Site and landscaping improvements, including parking and service requirements and their relationship to the Village Plan.
- (5) The Planning Board shall within thirty (30) days from the date of application make recommendation to the Village Board as to the acceptability of the plan for the area in question according to the procedure and the guidelines established herein. Upon such recommendation the Village Board will authorize the Enforcement Officer to issue or deny the permit.

1-36 - CERTIFICATE OF OCCUPANCY

- A. No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Enforcement Officer. A temporary Certificate of Occupancy may be issued for not more than thirty (30) days. For previously existing construction, the Enforcement Officer may, on request, issue such a certificate if he determines that the use of the building in question meets the requirements of this section.
- B. A Certificate of Compliance shall be issued only if the proposed use of building or land conforms to all of the provisions of this Local Law, the plot plan and the purpose and description for which the permit was issued.
- C. The Enforcement Officer shall make or cause to have an inspection of each building or lot for which a Certificate of Compliance is required before issuing such Certificate. Such inspection shall be made within ten (10) days from the day of the notification of project completion, Saturdays, Sundays and Legal Holidays exception.

1-37 - COMPLETION OF BUILDINGS UNDER CONSTRUCTION

- A. Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction legally at the time of the passage of this section and which entire building shall be completed within one (1) year from the date of the passage of this section.

1-38 - VIOLATIONS

- A. Violations of this Law shall be subject to the provisions of applicable Law. Whenever a violation of this Local Law occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the Enforcement Officer. Upon the receipt of a written complaint, if the Enforcement Officer finds that any of the provisions of this Local Law are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Enforcement Officer shall file copies of any such notice of violation with the Village and Clerk and Village Attorney.

1-39 - PENALTIES FOR VIOLATIONS

- A. Any violation of this Local Law, or any part thereof, shall constitute an offense and each week that the violation is permitted to exist after notice to abate such violation, shall constitute separate offense. Any person, firm or corporation who violates any provision of this Local Law shall be subject to a fine not exceeding two hundred and fifty (250.00) dollars or imprisonment for a period not to exceed thirty (30) days, or both such fine and imprisonment.

ARTICLE VIII - ZONING BOARD OF APPEALS

1-40 - ESTABLISHMENT AND COMPOSITION

- A. There is hereby established a Board of Appeals consisting of Five (5) members which shall function in the manner prescribed by Law. The Board of Appeals shall adopt such rules and regulations it may deem necessary to carry into effect the provisions of this Local Law, and all its resolutions and orders shall be in accordance therewith and as further set forth herein.

1-41 - PROCEDURES

- A. The Board of Appeals shall act in strict accordance with the procedure specified by Law and by this Local Law. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal shall refer to the specific provisions of this Local Law involved, and shall set forth the interpretation that is claimed, the standards pertaining to the Special Use, or the details of the variance that is applied for, and the basis thereof. At least seven (7) days before the date of the Appeal, the Secretary of said Board shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal.

1-42 - MEETINGS

- A. All meetings of the Board of Appeals shall be held at the call of the Chairman and as such other time as such Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. Meetings of the

Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions.

1-43 - RECORDS

- A. All decisions of the Board shall be by resolution and a copy of each decision shall be sent to the applicant, to the Village Clerk and to the Enforcement Officer. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the Office of the Board and shall be a public record. Each decision shall set forth fully the reasons for the decision of the Board and the findings of fact on which the decision was based. Such findings and reasons shall include reference to the standards pertaining thereto where the appeal is for a variance or a special exception.

1-44 - APPEALS

- A. The Board of appeals shall hear and decide appeals from and review any order, requirement,

decision or determination made by the Enforcement Officer. It shall also hear and decide all matters referred to it upon which it is required to pass under this Local Law. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Enforcement Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Local Law or to affect any variation in the Local Law.

- B. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the Village. Such appeal shall be taken within sixty (60) days or such additional time as shall be prescribed by the Board of Appeals by general rule, by filing with the Enforcement Officer and the Board of Appeals a notice of appeal specifying the grounds thereof. The Enforcement Officer shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

1-45 - STAY OF PROCEEDINGS

- A. An appeal stays all proceedings in furtherance of the action appealed from unless the Enforcement Officer, from which the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate of stay would in his opinion cause imminent peril to life or property; otherwise proceedings shall not be stayed except by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

1-46 - HEARING AND DETERMINATION

- A. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and by publication at least once in the official newspaper seven (7) days before the date of the hearing, and shall decide the same within thirty (30) days. Upon the hearing, any party may appear in person or by agent or by attorney.

1-47 - RESPONSIBILITY FOR COSTS OF PUBLIC HEARINGS

- A. Each application for a variance or special exception, shall be accompanied by a fee to cover the costs of the public hearing, in any amount set by resolution of the Village Board of Trustees. No application will be accepted and no public hearing will be scheduled until such fee is deposited with the Village Clerk. The unused portion of such fee will be refunded to applicant.

1-48 - JURISDICTION

- A. The Board of Appeals shall have all the power and duties prescribed by Law and this Local Law, among which some are more particularly specified as follows:

(1) Appellate Jurisdiction.

- a. Appeals from the interpretation of the Enforcement Officer.
- b. To grant a variance in case of unnecessary hardship or practical difficulty.

(2) Original jurisdiction. The granting of special exceptions for certain uses stated in this section.

- B. Interpretation. Upon appeal from a decision by the Enforcement Officer to decide any question involving the interpretation of any provision of this Local Law, including determination of the exact location of any district boundary if there is uncertainty with

respect thereto. A public hearing will be held by the Board of Appeals before reaching a decision on matters of interpretation.

- C. Variance. On appeal from a determination of the Enforcement Officer and in conformity with law, to vary the requirements as they apply, shall not be acted on until the required public hearing has been held. The Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this section and shall not grant any variance unless it shall make a finding of fact, based on the evidence as presented to it in each specific case.
- D. Permitted action by board of appeals. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Enforcement Officer charged with the enforcement of such Local Law and to that end shall have all the powers of the Enforcement Officer from whose order, requirement, decision, interpretation or determination the appeal is taken.
- E. Use Variances. To authorize the utilization of land for a use which is not permitted or is prohibited by a zoning law.
 - (1) The Board of appeals, on appeal from the decision or determination of the Enforcement Officer shall have the power to grant use variances as stated herein.
 - (2) No such variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - a. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - b. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - c. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. that the alleged hardship has not been selfcreated.
 - (3) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- F. Area Variances. Permits the use of land in a manner which is not permitted by virtue of the "dimensional or physical requirements" of a zoning law.
 - (1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Enforcement Officer, to grant area variances as defined herein.
 - (2) In making its determination, the Zoning Board of Appeals shall take into consideration

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

- a. whether and undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- b. whether the benefit sought by the applicant can be achieved by some method, feasible to the applicant to pursue, other than an area variance;
- c. whether the requested area variance is substantial;
- d. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- e. whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

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

G. Imposition of conditions. The board of appeals shall, in granting of both use variance and area variances, have the authority impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this zoning local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

H. Special exception. On application, supplementing an application to the Enforcement Officer for a permit or certificate of occupancy, the Board of Appeals may authorize the Enforcement Officer to grant a permit for any use for which approval of the Board is required by this section. The Board shall, pursuant to law, hold a public hearing on any such application prior to acting thereon. In authorizing such permit, the Board may designate appropriate conditions in harmony with the following standards:

- (1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent district and uses.
- (2) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, in relation to main traffic thoroughfares and to street and road intersections and the general character and intensity of development of the neighborhood.
- (3) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.

1-49 - SPECIAL EXCEPTIONS

- A. Special exceptions to be considered by the Board of Appeals include the following:
- (1) Public utility station or structure. Such uses shall include electric substations, transformers, switches, auxiliary apparatus serving a distribution area and water pumping stations. Establishment in a residential district shall be subject to the following regulations:
 - a. Such facility shall not be located on a residential street (unless no other site is available) and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
 - b. The location, design, and operation of such facility shall not adversely affect the character of the surrounding residential area.
 - c. Adequate fences, barriers and other safety devices shall be provided and the facility shall be screen planted in accordance with section 1-21 D.
- B. Drive-In restaurant or refreshment stand. In addition to meeting the minimum yard and lot coverage requirements such business where persons are served in automobiles or out-of-doors shall be subject to the following regulations:
- (1) Such use shall be not closer than two hundred (200) feet to a residence district.
 - (2) Such use shall have frontage on a public street.
 - (3) Ingress and egress shall be so designed as to minimize traffic congestion, and for the purpose the number and location of driveways shall be subject to review and approval of the Board of Appeals.
 - (4) Such use shall be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property.
- C. Auto Wash. In addition to meeting the minimum yard and lot coverage requirements, any auto wash establishment shall be subject to the following regulations:
- (1) Such establishment shall not be closer than two hundred (200) feet to a residence district.
 - (2) The wash water shall not pollute any stream nor create a hazard because of surface drainage.
 - (3) The number and location of driveways shall be subject to review and approval of the Board of Appeals
 - (4) Such establishment, in addition to meeting the off-street parking requirements of Schedule B, shall provide two (2) stacking spaces per bay on the lot to prevent the waiting of automobiles in the public street.
- D. Commercial excavation. Except in a commercial excavation district and except when incidental to the construction of a building on the same lot, the excavation, processing, or sale of topsoil, earth, sand, gravel, clay or other natural deposits is subject to the following conditions:

- (1) An application shall be made to the Board of Appeals for a special exception for commercial excavation.
 - (2) In its consideration of said application, the Board of Appeals shall find that such excavation will not endanger the stability of adjacent land or structures nor constitute a detriment to the public welfare, convenience or safety by reason of excessive dust, noise, traffic, or other condition. The Board of Appeals shall specify any reasonable requirements to safeguard the public health, safety and welfare in granting such permit, including the following:
 - a. The slope of material in such topsoil, sand, gravel, clay or other earth shall not exceed the normal angle of repose of such material.
 - b. The top and the base of each slope shall not be nearer than fifty (50) feet to any property line nor nearer than fifty (50) feet to the right-of-way line on any street or highway.
 - c. A plan for restoration and rehabilitation of a commercial earth excavation area or borrow pit shall accompany the application for a special exception and shall assure conformance with the public health, safety and welfare. The Board of Appeals upon approval of such plan, shall require a performance bond to assure rehabilitation of commercial excavation sites in conformance therewith.
- E. Junk Yard. No junk yard will be operated or established hereafter in any area of the Village.

ARTICLE IX - AMENDMENTS

1-50 - INITIATION

- A. The Village Board may from time to time on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by the Local Law pursuant to Law.
- B. Whenever the owners of fifty percent (50%) or more of the frontage in any district or part thereof included in such change shall present a petition, duly signed and acknowledged, to the Village Board requesting an amendment, supplement or change of the regulations prescribed for such district or part thereof, it shall be the duty of the Village Board to vote upon said petition within ninety (90) days after the filing of the same by the petitioners with the Village Clerk.
- C. The Planning Board may, by resolution, propose an amendment to the Village Board suggesting a change or repeal of specific portions of the regulations. Within thirty (30) days from the time such resolution is filed with the Village Clerk, it shall be the duty of the Board to vote on such proposed amendment.

1-51 - REFERRAL TO PLANNING AGENCIES

- A. All proposed amendments, supplements to changes originating by petition, or by motion of the Village Board, shall be referred to the Village Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.
- B. Whenever any zoning regulation or any amendment, including special permits or variances, would change the district classification or a regulation applying to real property in a

neighboring municipality or upon other county or state property as described in the General Municipal Law, said zoning regulations or amendment shall be referred to the Oneida County Department of Planning, which Department shall report its recommendations to the Village Board. Failure of the County Department of Planning to report within thirty (30) days may be construed to be approval by the Department.

- C. Notification of action taken on any matter previously referred to the County Planning Department will be within seven (7) days or such action.

1-52 - HEARING ON PROPOSED AMENDMENT

- A. Before any amendment, supplement or change in the Local Law or district boundaries, there shall be a public notice and hearing thereon as provided by Law. Such hearing may be held by the Village Board, by a committee of the Board, or by the Planning Board at the request of the Village Board. No such hearing shall be scheduled nor held by the Board of Trustees until the fees required by 1-47 are deposited with the Village Clerk.

1-53 - ADOPTION

- A. After the public hearing, the referral to and report by the Planning Board, a majority vote of the members of the Village Board shall be required to amend the Zoning Law, except as described in protest petition below.

1-54 - PROTEST PETITION

- A. If a protest against a proposed amendment, supplement or change is presented to the Village Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of a least four (4) members of the Village Board.

1-55 - PERIODIC REVIEW

- A. From time to time, at intervals of not more than three (3) years, the Planning Board shall reexamine the provisions of this section and the location of the district boundary line and shall submit a report to the Village Board, recommending such changes or amendments, if any, as may be desirable in the interest of public safety, health, convenience, necessity or welfare.

1-56 - ANNEXATION OF PROPERTY

- A. In the instance of any property annexed to the Village, such property in its entirety shall automatically, upon the annexation, be classified an R-1 Residential District, which designation shall continue until such time as the Village Board may amend the Zoning Law to otherwise designate all or part of such area.

ARTICLE X - MISCELLANEOUS PROVISIONS

1-57 - INTERPRETATION

- A. In interpretation and applying the provisions of the Law, they shall be held to the minimum requirements for the promotion of public health, safety and general welfare. When this law imposes a greater restriction on the use of buildings or land or on the heights of buildings, or

Requires larger open spaces or makes any other greater requirement than is imposed or required by any other ordinance, rule or regulation, or by easements, covenants, or agreements, the provisions of the Law shall govern.

1-58-SEVERABILITY

- A. Any section, subsection, or phase of this Law is declared to be invalid, such invalidity shall not affect any other portion of this Law.

1-59-REPEAL OF FORMER ZONING

- A. The ordinance entitled Village of Oriskany Zoning Regulations adopted September 1961, together with all changes and amendments thereto, is hereby repealed.

1-60-EFFECTIVE DATE

- A. This Local Law shall take effect upon filing with the Secretary of State.

ZONING DISTRICT	PERMITTED PRINCIPAL USES	PRINCIPAL USES PERMITTED BY SPECIAL EXCEPTION	MINIMUM LOT AREA (SQ FT)	LOT SIZE WIDTH (FT)	LOT COVERAGE (MAXIMUM PERCENT)	BUILDING HEIGHTS (MAXIMUM) (STORIES)	YARD DIMENSIONS (MINIMUM, IN FEET)				
							FRONT	ONE SIDE	TOTAL REAR		
R-1 Residential	Single Family Detached Dwelling.		10,000	80	25	2.5	35	30	15	25	40
	Single Family Attached Dwelling (limited to no more than 2).		10,000	80	25	2.5	35	30	15	25	40
	Public, Parochial School.		5 Acres	500	20	3	45	100	100	200	200
	Church, Parish House, Convent Rectory.		1 Acre	100	25	-	-	100	100	200	200
	Public Library, other Public Building or Use, Police or Fire Stations, Public or Private School, None for Profit.		-	-	-	-	-	-	-	-	-
	Accessory Building, Use.		-	-	-	1	15	-	-	-	10
	Private Swimming Pool.		-	-	-	1	15	-	-	10	10
	Accessory Buildings, Same Lot.		-	-	-	-	-	-	-	-	-
	Home Occupation.		-	-	-	-	-	-	-	-	-
	3 or 4 Family Dwelling by Conversion of Existing Building.		6,000 Per Unit	100	50	3	40	35	15	25	40
	Cemetery.		-	-	-	-	-	-	-	-	-
	Public Utility Structure, Use.		-	-	-	-	-	-	-	-	-
	Day Care Facility.		25,000	100	25	2.5	35	35	20	35	40
	Wind Energy		-	-	-	-	-	-	-	-	-
	Conversion Systems.		-	-	-	-	-	-	-	-	-
	Accessory Apartments.		-	-	-	-	-	-	-	-	-
	Dish Antennas.		-	-	-	-	-	-	-	-	-
	Family Day Care Home		20,000	100	20	2.5	35	35	20	35	40
	Park, Playground.		-	-	-	-	-	-	-	-	-
	Resident Medical.		-	-	-	-	-	-	-	-	-
	Municipal Structure, Use.		2 Acres	200	25	2.5	35	15	50	100	50
	Nursing, Convalescent, or Home for the Aged.		1 Acre	125	25	2.5	35	35	20	35	40

SCHEDULE A - VILLAGE OF ORISKANY ZONING DISTRICTS AND LOT REGULATIONS

ZONING DISTRICT	PERMITTED PRINCIPAL USES	PRINCIPAL USES PERMITTED BY SPECIAL EXCEPTION	MINIMUM LOT SIZE AREA (SQ FT)	LOT WIDTH (FT)	LOT COVERAGE (MAXIMUM PERCENT)	BUILDING HEIGHTS (MAXIMUM) (STORIES)	YARD DIMENSIONS (MINIMUM, IN FEET)			
							FRONT	ONE	TOTAL	REAR
R-2 Residential	R-1 Residential Uses. Two Family Dwelling. Home Occupation. Hospital or Public Health Clinic. 3 or 4 Family Dwelling by Conversion or New Construction, Lot Area Requirements Must be Met. Accessory Buildings.	As specified in R-1	6,000 Per Unit	100	50	3 1	35	15	25	40
							-	-	10	10
	As Permitted by the Board of Appeals in the R-1 Residential District. Funeral Parlor or Undertaking Establishment Private Club or Lodge.		20,000 24,000	100 120	25	2.5 2.5	35	15	30	40
							25	20	50	50

SCHEDULE A - VILLAGE OF ORISKANY ZONING DISTRICTS AND LOT REGULATIONS

ZONING DISTRICT	PERMITTED PRINCIPAL USES	PRINCIPAL USES PERMITTED BY SPECIAL EXCEPTION	MINIMUM LOT AREA (SQ FT)	LOT SIZE WIDTH (FT)	LOT COVERAGE (MAXIMUM PERCENT)	BUILDING HEIGHTS (MAXIMUM) (STORIES)	BUILDING HEIGHTS (FEET)	YARD DIMENSIONS (MINIMUM, IN FEET)		
								FRONT	SIDE	REAR
C-1 Commercial	Existing Residential Uses.									
	Retail Store, Baker, Retail Sales on Premises.		2,500	25	30	2.5	35	20	5	10
	Personal Service Shop.		2,500	25	30	2.5	35	20	5	10
	Laundrette.		2,500	25	30	2.5	35	20	5	10
	Restaurant, Tavern.		2,500	25	30	2.5	35	20	5	10
	Business or Professional Office, Studio.		2,500	25	30	2.5	35	20	5	10
	Education, Charitable, Religious, or Philanthropic Institutions.		2,500	25	30	2.5	35	20	5	10
	Florist shop.		2,500	25	30	2.5	35	20	5	10
	Funeral Home.		2,500	25	30	2.5	35	20	5	10
	Club or Lodge, (Except those Customarily Carried on as a Business).		24,000	120	25	2.5	35	25	20	50
	Radio, Television, or Household Appliance Sales or Service.		24,000	120	25	2.5	35	25	20	50
	Antique Sales and Accessory Service.		2,500	25	30	2.5	35	20	5	10
	Public Utility Station or Structure.		2,500	25	30	2.5	35	20	5	10
	Business Signs.		-	-	-	-	-	-	-	-
	Accessory Building or Uses.		-	-	-	-	-	-	-	-
	4 or More Family Dwelling by Conversion		6,000 Unit	100	50	3	40	35	15	25

NONE

40

SCHEDULE A - VILLAGE OF ORISKANY ZONING DISTRICTS AND LOT REGULATIONS

ZONING DISTRICT	PERMITTED PRINCIPAL USES	PRINCIPAL USES PERMITTED BY SPECIAL EXCEPTION	MINIMUM LOT AREA (SQ FT)	LOT SIZE WIDTH (FT)	LOT COVERAGE (MAXIMUM PERCENT)	BUILDING HEIGHTS (MAXIMUM) (STORIES)	YARD DIMENSIONS (MINIMUM, IN FEET)	FRONT	SIDE	TOTAL	REAR
C-2 Commercial	C-1 Commercial Uses.										
	Motel, Restaurant, Tavern.		-	-	30	2.5	35	25	10	25	25
	Automobile, Boat, Farm Implement, Mobile Home, Trailer, Snowmobile or Motorcycle, Sales or Service.		-	-	30	2.5	35	25	10	25	25
	Laundry, Dry Cleaning Plant.		-	-	30	2.5	35	25	10	25	25
	Office Equipment Sales and Service.		-	-	30	2.5	35	25	10	25	25
	Letter Press Shop, Printing Plant.		-	-	30	2.5	35	25	10	25	25
	Animal Hospital, Kennel.		-	-	30	2.5	35	25	10	25	25
	Hardware, Building Supplies.		-	-	35	2.5	35	25	25	50	50
	Heating, Plumbing, Air Conditioning, Electrical, Cabinet or Similar Fabrication Shop.		-	-	30	2.5	35	25	10	25	25
	Bowling Alley, Billiard or Pool Hall.		-	-	30	2.5	35	25	10	25	25
	Business Sign.		-	-	-	-	-	-	-	-	-
	Accessory Building or Uses.		-	-	-	-	-	-	-	-	-
	Drive-In Restaurant or Refreshment Stand.		12,500	100	20	1	15	40	25	50	25
	Auto Wash.		12,500	100	20	1	15	40	25	50	25
	Used Car Sales.		-	-	30	2.5	35	25	10	25	25
	Auto Body Shop.		30,000	100	30	2	35	25	15	30	40
	Vehicle Major Service Establishment.		30,000	100	30	2	35	25	15	30	40
	Garage, Gasoline Station.		-	-	30	2.5	35	25	15	30	40
			-	-	30	2.5	35	25	10	25	25

SCHEDULE A - VILLAGE OF ORISKANY ZONING DISTRICTS AND LOT REGULATIONS

ZONING DISTRICT	PERMITTED PRINCIPAL USES	PRINCIPAL USES PERMITTED BY SPECIAL EXCEPTION	MINIMUM LOT AREA (SQ FT)	LOT SIZE WIDTH (FT)	LOT COVERAGE (MAXIMUM PERCENT)	BUILDING HEIGHTS (STORIES)	BUILDING HEIGHTS (MAXIMUM) (FEET)	YARD DIMENSIONS (MINIMUM, IN FEET)		
								FRONT	ONE SIDE	REAR
M-1 Manufacturing	C-2 Commercial District, Except Dwelling, Schools, Etc.		-	-	35	2.5	35	25	25	50
	Auto Repair, Painting and Collision Service (within completely enclosed building).		-	-	35	2.5	35	25	25	50
	Battery Manufacturing, Tire Retreading & Capping.		-	-	35	2.5	35	25	25	50
	Bottling Works - Non-Alcoholic Beverages.		-	-	35	2.5	35	25	25	50
	Cold Storage Plant, Ice Manufacturing Plant		-	-	35	2.5	35	25	25	50
	Dry Cleaning, Dyeing or Laundry.		-	-	35	2.5	35	25	25	50
	Laboratory; Research, Experimental or Testing (Nothing Offensive).		-	-	35	2.5	35	25	25	50
	Fiber, Fur, Glass, Leather, Paper, Metals, Plastics, Precious or Semiprecious Metals or Stones, Textiles, Tobacco, Wax, Wire and Wood Manufacture, Assembling, Etc.		-	-	35	2.5	35	25	25	50
	Electrical Appliances, Instruments or Devices, Precision Instruments, Musical Instruments, Novelties and other Products, Manufacture or Assembly.		-	-	35	2.5	35	25	25	50
	Building Material Sales Yard, Excluding Concrete Mixing, Retail Lumber Yard.		-	-	35	2.5	35	25	25	50
	Contractors, Public Utility Storage Yard or Plant.		-	-	35	2.5	35	25	25	50
	Small Animal Hospital, Veterinary Clinic, Kennel.		-	-	35	2.5	35	25	25	50
	Stone or Monument Works		-	-	35	2.5	35	25	25	50

SCHEDULE A - VILLAGE OF ORISKANY ZONING DISTRICTS AND LOT REGULATIONS

ZONING DISTRICT	PERMITTED PRINCIPAL USES	PRINCIPAL USES PERMITTED BY SPECIAL EXCEPTION	MINIMUM LOT AREA (SQ FT)	LOT SIZE WIDTH (FT)	LOT COVERAGE (MAXIMUM PERCENT)	BUILDING HEIGHTS (MAXIMUM) (STORIES)	BUILDING HEIGHTS (FEET)	YARD DIMENSIONS (MINIMUM, IN FEET)			
								FRONT	ONE	TOTAL	REAR
M-1 Manufacturing	Wholesale Storage and Warehouse Facilities Accessory Uses and Structures.	As Permitted in the C-2 Commercial District	-	-	35	2.5	35	25	25	50	50
		Drive-In Theaters, Miniature Golf or Golf Driving Range	12,500	100	20	1	15	40	25	50	50
		Commercial Excavating of Sand, Gravel or Rock.	-	-	-	-	-	-	-	-	-
		Truck Terminal, any Premises where Vehicle used in Long Distance Hauling is Parked, Parked Loaded or Unloaded.	-	-	-	-	-	-	-	-	-
		Carnival, Circus or Other Transient Amusement Enterprise.	-	-	-	-	-	-	-	-	-
		Accessory Uses and Structures	-	-	-	-	-	-	-	-	-
		Incidental to the Above	-	-	-	-	-	-	-	-	-

USES SPECIFICALLY PROHIBITED:

Abattoir or Rendering of Grease, Tallow or Fats.
 Above Ground Storage of Inflammable Liquids in Excess of 25,000 Gallons.
 Manufacture of Alcohol, Dye or Rubber
 Manufacture of Corrosive Acid or Alkali.
 Manufacture of Cement, Lime, Gypsum, Plaster of Paris or Abrasives.
 Manufacture of Fertilizer, Glue, or Size involving the Recovery or Refining of Products from Fish or Animal Refuse.
 Manufacture of Fire Works and Small Arms Ammunition.
 Production or refining of Petroleum or Other Inflammable Liquids.
 Smelting of Copper, Iron, or Zinc Ore.
 Stockyards.
 Slaughterhouses.
 Any Use Equivalent to the Above.

No Dump or Junk Yard Shall be Established in the Village of Oriskany.

SCHEDULE A - VILLAGE OF ORISKANY ZONING DISTRICTS AND LOT REGULATIONS

ZONING DISTRICT	PERMITTED PRINCIPAL USES	PRINCIPAL USES PERMITTED BY SPECIAL EXCEPTION	MINIMUM LOT AREA (SQ FT)	LOT SIZE WIDTH (FT)	LOT COVERAGE (MAXIMUM PERCENT)	BUILDING HEIGHTS (MAXIMUM) (STORIES)	YARD DIMENSIONS (MINIMUM, IN FEET)		
							FRONT	SIDE	REAR

P-D
Planned
Development

Uses Based on a Specific Development
Proposal; Review Pursuant to Section
1-15 is Required for all Uses.

3 Acres

SCHEDULE B - OFF-STREET PARKING

USE	SPACES REQUIRED
1. Dwellings	1 space for each dwelling unit.
2. Rooming house, tourist home, motel, hotel	1 space for each guest room.
3. Administrative, professional, governmental or utility office	1 space for each 200 sq. ft. of gross floor area.
4. Funeral home	15 spaces, plus space for all employees, resident personnel vehicles.
5. Church or temple	1 space for each 8 seating spaces in main assembly room.
6. School	
Elementary	2 spaces for each classroom.
Junior or Senior High	4 spaces for each classroom.
7. Theater or other place of assembly	1 space for each 5 seating spaces.
8. Nursing or convalescent home	1 space for each 4 beds, plus 1 space for each employee on duty at any one time.
9. Retail store or bank	1 space for each 250 sq. ft. of floor space devoted to customer use.
10. Clubs, restaurants and taverns	1 space for each 3 seating spaces or patron accommodations.
11. Bowling Alley	5 spaces for each alley.
12. Wholesale, storage, freight terminal or utility use	1 space for each 1,000 sq. ft. of gross floor space.
13. Industrial or manufacturing use	1 space for each 2 employees on the maximum working shift.
14. Shopping centers	5 spaces per 1,000 sq. ft. of gross leasable floor area.
15. Miniature golf course and golf driving range	10 spaces, plus 1 space for each employee on duty at any one time.
16. Auto wash	1 space for each employee, plus standing space for 2 cars per bay.
17. Home occupation	1 space for each client or patient at any one time.
18. Day care center/group day care facility/ family day care home	1 space for each teacher/employee plus 1 space for every 6 students.

SCHEDULE B - OFF-STREET PARKING (CONTINUED)

19. Agricultural nursery	1 space for each 200 sq. ft. of retail sales floor area.
20. Personal service shop	1 space for each 100 sq. ft. of net floor area.
21. Laundromat	1 space for each 100 sq. ft. of gross floor area.
22. Bakery	1 space for each 150 sq. ft. of gross floor area.
23. Convenience/service station	1 space for each 100 sq. ft. of gross floor area.
24. Dry cleaning/tailoring shop	1 space for each 150 sq. ft. of gross floor area.
25. Printing/lithograph shop	1 space for each 150 sq. ft. of gross floor area.
26. Eleemosynary uses (Charity Organizations, i.e. Red Cross, Salvation Army, Etc.)	1 space for each 300 sq. ft. of gross floor area.
27. Fraternal halls/organizations	1 space for each 200 sq. ft. of gross floor area.
28 Automobile repair shop	1 space for each 400 sq. ft. of gross floor area plus 1 space for each employee on the largest work shift.