

COPY

VILLAGE OF CHAUMONT

LAND DEVELOPMENT CODE



Adopted by the Village Board of Trustees

JULY 15, 2014

Filed by the Secretary of State

_____ ^{9/9} _____, 2014

Presented within is the amended Village of Chaumont Land Development Code, including zoning districts and a zoning map for the Village.

It is based on Village Planning Board discussions during the Comprehensive Plan Update and additional meetings held from September 2010 – June 2014

The Code Update Project, nearly one year in the making, after the two year Comprehensive Land Use Plan process, includes amendments to the Land Development Code developed to implement the Land Use Plan. Recommendations for the Code Update were developed from public input received during the Comprehensive Land Use Plan process and based on Village development patterns and trends.

The Update was developed to take steps to enhance the community as development occurs in terms of its current and future institutions, homes, businesses, community areas and parks and its overall quality of life.

Amended By:

Village Planning Boards

1990s – 2014

David Lachenauer,
Zoning Enforcement Officer

With Cooperation from:

Jefferson County Planning Office

LAND DEVELOPMENT CODE - TABLE OF CONTENTS
Village of Chaumont

ARTICLE		Page
I	PURPOSE, TITLE AND APPLICATION OF REGULATIONS	
	SECTION 105 PURPOSE AND AUTHORIZATION	5
	SECTION 110 TITLE	5
	SECTION 115 APPLICATION OF REGULATIONS	5
	SECTION 120 PRIOR EXISTING LAWS AND ORDINANCES	5
II	DEFINITIONS	
	SECTION 205 DEFINITIONS	6
III	DISTRICT AND DIMENSIONAL REGULATIONS	
	SECTION 305 ESTABLISHMENT OF ZONING DISTRICTS and PURPOSE	16
	SECTION 310 ZONING MAP	16
	SECTION 315 INTERPRETATION OF DISTRICT BOUNDARIES	16
	SECTION 320 LOTS IN TWO DISTRICTS	16
	SECTION 325 PERMITTED AND SITE PLAN USES	17
	SECTION 330 UNCLASSIFIED USES	18
	SECTION 335 DIMENSIONAL REGULATIONS	18
	SECTION 340 ALTERNATE FRONT SETBACK	
IV	SUBDIVISION REVIEW PROCESS	
	SECTION 400 PURPOSE	19
	SECTION 405 APPLICABILITY	19
	SECTION 410 SUBDIVISION REVIEW REQUIRED	19
	SECTION 415 GENERAL SUBDIVISION PROCEDURE	19
	SECTION 420 APPLICATIONS	20
	SECTION 425 PRELIMINARY PLAT PUBLIC HEARING	22
	SECTION 430 FINAL PLAT	22
	SECTION 435 DESIGN STANDARDS	23
	SECTION 440 CONDITIONAL APPROVAL	25
	SECTION 445 GUARANTEES FOR INSTALLATION AND MAINTENANCE OF IMPROVEMENTS	25
V	SITE PLAN REVIEW AND APPROVAL PROCESS	
	SECTION 505 PURPOSE AND SCOPE	26
	SECTION 510 APPLICABILITY	26
	SECTION 515 GENERAL PROCEDURES	26
	SECTION 520 APPLICATIONS	26
	SECTION 525 PRELIMINARY PLAN	27
	SECTION 530 FINAL PLAN	27
	SECTION 535 REVIEW CRITERIA	28
	SECTION 540 REASONABLE CONDITIONS	28
	SECTION 545 GUARANTEES FOR INSTALLATION AND MAINTENANCE OF IMPROVEMENTS	28

ARTICLE

VI

GENERAL REQUIREMENTS

SECTION 600	GENERAL	30
SECTION 605	SCREENING	30
SECTION 610	LIGHTING: EXISTING AND PROPOSED	30
SECTION 615	PARKING REQUIREMENTS	31
SECTION 620	DRAINAGE	32
SECTION 625	SIDEWALKS/CURBING	32
SECTION 630	SIGNS	32
SECTION 635	TRAFFIC	34
SECTION 640	UTILITIES	34
SECTION 645	WATER SUPPLY	34
SECTION 650	SEWAGE DISPOSAL	34
SECTION 655	UNIQUE AND NATURAL FEATURES	34
SECTION 660	PUBLIC OPEN SPACES AND SITES	34
SECTION 665	STREETS	35
SECTION 670	EXISTING BUILDING ADAPTIVE REUSE	35
SECTION 675	NEW CONSTRUCTION GUIDELINES	36
SECTION 680	HOME OCCUPATION CONDITIONS	37
SECTION 685	FLOATING ZONE PROCESS	37
SECTION 690	RESIDENTIAL STANDARDS FOR NUISANCE JUNK	38

VII

SPECIFIC USE REGULATIONS

SECTION 700	SPECIFIC USE REGULATIONS	39
SECTION 705	ADULT ENTERTAINMENT AND TATOO PARLORS	39
SECTION 710	MOBILE HOMES	39
SECTION 715	MULTI-FAMILY DWELLINGS	40
SECTION 720	RESTAURANTS/BARS	40
SECTION 725	PROHIBITED USES	40
SECTION 730	PASTURE FOR HORSES OR LIVESTOCK	40
SECTION 735	NIGHTCLUBS	41
SECTION 740	SELF-STORAGE WAREHOUSES	41
SECTION 745	TEMPORARY STORAGE TRAILERS/PODS	41

VIII

NON-CONFORMITIES

SECTION 805	STRUCTURES	42
SECTION 810	USES	42
SECTION 815	LOTS OF RECORD	42

IX

ADMINISTRATION AND ENFORCEMENT

SECTION 905	ZONING PERMITS	43
SECTION 910	CODE ENFORCEMENT OFFICER	43
SECTION 915	CERTIFICATES OF COMPLIANCE	44
SECTION 920	ZONING BOARD OF APPEALS	44
SECTION 925	FEEES	44
SECTION 930	VIOLATIONS AND PENALTIES	45
SECTION 935	VILLAGE BOARD OF TRUSTEES	45
SECTION 936	PLANNING BOARD	45

ARTICLE I

PURPOSE, TITLE AND APPLICATION OF REGULATIONS

SECTION 105 - PURPOSE AND AUTHORIZATION

For the purpose of promoting the public health, safety and welfare, or conserving the value of buildings and of enhancing the value of land throughout the Village, pursuant to the authority conferred by Section 7 of New York State Village Law and Section 10 of New York State Municipal Home Rule Law, and in accordance with a comprehensive plan, the Village Board of Trustees of the Village of Chaumont in the County of Jefferson, State of New York, hereby ordains and enacts this local law. Pursuant to Municipal Home Rule Law, where this law is inconsistent with the Village Law, General Municipal Law, or any other State law, the more stringent law shall apply.

The Village Planning Board (VPB) is hereby empowered to approve subdivisions within the Village of Chaumont.

The Village Board of Trustees (VBT) is hereby empowered to approve site plan review uses within the Village of Chaumont.

SECTION 110 - TITLE

This law shall be known and may be cited as “The Village of Chaumont Land Development Code.”

SECTION 115 - APPLICATION OF REGULATIONS

1. No land shall be subdivided, no building, structure or land shall be used or occupied and no building, structure or part thereof shall be erected, moved nor altered (to change its exterior physical dimensions) unless in conformity with the regulations specified by this local law.
2. The regulations established by this law shall be minimum regulations and shall be applied uniformly to each class or kind of structure or land.

SECTION 120 - PRIOR EXISTING LAWS AND ORDINANCES

All prior development codes and ordinances, and all amendments thereto are hereby repealed.

ARTICLE II

SECTION 205 - DEFINITIONS

Except where specifically defined herein, all words used in this law shall carry their customary meanings. Words in the present tense include the future, the singular number includes the plural and the plural the singular, and the word "lot" includes the word "plot." The Zoning Board of Appeals shall clarify any doubt as to the precise meaning of any word used in this law under their powers of interpretation.

Accelerated Erosion: The removal of the surface of the land through the combined action of man's activities and the natural processes at a rate greater than would occur because of the natural process alone.

Accessory Structures: A subordinate structure located on the same lot with the main structure, occupied by or devoted to an accessory use. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure. Examples of accessory structures are storage sheds and garages.

Accessory Uses: A use incidental and subordinate to the principal use and located on the same lot with such principal uses, but not including home occupations. Such uses shall include temporary and incidental sales, such as garage sales, estate auctions, sales of seasonal products, and the fund raising activities of non-profit organizations.

Accumulated Junk: Dilapidated furniture, appliances, machinery, building material, equipment (which may be) that is rusted, wrecked, junked, dismantled or inoperable.

Adult Entertainment: Any lot, building, structure or portion thereof in which a minor (prohibited by the statues of New York State) is not allowed to view or participate or patronize due to the adult entertainment conducted therein. Adult entertainment establishments includes but not limited to; adult book stores, adult theaters (live or motion picture), massage parlors which are not operated by a State licensed health professional, topless or striptease or nude entertainment.

Agriculture: The raising of crops, the selling of products grown on premises, and any other commonly accepted agricultural operations, including incidental mechanical processing of products.

Agricultural Business: A business engaged in performing agricultural or horticultural services on a fee or contract basis including corn shelling; hay baling and threshing; sorting, grading, and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading for agricultural purposes; harvesting and plowing. The term "agricultural business" shall not include animal husbandry.

Agricultural Hobby Farming: A farm where the keeping of farm animals such as horses, sheep, and goats is for non-commercial purposes.

Agricultural Structures: Barns, silos, storage building, equipment sheds, and other structures customarily used for agricultural purposes.

Assisted Living Housing/Residence: Supervised lodging, usually for the young, sick, elderly, or incapacitated, in a home-type setting.

Automobile Parts Store: Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation unless more than 25 percent (25%) of the floor area is dedicated to service or repair areas, or where 25 percent (25%) of the store income is from repairs.

Automobile Service Station: Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fuels, oils, or lubricants, or for the polishing, greasing, washing or servicing (but not painting) of motor vehicles.

Automobile Sales Lot: A site used for sale of new and/or used automobiles licensed by New York State. No storage of junk or wrecked motor vehicles, other than the temporary storage of those motor vehicles awaiting repair, shall be permitted. A minimum of 85 percent (85%) of the motor vehicles shall be operable and readily accessible to the public for inspection and operation. For purposes of this subsection, temporary storage of junk or wrecked motor vehicles shall mean that the vehicle

may remain on the site for a length of time not to exceed 120 days in any calendar year.

Automobile Graveyard: any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. See junkyard.

Bank: a financial establishment that invests money deposited by customers, pays it out when required, makes loans at interest, and exchanges currency.

Bed and Breakfast: Residential structures with one family in permanent single-family residence with not more than 10 bedrooms rented for overnight lodging, and where food may be served to its registered guests. The food service is restricted to breakfast or a similar early morning meal, and light foods or snacks. The price of the food must be included in the price of the overnight accommodation.

Bar/Tavern/Pub: An establishment licensed by the State of New York to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and similar mechanical amusement devices.

Blight and Property Degradation: The condition of a property or group of properties that are so defective, unsightly, or in such condition of disrepair that they substantially diminish the value of surrounding property or are otherwise substantially detrimental to surrounding properties; and the condition of the property would be offensive in the eyes of the public as compared to standards of maintenance of at least seventy-five percent (75%) of the properties in that community or neighborhood.

Boat Storage, Outdoor: Dry storage of boats outside of buildings on a separate parcel from the primary marina property.

Buffer: Open space, vegetation, opaque fencing, walls, berms or any combination thereof used to physically separate or screen one use from another making structures, objects, or parking lots less visible, also limiting noise, light spread, or other nuisances from neighboring properties, public road or any other public place throughout the year. Objects may be screened by topography, vegetation or fencing as outlined in this law.

Buffer Strip: An area of land designed to separate one use from another or to separate an area from noise, lights, or other nuisances.

Building Inspector: Any person appointed by the Village Board of Trustees to carry out the duties of the Building Inspector as described in this law.

Building Line: A line marked by the foundations of that face of the building or structure nearest the lot line, excluding chimneys and uncovered porches, patios, terraces, steps, eaves, overhangs, and open-area ways.

Building Adaptive Reuse: Adaptive reuse is the process of adapting old buildings for new purposes while retaining their historic features. When the original use of a building changes or is no longer required or feasible, as with old industrial buildings, old apartments, churches or residences that may not meet modern day needs, an opportunity to adapt the structure for another use arises. For example, when permitted by the zoning district, old factories have become apartment buildings, in other cases rundown or unused churches have found new life as restaurants.

Camp: Land on which is located one (1) cabin, recreational vehicle, tent, shelter, or other accommodations suitable for seasonal or temporary living purposes.

Campground: Any area of land or water which two (2) or more cabins, recreational vehicles, tents, shelters, boats, houseboats or other accommodations of a design or character suitable for seasonal or temporary living purposes is located. Regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

Campsite: Any plot of land within a campground intended for the exclusive occupancy by a cabin, recreational vehicle, tent, or shelter.

Car Wash: Any building or premises used for washing motor vehicles.

Certificate of Occupancy: A permit issued by the Village Code Enforcement Officer, which certifies that, following examination, a building, structure, or use is in compliance with the provisions of this law.

Child Day Care Facility - A State-licensed facility which provides non-medical care, protection, and supervision to more than five (5) children under 18 years of age, on a less than 24-hour basis. A commercial or non-profit child day care facility includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with business, school, or church facilities, or as an independent land use.

Church: A building, structure, or group of buildings or structures, intended for the conducting of organized religious services and accessory uses associated therewith.

Cluster Development: A development design technique that concentrates buildings in specific areas of a site, but which allows the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. Cluster development permits reductions in lot area and bulk requirements provided there is no increase in the gross density allowed on the site.

Code Enforcement Officer (CEO): A person appointed by the Village Board of Trustees, to carry out the regulations of this law.

Commercial Use: Any use primarily designed to sell goods and/or services to the consumer. This includes restaurant, retail, bank, offices, hotel/motel, automobile service stations, marina and funeral homes.

Convenience Store – An easy access retail store of 5,000 square feet or less in gross floor area, that carries a range of merchandise oriented to convenience and travelers' shopping needs. These stores may sell vehicle fuel or kerosene as well.

Driveway: A private road connecting a lot or building, such as a house or garage, with the street or roadway.

Dwelling Unit: Building or part thereof used as living quarters for one family. The term “multi-family dwelling” shall not include a motel/hotel.

Dwelling, One Family: Detached building designed for or occupied by one (1) family including stick built or modular as defined by NYS Building Code.

Dwelling, Two Family: Building designed for, or occupied by two (2) families living independently of each other.

Dwelling, Multi-Family: A building designed for, or occupied by, three (3) or more families living independently of each other.

Erosion: The natural process by which the surface of the land is worn away by the action of water, wind or climatic action.

Erosion and Sedimentation Control Plan: A plan which is designed to minimize accelerated erosion and sedimentation.

Family: One (1) or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.

Fence: An object, usually made of posts, boards, masonry, wire or rails, which is erected or maintained for the purpose of securing, screening, partitioning, or enclosing a lot, building or structure. A wall, which serves a similar purpose, is considered a “fence.”

Final Plan: A drawing, in final form, showing a proposed subdivision or site plan review use containing all information or detail required by this law to be presented to the appropriate Board for approval.

Floating Zone - A zoning district of undetermined location within the B1 Zone in which the proposed location, size and form of the structure and site layout must be reviewed to determine compatibility. Thereafter, establishment of the zone is legislatively determined compatible with the area in which it may be located, provided that specified standards are met.

Foot-candle – A unit of light quantity, intensity or light density when the foot (12”) is the unit of measure; one foot-candle equals one lumen per square foot of area. Used on site photometric plans available from light fixture manufacturers to gauge on and potential off-site light impacts.

Full Shielding - A technique or method of construction which causes all light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the lowest point on the fixtures from which light is emitted. Light fixtures lacking full shielding often create uncontrolled glare which can impact neighboring properties and roadways.

Funeral Home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for the observances held for a deceased person as an incident to burial or cremation.

Fully Enclosed Structure: For purposes of enclosing outdoor storage in residential areas, the structure to enclose storage of items shall conform to the Village Land Development Code and Building Code requirements for principal or accessory structures on a residential lot. Tarps, portable, movable, or temporary storage, trash or recycling containers are not allowed as means of enclosing outdoor storage in any residential zoning district.

Glare - Light emitting from a luminary (light fixture) with an intensity great enough to reduce a viewer's ability to see (when contrasted with the surrounding darkness).

General Plan: The goals, objectives and policies of the Village, which are embodied by the planning process upon which these zoning regulations are based.

Green Space: Vegetated spaces in and around properties, unless detailed otherwise. They include communal greens, gardens (communal and private), trees and shrubberies, planters and raised beds, and verges, as well as other open space predominantly of an amenity value, such as play-spaces and ball-courts.

Gross Density: The number of dwelling units on a lot excluding any area used for non-residential purposes, divided by the total acreage.

Gross Floor Area (GFA): The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Gross Leasable Area (GLA): The gross size of the floor area of a facility that is actually used for the use. GLA shall not include lobbies, restrooms or corridors.

Height: The vertical distance measured from the average elevation of the main grade at the front of the building/structure to the highest point of the roof.

Highway Right-of-Way Line: A line that parallels the roadway at a set distance from the center of the roadway.

Home Occupation: Any use of a service character conducted within a dwelling by the resident thereof which is clearly secondary to the use of the dwelling for living purposes and for which not more than one person, outside the immediate family, shall be employed.

Home Professional Office: The offices, studios or occupational rooms which are located within the single family detached residence of a duly licensed or certified physician practicing human medicine, chiropractor, osteopath, physical therapist or massage therapist, duly licensed practitioner of behavioral sciences, attorney, civil or professional engineer, accountant, architect, real estate appraiser or broker, insurance agent, or similar professional person.

Home Occupation Production/Retail: Home occupations that involve retail goods for sale and/or on-site building or making of products to be sold in the home occupation are permitted if the required conditions are met.

Hotel - A facility offering transient lodging accommodations to the general public and providing additional services such as meeting rooms, a restaurant, and/or entertainment.

Institutional Uses: Any one (1) or more of the following uses, including grounds and accessory building necessary for their use:

1. Religious Institutions
2. Public parks, playgrounds and recreation area when authorized or operated by a governmental authority
3. Schools
4. Public libraries
5. Not-for-profit fire, ambulance and public safety buildings
6. Public or private meeting halls, or places of assembly, not operated primarily for profit

Junk Yards: An area of land, with or without buildings, primarily used for the storage outside of a completely enclosed building, of used and discarded materials, house furnishing, machinery, vehicles or parts thereof, including junk, with or without the dismantling, processing, salvage, sale or other uses of disposition of the same. The deposit of storage of two (2) or more inoperative motor vehicles, or the major parts of two or more such vehicles, shall be deemed to make the lot a “junk yard.”

Inoperable or Abandoned Automobiles: Any motor vehicle having any major component missing, such as engine, transmission, wheels, steering mechanism or others, which are necessary for the safe and normal operation of such vehicle and which is exposed to the weather and unlicensed by the New York Division of Motor Vehicles. These vehicles do not work, move or run, and they do not comply with the minimum safety requirements of the New York State Motor Vehicle Law.

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

Kennels, Commercial: Facility used for the keeping, boarding and/or maintaining of five (5) or more dogs, or five (5) or more cats over the age of five (5) months to generate income. This definition does not include pets, animals for sale in pet shops, or patients in animal hospitals. This definition includes a kennel where the animals are kept for commercial purposes, including boarding, breeding, buying, selling, exhibiting, or training. This does not include a veterinary facility, pet shop, or animal shelter.

Light Industrial Operations: A light industry is a facility, which manufactures a product for wholesale or retail sale, does not produce high volumes of pollution and is compatible with the surrounding neighborhood.

Lot: A parcel of land occupied or designed to be occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this law.

Lot Frontage: The distance between the boundaries of a lot measured at their points of intersection with the street line.

Lot Line: Property lines bounding a lot.

Front Lot Line: The property line separating a plot or parcel of property from a public street or highway. If a lot adjoins two or more streets or highways, it shall be deemed to have a front lot line respectively on each.

Rear Lot Line: That lot line, which is opposite and most distant from the front lot line.

Side Lot Line: A lot line not a front lot line or a rear lot line.

Lot Line Adjustment: Any transfer of property from one adjoining lot to another for the purposes of enlargement of the existing lot. A lot line adjustment shall not constitute a subdivision, provided that it is clear that the land being transferred is not intended to create a new lot, but is intended to be merged with the lot to which it is being transferred, and further provided that such transfer does not create any non-conformities with the Code of the Village of Chaumont.

Light Trespass - The shining of light produced by a luminary (light fixture) beyond the boundaries of the property on which it is located.

Manufactured Home - A single-family dwelling unit consisting of one or more sectional units and constructed to the Federal HUD Code effective July 15, 1976. These homes are built entirely in a factory and designed to be used with or without a permanent foundation. A steel frame, an integral part of the structure, is permanently attached to the floor joists of the manufactured home or its section. The home is transported to the site using hitch, wheels and axles, which are removed at the site. Each home is labeled with an embossed seal that confirms compliance with the HUD code.

Marina: A lot, building or structure located on or adjacent to the shoreline which provides docking or secure mooring facilities for marine vehicles. The use may also include sales, rental, storage or repair facilities and services for marine vehicles.

Mixed Use Projects – A single unified development that incorporates two (2) or more different uses within walking distance of one another or even in the same building(s) and may include office, small retail, public entertainment and public uses (may include parks and recreation) and a variety of housing types. The uses should be complementary and enhance the quality of life within the project and nearby by adding to available housing, business variety, services, parks and open space.

Mobile Home: A dwelling unit manufactured in one section, designed for long term occupancy with plumbing and electrical connections provided for attachment to outside systems; designed to be transported after fabrication on its own wheels, and

built before the National Manufactured Home Construction and Safety Standards Act 1974, as amended, 42 U.S.C. 5401 et seq., which went into effect on July 15, 1976.

Motel - An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Motor Vehicle: Any motor vehicle, as defined by New York State Department of Motor Vehicles (DMV).

Nightclub: An establishment where the principle use is serving alcoholic and non-alcoholic beverages where more than thirty percent (30%) of the gross floor area and where a portion of the premises may be devoted to entertainment, which may include a dance floor or live music entertainment.

Non-conformity: A lot, building, structure, or use of land, that under the same ownership, legally and substantially exists at the time of enactment of this law, which does not conform to the regulations of the district in which it is situated.

Noise Disturbance: Any sound which a) endangers or injures the safety or health of humans or animals; or b) annoys or disturbs a reasonable person of normal sensitivities; or c) endangers or injures personal or real property; or d) exceeds the applicable maximum permissible sound levels as they appear in this Development Code.

Nuisance: Any activity, operation, condition, building, structure, place, premises or thing which is injurious to the Public Health, Safety, and Welfare of the citizens of the Village, which contributes to Blight or Property Degradation, or which is indecent or offensive to the senses of an ordinary person, so as to interfere with the comfortable enjoyment of life or property. For the purposes of this code, an accumulation of activities, operations, conditions or things that might individually not arise to the level of a Nuisance may be deemed a Nuisance if, taken together, they would be indecent or offensive to the senses of the ordinary person.

Office, Professional – Buildings used primarily for conducting the affairs of a business, profession, service, or government and generally furnished with desks, chairs, tables, files, computers and communication equipment.

Off-Street Parking: A space for parking off the public streets and for parking needs within the Village.

Official Submission Date: The date on which an application for preliminary or final plan approval, complete and accompanied by all required information, endorsements and fees has been filed with the Village Clerk.

Plat: A drawing showing a proposed lot, building, or subdivision containing all information or detail required by law and by this law to be presented to the appropriate Board for approval, and which if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.

Preliminary Plan: A drawing or drawings clearly marked “preliminary plan” showing the design of a proposed subdivision or site plan, submitted to the appropriate Board for approval prior to submission of the plan in final form and of sufficient detail to apprise the Board of the design of the proposed plan.

Quarry, Sand Pit, Gravel Pit: A lot, or land a part thereof, used for the purpose of extracting stone, sand or gravel for sale, as a commercial operation.

An establishment maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools. Restaurant is further defined below:

A. Restaurant, Standard: A standard restaurant is a restaurant whose method of operation involves either:

1. The delivery of prepared food by staff to customers seated at tables within a completely enclosed building, or
2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building, or located outdoors of a food service establishment. The outdoor dining area is a seating area with tables and chairs for restaurant patrons. This outdoor seating may be in addition to the indoor seating or it may be the only seating available in the restaurant

- B. **Restaurant, Carry-Out:** A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- C. **Restaurant, Fast-Food/Drive-Through:** A drive-through restaurant is a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.

Re-subdivision: Any change of existing property lines or of property lines shown on a plat approved by the Village Planning Board and filed in the office of the County Clerk.

Retail:

- 1. **Large Products:** Include sales and services for new and used mobile homes, boats, recreational vehicles, and farm implements, auctioneers where auctions take place on-site, retail tree nurseries and garden shops, furniture and large appliance sales.
- 2. **Small Products/Services:** A commercial activity characterized by the direct on-premises sale of goods and services to the ultimate consumer, including on-premises manufacturing, processing and servicing and preparation customarily associated therewith and generally involving either stock in trade such as are normally associated with department stores, food markets and similar establishments, or services such as barbers, hair dressers, shoe repair, laundry or similar uses. Small retail shall not include large product retail.

Salvage Yard: An area used for the purpose of extracting (as from rubbish) items deemed to be of value or use.

Scrap Processor: Any person, firm or corporation engaged only in the business of buying scrap iron and metals, including, but not limited to, old automobiles, for the specific purpose of processing into raw material for re-melting purposes only, and whose principal product is ferrous and nonferrous scrap for shipment to steel mills, foundries, smelters and refineries, and maintaining an established place of business in this State and having facilities and machinery designed for such processing. See junkyard.

Self-storage facility – A structure or structures containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time. They are designed for residential and commercial storage, however, renter conducted auctions, retail sales, or garage sales are prohibited on the premises. Also, vehicle fabrication or repair, boat repair, or any other equipment use shall be prohibited.

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

Setback: Distance measured between the building line and the street pavement line.

SEQR: NY State Quality Review Act. It provides a comprehensive assessment of proposed actions in order to avoid or reduce significant adverse environmental impacts while meeting the social and economic needs of a community. Before any agency makes a decision to approve, undertake or fund a private or public project, it must complete the SEQR assessment.

Sidewalk: An improved walk for pedestrians usually found along the side of a street or road.

Sign: Any kind of billboard, signboard, inscription, pennant or other shape device or display used as an advertisement, announcement, or directions.

Sign - Portable: Any sign, which by its design, is able to be and is commonly moved from place to place and/or is not permanently mounted.

Site Plan Review Use: A use of land for which plans must be submitted to the appropriate Board for review and approval according to the provisions of this law.

Sketch Plan: A sketch plan of a proposed subdivision or site plan to enable the applicant to save time and expense in reaching general agreement with the appropriate Board as to the objectives of this law.

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

Street Line: The property line separating a lot from a public road line; the right-of-way line.

Storage Shed - A one story building equal or less than 200 square feet in area used to house tools and small machines, such as but not limited to, hammers, shovels, and lawnmowers.

Structure: Any object constructed, installed, or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, satellite dishes, tanks, and any fixtures, additions and alterations thereto.

Subdivision: The division of any parcel of land, regardless of use, into two or more lots, plots, blocks, sites or parcels, with or without the creation of new streets, for the purpose, whether immediate or future, of transfer of ownership or building development, including re-subdivision as defined herein.

Minor Subdivision: A subdivision containing less than five (5) lots, fronting on an existing public street.

Major Subdivision: A subdivision containing five (5) or more lots, or any subdivision requiring a new street.

Suitable Site – A site that is adjacent to compatible land uses, has adequate access to a public street, and is consistent with local zoning requirements and state environmental policies.

Temporary Storage Facilities: A facility that is designed for storage. May include mini-storage facilities or mobile storage facilities such as trailers or containers not intended to be permanently attached to the property.

Transmission Lines: a conductor or conductors designed to carry electricity or an electrical signal over large distances with minimum losses and distortion.

Trash: That which is worthless or useless and includes but is not limited to any and every refuse, rubbish, garbage, debris, waste material, paper, cartons, bottles, boxes, crates, barrels, plastic object, wooden object, wood (except stacked firewood and stacked construction materials), tree branches, yard trimmings, dead plant material, wood or upholstered furniture, or bedding, rubber, metals, tin or aluminum cans, metal furniture, chemical compound, petroleum product or compound, paint, automobile part or accessory, tire, wheel, food or food product, solvent, dye, beverage, internal animal matter or vegetable matter or both, dirt, rock, pieces of concrete, bricks, glass, crockery, or other minerals or mineral wastes, junk, or any noxious or offensive matter whatsoever.

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

Use, Site Plan Review: A use requiring a site plan review from the appropriate Board prior to the issuance of a zoning permit by the Code Enforcement Officer.

Use, Permitted: A use not requiring Village Board review, but requiring zoning permit issued by the Code Enforcement Officer.

Use, Temporary: An activity conducted for a specified limited period of time and which requires a temporary zoning permit. Examples of such uses are buildings incidental to new construction, which are removed after the completion of the construction work and seasonal produce stands.

Variance: A variance is any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variance runs with the land and is not particular to any one landowner.

Area Variance: A variance of the dimensional requirements of this law.

Use Variance: A variance of the use requirements of this law.

Warehouse – A building used primarily for the storage of goods and materials by the owner of the goods, or operated for a

specific commercial establishment or group of establishments. May include storage available to the general public for a fee.

Water Recreational Services – a small product retail service tailored to waterfront-related uses or other equipment rentals for recreational purposes.

Yard: Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

Yard, Front: The space within and extending the full width of the lot from the pavement edge of the street to the part of the principal building which is nearest to such pavement edge. If a lot adjoins two (2) or more streets or highways, it shall be deemed to have a front yard respectively on each.

Yard, Rear: The space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such lot line.

Yard, Side: The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.

Zoning Permit: A form on which approval is issued by the Code Enforcement Officer for the construction, alteration, or demolition of a building or structure or for the institution of a new use or replacement of a new structure or some similar activity requiring such approval as outlined in this law.

ARTICLE III

DISTRICT AND DIMENSIONAL REGULATIONS

Section 305 – ESTABLISHMENT OF ZONING DISTRICTS AND PURPOSES

For the purpose of promoting the health, safety, morals, and general welfare of the community, the Village of Chaumont is hereby divided into the following districts:

1. **R-A** - The Residential – A Zoning District is hereby established to protect the historic central and outlying residential areas of the Village of Chaumont, a small lake-front community. This District should encourage a relatively compact pattern of one (1) family residences in a similar density and pedestrian-friendly layout, historically prevalent in the Village.
2. **R-A1** - The Residential - A1 Zoning District is hereby established to encourage one (1) and two (2) family residences with other limited uses related to tourism activities in the Village.
3. **W** - The Waterfront Zoning District is hereby established to protect the waterfront and shorelines by providing safe and orderly shoreline development. In the lake-front and river-front areas, residential, recreational and conservancy uses are permitted as are a limited number of commercial uses compatible with the shoreline area. Obstructing views of the water should be minimized as development and re-development occurs.
4. **B-1** - The Business - 1 Zoning District is hereby established to protect the historic central business district areas of the village of the small lake-front community of Chaumont. This District should encourage a relatively compact pattern of businesses and residences in a similar density and pedestrian-friendly layout, historically prevalent in the Village. Sensitivity to preserving historical structures and neighborhood character are other priorities.
5. **B-2** - The Business – 2 Zoning District is hereby established to protect the outlying business district area of the village of the small lake-front community of Chaumont. This District should encourage a relatively compact pattern of businesses and residences, and incorporate pedestrian friendly techniques prevalent in much of the Village. The area consists of a mix of residences, businesses and institutional uses, therefore, a mix of uses are encouraged in a way that minimizes impacts on current uses.
6. **BR** - The Business Residential District is hereby established to foster a mixed use area in close proximity of the central business district and historic residential areas of the village of the small lake-front community of Chaumont. Uses established within this District should buffer existing single family residences and consider mixed uses including residential, offices, and small retail in a relatively compact pattern. The businesses and residences would also incorporate parks, open space, pedestrian linkages and other pedestrian friendly techniques prevalent in the Village.

Section 310 - ZONING MAP

The boundaries of the above-named zoning districts are bounded as shown on the map entitled "Zoning Map, Village of Chaumont", dated 2010 to be filed in the Village Clerk's Office, which is by this reference made a part of this Law. See appendix for a copy of the Zoning Map.

Any changes in district boundaries or other matter shown on the map shall be promptly made on the map with a statement describing the nature of the change and the date of the amendment.

Section 315 - INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the exact boundaries of districts as shown on the Zoning Map, the decision will be made by the Zoning Board of Appeals. Boundaries shown as a set distance from the waterfront shall be construed to be measured from the mean high water mark.

Section 320 – LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot in single or joint ownership, existing at the time of enactment of this Law, the regulations pertaining to each district will govern the use of land within that district.

SECTION 325 – PERMITTED AND SITE PLAN USES

The VBT shall refer all site plan applications to the VPB for their review and recommendations.

VILLAGE SCHEDULE OF USES						
Permitted & Site Plan Uses per Zoning District	RA	R-A1	W	B-1	B-2	BR
Accessory uses & structures of the existing Permitted Use	P	P	P	P	P	P
Accessory uses of the existing Site Plan Use	SPR	SPR	SPR	P	P	P
Agriculture	SPR	SPR				P
Agricultural Business						SPR
Agricultural Hobby Farm						SPR
Automobile Parts Stores					SPR	
Automobile Sales Lot				SPR	SPR	
Bank				SPR	SPR	
Bar/Tavern/Pub				SPR	SPR	
Bed & Breakfast	SPR	SPR	SPR			
Boat Storage						SPR
Building adaptive reuse – for P & SPR uses	SPR	SPR	SPR	SPR	SPR	SPR
Campsite	SPR					SPR
Car Wash					SPR	SPR
Cluster Development						SPR
Child Day Care Facility	SPR	SPR	SPR	P	P	P
Convenience Stores				SPR	SPR	
Dwellings, One Family	P	P	P	P	P	P
Dwellings, Two Family		P			P	P
Dwellings, Multi-family					SPR	SPR
Manufactured Home, single wide					P	P
Manufactured Home, double wide					P	P
Funeral Homes					SPR	SPR
Home Occupations	SPR	SPR	SPR	P	P	P
Hotel				SPR		
Institutional	SPR	SPR	SPR	SPR	SPR	SPR
Kennels, Commercial					SPR	
Light Industrial						SPR
Marinas			SPR		SPR	
Mixed Use Projects				SPR	SPR	SPR
Motels	SPR				SPR	
Night Club				SPR	SPR	
Office, Professional				SPR	SPR	SPR
Quarry		SPR				
Restaurants			SPR	SPR	SPR	SPR
Retail and Service, Small Product				SPR	SPR	SPR
Retail, Large Product					SPR	
Self-Storage					SPR	SPR
Transmission Lines / Utilities	SPR	SPR	SPR	SPR	SPR	SPR
Waterfront Recreational Services			SPR			
Warehouses						SPR

P = Permitted Use; SPR = Site Plan Review use

SECTION 330 – UNCLASSIFIED USES

Proposed uses that are not defined and/or not listed in the schedule of uses shall either be classified as a similarly defined use if permitted in the district, or the VPB shall recommend whether the use should be permitted through a site plan review within the proposed district or area, depending upon the compatibility of the use. Similarly, the VPB shall recommend conditions, safeguards or other site design features to limit or minimize the impacts on public roads, existing uses and any future permitted uses in the area.

SECTION 335 - DIMENSIONAL REGULATIONS

Land uses in the Village are required to meet the following minimal dimensional regulations within each district:

Zoning District	R-A District		R-A1, B – 2, or BR Districts		W District		B – 1 District	
	P use	SPR use	P use	SPR use	P use	SPR use	P use	SPR use
Minimum Required Areas								
LOT SIZE (Square feet)	12,000	15,000	15,000	20,000	12,000	20,000	15,000	15,000
LOT FRONTAGE (feet)	75	75	100	125	75	150	75	75
YARD FRONT (feet)	25/*15	25/*15	25/*15	25/*15	25/*15	25/*15	25/*15	10/*15
YARD SIDE (feet)	10/*5	10/*10	15/*10	20/*10	10/*10	20/*10	10/*5	10/*5
YARD REAR (feet)	25/*5	25/*10	25/*10	25/*10	25/*10	25/*10	25/*5	25/*5

* = Accessory Structures; P = Permitted Use; SPR = Site Plan Review Use

SECTION 340 – ALTERNATE FRONT SETBACK

When the required minimum front setback imposed by this article cannot be met, applicants shall be allowed to use an alternate front setback based upon neighboring structures. This alternate front setback may fall at a point between the required front setback and the front setback that exists on the lots that are adjacent and oriented to the same street as the subject lot, as long as the alternate meets an average setback of the two adjacent lots. If the subject lot is a corner lot, the alternate setback may fall at any point between the required front setback and the front setback that exists on the lot that is adjacent and oriented to the same street as the subject lot.

If lots on either side of the subject lot are vacant, the setback that “exists” on such vacant lots shall be interpreted as the minimum required front setback that applies to the vacant lot. This provision shall not be interpreted as requiring a greater front setback than imposed by the underlying zoning district, and it shall not be interpreted as allowing setbacks to be reduced to a level that results in right-of-way widths dropping below required minimums.

ARTICLE IV

SECTION 400 - SUBDIVISION REVIEW PURPOSE

The purpose of the subdivision review procedure is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, distribution, comfort, convenience, safety, health and welfare of its population. Furthermore, it is the intent of this law to ensure that development within the Village will not harm the environment or the character of neighborhoods.

Land to be subdivided shall be such that it can be used safely for building or development purposes without danger to health or peril from fire, flood or other menace and without resulting in significant damage to the ecology of the area in

which it is located. Proper provision shall be made for drainage, potable water, sewage systems, electric, telephone, gas and other needed improvements. The proposed streets shall compose a convenient system conforming to the Village Comprehensive Plan. Streets shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air and to facilitate fire and police protection.

SECTION 405 - APPLICABILITY

1. No subdivision or portion thereof shall be sold, offered for sale, leased, rented or otherwise disposed of by any corporation, company or person until a plan or map of such subdivision shall be submitted to the VPB for approval, and either approved or approved with conditions.
2. Further, no such transaction shall take place until such approved plat has been duly filed in the office of the County Clerk.
3. No zoning permit shall be issued until the proposed property subdivision has been granted approval by the appropriate Board, recorded by the County Clerk, nor will permit be issued for any building or use on land that was not subdivided in accordance with this law.

SECTION 410 - SUBDIVISION REVIEW REQUIRED

All subdivisions as listed, shall be subject to review and approval by the VPB in accordance with Article IV of this local law, consistent with the Definitions, Article II, Section 205.

1. Minor subdivision
2. Major subdivision
3. Re-subdivision
4. Lot-line adjustment

SECTION 415 - GENERAL SUBDIVISION PROCEDURE

Plans for subdivisions shall be processed in the following stages:

1. Sketch Plan Conference (optional)
2. Submission of Preliminary Subdivision Plan: Major subdivisions only
3. Preliminary Subdivision Plan Public Hearing: Major subdivisions only
4. Preliminary Subdivision Plan Decision: Major subdivisions only
5. Submission of Final Plan: (mandatory for Major and Minor subdivisions)
6. Public Hearings: (mandatory for Major subdivisions)
7. Final Plan Approval, with or without modifications or disapproval: (mandatory)

SECTION 420 - APPLICATIONS

All applications for subdivisions shall be submitted to the appropriate Board.

1. State Environmental Quality Review (SEQR), General

No application will be complete and no official submission date will be established until the Village's responsibilities under the NY State Environmental Review Act (6NYCRR Part 617) are completed.

2. Optional Hearings

Where a negative declaration is issued pursuant to SEQR, the VBT may approve, approve with modifications, or disapprove a site plan use without holding a public hearing, and the VPB may waive the preliminary subdivision plan review and hearing. The appropriate Board shall consider the social and environmental effects of each proposal pursuant to SEQR when deciding whether to hold an optional public hearing. For example, the VBT or the VPB may require a public hearing for a project that is found not to have any significant adverse effects on the environment only because mitigation measures are employed. The appropriate Board shall hold all optional public hearings for a project for which a conditioned negative declaration is issued. If the appropriate Board issues a positive declaration, optional public hearings shall be held, if none are held during the SEQR review.

3. Effects of SEQR on General Requirements

The regulations in Articles VI and VII shall apply in accordance with the SEQR review. See sections 600 and 700 for the VBT's waiver authority.

4. Application Requirements for All Subdivisions

All applications for minor subdivisions and preliminary plats for major subdivisions shall include the following:

- A. Three (3) copies of the application form.
- B. A non-refundable application fee.
- C. A copy of any covenants or deed restrictions which are intended to cover all or part of the tract.
- D. Three (3) copies of the plat prepared at a scale of not more than 100 feet to the inch.
- E. A statement of the nature and extent of the interest of any state employee, or officer or employee of the Village in the application pursuant to General Municipal Law Section 809, when applicable.
- F. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617.

5. Minor Subdivision Plat Requirements

All minor subdivision plats shall be prepared and drawn in conformity with Section 435 of this code and shall show:

- A. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and including elevation contours at USGS intervals, minimum, and referenced corners of the tract; and shall be made by and attested to by a licensed land surveyor.
- B. The proposed pattern of parcels and lots; including parcel and widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.
- C. The locations of all zoning front, side, and rear yard setback lines; zoning district lines and the names of all applicable zones; floodplains; wetlands and easements.
- D. The words "Final Plat."
- E. Any other specifications required by the planning board.

6. Preliminary Plat – Major Subdivision Plat Application Requirements

Preliminary Plat applications for Major Subdivisions shall contain the following:

- A. All items specified in Section 420, paragraph 4. above.
- B. If the application is for a subdivision in sections, covering only a part of the sub divider's entire holding, a map shall be submitted showing:
 - 1. The entire subdivision drawn at a scale of not less than 300 feet to the inch
 - 2. An outline of the platted area with its proposed roads and indication of the probable future road system with its grades and drainage in the remaining portion of the subdivision
 - 3. The probable future drainage layout of the entire subdivision.

The section submitted shall be considered in the context of the entire subdivision.

7. Preliminary Plat – Major Subdivision Plat Requirements

The preliminary plat for major subdivisions shall be prepared and drawn in conformity with Section 435 of this code and shall show:

- A. An actual field survey of the boundary lines of the tract, stating complete descriptive data by bearings and distances, the location and type of all monuments, and referenced corners of the tract; and shall be made and certified by a licensed land surveyor.
- B. The proposed pattern of parcels and lots; including parcel and lot widths, depths and areas within the subdivided area. (Calculations of lot areas shall exclude public road areas.)
- C. The locations of all zoning front, side and rear yard setback lines, zoning district lines and the names of all applicable zones.
- D. The parcels of land to be dedicated to the public use and the conditions of such dedication.
- E. The location of existing property lines, easements, buildings, water courses, wetlands, rock outcrops, wooded areas, floodplains, and other significant existing features for the proposed subdivision and adjacent properties.
- F. The location of existing wells, on-site sewage disposal systems, sewer lines, water mains, culverts and drains on the

property, with pipe sizes, grades and direction of flow.

- G. Contours with intervals of five feet or less, or as required by the planning board, including elevations on existing roads; and a grading plan, where natural contours are to be changed more than two (2) feet.
 - H. The width and location of any roads or public ways or places shown near or within the area to be subdivided, and the width, location, grades and road profiles of all roads or proposed public ways proposed by the developer.
 - I. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes; and connections to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all proposed water and sewer lines.
 - J. A storm drainage plan indicating the approximate location and size of proposed lines and their profiles, and connections to existing lines or alternative means of disposal.
 - K. Plans and cross-sections of the proposed location and type of sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
 - L. Preliminary designs of any bridges or culverts that may be required.
 - M. The words "Preliminary Plat."
 - N. Any other specifications required by the Planning Board.
8. Final Plat – Major Subdivision Application Requirements
Final Plat applications for major subdivisions shall contain the following:
- A. Three (3) copies of the application form.
 - B. A nonrefundable application fee.
 - C. Copies of agreements or other documents showing the manner in which public open space areas are to be maintained and the provisions made thereof.
 - D. Offers of cession and covenants governing the maintenance of unceded open space, bearing the certificate of approval of the Village Attorney as to their legal sufficiency.
 - E. A map indicating the location of monuments marking all underground utilities as actually installed.
 - F. Three copies of the plat prepared at a scale of not more than 100 feet to the inch.

9. Final Plat – Major Subdivision Plat Requirements

The final plat shall be prepared and drawn in conformity with Section 435 of this code and show:

- A. Sufficient data from an actual field survey to determine readily the location, bearing and length of every road line, lot line, and boundary line and to reproduce such lines on the ground.
 - B. The length and bearing of all straight lines; the radii, length, and central angles and cord bearings for road curves; the dimensions and angles of the lines of each lot; and all dimensions in feet and decimals of a foot.
 - C. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
 - D. The locations of all zoning front, side and rear yard setback lines, zoning district lines and the names of all applicable zones, floodplains, wetlands, and easements.
 - E. Public open spaces for which deeds are included, and those spaces the developer will hold title to.
 - F. Lots and blocks numbered in accordance with prevailing Village practice.
 - G. Permanent reference monuments.
 - H. The words "Final Plat."
 - I. Any other specifications required by the Planning Board.
10. Waiver of submission requirements
The Planning Board may waive any of the submission requirements above where it deems that the information is either not applicable or necessary for a particular review.

SECTION 425 - PRELIMINARY SUBDIVISION PLAT PUBLIC HEARING

1. The VPB shall have a maximum of sixty (60) days from the official submission date to review and approve, approve with conditions, or disapprove the Preliminary Subdivision Plat.
2. The VPB may hold a public hearing on the Preliminary Plat to receive public comments. The hearing shall be advertised in a newspaper of general circulation in the Village at least five (5) days before the hearing.
3. The decision of the VPB shall be filed with the Village Clerk, and a copy shall be sent to the applicant. The decision shall

include reasons for any conditions for disapproval.

SECTION 430 - FINAL PLAT

1. A Final Plat must be submitted to the appropriate Board for any subdivision. If an applicant has Preliminary Plat approval for a subdivision, the Final Plat for that subdivision must be submitted within six (6) months of the Preliminary Plat approval.
2. The appropriate Board shall have a maximum of sixty (60) days from the official submission date to review and approve, approve with conditions, or disapprove the Final Plat.
3. The VPB shall hold a public hearing on a Final Subdivision Plat to receive public comment. The VBT may require a public hearing on a Final Plat, depending on the Village's SEQR review. The hearing shall be advertised in a newspaper or general circulation within the Village at least five (5) days prior to the hearing.
4. The VBT's decision on the Final Plat shall be filed with the Village Clerk, and copies shall be sent to the applicant. VPB's decision on the Final Subdivision Plat shall be filed with the Village Clerk, and copies shall be sent to the applicant and VBT.
5. The decision shall include reasons for any conditions or for disapproval.

SECTION 435 - SUBDIVISION DESIGN STANDARDS

Submitted subdivision plats shall meet the following standards, subject to VPB review verification:

1. **Substandard Parcels** - all parcels shall comply with the lot size and setback provisions of the zoning district, except that the planning board may, in unique circumstances, approve parcels which are substandard in terms of size or dimension in the following circumstances:
 - a. for road or access right-of-ways;
 - b. where the parcel is intended to be used permanently for nonstructural recreational purposes;
 - c. where land is intended to be conveyed to an adjacent landowner for purposes of combination with an adjacent parcel;
 - d. where the land is intended to be left permanently undeveloped; or
 - e. where land is to be used for essential facilities as defined by the land development code.
2. **Lot Dimensions** – all lot dimensions and areas shall conform to the requirements of the land development code and the zoning district, except where such requirements have been modified pursuant to the cluster provisions of the code.
3. **Lot Arrangement** - lot arrangement shall be such that in constructing a building in compliance with the development code there be no foreseeable difficulties for reasons of topography or other natural conditions, each lot shall have a building area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops or unbuildable soils.
4. **Corner Lots** – corner lots shall have sufficient width to allow appropriate building setbacks from and orientation to, all abutting roads.
5. **Lot Ratio** - Extremely elongated lots having a depth to width ratio greater than 5:1 shall be avoided.
6. **Side Lot Lines** – side lot lines shall be approximately at right angles to straight roads or radial to curved roads. Lot lines shall generally not joint at less than a 75 degree angle or greater than 105 degree angle. Lot lines shall be straight on large lots, except where the topography of the site would make this impractical.
7. **Sewage System** - where a community sewage disposal system is not required, each lot shall have sufficient area so as to make adequate provision for such on-site sanitary disposal systems as are required by 10 NYCRR Appendix 75-A, Wastewater Treatment Standards – Individual Household Systems.
8. **Lot Access** – each lot shall directly abut a public street meeting Village standards, as required by Village Law Section 7-736.
 - a. All lots shall be designed so as to allow for safe access.
 - b. All lots shall be designed to allow for the construction of driveways within the road right-of-way not

- exceeding a 10 percent (10%) grade.
- c. Where a watercourse separates a road from abutting lots, provision shall be made for access to all lots by means of culverts or other structures.
 - d. At least one 50 foot right-of-way shall be reserved at a location suitable to the planning board, allowing access to land behind road frontage lots.
9. **Monuments** – Permanent monuments shall be set at the subdivision boundaries at all corners, and at such other points as required by the planning board. Such monuments shall be of either iron rods or pipes, or concrete.
 10. **Water and Sewage Disposal** – All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the New York State and County Health Departments.
 11. **Preservation of Natural Features** – Top soil moved during the course of construction shall be replaced so as to cover all areas of the subdivision and shall be stabilized by seeding and plantings. Existing vegetation should be conserved by the sub divider where possible. Care should be exercised in construction so as to avoid damage to existing trees and shrubs. Streams, lakes, ponds, and wetlands shall be left unaltered unless, such alteration would serve to enhance the utility and quality of the subdivision. Easements are encouraged along water courses as part of a comprehensive recreational and open space plan for the development. Unique physical, historical, and cultural sites which add value to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets shall be preserved where possible.
 12. **Park and Recreation Areas** – Upon a finding by the planning board that a proper case exists for requiring that park/recreational space be suitably located on the plat for playgrounds or other recreational purposes, the planning board may require that the developer satisfactorily develop any such area shown on the plat. Any such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village, based on projected population growth to which the particular subdivision will contribute. Upon such a finding, the planning board shall require not more than 10 percent (10%) of the total area of the subdivision be allocated for park or recreational use. Such area may be dedicated to the Village by the sub divider if the Village approves such dedication. Alternatively, park or recreational space may be conveyed to a homeowners association for control and joint private ownership and maintenance.
 13. **Stormwater Management** – no stormwater shall be caused to be discharged upon neighboring properties, across public sidewalks or into public streets. Surface water drainage facilities shall be designed to handle all on-site runoff (25 year storm frequency as the minimum design criteria). The planning board may approve alternative means of discharging stormwater upon approval of a stormwater management plan, where such alternative adequately protects the public health, safety and welfare.
 14. **Development in Floodplains** – All subdivisions shall comply with the provisions of the Village of Chaumont Flood Damage Prevention Law No. 1-1999 as amended.
 15. **Steep Slopes** – development of steep slope sites of over 15 percent (15%) grade will be conditionally accepted only if there is no prudent or feasible alternative site, and erosion and sedimentation control measures are incorporated into the design, construction, and operation of the development consistent with the NYS DEC New York Standards and Specifications for Erosion and Sediment Control.
 16. **Underground Utilities** – Underground utilities shall be placed wherever possible, in the road right-of-way between the paved roadway and the road line to simplify location and repair of utilities. Underground service connections shall be installed to the lot line of each lot for all required utilities prior to road pavement. Where topography is such as to make impractical the inclusion of underground utilities within the road right-of-way, perpetual unobstructed easements at least 15 feet wide shall be provided with satisfactory access to the road. Such easements shall be cleared and graded where required.

SECTION 440 - CONDITIONAL APPROVAL

1. **Conditional Approval** – A statement of the requirements that shall accompany the application which, when completed, will authorize signing the conditionally approved plat shall be provided to the applicant. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The planning board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon planning board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the planning board

chair shall sign the plat, granting final approval.

SECTION 445 - GUARANTEES FOR INSTALLATION AND MAINTENANCE OF IMPROVEMENTS

1. Installation Guarantee

In order that the Village has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the VBT may require that the applicant complete said improvements before final approval is granted or that the applicant shall enter into one of the following agreements with the Village:

- A. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the VBT. Such bond shall require the approval of the VBT and the Village attorney as to form, sufficiency, manner of execution and surety.
- B. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other form of financial security acceptable to the VBT. Acceptable substitutes, if furnished, shall be kept on deposit with the Village for the duration of the bond period.

2. Maintenance Guarantee

In order that the Village of Chaumont has the assurance that the improvements mentioned above function properly for a reasonable period, the applicant may enter into an agreement with the Village upon completion of the work required under the installation guarantee so that:

- A. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected,
- B. Such work is guaranteed for a minimum of ten percent (10%) of the total improvement costs, or \$5,000, whichever is greater.

A maintenance bond shall be the preferred guarantee, but other methods are permitted, provided they are acceptable to the Village attorney and the VBT.

3. Acceptance of Road and Facilities

When the Village Code Enforcement Officer, following final inspection of the improvements, certify to the VBT that all installation and improvements have been completed in accordance with the contract, the VBT may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.

ARTICLE V

SECTION 500 - SITE PLAN REVIEW AND APPROVAL PROCEDURE

All site plan review uses, as listed in Article III, shall be subject to review and approval by the VBT in accordance with Article V of this local law. The VBT shall refer all site plan applications to the VPB for their review and recommendations.

SECTION 505 - SITE PLAN REVIEW PURPOSE AND SCOPE

The purpose of the site plan review procedure is to allow the VBT to attach reasonable safeguards and conditions to those uses which might otherwise produce deleterious effects on the environment, the neighborhood character, or the Village residents' health, safety and welfare. Furthermore, it is the purpose of the site plan review procedure to authorize the VBT to deny a permit for any use, the deleterious effects of which cannot be mitigated because of the particularities of the site it is to occupy.

SECTION 510 - APPLICABILITY

1. All site plan review uses listed in Article III shall be subject to the provisions of this article, in addition to all other applicable requirements of this law.
2. No zoning permit shall be issued for any site plan review use until it has been granted approval by the appropriate Board, nor for any building or use on land that was not subdivided in accordance with this law.

SECTION 515 - GENERAL PROCEDURE

Plans for site plan review uses shall be processed in the following stages:

1. Sketch Plan Conference (optional)
2. Submission of Preliminary Subdivision Plan: subdivisions only (optional)
3. Preliminary Subdivision Plan Public Hearing: subdivisions only (optional)
4. Preliminary Subdivision Plan Decision: subdivisions only (optional)
5. Submission of Final Plan: (mandatory)
6. Public Hearings: (mandatory for subdivisions, optional for site plans)
7. Final Plan Approval, with or without modifications or disapproval: (mandatory)

SECTION 520 - APPLICATIONS

All applications for site plan uses shall be submitted to the appropriate Board.

1. State Environmental Quality Review (SEQR), General

No application will be complete and no official submission date will be established until the Village's responsibilities under the NY State Environmental Review Act (6NYCRR Part 617) are completed.

2. Optional Hearings

Where a negative declaration is issued pursuant to SEQR, the VBT may approve, approve with modifications, or disapprove a site plan use without holding a public hearing, and the VPB may waive the preliminary subdivision plan review and hearing. The appropriate Board shall consider the social and environmental effects of each proposal pursuant to SEQR when deciding whether to hold an optional public hearing. For example, the VBT or the VPB may require a public hearing for a project that is found not to have any significant adverse effects on the environment only because mitigation measures are employed. The appropriate Board shall hold all optional public hearings for a project for which a conditioned negative declaration is issued. If the appropriate Board issues a positive declaration, optional public hearings shall be held, if none are held during the SEQR review.

3. Effects of SEQR on General Requirements

The regulations in Articles VI and VII shall apply in accordance with the SEQR review. See sections 600 and 700 for the VBT's waiver authority.

4. Application Requirements

The appropriate Board may require, either at the sketch plan conference or SEQR, that any or all of the following elements are included in the preliminary or final application:

- A. The name and address of both applicant and owner, if different, and of the person responsible for preparation of such drawings;
- B. The date, north point, written and graphic scale;
- C. The boundaries of the area plotted to scale, including distances, bearings, and areas;
- D. The location and ownership of all adjacent lands as shown on the latest tax record;
- E. The location, name, and existing width and right of way of adjacent roads;
- F. The location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
- G. The location, size, design of the following: existing and proposed buildings, driveways, parking, outdoor storage, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening;
- H. Plans for controlling soil erosion and sedimentation during the development;
- I. Plans for grading and drainage showing existing and proposed contours at five (5) foot intervals;
- J. Designation of the amount of gross floor area and gross leasable area proposed for each non-residential use;
- K. Descriptions of any mitigating measures required by the Village during its environmental review;
- L. Other elements integral to the proposed development as considered necessary by the VBT, including identification of any federal, state, or county permits required for the project's execution.

SECTION 525 - PRELIMINARY SUBDIVISION PLAN (OPTIONAL)

- 1. At the request of either the applicant or the VPB, the applicant shall submit a preliminary subdivision plan. The VPB shall have a maximum of sixty (60) days from the official submission date to review and approve, approve with conditions, or disapprove the preliminary subdivision plan.
- 2. The VPB may hold a public hearing on the preliminary plan to receive public comments. The hearing shall be advertised in a newspaper of general circulation in the Village at least five (5) days before the hearing.
- 3. The decision of the VPB shall be filed with the Village Clerk, and a copy shall be sent to the applicant. The decision shall include reasons for any conditions for disapproval.

SECTION 530 - FINAL PLAN

- 1. A final plan must be submitted to the appropriate Board for any subdivision or site plan review use. If an applicant has preliminary plan approval for a subdivision, the final plan for that subdivision must be submitted within six (6) months of the preliminary plan approval.
- 2. The appropriate Board shall have a maximum of sixty (60) days from the official submission date to review and approve, approve with conditions, or disapprove the final plan.
- 3. The VPB shall hold a public hearing on a final subdivision plan to receive public comment. The VBT may require a public hearing on a final site plan, depending on the Village's SEQR review. The hearing shall be advertised in a newspaper or general circulation within the Village at least five (5) days prior to the hearing.
- 4. The VBT's decision on the final site plan shall be filed with the Village Clerk, and copies shall be sent to the applicant. VPB's decision on the final subdivision plan shall be filed with the Village Clerk, and copies shall be sent to the applicant and VBT.
- 4. The decision shall include reasons for any conditions or for disapproval.

SECTION 535 - REVIEW CRITERIA

The VBT's review of the site plan applications shall include, where appropriate, the following;

1. Status of any federal, state, or county permits required;
2. The findings of the Village as a result of its SEQR review;
3. Compatibility with the general plan;
4. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs;
5. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, roads widths, pavement surfaces, dividers and traffic controls;
6. Location, arrangement, appearance and sufficiency of off-street parking and loading;
7. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience;
8. Adequacy of storm water and drainage facilities;
9. Adequacy of water supply and sewage disposal facilities;
10. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
11. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

SECTION 540 - REASONABLE CONDITIONS

1. Authority to Impose Conditions

The reasonable safeguards and conditions that the appropriate Board may attach to any plan may include, but not be limited to, approval of any required federal, state or county permits; redesign of building access, parking, pedestrian path location or arrangement; additional landscaping or screening; intersection improvement or traffic controls; and redesign or additional facilities for drainage, water provision and sewage disposal.

- A. Failure of subdivision and/or site plan uses to be developed according to the approved Final Plan, including any conditions specified by the appropriate Board shall constitute a violation of this local law and will be subject to the penalties set forth in this local law.

SECTION 545 - GUARANTEES FOR INSTALLATION AND MAINTENANCE OF IMPROVEMENTS

1. Installation Guarantee

In order that the Village has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the VBT may require that the applicant complete said improvements before final approval is granted or that the applicant shall enter into one of the following agreements with the Village:

- A. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the VBT. Such bond shall require the approval of the VBT and the Village attorney as to form, sufficiency, manner of execution and surety.
- B. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other form of financial security acceptable to the VBT. Acceptable substitutes, if furnished, shall be kept on deposit with the Village for the duration of the bond period.

2. Maintenance Guarantee

In order that the Village of Chaumont has the assurance that the improvements mentioned above function properly for a reasonable period, the applicant may enter into an agreement with the Village upon completion of the work required under the installation guarantee so that:

- A. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected;

B. Such work is guaranteed for a minimum of ten percent (10%) of the total improvement costs, or \$5,000, whichever is greater.

A maintenance bond shall be the preferred guarantee, but other methods are permitted, provided they are acceptable to the Village attorney and the VBT.

3. Acceptance of Road and Facilities

When the Village Code Enforcement Officer, following final inspection of the improvements, certifies to the VBT that all installation and improvements have been completed in accordance with the contract, the VBT may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.

ARTICLE VI

GENERAL REQUIREMENTS FOR PROPOSED USES

SECTION 600 – GENERAL REQUIREMENTS

The standards in this Article are designed to require minimum site standards for all new, re-development and existing projects where applicable in order to limit impact on adjacent properties and roads as well as the larger community. They will allow projects to build on the Village’s community character while providing development opportunities.

SECTION 605 - SCREENING

1. Where an industrial or commercial use will be adjacent to a residential use or where a multi-family dwelling will be adjacent to a single or two-family dwelling, the appropriate Board may require that an opaque screen be provided from the ground to a minimum height of six (6) feet. Screening and buffering shall also be provided along public streets to soften parking area edges and buildings, including screening views from public roads and between uses where needed. Such a screen may be comprised of living plants, walls of wood or brick, landforms (beam, mounding), or combinations of the above.
2. Minimum plant size. All plant materials required by the appropriate Board shall meet the following minimum size standards:

Plant Material Type	Planting in Buffer yards Abutting Vacant Lands	All Other Planting
Canopy Tree		
Single Stem	1½ inch caliper*	2½ inch caliper*
Multi-Stem Clump	6 feet (height)	10 feet (height)
Understory Tree	4 feet (height)	1½ inch caliper*
Evergreen Tree	3 feet (height)	5 feet (height)
Shrub		
Deciduous	15 inches (height)	24 inches (height)
Evergreen	12 inches (height)	18 inches (height)

*Caliper: A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4½) feet above natural grade.

SECTION 610 - LIGHTING: EXISTING AND PROPOSED

- A. Existing buildings, structures or premises that are illuminated in such a manner that is offensive or interferes with the comfortable enjoyment of life or property of others, or which is otherwise a detriment to the health, safety or welfare of the inhabitants of the Village. Illumination of such premises shall be remedied by alteration or removal.
- B. Proposed lighting of project sites should provide visibility and visual interest while not projecting adverse glare skyward or onto adjacent properties and roadways. Examples of glare producing lights include unshielded flood lights, unshielded wall packs, or shielded lights that are not angled downward, thus defeating the purpose of the shield.

On-site lighting:

1. Should be located to avoid harsh glare which impacts neighbors and distracts motorists’ lines of sight.
2. Fixtures should point downward and must be either shielded or include cutoffs to prevent glare.
3. Multiple shorter light poles (10 to 20 feet high) are favored over fewer taller poles (25 to 35 feet high), as taller fixtures often result in excessive glare and light spill-over onto other properties and roadways.
4. Light intensity or foot-candles should range from 0.1 to 1 foot candles in areas where night lighting is needed; 2 - 5 foot candles should be needed only in high security areas. More than 5 foot-candles are typically a waste of energy and a source of glare. Light levels at the lot line should not exceed 0.2 foot-candles, measured at ground level.

SECTION 615 – PARKING REQUIREMENTS

1. Parking – General

- A. All uses shall be provided with off-street, on-site parking for all vehicles during typical peak use periods. Off-street parking may be located off-site but must be within 300 feet of the site. Off-street loading spaces shall be provided as required in Section 710.3.
- B. For uses other than single family dwellings, a parking space shall not be less than ten (10) feet by twenty (20) feet exclusive of access ways and driveways.
- C. To the greatest extent possible the size of all parking areas other than those for dwelling units and dwelling units with a home business shall be based on gross leasable area. Where gross leasable area figures are unavailable, gross floor area figures shall be used.
- D. Commercial parking areas or parking lots shall be provided as required; however, their placement in relation to the building shall be designed to limit their visibility where possible. A minimum of fifty percent (50%) of the required parking spaces shall be provided to the side and/or rear of the building, away from the roadway, to limit their visual dominance from the primary highway.
- E. Any portion of a parking area or parking lot in the front yard shall have a ten (10) foot set back from the right-of-way, and the area between such parking areas and the right-of-way shall be buffered and landscaped to maintain a natural appearance from the highway.

2. *Minimum **Standards Are:

- A. Auto Sales: 1 space per 2000 sq. ft. of display area
- B. Barber Shop/Beauty Salon: 2 for each chair or 1 for each 100 sq. ft. of gross floor area, whichever is greater
- C. Banks: 1 space per 250 sq. ft. of gross floor area,
Banks with drive-up service: Three (3), twenty (20) foot car-length waiting spaces for each drive-up lane.
Where multiple drive-up windows exist there shall be one additional waiting space that shall be a common lane.
- D. Car Wash: Four stacking spaces for each washing stall
- E. Child Day care center: 1 space per staff member, and 1 off-street loading space per five students
(designed to prevent students from crossing the street or parking aisles.)
- F. Convenience store: 1 space per 250 sq. ft. of GLA
- G. Dwelling Unit with a Home Business: Adequate space to accommodate all vehicles during typical peak use periods,
in addition to the two (2) residential spaces required.
- H. Funeral Homes: 1 space/50 sq. ft. GLA
- I. Grocery store: 1 space per 200 sq. ft. of product sales area.
- J. Hotel, Motel, or Bed & Breakfast: 1 space per guest room or dwelling unit
- K. Institutional Uses: one (1) space per four (4) seats/unless documented for a different ratio
- L. Offices: 1 space/300 sq. ft. GLA
- M. Light Industrial Operations: 1 space/200 sq. ft. GLA unless documented as having a lower ratio of employees
to floor space
- N. Marinas: At least 1 space/every 2 boat slips, plus 1 for every three mooring buoys
- O. Residence: Two (2) spaces per dwelling unit
- P. Restaurants/Bars: 1 space/50 sq. ft. GLA & 1 space per 3 seats in outdoor eating areas
- Q. Ice Cream /Doughnut shops 1 space per 175 square feet
- R. Retail, Small: 1 space/300 sq. ft. GLA
- S. Retail, Large Product: 1 space/400 sq. ft. GLA & 1 space per 1,000 sq. ft. of lot area used for display
- T. Self-storage Facility: 2 spaces for every 100 units of storage spaces

*No off-street parking spaces shall be required for sites within the B-1 Zoning District.

(Note: All fractional portions of parking spaces as calculated by Gross Leasable Area shall be deleted if the fraction is less than .50. Otherwise one additional parking space is required.)

**Where the use of traffic generation of a site is such that the applicant can show that the number of spaces required is not justified, the appropriate Board may waive these requirements.

3. Off-Street Loading

- A. All uses other than dwelling units or dwelling units with home businesses must comply with the following off-street loading standards:
- | | |
|---------------------------------------|---------|
| 1) First 5,000 sq. ft. GLA | 1 berth |
| 2) Each additional 10,000 sq. ft. GLA | 1 berth |
- B. With the exception of funeral homes, each loading berth shall be a minimum of twelve (12) feet wide, fifty (50) feet long and fourteen (14) feet in height.
- C. Loading area berths for funeral homes shall be a minimum of ten (10) feet wide, twenty-five (25) feet long and eight (8) feet in height.
- D. Where the use or traffic generation of a site is such that the applicant can show that the number of berths required is not justified, the Village may waive these requirements.

SECTION 620 - DRAINAGE

1. Drainage shall be based on a 25-year average rainfall.
2. Provisions for storm drainage shall be designed to safely retain storm water or adequately carry and discharge accumulated runoff into drainage channels, storm sewers or natural watercourses so it does not cause increased damage or increased flooding downstream.

SECTION 625 – SIDEWALKS/CURBING

Sidewalks/Curbing may be required and shall be installed as follows:

1. Sidewalks/Curbing shall be installed at the expense of the applicant and at such location as the appropriate Board may deem necessary. However, existing sidewalks shall be replaced to maintain system connectivity to adjacent or nearby sidewalks with proposed development or redevelopment of sites.
2. Sidewalks/Curbing must be constructed to comply with the detail specifications of the appropriate Board.
3. Sidewalks/Curbing shall be concrete or other approved material. Sidewalks shall have a minimum width of four (4) feet and a minimum thickness of four (4) inches in residential areas, and five (5) feet and five (5) inches thick in commercial and industrial areas. Over driveways, all sidewalks must be six (6) inches in depth.

SECTION 630 – SIGNAGE

1. Exempt Signs

A. Temporary Signs

- 1) Special Event Signs: Two (2) temporary special event signs advertising events, activities or other similar instances that will be terminated on a set date. Yard sales, garage sales and similar on-lot sales shall be considered temporary activities and as such, signs advertising these events shall fall under the requirements of this section. Such signs shall be removed at the end of the event by the sponsor of the event or those who placed the sign(s). Such signs shall not be used more than sixty (60) days a year.
- 2) Real Estate and Construction Signs: Signs announcing the construction of a project or the sale of lots or buildings. Such signs shall be removed within thirty (30) days of the completion of the construction or the sale of the building or lot.
- 3) Special Sale Signs: Signs advertising special sales or goods or services shall be removed within thirty (30) days of the end of the sale period. Window signs are exempt from this time limit.

B. Flags

Official flags of government jurisdictions, including flags indicating weather conditions and flags which are emblems of on-premises business firms, religious, charitable, public and nonprofit organizations.

C. Plaques

Commemorative plaques placed by historical agencies recognized by the Town of Lyme, the County of Jefferson or the State of New York

D. Other Exempt Signs

- 1) Signs directing and guiding traffic and parking on private property, but bearing no advertising material
- 2) Signs not exceeding two (2) square feet in area and bearing only property numbers, post office box numbers, or names of occupant(s) of premises
- 3) Trespass signs or other signs advising the public of hazardous conditions
- 4) Holiday decorations, including lighting, are exempt from the provisions of this local law and may be displayed in any district without a permit for a period of no more than sixty (60) days

2. Prohibited Signs

The following sign types shall not be allowed at any location within the Village:

- A. All portable signs, other than those allowed in the previous Section 735.1
- B. Any sign which has flashing lights
- C. Any sign that does not qualify as an exempt sign under Section 735.1 or does not meet the General Sign Regulations, Section 735.3

3. General Sign Regulations

All Signs shall be subject to the following general standards:

- A. Unless otherwise specified, sign area shall not exceed thirty-two (32) square feet
- B. No sign shall exceed thirty (30) feet in height
- C. No luminous sign, indirectly illuminated sign or lighting device shall cast glaring or non-diffuse beams of light upon any public road, highway, sidewalk or adjacent premises, or otherwise cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall employ any mirror or mirror like surface.
- D. No signs shall be painted or drawn upon trees, or natural features on the site, or on utility poles, bridges, culverts, towers, unregistered vehicles, watercraft or similar structures.
- E. Any business, enterprise, institution or other advertising entity that ceases operations shall remove their signs, supports and electrical work within ninety (90) days of such cessation. This provision shall not apply to seasonal businesses that are open at least ten (10) weeks a year.
- F. In the event a standard established in this law conflicts with another standard in this law, the more restrictive standard shall apply
- G. No sign shall project into the public right-of-way without specific written approval from the authority having jurisdiction over the right-of-way. The written approval shall be filed with the Village Clerk prior to placement
- H. No sign shall be placed within five (5) feet of a curb or paved shoulder of a road
- I. No sign exceeding three (3) feet in height shall be permitted within ten (10) feet of a curb or paved shoulder of a road

SECTION 635 – TRAFFIC IMPACTS - POTENTIAL

A traffic impact study, conducted by a qualified traffic engineer shall be required for any development of fifty (50) or more

dwelling units or five thousand (5,000) or more square feet of non-residential floor area. Such study shall show current and projected levels of service of public roads within one mile of the development, and shall describe any on or off-site improvements required to offset any significant traffic impact. The study shall include expected annual average and seasonal daily trips as well as peak hour customer and employee trips to and from the project. Such study shall be conducted at the developer's expense. The Village may, at its own expense, retain a consultant to perform a second traffic impact study.

The VBT may require that the applicant enter into an agreement with the Village to provide improvements or funds for improvements needed to mitigate the adverse traffic impact of his development according to the findings of the study or studies, whichever recommends the most extensive improvements.

SECTION 640 - UTILITIES

When required, utilities shall be installed with approval from the appropriate Board or its designee as follows:

1. Fire Protection: Hydrants to be of size, type and location specified by the NFPA, provided by the developer.
2. Street Lighting: Poles, brackets and lights to be of size, type and location recommended by the local power company. Developer shall contact the appropriate Board to ascertain location of poles, lights, transformers, wiring, and any other requirements.
3. Electricity: Unless proven environmentally unfeasible, power lines shall be placed underground. Developer shall contact the appropriate Board for locations and other requirements of transformers and other equipment.
4. Utility Services: The appropriate Board shall be contacted for verification and location of power transformers and contractor requirements for individual dwelling services.
5. Cable Television: Unless proven environmentally unfeasible, cable television lines shall be placed underground. Developer shall contact the appropriate Board for locations and other requirements.

SECTION 645 – WATER SUPPLY

1. The subdivision water distribution system shall be installed and tested at the expense of the developer as per the approved plans and subject to the approval of the Village. The Village shall connect the sub-divider's system to the Village supply system at the expense of the developer.

SECTION 650 – SEWAGE DISPOSAL

All new construction must connect to the Village Sanitary Sewage System.

1. The subdivision sewage system shall be installed and tested at the expense of the developer as per the approved plans and subject to the approval of the Village. The Village shall connect the sub-divider's system to the Village disposal system at the expense of the developer.

SECTION 655 – UNIQUE AND NATURAL FEATURES

Unique physical features shall be preserved where possible, such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six (6) months of completion of development so that no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

SECTION 660 – PUBLIC OPEN SPACES AND SITES

Consideration shall be given to the allocation of areas suitably located for community purposes and be made available by one of the following methods:

1. Dedication to the Village.
2. Reservation of land for the use of property owners by deed or covenant.
3. Reservation for acquisition by the Village within a reasonable period of time, said reservation to be made in such a manner as to provide for a release of the land to the sub-divider in the event the Village does not proceed with the purchase.
4. If the VBT determines that suitable park or parks of adequate size cannot be properly located in the plat or is otherwise not practical, the VBT may require as a condition to approval of the plat, a payment to the Village of a sum to be determined by the VBT, which sum shall constitute a trust fund to be used by the Village exclusively for neighborhood park, playground or recreational purpose including the acquisition of property. The VBT may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the Village water plants, sewage treatment plant and other community purposes not anticipated in the General Plan.

SECTION 665 - STREETS

All streets shall be designed and constructed in accordance with Village standards.

SECTION 670 – EXISTING BUILDING ADAPTIVE REUSE

A neighborhood or community's personality can be defined by its buildings. In the past, the lack of appropriate development regulations has resulted in a trend that if continued, could threaten the loss of the Village's essential character. Successful adaptive reuse of buildings can help to anchor a neighborhood and community leading to economic revitalization in many cases. The purpose of this section is to encourage the retention and productive reuse of structures that have historic, architectural, or cultural value to the Village instead of seeing their underutilization or demolition because their original use has become functionally obsolete. While buildings may no longer be used for their original purposes, the change in use should retain some or all of the existing architectural details that make the building or site unique. Also, impacts of new additions on the site must be minimized as well.

Recommended actions and steps:

- A. Evaluate the building's structural integrity and skin, functional stability, code compliance, historic and cultural significance and adaptability.
- B. Evaluate the components of the existing building or facility, such as windows or metal door frames, to gauge whether they can be incorporated in any new construction. Ensure that the windows and doors meet the new facility's security and energy efficiency requirements.
- C. Upgrade outdated components with new components that can enhance energy efficiency, water efficiency, and indoor environmental quality.

Additions or modifications to Historic Buildings - Guidelines:

1. Construct new additions to ensure the least possible loss of historic fabric and to preserve the character-defining features of the historic building or site against being destroyed, damaged, or obscured.
2. Design new additions so that the overall character of the site, site topography, or character-defining site features, trees, and significant vistas and views are retained.
3. Survey in advance and limit any disturbance to the site's terrain during construction to minimize the possibility of destroying unknown archaeological resources.
4. Protect large trees and other significant site features from immediate damage during construction and from delayed damage due to construction activities, such as loss of root area or compaction of the soil by equipment. It is especially critical to avoid compaction of the soil within the drip line of trees.
5. Locate a new addition on an inconspicuous elevation of the historic building, usually the rear one.
6. Limit the size and scale of an addition in relationship to the historic building so that it does not diminish or visually overpower the building.
7. Design an addition to be compatible with the historic building in mass, materials, color, and relationship of solids to voids in the exterior walls, yet make the addition discernible from the original.
8. It is not appropriate to construct an addition if it will detract from the overall historic character of the principal building and the site, or if it will require the removal of a significant building element or site feature.
9. It is not appropriate to construct an addition that significantly changes the proportion of built mass to open space on the individual site.

Adaptive reuse of existing buildings saves energy and resources by reducing the need to manufacture and construct buildings with new materials. This reduces the need for additional natural resources and the energy required to make or process them.

SECTION 675 – NEW CONSTRUCTION GUIDELINES IN OR ADJACENT TO HISTORIC DISTRICT & SITES

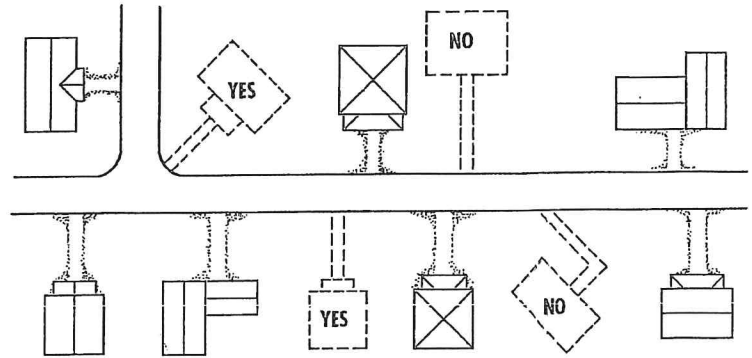
New construction within or near a historic district can enhance the existing district character if the proposed design and its siting reflect an understanding of and a compatibility with the distinctive character of the district setting and buildings. In fact, the introduction of a compatible but contemporary new construction project can add depth and contribute renewed interest and activity within an area.

The compatibility of new site development within the district setting depends on its compatibility with characteristic features as well as retention of the specific site's topography and character-defining site features. Similarly, buildings within the historic districts or neighborhood generally display a clear consistency in setback, orientation, spacing, and distance between adjacent buildings. The compatibility of proposed new construction siting should be reviewed in those terms. In considering the overall compatibility of a proposed structure, its height, form, massing, proportion, size, scale and roof shape should also be reviewed.

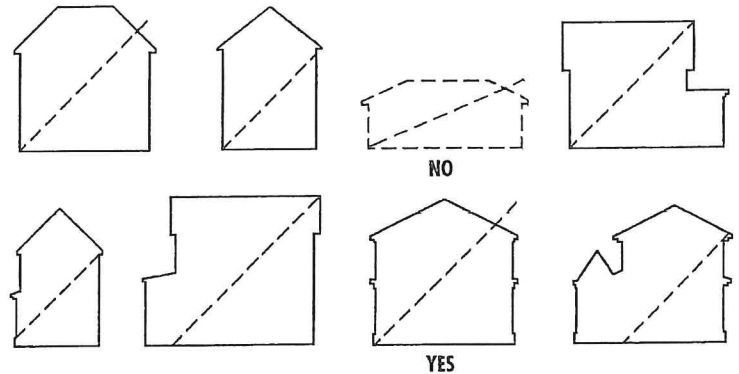
For example, if the street facades of most nearby buildings are vertical in proportion, taller than they are wide, then maintaining the vertical orientation of the building design will result in a more compatible design. A similar study of materials, building features, and details typical of existing buildings along the streetscape, block or square will provide examples to draw on when designing a compatible building.

Recommended New Construction Guidelines:

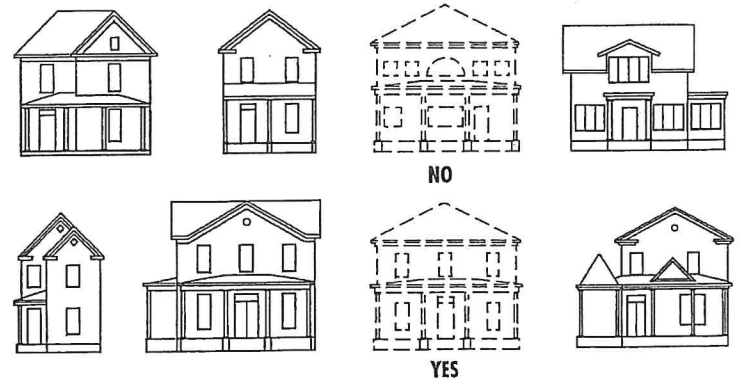
1. Site new construction to be compatible with surrounding buildings that contribute to the overall character of the neighborhood or historic district in terms of setback, orientation, spacing, and distance from adjacent buildings.
2. Design new construction so the character of the site, site topography, and character-defining site features, trees, and significant district vistas\views are retained.
3. Where possible, consider protecting large trees and other significant site features from immediate damage during construction and from delayed damage due to construction activities, such as loss of root area or compaction of the soil by equipment. It is especially critical to avoid compaction of the soil within the drip line of trees.
4. Conform to the design guidelines regarding site and setting in developing a proposed site plan.
5. Design new buildings to be compatible with surrounding buildings that contribute to the overall character of the historic district in terms of height, form, size, scale, massing, proportion, and roof shape.
6. Design the proportion of the proposed new building's front façade to be compatible with the front façade proportion of surrounding historic buildings.
7. Design the spacing, placement, scale, orientation, proportion, and size of window and door openings in proposed new construction to be compatible with the surrounding buildings that contribute to the special character of the historic district or neighborhood.
8. Select materials and finishes for proposed new buildings that are compatible with historic materials and finishes found in the surrounding buildings that contribute to the special character of the historic district or neighborhood in terms of composition, scale, module, pattern, detail, texture, finish, and color.
9. Design new buildings so that they are compatible with but discernable from historic buildings in the district or neighborhood.



The proposed siting for new buildings should be compatible with the setback, orientation, and spacing of existing district buildings.



Proposed new buildings should be compatible in height and proportion of front elevation with surrounding buildings that contribute to the district character.



The windows and the doors for proposed new buildings should be compatible in proportion and pattern with the windows and the doors of surrounding buildings that contribute to the district character.

**SECTION 680
HOME OCCUPATION CONDITIONS**

1. Home occupations must be conducted by the applicant within the dwelling which is the primary residence of the applicant or in an accessory building thereto which is normally associated with a residential use and shall be clearly subordinate to the principle use as a dwelling.
2. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small office.
3. No outside display or storage of goods, equipment or materials used in connection with the home occupation shall be permitted.
4. The home occupation permit applicant and other persons who use the dwelling as their primary residence may be involved in the home occupation use. In addition, one (1) nonresident person, whether paid or not for their services, may be

- involved in the home occupation use on the property provided that there is only one (1) such person on the property and the hours of such attendance shall be limited to 8:00 am to 5:00 pm, Monday through Friday.
5. Home occupations shall not cause any undue noise, traffic, odors, or lighting glare detrimental to the neighborhood.
 6. One identification sign attached flush to the building is permitted, but cannot be lighted, and shall not exceed four (4) square feet in size.
 7. There shall be no exterior evidence that the property is used in any way other than for a dwelling (except for the permanent sign permitted).
 8. Only one (1) commercial vehicle shall be permitted per dwelling unit, subject to the following conditions:
 - A. No solid waste collection vehicle, tractor or tractor and/or trailer of a tractor-trailer truck, dump truck, construction equipment, cement mixer truck, wrecker with a gross weight of 12,000 pounds or more, or similar such vehicles or equipment shall be parked in any residential zoning district overnight.
 - B. Any commercial vehicle parked in a residential zoning district shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.
 9. A permit for a home occupation shall be revocable by the zoning administrator because of the failure of the owner or operator to observe all requirements of the permit and the Land Development Code.
 10. As per Section 390 (12) of the New York State Social Services Law, family day care homes are not considered a home occupation.

SECTION 685 - FLOATING ZONE PROCESS

The floating zone is a zoning district that does not have any specific geographic relationship at the time of adoption, and can only be used in conjunction with a Master Plan. The purpose of adding floating zones to the Village is to allow the establishment of certain uses in the Village while controlling their location using a flexible method.

A. Required Floating Zone Procedure

1. The zoning regulations should be amended to create the floating zone district at a specific geographic location reviewed and recommended by the VPB, with final review and approval by the VBT.
2. A master development plan is reviewed and recommended by the VPB, with final review and approval by the VBT. The master development plan is a combination of text and graphics that create the district parameters, and includes site plan level data and other detailed information about the project consistent with the site plan approval process. This part of the process is a combination of the zoning map amendment process and site plan review process.

B. Floating Zone Standards

1. The Project is located in or adjacent to other downtown businesses, and provides an area for social gathering.
2. Incorporates the appearance and function of the traditional two or three story historic commercial structures that are close to the public street - evident in the Village.
3. Promotes the location of dwellings and workplaces in close proximity to each other, the scale of which accommodate and promote pedestrian travel for trips within the community.
4. Project does not block any scenic waterfront views or vistas important to community character.
5. Provides suitable parking beside or behind the building along with pedestrian sidewalk connections.

SECTION 690 - RESIDENTIAL STANDARDS FOR NUISANCE/TRASH/JUNK CONTROL

The accumulation of junk can reduce property values, be an eyesore and an attractive hazard to children, and be a potential health risk. The Village hereby finds and determines that these standards are necessary to promote the health, safety, order, prosperity and welfare of present and future inhabitants in order to retain and encourage the unique rural residential character of Chaumont, while at the same time preventing blight and property degradation caused by certain conditions or uses of property described herein. Therefore, any activity, use, or condition that represents a threat to the health, safety, order, prosperity or welfare of the public by virtue of its unsafe, dangerous or hazardous nature, or that is out of harmony with the standards of properties in the vicinity so as to cause a diminution of the enjoyment and use of property; or that contributes to blight and property degradation, shall be deemed a Nuisance. Nuisances visible from public sidewalks or streets or within sight of neighboring property shall be deemed unlawful and shall be restrained, prevented, abated and enjoined.

Outdoor Storage of Junk Prohibited

- A. No person shall be permitted to store items or materials in a public right-of-way.
- B. The accumulation of junk, trash, garbage, stale or odorous matter, including improperly maintained compost or manure piles that emit odor, or similar materials that constitute a threat to the health or safety of any person, or that contribute to blight and property degradation, is prohibited.

- C. Outdoor storage or accumulation of the following items on private property, other than in a fully enclosed structure, is prohibited:
1. Tools, equipment, inventory and other supplies utilized in the operation of a business, or more than one (1) vehicle used in the operation of a business, whether such business is a home occupation being conducted in accordance with the Village of Chaumont Land Development Code, or is conducted off-site.
 2. Attractive nuisances generally considered dangerous to children including abandoned, broken or neglected vehicles, equipment, machinery, refrigerators and freezers, hazardous pools, or excavations related to construction sites.
 3. Tools, equipment and other supplies utilized in construction or landscaping.
 4. Any vehicle, recreational vehicle, trailer, boat or other articles of personal property, not owned by the occupant of the property upon which it is parked, stored, or used, for longer than a period of thirty (30) days.
 5. More than one (1) inoperable or abandoned vehicles. This shall not apply to vehicles parked or stored in a fully enclosed structure in compliance with the Village Development Code as applicable. The inoperable or abandoned vehicle must be kept within a fenced in rear-yard (opaque fencing) to provide an adequate screen from adjacent neighbors and from public streets pursuant to Section 605 of the Village Development Code.
 6. Commercial or industrial vehicles for more than six (6) months, except that one vehicle used in the operation of a business by an owner and or occupant of the property is permitted in accordance with the Village of Chaumont Land Development Code applicable to Home Occupations.
 7. Any vehicle with a gross weight greater than 36,000 pounds, recreational vehicles excluded.
- D. Storage of or accumulated junk in or on vehicles not designed for long-term storage sixty days (60) shall be prohibited, for example: items stored in buses, automobiles, trucks, or rv's. Note: refer to Section 745 of the Village Development Code.
- E. Dilapidated Buildings, Structures and Premises are prohibited:
1. Buildings or structures that are dilapidated, abandoned, boarded up, partially destroyed, have broken windows or boarded up windows, or that are left in a state of partial construction or demolition, or disrepair, or which is otherwise a detriment to the health, safety or welfare of the inhabitants of the Village. Such buildings or structures shall be either repaired or removed to eliminate the unsafe or nuisance condition.
- F. Allowed Temporary Outdoor Storage:
- The above shall not apply to the storage or placement on the premises of the following material:
1. Homeowners who have a current, valid building permit are allowed to neatly store small quantities of required supplies during construction or remodeling.

ARTICLE VII

SECTION 700 – SPECIFIC USE REGULATIONS

In order for certain uses to be granted through the site plan review process, the applicant shall present sufficient evidence to enable the Board to find the conditions set forth in Article VI exist, where applicable, and that the specific conditions set forth for any specific uses listed and indicated below will exist upon project completion. Either the VPB or the VBT may impose conditions and safeguards in accordance with Article VI, and Article V, Section 540. In addition to the general conditions and requirements, specific uses shall meet specific conditions for the type of use and indicated in this section.

SECTION 705 – ADULT ENTERTAINMENT and TATTOO PARLORS

In addition to any other regulations for buildings, structure, lot dimensions, etc., of the Village Law, Adult Entertainment and/or Tattoo Parlors shall be permitted subject to the following regulations:

1. Adult use shall not be permitted within one thousand (1000) feet measured from the lot line of any:
 - A. Church
 - B. School
 - C. Park
 - D. Library
 - E. Playing Field
 - F. Government Offices, Property, Buildings or Operations. (Examples include but not limited to: Fire Department(s), Village Beach(s), Post Office(s), Village or Town Office(s), etc.)
2. For the purpose of this law, measurements shall be made in a straight line without regard to the intervening structures or objects from the nearest portion of the building or structure used as a part of the premises for an adult use business to the nearest property lot line provided in the above restrictions.
3. No adult use shall be in a building of which any part is used for residential purposes. Adult use shall not be considered a home occupation.
4. Outside advertisement shall not have any photographic or artistic imagery representation whatsoever thereon.
5. All building openings, entries, windows, doors, etc. shall be located, covered or screened in such a manner as to prevent a view into the interior from the outside of the premises.
6. This law shall apply to any person, firm, corporation club, association or other entity which actually engages in the conduct of a regulated use under this law and shall further and equally apply to the owner of any building, structure or premises upon which such regulated use is conducted. Any violation of this law shall subject all persons, firms, club associations, corporations or entities conducting such regulated use and the owners of the premises upon which such regulated use is conducted to any penalties provided under the law.

SECTION 710 - MANUFACTURED HOMES

The following regulations shall apply to double-wide manufactured homes in all districts. Single-wide manufactured homes are prohibited.

1. Restrictions on Occupancy
 - A. Each mobile home shall bear a manufacturer's label which certifies that, to the best of his knowledge and belief, the home is in compliance with all applicable State standards
2. Manufactured Home Skirting
 - A. Tow hitch and wheels must be removed.
 - B. Each mobile home shall be provided with a skirt to screen space between the mobile home and the ground
 - C. Such skirts shall be of permanent material similar to that used in the mobile home and providing a finished exterior

appearance

D. The material used shall be fire resistant

3. Manufactured Home Stand

A. Each mobile home site shall be provided with a stand which will give a firm base and adequate support for the mobile home

B. Such stand shall have a dimension approximately the width and length of the mobile home and any expansions or extensions thereto

C. Well-anchored tie-downs shall be provided at least on each corner of the stand

D. Stands shall be either

1) Ten (10) inches of compact gravel; or

2) A full concrete slab at least six (6) inches thick; or

3) Six (6) inches of compacted gravel with a reinforced concrete runner on each side of the stand to provide support. Such runner shall be a minimum of four (4) feet wide, sixty-five (65) feet long, and six (6) inches thick.

4. The stand area shall be graded to ensure adequate drainage but in no event shall the difference in grade exceed six (6) inches from one end of the stand to the other.

SECTION 715 – MULTI-FAMILY DWELLINGS

In addition to the standards contained in Article VI, multi-family dwellings shall not exceed a *gross density of four (4) units per acre*. Also, each building must have one (1) acre per building site, with a maximum number of four (4) units allowed per building. Buildings shall be a maximum of two (2) stories or less.

SECTION 720 – RESTAURANTS \ BARS

1. Exterior seating and/or play areas shall be completely enclosed by a three (3) foot high fence, barrier, or wall.

2. All lighting within the site shall be designed and located so as not to produce a glare or direct illumination onto abutting properties or street right-of-ways.

3. Dumpsters or similar large-scale outdoor trash receptacles shall be completely screened from view and access gates shall be closed at all times when not in use.

4. Decibel level shall not exceed 40 dBa. Noise measurements shall be made at the boundary of the property where generated.

SECTION 725 – PROHIBITED USES

1. General

Any process or manufacture, assembly or treatment, which is not clearly incidental to a retail business conducted on the premises, or which in the opinion of the VBT normally constitutes a nuisance by reason of odor, noise, glare, dust or smoke (even if incidental to a retail business conducted on the premises) is prohibited.

2. Specifically Prohibited

A. Salvage Yards

B. Junk Yards

C. Free Standing Cell Towers

D. Livestock Farms

F. Free Standing Boilers, Furnaces (outdoor) separate from the dwelling or structure it supplies

SECTION 730 – PASTURE FOR HORSES OR LIVESTOCK

Too many animals on too little land causes reduced productivity to both and can damage the health of the land in the long-term. To get help establishing a successful grazing system, contact your local Soil and Water Conservation District. As a general rule for the growing season and winter feed needs, the following is required:

1. Two (2) acres of pasture for each 1000 lb. (or one “animal unit”) of cows, sheep, or goats.
2. Horses can graze over a longer period each day (up to 20 hours), and because they trample a lot of forage in the process, it’s advisable to provide 2.5 acres per horse of grazing land during the growing season.

SECTION 735 – NIGHTCLUBS

The intent of the zoning ordinance is to distinguish bars or nightclubs from restaurants on the basis of an establishment is considered a bar or nightclub and is therefore subject to the site plan review process when: the amount of bar space, including dance floor and standing area at the establishment; the use of amplified music (after midnight); and the consumption of alcoholic beverages (after midnight). Where standing space exceeds 30 percent (30%) of the total public floor area, amplified music (other than piped-in dinner music) is played after midnight, and alcoholic beverages are consumed after midnight.

1. Nightclubs shall maintain a five hundred (500) foot setback from neighboring residences, places of worship, and public or private schools, to limit noise impacts on noise sensitive uses.
2. Such noise generated by sound systems at the nightclub shall not exceed 40 decibels at the property line.
3. Sound attenuation measures should be incorporated into the project pursuant to proposed on-site windows, external doors, wall design, roof and ceiling specifications.
4. Adequate parking should be provided on the site to limit on-street parking needs.

SECTION 740 – SELF STORAGE WAREHOUSES

1. All storage shall be located within an enclosed building except for any boat or recreational vehicle, which may be stored outside in designated areas. The storage of partially dismantled, wrecked, inoperable, unlicensed, or unregistered vehicles is prohibited.
2. All driveways with two-way traffic shall be at least thirty (30) feet in width. Any driveway with only one way traffic shall be least twenty-four (24) feet in width if it services self-storage facilities on both sides of the driveway. If the driveway has one (1) way traffic and services units on one (1) side only, it shall be twenty (20) feet in width. Driveway designations, locations, and interior circulation as well as structure locations, storage areas and anticipated parking spaces shall be set forth on the plans accompanying the site plan application.
3. The storage of flammable liquids (except in boat gas tanks or other recreational vehicles stored outside), highly combustible or explosive materials, or hazardous chemicals shall be prohibited.
4. The use of property used for self-storage shall be limited to the storage of residential, commercial, or professional goods or records to which access is needed on a limited basis, i.e., general wholesale or retail distribution or sales are prohibited.

SECTION 745 – TEMPORARY STORAGE TRAILERS/PODS

In addition to any other regulations for buildings, structure, lot dimensions, etc., of the Village Law, temporary storage trailers/pods shall be permitted subject to the following regulations:

1. Placement of a temporary storage trailer/pod for a period exceeding sixty (60) days, shall be by permit only. Application for permit shall be made through the Village Clerk and approved or disapproved by the Village CEO. Permits issued shall be for a period not to exceed six (6) consecutive months.
2. Limited to one (1) temporary storage trailer/pod per tax parcel
3. The Village CEO is empowered to direct immediate removal of any temporary storage trailer/pod in violation of this code.

ARTICLE VIII

NON-CONFORMITIES

SECTION 805 – STRUCTURES

1. A non-conforming structure may be continued subsequent to adoption of this law but the structure shall not be enlarged in a way that increases its non-conformity. Such enlargement includes an addition which is in violation of the setbacks established by this law, but which is no closer to any lot line than the existing structure.
2. Nothing under the provisions of this local law shall prevent the repair, restoration or reconstruction of a non-conforming structure provided that its owner or owners can demonstrate to the Zoning Officer that construction, erection or location of a conforming structure is physically impractical due to the size, configuration or condition of the lot. In addition, the owner must demonstrate that such repair, restoration or reconstruction is undertaken only on the premises and to the extent previously occupied by the non-conforming structure. Also, the reconstruction of a destroyed non-conforming structure will be permitted only if the lot does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate that nonconformity without reducing such other property to non-conforming dimensions.

SECTION 810 – USES

Any use of land or structures which by the enactment of this local law is made non-conforming may be continued on the premises and to the extent pre-existing provided that:

1. No non-conforming use shall be expanded, extended or otherwise increased so as to occupy a greater area of land than was committed to the non-conforming use at the time of such enactment;
2. No non-conforming use shall be extended so as to displace a conforming use;
3. No non-conforming use of land or structures which has, for any reason, been discontinued for a period of one (1) year maximum from date of discontinuance, shall not be re-established and only conforming uses shall be thereafter permitted;
4. A non-conforming use of land or structures once changed to a conforming use shall not be permitted to change back to a non-conforming use.

SECTION 815 – LOTS OF RECORD

Any lot of record held under separate ownership prior to the enactment of this local law and having lot width or lot depth or both less than the minimum area requirements set forth in this local law may be developed with any compatible use listed without requiring a variance provided that such lot:

1. Does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the non-conformity without reducing such other property to non-conforming dimensions;
2. Has sufficient area, width and depth to undertake development which will:
 - a. Maintain the required minimum front setback,
 - b. Meet or exceed at least two-thirds (2/3) of the required minimum side and rear setbacks,
 - c. Not exceed the maximum permitted lot coverage; and,
3. Otherwise satisfies all applicable provisions of this local law.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

SECTION 905 – ZONING PERMIT

1. No building or structure shall be erected, or use instituted, until a zoning permit for it has been issued. The exterior structural area of a building shall not be enlarged until a zoning permit therefore has been issued.
2. A zoning permit shall not be required for:
 - A. Construction of a fence, wall or a structure with a floor area of one hundred (100) square feet or less. However, such structures shall meet all applicable regulations;
 - B. Routine maintenance and improvement (e.g. roofing, window replacement, siding replacement, etc.) that does not expand the exterior dimensions of the structure;
 - C. Chimneys, placement of posts and other similar accessory uses; or
 - D. Television antennae and satellite dishes.
3. When establishing measurements to meet the required front yards and structure setbacks, the measurements shall be taken from the street line, lot line, or nearest high water elevation to the furthestmost protruding part of the structure. This shall include such projecting facilities as cornices, eaves, porches, carports, attached garages, etc.
4. No such zoning permit or certificate of compliance shall be issued for any building or structure where said construction, addition and exterior expansion or use thereof would be in violation of any of the provisions of this law.
5. A zoning permit issued under this law shall expire six (6) months from the date of issue if construction is not started.
6. Any use that has been discontinued for a period of twelve (12) months or longer shall be termed abandoned and may not be re-instituted without applying for a new zoning permit.
7. Applications for zoning permits shall be submitted to the CEO or Village Clerk and shall include two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon; the size and location on the lot of the structures and accessory structures to be; the distance from the building line to all lot lines, street right-of-way-lines, waterfront property lines, streams and any other features of the lot; and such other information as may be necessary to determine and provide for the enforcement of this law. This information and other relevant application data, shall be provided on a form issued by the Village.
8. Temporary permits may be issued by the CEO for a period not exceeding one (1) year for conforming and non-conforming structures. Such temporary permits are conditioned upon agreement by the owner or operator to remove the non-conforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time.
9. Parking lots for places of public assembly and commercial or business uses shall require a zoning permit for placement. They shall meet the requirements of Section 510.

SECTION 910 – CODE ENFORCEMENT OFFICER (CEO)

1. This law shall be enforced by the CEO who shall be appointed by the VBT.
2. The CEO shall:
 - A. Approve and/or deny zoning permits for uses other than site plan review uses within thirty (30) days of receipt of application;

- B. Approve and/or deny Certificates of Compliance;
- C. Refer appropriate appeal matters to the Zoning Board of Appeals;
- D. Revoke a zoning permit where there is false, misleading or insufficient information. Revoke a zoning permit and/or certificate of compliance where the applicant has not done what was proposed on the application;
- E. Issue stop work orders for noncompliance with this zoning law.

SECTION 915 – CERTIFICATE OF COMPLIANCE

- 1. No land shall be occupied or used and no building or structure hereafter used, nor changes made in the use until a Certificate of Compliance shall have been issued by the CEO stating that the building, structure or proposed use thereof complies with the provisions of this law.
- 2. All Certificates of Compliance shall be applied for coincidentally with the application for a zoning permit. Said certificate shall be issued within ten (10) days after the erection and alteration shall have been inspected and approved by the CEO as complying with the provisions of this law.
- 3. The CEO shall maintain a record of all Certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
- 4. No Certificate of Compliance shall be issued for a site plan use until all required improvements, such as storm sewer, water supply, sewage disposal, landscaping, traffic controls, sidewalks, curbs, parking, access facilities, etc., have been constructed or installed in accordance with the approved plan, including all conditions the Village Board may have required in accordance with Section 625.

SECTION 920 – ZONING BOARD OF APPEALS (ZBA)

- 1. Creation, appointment and organization: a ZBA is hereby created. Said ZBA shall be appointed in conformance with the Village Law, Section 7-712. The VBT shall appoint a Chairman and Vice-Chairman. The ZBA shall select a Secretary and shall prescribe rules for the conduct of its affairs.
- 2. Powers and duties: The ZBA shall have such powers, duties and responsibilities prescribed by Section 7-712 of the Village Law and by this law, as may be amended from time to time.
- 3. County Zoning Referrals: Prior to taking action on any matter which would cause any change in the regulations or use of land, or building, on real property as specified in Section 239-m of the General Municipal Law, the ZBA shall make referrals to the County Planning Board in accordance with Section 239-m of the General Municipal Law.

If within thirty (30) days after receipt of a full statement of such referred matter, the County Planning Board to which referral is made disapproves the proposal or recommends modification thereof, the ZBA shall not act contrary to such disapproval or recommendations except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action. The Chairperson shall read the report of the County Planning Board at the public hearing on the matter under review. If such a planning agency fails to report within such period of thirty (30) days or such longer period as may have been agreed upon by it and the referring agency, the ZBA may act without such report. The ZBA shall notify the County Planning Board of its final action within seven (7) days of such final action.

SECTION 925 - FEES

A schedule of fees shall be adopted by the VBT by resolution and may be adjusted from time to time as deemed necessary. The fee schedule shall include fees for Zoning Permits, Interpretive Appeals, Variance Appeals and Site Plan Uses. The fees shall bear a reasonable relationship to the actual administrative, legal and consultant costs the Village will incur.

SECTION 930 – VIOLATIONS AND PENALTIES

1. Violation Remedy Procedures
 - A. Initiating a Complaint – Whenever a violation of this law occurs, the Enforcement Officer, Village or an aggrieved citizen may initiate a complaint. Such complaints shall be given to the CEO in writing.
 - B. Recording the Complaint – The CEO shall accurately record the complaint and file it appropriately
 - C. Notice of Violation – The CEO is then to inform the landowner that he/she is violating the law. The landowner shall be notified by certified mail as to the manner in which he/she is in violation and the period of time granted to remedy the violation. The Enforcement Officer may informally contact the landowner about the situation before this step is taken, but in no case shall more than fourteen (14) days pass from the date a complaint is recorded to the date a written notice is sent to the violator.
 - D. Stop Work Order – A “Stop Work Order” may be issued to the landowner. It shall be issued in the same manner as a “Notice of Violation”. This notice though, requires that all construction stop immediately.
 - E. Local Proceedings – If a violation persists, the CEO Shall issue the property owner of record a ticket to appear before the Village Court for said violation.
 - F. In addition to the foregoing remedies the Village Board may also maintain an action or proceeding in the name of the Village of Chaumont in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this local law.
2. Any person, firm, or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation. Each week an offense is continued shall be deemed a separate violation of this law. A violation of this law is an offense punishable by a fine not exceeding two hundred and fifty dollars (\$250.00) each week.

SECTION 935 – VILLAGE BOARD OF TRUSTEES (VBT)

1. Powers and Duties. The Village Board shall have the following powers and duties under the provisions of this law:
 - A. Amendments: The Village Board may, from time to time, amend, supplement or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes shall be in accordance with the procedure established in Section 20 of Municipal Home Rule Law.
 - B. Site Plan Review: To review and approve with or without modifications, or deny subdivisions in accordance with Article IV of this local law.

SECTION 936 – VILLAGE PLANNING BOARD (VPB)

1. Powers and Duties. The Village Planning Board shall have the following powers and duties under the provisions of this law:
 - A. Subdivision Review: To review and approve with or without modifications, or deny subdivisions in accordance with Article IV of this local law.
 - B. To review and recommend site plan review and zoning amendment actions to VBT (see Article IV).

SECTION 940 – INTERPRETATION AND SEPARABILITY

1. Interpretation: Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety or general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards shall govern.
2. Separability: Should any section or provision of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 945 – EFFECTIVE DATE

The provisions of this law shall take effect upon filing with the Secretary of State.
