

VILLAGE OF CHAUMONT

LAND DEVELOPMENT CODE

Amended: March 21, 2017



LOCAL LAW # 1 FOR THE YEAR 2017

REPEALING ALL PRIOR LAWS AND ORDINANCES AND PROVIDING FOR A REVISED COMPREHENSIVE ZONING LAW FOR THE VILLAGE OF CHAUMONT, NEW YORK, ENACTED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF CHAUMONT ON MARCH 21, 2017

Filed by the Secretary of State : **April 6, 2017**

Land Development Code Update 2017

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

Recommendations for the Code update were developed from public input, work sessions and meetings held with the Village Planning Board with input from both the Zoning Enforcement Officer and the Village Board of Trustees. Reference was made to the Comprehensive Land Use Plan as a basis for development patterns and trends for the Village.

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

1990 – 2017

David Lachenauer,
Zoning Enforcement Officer

With Cooperation from:

Jefferson County Planning Department

LAND DEVELOPMENT CODE - VILLAGE OF CHAUMONT

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ARTICLE I

PURPOSE, TITLE AND APPLICATION OF REGULATIONS

SECTION 105 - PURPOSE AND AUTHORIZATION

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 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 purpose of this law is to promote the public health, safety and welfare, conserve the value of buildings, and enhance the value of land throughout the Village. 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 Board of Trustees (VBT) is hereby empowered to approve site plan review uses within the Village of Chaumont.

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

The Village Zoning Board of Appeals (ZBA) is hereby empowered to provide interpretations of this Law and to hear and decide variance requests.

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.

Accessory Structures: A subordinate structure located on the same lot with the main structure, occupied by or devoted to an accessory use. Examples of accessory structures are storage sheds and garages.

Accessory Uses: An accessory use is a use that is incidental to and customarily found in connection with the principal use. An accessory use must be conducted on the same zoning lot as the principal use to which it is related, unless the district regulations permit another location for the accessory use.

Adult Entertainment: Any business, including but not limited to adult bookstore or adult motion picture theater, which has more than ten percent (10%) of its net floor space set aside for or ten percent (10%) of the volume of its stock in trade devoted to the display, viewing or dissemination of material distinguished or characterized by an emphasis on matter depicting, describing, or related to sexual activity or specified anatomical areas, including but not limited to, any establishment that allows or promotes dancers, performers, or employees, whether male or female, to display anatomical areas.

Agricultural Operation: The raising and production for compensation of crops, livestock, poultry, dairy products, fish or other wildlife, maple syrup products, animal husbandry, forestry operations and farm winery. The sale, at wholesale or retail, of farm products upon the premises where the same are grown or produced shall be considered an accessory use to the agricultural operation.

Agricultural Hobby Farming: A farm where the keeping of farm animals such as horses, sheep, and goats is for pleasure or supplemental income rather than for primary income.

Automobile Service Station: Any lot or building or portion thereof used for the sale or supply of gasoline or motor vehicle repairs, oils, or lubricants, or for the polishing, greasing, servicing (but not painting) of motor vehicles. No storage of junk or wrecked motor vehicles, other than the temporary storage of those motor vehicles awaiting repair, shall be permitted.

Automobile Sales Lot: Any lot or building used for sale of new and/or used automobiles licensed by New York State.

Bar/Tavern/Pub: A commercial establishment used primarily for the sale or dispensing of alcoholic beverages for on-site consumption. Any food service would be secondary.

Bed and Breakfast: A residential structure with one family in permanent residence with bedrooms rented for overnight lodging, and where food may be served to its registered guests only.

Boathouse: A small building at the water's edge used for the storage of marine watercraft. Boathouses shall be limited to one story and must meet all side yard setbacks, but are exempt from front yard setbacks.

Buffer: Open space, vegetation, 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.

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

Campground: A property providing two or more sites for camping in recreational vehicles, tents or other places of temporary abode, as defined by the New York State Sanitary Code, and all building and facilities pertaining thereto.

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 religious institution facilities, or as an independent land use.

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

Dark Sky Compliant – Lighting designed to ensure light projects downward, eliminating glare and light pollution to neighboring properties.

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: A building designed for or occupied exclusively by one (1) family.

Dwelling, Two Family: A 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 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.

Farm Winery: An agricultural operation for the growing of grapes and the preparation, processing, marketing and distribution of wine in addition to all uses that are allowed by the “Farm Winery Act of 1976”.

Fence: A construction of wood, stone, or other materials or combination thereof intended for security, partitioning, or enclosure, or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads.

Foot-candle – A unit of light quantity, intensity or light density when the foot (12”) is the unit of measure; one (1) foot-candle equals one (1) 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.

Funeral Home: A building used for burial preparation and display of the deceased and rituals connected therewith before burial or cremation. This term includes a crematorium.

Gross Floor Area: The total area of all floors within a building measured along the outside dimensions of a building. These dimensions shall include the length and width of the building.

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.

Home Occupation: Any use of a service character conducted within a dwelling by the resident which is clearly secondary to the use of the dwelling for living purposes and for which no more than one person, outside the immediate family, shall be employed.

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

Inoperable motor vehicles: 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 Department of Motor Vehicles.

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

- Religious Institutions
- Public parks, playgrounds and recreation areas when authorized or operated by a governmental authority
- Schools
- Public libraries
- Not-for-profit fire, ambulance and public safety buildings
- 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 outside storage of used and discarded materials, household furnishings, machinery, vehicles or parts thereof, including junked vehicles, with or without the dismantling, processing, salvage, sale or other uses or disposition of the same. The deposit or storage of two (2) or more inoperable motor vehicles, or the major parts of two or more such vehicles, shall be deemed to make the lot a "junk yard".

Kennels: A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold for a fee or compensation.

Light Industrial Operation: 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.

Livestock: Cattle, horses, poultry and similar animals kept for domestic use, especially on a farm or ranch.

Lot: A parcel of land occupied or designed to be occupied by one building and the accessory buildings or uses customarily incidental 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: A line of record bounding a lot that divides one lot from another lot or from a public or private road or any other public space.

Front Lot Line: The property line separating a plot or parcel of property from a public street, highway, or body of water. If a lot adjoins two (2) or more streets or highways or is on the waterfront, 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.

Manufactured Home - A single-family dwelling unit consisting of one (1) 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.

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: A road vehicle as defined by New York State Department of Motor Vehicles (DMV).

Nightclub: A place of entertainment typically open at night, generally providing music, space for dancing, or similar entertainment and where alcoholic beverages and minor food-stuffs may be sold for on-premises consumption contingent upon the establishment possessing a current and valid license permitting such sales.

Non-conformity: A lot, building, structure, or use of land that does not conform to the regulations of the district in which it is situated prior to the enactment of this law.

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, fence or wall that serves no useful purpose, 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 diminishes property value, 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 –Offices and related spaces for the practice of professional services by medical practitioners, attorneys, architects, engineers and similar professions.

Off-Street Parking: A space for parking off the public streets.

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.

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

Restaurant: An establishment used primarily for the preparation and serving of food to the public. Serving of alcohol would be secondary.

Retail:

Large Products/Services: A commercial operation characterized by the on-site sale and service for new and used automobiles, mobile homes, boats, recreational vehicles, and farm implements, auctions facilities, retail tree nurseries and garden shops, furniture and large appliance sales.

Small Products/Services: A commercial operation characterized by the direct on-premises sale of goods and services to the ultimate consumer, including manufacturing, processing and servicing and preparation customarily associated therewith, generally involving either stock in trade such as that associated with banks, 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.

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.

Screening: To shield an offense from the view of neighboring properties.

Setback: Distance measured between the building line and the property line.

SEQR: NY State Quality Review Act. A process that 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.

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.

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, and any fixtures, additions and alterations thereto.

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.

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 by the appropriate board prior to the issuance of a zoning permit by the Zoning Enforcement Officer.

Use, Permitted: A use not requiring review, but requiring a zoning permit issued by the Zoning 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, removed after the completion of the construction work, and seasonal produce stands.

Variance: 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. A 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, more than 200 square feet in area, 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 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. Properties along the waterfront are deemed to have two (2) front yards.

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 issued by the Zoning Enforcement Officer granting approval 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, moral, and general welfare of the community, the Village of Chaumont is hereby divided into the following districts:

1. **RA** - Residential A - is hereby established to protect the historic residential areas of the village of Chaumont. This District should encourage single family residences to maintain the existing historic character of the village.
2. **RB**- Residential B- 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** - Waterfront -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 and recreational 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. **B1** - Business 1 -is hereby established to protect the historic central business district areas of the village. This district should encourage businesses and residences in a similar density and pedestrian-friendly layout. Sensitivity to preserving historic structures and neighborhood character are the priority.
5. **B2**- Business 2 -is hereby established to protect the outlying business district area of the village. The area consists of a mix of residences, businesses and institutional uses, therefore, a mix of uses is encouraged in a way that minimizes impacts on current uses.
6. **BR** - Business Residential -is hereby established to foster a mixed use area in close proximity of the central business district and historic residential areas of 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 filed in the Village Clerk's Office, which is by this reference made a part of this Law.

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 that exists 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 – SCHEDULE OF USES

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

VILLAGE SCHEDULE OF USES						
<u>Permitted & Site Plan Uses by Zoning District</u>	RA	RB	W	B1	B2	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
Agricultural Hobby Farming	NP	SPR	NP	NP	SPR	SPR
Agricultural Operations	NP	SPR	NP	NP	SPR	P
Automobile Service Stations	NP	NP	NP	SPR	SPR	NP
Bars/Taverns/Pubs	NP	NP	NP	SPR	SPR	NP
Bed & Breakfasts	SPR	SPR	SPR	SPR	SPR	SPR
Boat Storage	NP	NP	SPR	NP	SPR	SPR
Campgrounds	NP	NP	SPR	NP	SPR	SPR
Car Washes	NP	NP	NP	NP	SPR	SPR
Child Day Care Facilities	SPR	SPR	SPR	P	P	P
Dwellings, One Family	P	P	P	P	P	P
Dwellings, Two Family	NP	P	NP	NP	P	P
Dwellings, Multi-family	NP	NP	NP	NP	SPR	SPR
Manufactured Homes, single wide	NP	NP	NP	NP	P	P
Manufactured Homes, double wide	NP	NP	NP	NP	P	P
Funeral Homes	NP	NP	NP	NP	SPR	SPR
Home Occupations	SPR	SPR	SPR	P	P	P
Hotels	NP	NP	NP	SPR	SPR	SPR
Institutional uses	SPR	SPR	SPR	SPR	SPR	SPR
Kennels, Commercial	NP	NP	NP	NP	SPR	NP
Light Industrial	NP	NP	NP	NP	SPR	NP
Marinas	NP	NP	SPR	NP	NP	NP
Motels	SPR	NP	NP	NP	SPR	NP
Night Clubs	NP	NP	NP	SPR	SPR	NP
Offices, Professional	NP	NP	NP	SPR	SPR	SPR
Quarries	NP	SPR	NP	NP	NP	NP
Restaurants	NP	NP	SPR	SPR	SPR	SPR
Retail, Small Product	NP	NP	NP	SPR	SPR	SPR
Retail, Large Product	NP	NP	NP	NP	SPR	NP
Self-Storage	NP	NP	NP	NP	SPR	NP
Waterfront Recreational Services	NP	NP	SPR	NP	NP	NP
Warehouses	NP	NP	NP	NP	SPR	NP

P = Permitted Use; SPR = Site Plan Review Use; NP= Not Permitted

SECTION 330 – UNCLASSIFIED USES

Proposed uses that are not defined or listed in the Schedule of Uses shall either a.) be allowed, if similar in character, definition and compatibility with an established permitted use in the district, or, b.) subject to the site plan review process if dissimilar to any permitted 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	RA District		RB, B2 or BR Districts		W District		B1 District	
	P Use	SPR Use	P Use	SPR Use	P Use	SPR Use	P Use	SPR Use
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 - 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 405 - SITE PLAN REVIEW AND APPROVAL PROCEDURE

Proposed uses that are defined and/or listed in the Schedule of Uses in Article III, shall be subject to review by the VPB for their recommendation. The VBT will review, grant, deny or suggest additional modifications in accordance with Article V of this local law.

SECTION 410 - 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.

SECTION 415 – APPLICATION REQUIREMENTS

An application fee, as determined by the Village Fee Schedule, shall be submitted before the application is considered complete. An application for project review shall be made on forms prescribed by the village and include a site plan at a scale approved by the Planning Board. Five copies, minimum, of all materials shall be submitted to the Board by the applicant. Extra copies as may be deemed necessary by the Planning Board may be required. The following information shall be required of all applications, unless specifically waived by the Planning Board:

1. Name and address of applicant and owner, if different, and of the person responsible for the preparation of such drawing;
2. Date, north arrow, written and graphic scale;
3. Boundaries of the area plotted to scale, including distances, bearings, and areas;
4. The current zoning classification of the property, including the exact zoning boundary if in more than one district;
5. A complete outline of existing or proposed deed restrictions or covenants applying to the property;
6. Location and ownership of all adjacent lands as shown on the latest tax records;
7. A written description of all proposed uses and activities on the site, including the number and distribution by type of all dwelling units;
8. Location, name, and existing width and right-of-way of adjacent roads, including traffic circulation patterns;
9. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use adjoining the property;
10. Distances of existing and proposed structures, buildings, and parking areas from lot lines and road center lines;
11. Location, size, and design of the following: existing, proposed, and alterations to buildings, driveways, parking and loading areas, outdoor storage areas, sidewalks or pedestrian paths, drainage facilities, sewage facilities,

water facilities, signs, outdoor lighting, landscaping or screening, buffer areas, snow storage areas, docks, walls and fences, energy distribution facilities, fire lanes and other emergency zones;

12. Type of construction materials to be used;
13. Plans for controlling soil erosion and sedimentation during development;
14. Plans for grading and drainage showing existing and proposed contours at five foot intervals;
15. Significant or outstanding natural features of the property (e.g. wetlands, streams, high-water lines, cliffs, dense vegetation, etc.);
16. Designation of the amount of gross floor area and gross leasable area proposed for each nonresidential use;
17. Project construction schedule and staging phases, if applicable;
18. Anticipated increase in number of school age children, residents, shoppers, employees, etc.
19. An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), pursuant to 6 NYCRR Part 617, where required;
20. An agricultural data statement, pursuant to Village Law Section 283-a, when applicable;
21. Estimated cost of proposed improvements and financing plans;
22. A statement with the name, address and the nature and extent of the interest of any state employee, or any officer or employee of the Village in the application, pursuant to General Municipal Law Section 809, when applicable;
23. Other elements integral to the proposed development as considered necessary by the planning board including identification of any federal, state, or county permits required for the project's execution;
24. Application fee as stated in the fee schedule adopted by the Village;
25. Description of traffic generation and on-site circulation. A traffic study may be required by the Planning Board.

SECTION 420 - GENERAL PROCEDURE

1. Pre-Submission Conference

The applicant is encouraged to request and attend a pre-submission conference with the Planning Board prior to formal submission of an application. This conference may be used to discuss conceptual drawings, proposed uses, the possible waiver of submission requirements, the review procedure and the criteria that the project must meet.

2. Waiver of Requirements

The Planning Board is empowered to waive, when reasonable, any application requirements for the approval, approval with modifications or disapproval of site plans or special use permits submitted. Such waiver may be exercised in the event certain requirements are determined to have no impact on public health, safety or general welfare or are inappropriate to a particular site plan or special use permit. The reasons for, and the scope of any such waiver granted by the Planning Board shall be in writing and entered into the minutes of the Board.

3. Public Hearing

Once a completed application has been formally accepted by the Planning Board at a public meeting, the Board may hold a public hearing to entertain public comment. Said hearing must be conducted within 62 days of official acceptance of the application. This time period may be extended upon the mutual consent of the Planning Board and the applicant.

4. Public Hearing Notice

At least five days' advance public notice of the hearing shall be published in a newspaper in general circulation in the Village. A notice of the hearing shall be mailed to the applicant at least ten days before the hearing. The notice shall also be mailed to any farm operations listed on the agriculture data statement.

5. County Planning Board Review

Pursuant to General Municipal Law Section 239-m, at least 10 days before the hearing, or where the hearing has been waived, the planning board shall refer to the County Planning Board all site plan reviews or special use permits that fall within 500 feet of the following before final action:

- A. the boundary of the Village;
- B. a state or county park or recreation area;
- C. a state or county highway or expressway;
- D. a state or county owned drainage channel;
- E. any state or county land where a public building or institution is located; or
- F. the boundary of a farm operation located within an agricultural district.

If the County Planning Board does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report. However, any County Planning Board report received after such 30 days but two or more days prior to final action by the referring body shall be subject to the provisions of an extraordinary vote upon recommendation of modification or disapproval. If the County Planning Board recommends modification or disapproval of a proposed action, the referring board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

6. Recommendation to VBT

Following review of the project by the Planning Board and the conduct of any public hearing deemed necessary, the Planning Board will send to the Village Board of Trustees its recommendations. The VBT may choose to hold a public hearing prior to rendering its decision to accept the recommendations of the Planning Board, impose additional conditions, and to approve or deny the application. The decision of the VBT must be issued within 62 days after the initial public hearing.

7. State Environmental Quality Review

The Village Board of Trustees shall be responsible for the completion of an Environmental Assessment Form (EAF) for each application, and for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application. The VBT shall complete its environmental review and make an environmental determination prior to taking final action on the application.

8. Final Decision

The final decision by the Village Board of Trustees must be made within 62 days following the close of the initial public hearing. The decision shall be in writing, specifying any conditions that may be attached to an approval, the reasons that the Village Board of Trustees approved, approved with modifications or disapproved the proposal, and the motions/vote of the Village Board of Trustees. This time period may also be extended upon the mutual consent of the Village Board of Trustees and the applicant.

9. Filing of Decision

All decisions shall be filed in the office of the Village Clerk within five business days of final action, and a copy mailed to the applicant. Within 30 days of final action on any matter referred to the County Planning Board, the planning board shall file a report of the final action with the County Planning Board.

10. Conditions on Approval

In its approval, the VBT shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the project as are directly related to and incidental to a proposed site plan. Upon approval of the project, any such conditions must be met in connection with the issuance of permits by the appropriate enforcement officers of the Village.

11. Area Variance

Notwithstanding any provisions of law to the contrary, where a proposed project contains one or more dimensional or physical features which do not comply with the zoning law, application may be made to the Zoning Board of Appeals for an area variance without the necessity for a decision or determination of the Zoning Enforcement Officer.

12. Expiration of Site Plan Reviews and Special Use Permits

Site plan review decisions and special use permits shall expire one (1) year from the date of issue. An extension may be granted by the Planning Board upon proof of necessity submitted by the applicant due to unusual conditions or those beyond the control of the applicant.

SECTION 425 - SEQR

1. State Environmental Quality Review (SEQR), General

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

2. Public 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 site 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 may hold all public hearings for a project for which a conditioned negative declaration is issued. If the appropriate board issues a positive declaration, public hearing(s) shall be held, if none were held during the SEQR review.

3. Effects of SEQR on General Requirements

The regulations in Articles V and VI shall apply in accordance with the SEQR review. See sections 500 and 600 for the VBT's waiver authority.

SECTION 430 - REVIEW CRITERIA

The VBT's review of the site plan application 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 Comprehensive 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 435 - REASONABLE CONDITIONS

1. Authority to Impose Conditions

The reasonable safeguards and conditions that the appropriate board may attach to any plan may include, but are not limited to, acquisition of any required federal, state or county approvals, licenses or 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.

Failure of 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 435 - 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 a 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 Roads and Facilities

When the Village Zoning 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 V

SECTION 500 – 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. These requirements will allow projects to build on the community character of the Village while providing development opportunities.

SECTION 505 – 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 Planning Board may recommend that reasonable screening be provided between uses as well as along public streets.
2. A screen may be comprised of plants, hedges, fences and/or other landforms/berms erected to shield objects or areas from neighboring properties. This may include, but is not limited to the shielding of dumpsters, tanks, air conditioning units and outside lighting.

SECTION 510 - LIGHTING

Lighting of project sites must be dark sky compliant and should provide visibility 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.

- 1 On-site lighting:
 - A. Must be located to avoid harsh glare which impacts neighbors and distracts motorists' lines of sight.
 - B. Fixtures must be either shielded or include cutoffs to prevent glare.
 - C. 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.
 - D. 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. Light levels at the lot line should not exceed 0 foot-candles, measured at ground level.

SECTION 515 – PARKING REQUIREMENTS

1. Parking – General
 - A. Off-street parking shall be required for all districts except those uses in the B1 District. Off-street parking may be located off-site but must be within 300 feet of the site.
 - 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. Commercial parking areas shall be designed to limit visibility from the road where possible.
 - D. 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.
 - E. 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.

- F. Only one (1) commercial vehicle shall be permitted per dwelling unit, subject to the following conditions:
- G. No solid waste collection vehicle, 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 vehicles or equipment shall be parked in any residential zoning district overnight.
- H. 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.

2. Minimum Standards:

****No off-street parking spaces shall be required for sites within the B1 Zoning District***

Auto Sales	One (1) space per 2000 sq. ft. of display area
Barber Shop/Beauty Salons	Two (2) for each chair or 1 for each 100 sq. ft. of gross floor area, whichever is greater
Banks	One (1) space per 250 sq. ft. of gross floor area
Commercial Businesses with Drive-up windows	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
Car Washes	Four (4) stacking spaces for each washing stall
Child Day care centers	One (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.)
Convenience stores	One (1) space per 250 sq. ft. of GFA
Home Occupations	Adequate space to accommodate all vehicles during typical peak use periods, in addition to the two (2) residential spaces required.
Funeral Homes	One (1) space/50 sq. ft. GFA
Grocery stores	One (1) space per 200 sq. ft. of product sales area
Hotels, Motels, or Bed & Breakfasts	One (1) space per guest room or dwelling unit
Institutional Uses	One (1) space per four (4) seats/unless documented for a different ratio
Offices	One (1) space/300 sq. ft. GFA
Light Industrial Operations	One (1) space/200 sq. ft. GFA unless documented as having a lower ratio of employees to floor space
Marinas	At least one (1) space/every two (2) boat slips, plus one (1) for every three mooring buoys
Residences	Two (2) spaces per dwelling unit
Restaurants/Bars	One (1) space/50 sq. ft. GFA & 1 space per 3 seats in outdoor eating areas
Ice Cream/ Doughnut shops	One (1) space per 175 square feet
Retail, Small	One (1) space/300 sq. ft. GFA
Retail, Large Product	One (1) space/400 sq. ft. GFA & 1 space per 1,000 sq. ft. of lot area used for display
Self-storage Facilities	Two (2) spaces for every 100 units of storage spaces

SECTION 520 - 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 525 – 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 Planning 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 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. All sidewalks installed over driveways must be six (6) inches in depth.

SECTION 530 – SIGNS

1. Exempt
 - A. Special Event Signs: Two (2) temporary special event signs advertising events, activities or other similar instances that will be terminated on a set date, such as yard sales, garage sales and similar on-lot sales. 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.
 - B. Real Estate and Construction Signs: Signs announcing the construction of a project or the sale of lots or buildings shall be removed within thirty (30) days of the completion of the construction or the sale of the building or lot.
 - C. 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.
 - D. 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.
 - E. Plaques: Commemorative plaques placed by historical agencies recognized by the Village of Chaumont, the Town of Lyme, the County of Jefferson or the State of New York
 - F. 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 530
 - B. Any sign which has flashing lights

2. Permitted Signs

All permitted 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 illuminated sign or lighting device shall cast glare upon any public road, highway, sidewalk or adjacent premises, or otherwise cause glare or reflection that may constitute a traffic hazard or nuisance
- D. No signs shall be painted or drawn upon trees, natural features on the site, 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. 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
- G. No sign shall be placed within five (5) feet of a curb or paved shoulder of a road or within ten (10) feet of a curb or paved shoulder of a road.
- H. In the event a standard established in this law conflicts with another standard in this law, the more restrictive standard shall apply.

SECTION 535 – TRAFFIC IMPACT STUDY

A traffic impact study, conducted by a qualified traffic engineer shall be required for any development of fifty (50) or more dwelling units or any project with a non-residential floor area exceeding five thousand (5,000) square feet. 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 540 – UTILITIES

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. Utility Services: Power lines may be required to be placed underground when possible. Developer shall contact the appropriate board for locations and other requirements of transformers and other equipment.

SECTION 545 – WATER SUPPLY

The 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 system to the Village supply system at the expense of the developer.

SECTION 550 – SEWAGE DISPOSAL

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

The 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 system to the Village disposal system at the expense of the developer.

SECTION 555 – UNIQUE AND NATURAL FEATURES

Unique physical features shall be preserved where possible, such as historic landmarks, waterfront and water view 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 560 – ADAPTIVE REUSE

The purpose of this section is to encourage the retention and reuse of structures that have historic, architectural, or cultural value to the Village. The change in use should retain some or all of the existing architectural details that make the building or site unique.

Additions or modifications to Historic Buildings - Guidelines:

1. Construct new additions to ensure the least possible loss of historic fabric, protect, preserve and highlight the character-defining features of the historic building or site.
2. Design new additions so that the overall character of the site, its topography, character-defining features, trees, and significant vistas and views are retained.
3. 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. Design an addition to be compatible with the historic building in mass, materials, color, and relationship of solids to voids in the exterior walls.

SECTION 565 – NEW CONSTRUCTION GUIDELINES

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 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.
3. Design new construction so the character of the site, topography, and character-defining features, trees, and significant district vistas/views are retained.
4. Protect large trees and other significant site features from immediate damage during and after construction.
5. 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.

SECTION 570 - HOME OCCUPATION CONDITIONS

1. A home occupation shall be conducted entirely within the dwelling or appurtenant structures.
2. No outside display or storage of goods, equipment or materials used in connection with the home occupation shall be permitted.
3. No persons other than one (1) employee and the permanent residents of the dwelling shall be employed in the home occupation.
4. Home occupations shall not cause any undue noise, traffic, odors, or lighting glare detrimental to the neighborhood.
5. One identification sign attached flush to the building is permitted, but cannot be lighted, and shall not exceed four (4) square feet in size.
6. 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).
7. A permit for a home occupation shall be revocable by the Zoning Enforcement Officer due to failure of the owner or operator to observe all requirements of the permit and the Land Development Code.
8. As per Section 390 (12) of the New York State Social Services Law, family day care homes are not considered a home occupation and as such are not governed by this Code.

SECTION 575 - RESIDENTIAL STANDARDS FOR NUISANCE/TRASH/JUNK CONTROL

The Village hereby finds and determines that these standards are necessary to promote the health, safety, prosperity and welfare of present and future inhabitants and to prevent blight and property degradation. Therefore, any activity, use, or condition that represents a threat to the health, safety, prosperity or welfare of the public, 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, or causes a decrease in property value, 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 or enjoined.

1. No items shall be permitted to be stored in a public right-of-way.
2. 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.
3. Outdoor storage or accumulation of the following items on private property, other than in a fully enclosed structure, is prohibited:
 - A. 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.
 - B. Equipment, machinery, refrigerators and freezers, hazardous pools, or excavations related to construction or landscaping.
 - C. 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.

- D. 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 Land 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 505 of the Land Development Code.

*The above shall not apply to the storage or placement on the premises of the following material:

Homeowners who have a current, valid building permit are allowed to neatly store small quantities of required supplies during construction or remodeling.

SECTION 580 – FENCES

Fences are acceptable in all districts, subject to the regulations below.

1. A permit is required prior to construction of a fence and a permit application is available at the Village Office. Following review by the designated official, a permit may or may not be issued.
2. Placement of the fence is not permitted in the public right-of-way and it cannot interfere with the visibility from driveways or intersections.
3. The fence must be placed wholly within property boundaries.
4. Placement is subject to proof by current survey, property pins or by written agreement between adjacent property owners.
5. Fences in front yards must be no more than 50 percent opaque and cannot exceed 3.5' in height excluding finials. Properties along the waterfront are deemed to have two (2) front yards.
6. Fences in side and rear yards have no opacity requirements and are not to exceed 6.5' excluding finials.
7. Barbed wire, razor wire and fences that are electrified or which pose an unreasonable danger or hazard to neighbors and/or members of the public are prohibited in residential districts. This does not apply to buried electrified fences for domestic pets.
8. Fences or shrubbery over 3.5' in height are not permitted in the triangular area of corner lots.
9. Fences must be constructed in a manner so the side facing out has a finished appearance.

ARTICLE VI

SECTION 600 – SPECIFIC USE REGULATIONS

The VPB or the VBT may impose conditions and safeguards in accordance with Article IV, and Article V, Section 435. 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 605 – ADULT ENTERTAINMENT

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

1. Adult entertainment shall not be permitted within one thousand (1000) feet measured from the lot line of any:
 - A. Religious Institution
 - B. School
 - C. Park
 - D. Library
 - E. Playing Field
 - F. Government Office, Property, Building or Operation. (Examples include but are not limited to: Fire Department, Village Beach, Post Office, Village or Town Office, 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 entertainment shall be in a building of which any part is used for residential purposes. Adult entertainment shall not be considered a home occupation.
4. No exterior sign shall contain any graphic or artistic representation of the human body.
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 engages in the conduct of a regulated use under this law.

SECTION 610 – MOBILE AND MANUFACTURED HOMES

Single-wide manufactured homes are prohibited, except for in the B2 and BR districts. No mobile homes are permitted in any district.

1. Manufactured Home Skirting

- A. Each home shall have a skirt to screen space between the mobile home and the ground
- B. Such skirts shall be of permanent material providing a finished exterior appearance
- C. The material used shall be fire resistant

2. Manufactured Home Stand

- A. Each home site shall have a stand which will give a firm base and adequate support for the home
- B. Such stand shall have a dimension approximately the width and length of the 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.

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 615 – 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. Buildings shall be a maximum of two (2) stories.

SECTION 620 – RESTAURANTS

- 1. Exterior seating and/or play areas shall be completely enclosed by a three (3) foot high fence, barrier, or wall.
- 2. Dumpsters or similar large-scale outdoor trash receptacles shall be completely screened from view; access gates shall be closed at all times when not in use.
- 3. Decibel level shall not exceed 40 dBa. Noise measurements shall be made at the boundary of the property where generated.

SECTION 625 – PROHIBITED USES

- 1. Salvage yards, junk yards
- 2. Free Standing Cell Towers
- 3. Livestock Farms. More than eight (8) domestic fowl are prohibited per lot
- 4. Free Standing Boilers, Furnaces (outdoor) separate from the dwelling or structure it supplies
- 5. Slaughterhouses

SECTION 630 – PASTURE FOR HORSES OR LIVESTOCK

Two (2) acres of pasture for each 1000 lb. (or one “animal unit”) of cows, sheep, or goats.

SECTION 635 – NIGHTCLUBS

1. Nightclubs shall maintain a five hundred (500) foot setback from neighboring residences, religious institution, and public or private schools, to limit noise impacts on noise sensitive uses.
2. Decibel level shall not exceed 40 dBa. Noise measurements shall be made at the boundary of the property where generated.
3. Sound attenuation measures should be incorporated into the project pursuant to proposed on-site windows, external doors, wall design, roof and ceiling specifications.

SECTION 640 – SELF STORAGE FACILITIES

1. All storage shall be located within an enclosed building.
2. Driveway designations, locations, and interior circulation as well as structure locations, storage areas and parking spaces shall be set forth on the plans accompanying the site plan application.
3. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals shall be prohibited.

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. General wholesale or retail distribution or sales are prohibited.

SECTION 645 – TEMPORARY STORAGE TRAILERS/PODS

In addition to all 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 ZEO. Permits issued shall be for a period not to exceed six (6) consecutive months.
2. Only one (1) temporary storage trailer/pod per tax parcel is allowed.
3. The Village ZEO is empowered to direct immediate removal or relocation of any temporary storage trailer/pod in violation of this code.

ARTICLE VII

NON-CONFORMITIES

SECTION 705 – 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 any 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 nonconforming 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 same premises and to the extent previously occupied by the non-conforming structure. Also, the reconstruction of a destroyed non-conforming structure will be permitted within three years of the destruction, 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 710 – 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 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 715 – 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;
3. Otherwise satisfies all applicable provisions of this local law.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION 805 – ZONING PERMIT

1. No building or structure shall be erected, or use instituted, until a zoning permit has been issued. The exterior structural area of a building shall not be enlarged until a zoning permit has been issued.
2. A zoning permit shall not be required for:
 - A. Construction of 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;
 - 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. 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.
6. Applications for zoning permits shall be submitted to the 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.
7. Temporary permits may be issued by the ZEO for a period not exceeding one (1) year for conforming and nonconforming 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.
8. 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 515.

SECTION 810 – ZONING ENFORCEMENT OFFICER (ZEO)

1. This law shall be enforced by the ZEO who shall be appointed by the VBT.
2. The ZEO 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 deviated from the application proposal without prior consent.
 - E. Issue stop work orders for noncompliance with this zoning law.

SECTION 815 – 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 ZEO 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 ZEO as complying with the provisions of this law.
3. The ZEO 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 820 – ZONING BOARD OF APPEALS (ZBA)

1. Creation, Appointment and Organization: ZBA members 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, and 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 825 - FEES

A schedule of fees adopted by the VBT by resolution 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 830 – VIOLATIONS AND PENALTIES

1. Violation Remedy Procedures

- A. Initiating a Complaint – Whenever a violation of this law occurs, the enforcement officer, village official or an aggrieved citizen may initiate a complaint. Such complaints shall be given to the ZEO in writing.
- B. Recording the Complaint – The ZEO shall accurately record, file and investigate the complaint.
- C. Notice of Violation – Following investigation of a complaint, the ZEO is to inform the landowner if he/she is found to be in violation this law. The landowner shall be notified by certified mail as to the manner in which he/she is in violation. The landowner will have fourteen (14) days from the mailing date to remedy the situation.
- D. Stop Work Order – If a violation continues, the enforcement officer shall issue the landowner a “stop work order.” The landowner shall be notified a second time by certified mail as to the manner in which they are in violation. The landowner will have fourteen (14) days from the mailing date to remedy the situation. All construction work must stop immediately upon receipt of the “stop work order”.
- E. Local Proceedings – 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 a 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 835 – 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 in accordance with Article IV of this local law.

SECTION 840 – VILLAGE PLANNING BOARD (VPB)

1. **Creation, Appointment and Organization.** VPB members shall be appointed in conformance with NYS Village Law. The VBT shall appoint a Chairman and Vice-Chairman. The VPB shall select a Secretary and shall prescribe rules for the conduct of its affairs.
2. **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 the Village of Chaumont Subdivision Law.
 - B. **Site Plan Review:** To review and recommend site plan review and actions to VBT.
 - C. **Zoning Amendments:** To review and recommend to the VBT amendments to the Village of Chaumont Land Development Code
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 VPB 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 VPB 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 VPB may act without such report. The VPB shall notify the County Planning Board of its final action within seven (7) days of such final action.

SECTION 845 – INTERPRETATION AND SEVERABILITY

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 those imposing the higher standards, shall govern.
2. **Severability:** 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 850 – EFFECTIVE DATE

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

