

**PART IV – ZONING  
REGULATIONS**

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**ARTICLE I - ENACTMENT AND APPLICATION**

**SECTION 1 - Enactment**

A. The Village Board of the Village of Speculator in the County of Hamilton, New York does hereby ordain and enact the Village of Speculator Zoning Regulations under and pursuant to the Municipal Home Rule Law, and in accordance with the applicable provisions of the Village Law, of the State of New York.

**Section 2 - Title**

A. This Local Law shall be known and may be cited as the "VILLAGE OF SPECULATOR ZONING REGULATIONS" and is hereinafter referred to as "these Regulations."

**Section 3 - Purpose**

A. It is the purpose and intent of these Regulations to promote the health, safety or the general welfare of the community, and thus to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to promote aesthetic values; and to encourage the most appropriate use of land throughout the Village as set forth in the Speculator Village Plan.

B. It is further the purpose of these Regulations to consider land use and development in accord with the provisions of the Village Plan as regards the proposed settlement and density patterns and anticipated and desirable rates of population increase; to consider proposals for land use and development relative to these policies as embodied in the Village Plan in order to preserve the character and quality of life enjoyed in the Village at present; and further, to consider the ability of the responsible units of government to provide such services as would be required by the pattern of land use and development and the appropriate manner of assuring equitable participation in these costs.

C. It is also the purpose of these Regulations to further the stated purposes of the Adirondack Park Agency Act by satisfaction, in part, of the criteria for approval by the Adirondack Park Agency of a local land use program pursuant to Section 807 (2) of the Act.

#### **Section 4 - Scope**

- A. Pursuant to the provisions of the Municipal Home Rule Law and in accord with the applicable provisions of Village Law, these Regulations authorize and empower those duly appointed or delegated by the Village Board of the Village of Speculator to approve or disapprove Building/Use Permits, and Certificates of Compliance according to the process and standards set forth herein.
- B. These Regulations shall apply to the construction, erection or location of any new building or use; the expansion or addition in any way that would alter the exterior dimensions of an existing building or use; and the introduction, expansion or change of any use as herein provided for in the Village of Speculator.
- C. The enactment or future amendment of these Regulations affecting a previously filed or otherwise eligible subdivision plat shall entitle the subdivider to the applicable exemption from these Regulations as provided for under Section 7-708 of the Village Law.
- D. No exemption specifically allowed for under Section 811 (1-a., 1-b., 1-c., 2., 3-a., 3-b., 3-c., 4., 5) of the Adirondack Park Agency Act shall be diminished or forfeited as such exemptions apply to that Act upon the enactment of these Regulations.

#### **Section 5 - Appendices**

- A. The Appendices contained in Part V of this Code are hereby made a part of these Regulations and shall be deemed applicable thereto as specifically hereinafter provided for.

### **ARTICLE 11 - ESTABLISHMENT OF DISTRICTS**

#### **Section 6 - Purpose**

- A. In furtherance of those general purposes outlined above, it is the objective of these Regulations to define various appropriate categories of residential, resort, commercial and open space districts in such manner as to recognize the existing character and quality of land uses and natural features throughout the Village in accord with the findings and objectives of the Village Plan and in recognition of the Adirondack Park Land Use and Development Plan.

**Section 7 - Districts**

A. For these purposes, the Village of Speculator is divided into the following districts:

1. Private Lands:

RA	Residential Village
RB	Residential Village
RM	Residential Mobile Home
CB	Commercial Business
RV - 1	Residential Village
RV - 2	Residential Village
RR	Residential Resort
RC	Residential Countryside
OS	Open Space
FM	Forest Management
LP	Land Preservation - Overlay

2. State Lands:

SL	State Land
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B. Provision is also made for creation of one or a combination of the following Planned Development (PD) Districts:

P-R	Planned Residential
P-Rec	Planned Recreational
P-C	Planned Commercial
P-I	Planned Industrial

**Section 8 - Standard and Conditional Uses**

A. The Standard and Conditional Uses permitted in each of the above established districts, and a summary of the standards applicable thereto are set forth in Attachment 1, which is hereby made a part of these Regulations.

B. Uses not listed as Standard or Conditional Uses in Attachment I shall be deemed to be prohibited. Specifically, no building or use shall be permitted, except as listed under 'Standard Uses' or 'Conditional Uses' in Attachment I, according to the respective district and in accord with the process and regulations hereinafter specified.

C. A building or use considered accessory to the principal building or use may be erected or placed on the same parcel in accord with the definition of such building or use and the additional provisions of Section 14.

## Section 9 - Planned Development Districts

### A. Purpose:

1. The purpose of such provision is to provide a means of developing those land areas within the Village considered appropriate for new residential, recreational, commercial or industrial use - or a satisfactory combination of these uses - in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of these Regulations.
2. In particular, this provision is designed to accommodate proposed planned unit development or clustering techniques not otherwise provided for in the established zoning districts.

### B. Procedure:

1. For the establishment of a Planned Development District;
  - a. Application for designation of a Planned Development District shall be referred to the Planning Board within ten (10) business days of the date of submission. The applicant shall furnish that data called for under Preliminary Plat/Plan in Appendix "B" of Part V of this Code.
  - b. The Planning Board and any professional planning advisor that the Board may see fit to engage, shall review such application. The Board may require such changes in the Preliminary Plan as are found to be necessary to meet the requirements of this Section, to protect the established permitted uses in the vicinity and to promote the orderly growth and sound development of the Village. In evaluating the proposal and in reaching its decision regarding the Preliminary Plan, the Planning Board shall consider and make findings regarding those applicable considerations set forth under paragraph C. of this Section.
  - c. The Planning Board shall report its findings and offer its recommendation to the Village Board within forty-five (45) days. It may approve, disapprove or give conditional approval subject to stipulated conditions or modifications regarding the proposed development.

d. The Village Board shall hold any public hearing, after public notice as required for any amendment to these Regulations, and shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto. It may amend the Zoning Map(s) to establish and define the type and boundaries of the Planned Development District, and in so doing may state specific conditions in addition to those provided by this Section, regarding the nature or design of the development.

2. For the approval of development within an established Planned Development District:

a. Amendment of the Zoning Map(s) shall not constitute authorization to develop in the District.

b. Such authorization, after a Planned Development District has been established shall require that the applicant submit to the Planning Board such further plans and specifications, supporting documents and data as are required under Final Plat/Plan in Appendix "B" of Part V of this Code.

c. The Planning Board, and the Board's professional planning advisor, shall set forth the particular ways in which the proposed development is consistent with the Village Plan and the requirements of this Section, including, but not limited to, findings of fact and conclusions on the applicable considerations set forth under paragraph C. of this Section.

d. No Permit shall be issued until the Planning Board has made its recommendation based on the foregoing considerations and the Village Board has considered this recommendation, and authorized issuance of a Permit by resolution. The Village Board may override the recommendation of the Planning Board in adopting its resolution to authorize or deny a Permit only by an affirmative vote of a majority of the full Village Board.

e. All conditions imposed by the Village Board in its amendment and such subsequent conditions as may be imposed by the Village Board in their review of the Final Plan, including any performance of which may be conditions precedent to the issuance of any Permit, shall run with the land and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated district.

f. If construction of the development in accordance with the approved plans and specifications has not begun within

six (6) months after the date of the issuance of the Permit, all permits shall become null and void and the approval shall be deemed revoked and vacated; except as application may be made to and considered by the Board of Appeals, which Board may, for due cause shown, authorize such extension to the validity of the Permit as it may determine appropriate.

### C. Applicable Standards

The following individual or satisfactory combination of Planned Development Districts may be considered according to the requirements stipulated for each and according to the general considerations identified herein applicable to any proposed Planned Development District.

1. Planned Development Considerations - The Development Considerations set forth in Appendix "C" of Part V of this Code will be evaluated in the process of reviewing the Preliminary and Final Plans submitted under the Planned Development District process and the Village shall be satisfied in every instance that these criteria are to be adequately handled or provided for in the proposed development.
2. Planned Residential (P-R) District
  - a. Permitted uses include, but are not limited to:
    - 1.) One-family, two-family and multiple-family dwellings, or a combination thereof;
    - 2.) Mobile home park;
    - 3.) Neighborhood park, playground, recreation area, swimming pool, golf course; and
    - 4.) Such accessory uses as are customarily incidental to the foregoing uses.
  - b. Within a Planned Residential District, the requirements shall be as follows:
    - 1.) Area/Density - Any Planned Residential District shall have a minimum area of three (3) acres, and all development within a Planned Residential District will not exceed the maximum density guidelines as expressed for the area in question in the Village Plan and Land Use Code.

- 2.) Mobile Home Parks - All such developments carried out under this Section shall comply with the applicable requirements of the Mobile Home Park and Recreational Campsite Regulations as set forth in Part II of this Code.
  
- 3.) Required Minimum Yard Dimensions Within the Planned District - Shall be as follows:
  - Perimeter of Entire District - twenty-five (25) feet
  - Front - thirty (30) feet for one-family dwelling  
 thirty-five (35) feet for two-family dwelling  
 forty (40) feet for multiple-family dwelling
  - Side - fifteen (15) feet each side for one-family dwelling  
 twenty (20) feet each side for two-family dwelling  
 forty (40) feet between any buildings for multiple-family dwelling
  - Rear - twenty-five (25) feet, all principal buildings
  
- 4.) Building Coverage Maximum - Shall be as follows:
  - RA, RB, RM, CB twenty-five (25) percent
  - RV-1, RV-2, RR twenty (20) percent
  - RC fifteen (15) percent
  - OS ten (10) percent
  - FM five (5) percent
  
- 5.) Building Height Maximum - Shall be as follows:
  - To a maximum of thirty-two (32) feet for one- and two-family dwellings
  - To a maximum of thirty-eight (38) feet for multiple-family dwellings
  
- 6.) Roadways - Shall be as follows:
  - All roadways, whether to be offered for cession to the Village or not, shall be constructed in accord with Village standards as established in the Subdivision Regulations as set forth in Part I of this Code and, in addition, according to any further requirements or stipulations deemed necessary by the

Village Highway Superintendent and as set forth in the resolution of approval of the Final Plan.

- 7.) Off-Street Parking - Shall be provided as follows:
  - One- and two-family dwellings - One (1) space per dwelling unit
  - Multiple-family dwellings - one and one-half (1 1/2) spaces per dwelling unit
  - Parking spaces, other than in a garage, shall be in the side or rear yard
- 8.) Open Space and Recreation Areas - Shall be provided as follows:
  - Suitable and satisfactorily located lands comprising at least ten (10) percent, but not required to be more than twenty (20) percent of the area of the Planned Residential District shall be designated and reserved for open space recreational purposes. Improvements and facilities to be provided as part of such recreation area and provisions for its maintenance shall be acceptable to the Village and the responsibility of the applicant.

3. Planned Recreation (P-Rec) District -

- a. Permitted uses include, but are not limited to:
  - 1.) Fishing, hunting club;
  - 2.) Organized group camp;
  - 3.) Recreational campsite;
  - 4.) Tourist accommodation; Resort lodge, club;
  - 5.) Open space recreation;
  - 6.) Commercial recreation; Tourist attraction; and
  - 7.) Such accessory uses as are customarily incidental to the foregoing uses.
- b. Within a Planned Recreation District, the minimum area, yards, off-street parking and maximum building coverage and height shall be as follows:
  - 1.) Area/Density - Any Planned Recreation District shall have a minimum area of three (3) acres and all development within such area shall not exceed the maximum density guidelines expressed for the area in question in the Village Plan and Land Use Code.
  - 2.) Required Yards within the Planned District - Shall be as follows:

- Perimeter of Entire District - fifty (50) feet
  - All Other Yards - fifty (50) feet
- 3.) Building Coverage Maximum - Shall be as follows:
- Fifteen (15) percent
- 4.) Building Height Maximum - Shall be as follows:
- Thirty-two (32) feet
- 5.) Off-Street Parking - Shall be provided as follows:
- One space per individual customer or patron to be accommodated at any one time, plus employee parking and loading and service areas as necessary.
- 6.) Roadways - Shall be as follows:
- All roadways, access drives and parking areas, whether to be offered for cession to the Village or not, shall be constructed in accord with Village standards as established in the Subdivision Regulations set forth in Part I of this Code and, in addition, according to any further requirements or stipulations deemed necessary by the Village Highway Superintendent and as set forth in the resolution of approval of the Final Plan.
1. Planned Commercial (P-C) and Planned Industrial (P-I) Districts -
- a. Permitted uses include, but are not limited to:
- 1.) Retail store;
  - 2.) Shopping center;
  - 3.) Professional, business office;
  - 4.) Tourist accommodation;
  - 5.) Eating, drinking establishment;
  - 6.) Bank, financial institution;
  - 7.) Commercial recreation; Tourist attraction;
  - 8.) Development or research center;
  - 9.) Light manufacturing, assembly, processing; Warehouse, storage;
  - 10.) Gasoline station; Service garage; and
  - 11.) Such accessory uses as are customarily incidental to the foregoing uses.

- b. Within a Planned Commercial or Industrial District the minimum area, off-street parking, yards, maximum building coverage and building height requirements shall be as follows:
- 1.) Area/Density - Any Planned Commercial or Industrial Districts shall have a minimum area of five (5) acres and all development within such areas shall not exceed the maximum density guidelines expressed for the area in question in the Village Plan and Land Use Code.
  - 2.) Required Yards Within the Planned District - Shall be as follows:
    - Perimeter of Entire District - seventy-five (75) feet
    - All Other Yards - fifty (50) feet
  - 3.) Building Coverage Maximum - Shall be as follows:
    - Thirty (30) percent
  - 4.) Building Height Maximum - Shall be as follows:
    - Forty (40) feet
  - 5.) Off-street parking - Shall be provided as follows:
    - One space per every two hundred (200) square feet of leasable floor space, office area or individual customer or patron to be accommodated at any one time; plus employee parking and loading and service area as necessary.
  - 6.) Roadways - Shall be as follows:
    - All roadways, access drives and parking areas, whether to be offered for cession to the Village or not, shall be constructed in accord with Village standards as established in the Sub-division Regulations set forth in Part I of this Code and, in addition, according to any further requirements or stipulations deemed necessary by the Village Highway Superintendent and as set forth in the resolution of approval of the Final Plan.

## **Section 10 - Zoning Maps**

- A. The above established districts are delineated on a Zoning Map entitled "Zoning Map No. I - Village of Speculator, New York,"

and a sectional submap entitled "Zoning Map No. 2 - Village of Speculator, New York" included herein as Attachment II; which maps, with all subsequent amendments thereto, are hereby made a part of these Regulations and this Land Use Code of which they are a part.

- B. The above established districts are referenced to two additional Zoning Maps entitled "Zoning Map No. 3 - Development Considerations, Village of Speculator, New York" and Zoning Map No. 4 - Village Zoning Districts and Adirondack Park Land Use and Development Plan, Village of Speculator, New York." Zoning Map No. 3 is included in Appendix C of Part V of this Code to determine the location and type of limiting or critical natural characteristics and Zoning Map No. 4 is included in Appendix "E" of Part V of this Code to identify the location of the respective categories of the Park Plan relative to the Village zoning districts and to assist in the determination and coordination of Class A and Class B Regional Projects. Zoning Maps Nos. 3 and 4, with all subsequent amendments thereto, are hereby made a part of these Regulations and this Land Use Code of which they are a part.

### **ARTICLE III - APPLICATION OF REGULATIONS**

#### **Section 11 - Interpretation of Zoning Maps**

- A. The following rules shall apply to determine the boundaries of the districts shown on the Zoning Maps:
1. Whenever district boundaries follow roadways, the centerlines of such roadways shall be considered the district boundaries. Whenever district boundaries on the Zoning Maps follow natural features such as streams or waterways, the center of such natural features or the limits of the Village's jurisdiction where they form a municipal boundary shall be considered the district boundary.
  2. Whenever district boundaries are so indicated that they apparently follow individual or great lot lines, such lot lines shall be considered the district boundary.
  3. Where a district boundary line does not follow such a line, its position shall be shown on the Zoning Maps by a dimension expressing its distance in feet from a roadway centerline or other identifiable point as indicated; or where no such dimension appears, its location shall be determined by use of the scale appearing on the respective Zoning Map.
  4. Where a district boundary line divides a single and separate lot on the effective date of these Regulations or their applicable amendment, the standards for the less restricted portion of such lot shall extend not more than

fifty (50) feet into the more restricted portion, provided the lot has frontage on a roadway or shoreline in the less restricted district.

5. The delineation of the Land Preservation (LP) - Overlay District on Zoning Maps No. 1 and 2 is intended to encompass the U. S. Department of Housing and Urban Development designated Flood Hazard Areas and all official determinations with respect to such areas shall be referenced to the Federal Insurance Administration Flood Hazard Boundary Maps Nos. H 01 - 07 for Community Number 361527 A, as most recently amended.
6. The delineation of the Development Considerations on Zoning Map No. 3 is intended to depict limiting natural features, including wetlands, steep slopes, areas of high elevation, limiting soil conditions, designated river corridors, unique natural areas and lands adjoining selected State lands; and as such may not be readily dimensioned from an identifiable point of reference on the map. Field inspection and interpretation by the Enforcement Officer shall determine the actual location of these features with reference to a particular site as may be required by the Planning Board or Board of Appeals in their review of an application or an appeal in such areas.
7. The delineation of Park Plan categories on Zoning Map No. 4 is intended to correspond to the official Adirondack Park Land Use and Development Plan as it applies to the Village of Speculator and all official determinations or interpretations relative thereto shall be rendered by the Adirondack Park Agency.
8. In the event that the Enforcement Officer is unable to determine the true location of a district boundary line in a particular instance, or in the instance that the Enforcement Officer's determination is disputed, the Board of Appeals, upon application, shall render a determination with respect thereto. In making its evaluation and determination, the Board of Appeals may direct the Enforcement officer to make such inspection and report as is necessary to their deliberation.

## **Section 12 - Interpretation of Regulations**

- A. Regulations governing minimum lot area and lot width; required front, side and rear yard dimensions; maximum lot coverage and building height are specified in Attachment I, subject to such additional standards as may be set forth in these Regulations.
- B. Except as otherwise provided in these Regulations:

1. No building shall be constructed, erected, located or expanded, and no land or building or part thereof shall be used for any purpose or in any manner, except as permitted for the district in which said building or land is located as set forth under the list of permitted Standard and Conditional Uses in Attachment I of these Regulations.
  2. No existing lot of record on the effective date of these Regulations or their applicable amendment shall be reduced, subdivided or otherwise reduced in size or changed in configuration so as to make it nonconforming or to expand or exaggerate an existing nonconformity under these Regulations.
  3. No building shall be constructed, erected, located or expanded, nor shall any open space surrounding any building be encroached upon or reduced in any way, except in accordance with the lot, yard and building requirements of these Regulations for the district in which such building is, or is proposed to be, located.
  4. No required yard or other open space surrounding any building shall be considered as providing the requisite yard or open space area for another building on the same or any other lot.
  5. The regulations listed for each district are hereby adopted and prescribed for such district, subject to the provisions of other applicable Sections of these Regulations, and unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.
- C. Overall intensity guidelines as expressed in the provisions of the Village Plan and set forth as required minimum lot area in these Regulations are to be recognized both in terms of the Standard and Conditional Uses permitted under established zoning districts and relative to any adjustment or reclassification under one or more of the Planned Development Districts. In particular, the following shall apply in the application of the minimum lot area requirements:
1. Where any lot or parcel is located in more than one zoning district, the required minimum lot area shall be as required for that district in which the building or use is proposed to be located providing the lot or parcel has the required minimum lot width in this same district; otherwise, the required minimum lot area, lot width and yard dimensions shall be determined in corresponding proportion to the percentage of the lot or parcel in each separate zoning district.
  2. Where any lot or parcel has one or more principal structures in existence on the effective date of these

Regulations, such principal structures shall be included in the application of the minimum lot area requirements through the assignment of requisite area related to each as would otherwise be required; except as they may be adjusted according to the provisions of the Subdivision Regulations as set forth in Part I of this Code; or Planned Development District or Shoreline Requirements of these Regulations.

### **Section 13 - Additional Lot and Building Location Regulations**

- A. No more than one principal building or use on any lot, other than as may be approved under the Subdivision Regulations, Planned Development District or Shoreline Requirements, shall be permitted unless minimum required lot area, lot width and yard requirements are met for each.
- B. On a corner lot in any district where a front yard is required, a yard shall be provided on each roadway equal in depth to the required front yard for the district in relation to each such roadway. One rear yard shall be provided on each corner lot and the applicant shall designate the rear yard on his application for a Permit.
- C. Where a single and separate lot extends from one roadway to a parallel or nearly parallel roadway or shoreline, the principal building shall be erected to face the roadway or shoreline on which those adjoining principal buildings face.
- D. When an unimproved lot in any district is situated between two improved lots, the required front yard of the lot on which a building is to be erected shall have a minimum depth equal to average depth of the front yards of the two adjoining improved lots, but not less than twenty (20) feet from the road right-of-way or fifty (50) feet from road centerline, whichever is greater.
- E. The yard requirements of these Regulations shall not prohibit any fence, retaining wall or other such structure or solid screen-planting otherwise permitted, providing that no such fence, wall or planting more than three (3) feet in height shall be erected, placed or maintained within the required front yard which obstructs visibility in such manner as to interfere with the safe movement of vehicular traffic.
- F. No building or structure shall have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except that the height limitations of these Regulations shall not apply to ski lifts, tows or jumps, church spires, chimneys, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to flag poles, transmission towers and cables, radio and television antennae or towers, and similar structures. Any such building or structure to be constructed

in excess of forty (40) feet, and not otherwise to be reviewed by the Planning Board shall automatically be considered a Conditional Use by the Planning Board under the process hereinafter provided for such uses. The Planning Board shall determine that such use will not interfere with or unnecessarily detract from adjoining uses and the scenic values of the area from which it will be visible.

G. No house trailer, mobile home or travel trailer, may be placed and/or used in any district within the Village of Speculator, except in accordance with Part II or Part IV of the Land Use Code, or with Local Law #2 of 1980, or as follows:

1. House trailers, mobile homes, and travel trailers may be temporarily stored on any private property, provided that such vehicles shall not be stored in any front yard, and shall not be used for any purpose. No more than one (1) unit per parcel shall be allowed except by permit as a commercial enterprise in an CB-Commercial Business District, or as permitted in Paragraph 2 or Paragraph 3 of this section. The property owner shall notify the Village Clerk of the placement of any such vehicle, and the Clerk shall record the date, property owner, vehicle owner and vehicle description. No permit shall be required. Said vehicle shall be removed from such premises within a ten (10) month period.
2. Persons who can provide a verifiable history of the storage of more than one (1) house trailer, mobile home or travel trailer, or combination thereof, for a period of two (2) or more consecutive years, may be issued a one (1) year renewable permit, upon application to the Village Board of Trustees. Said permit may be declared null and void by a majority of the Trustees, if a determination is made that the permitted use has become a nuisance. No vehicle permitted hereunder may be stored in any front yard.
3. The Board of Trustees may issue a permit, by Resolution, to a property owner to store more than one (1) house trailer, mobile home or travel trailer, or combination thereof, for a period of one (1) year. Permit shall not be issued before the Board of Trustees determines that the permitted use will not have an adverse environmental or adverse aesthetic impact on adjacent properties, or adjacent property owners. No vehicle permitted hereunder may be stored in any front yard.
4. Vehicles, including vans, semi-trailers, trucks, truck bodies, house trailers, mobile homes, recreational trailers and campers, buses, autos and similarity constructed units

shall not be placed, stored and/or used in any district within the Village of Speculator except as provided for in Part 2 of the Land Use Code and Part 4 of the Code and Local Law #2 of 1980, except that in a CB-Commercial Business District a bona-fide service station, motor vehicle repair station licensed by the State of New York, heavy equipment business, a business that sells, services or repairs such units or consistently uses such units in the furtherance of the business shall be exempt from the provisions of this sub- paragraph.

- H. The Sale of alcoholic beverages for on-premises consumption shall be prohibited within five hundred feet of a church, synagogue, temple, hospital or nursing home that is in existence and use prior to a proposal to sell said alcoholic beverages, except that an establishment that is, as of August 1, 1996, less than 500 feet from any such religious institution, hospital or nursing home, and said establishment had a valid New York Beer/Liquor License on August 1, 1996, said establishment shall be classified a legal, nonconforming use.

#### **Section 14 - Accessory Buildings and Uses**

- A. On any lot accessory buildings or uses(s) in connection with the principal building or use may be constructed and located subject to the following process:
1. All accessory buildings or uses shall require a Building/Use Permit to be issued prior to their initiation and a Certificate of Compliance upon their completion as elsewhere required in these Regulations; except such minor ancillary uses as are specifically exempt.
  2. Where applicable, such Permit shall be issued conditionally upon satisfactory completion and issuance of a Certificate of Compliance for the principal building or use to which it is accessory. If said Certificate of Compliance is not issued within two (2) years from the date of issuance of the Permit for the accessory building or use, the conditions upon which said Permit was issued shall be deemed not to have been complied with and the accessory building or use shall be considered in violation of these Regulations; except as application may be made to and considered by the Board of Appeals, which Board may, for due cause shown, authorize such extension as it may determine appropriate to allow for compliance with the conditions under which the Permit was issued.
- B. Accessory buildings or use(s) shall be governed by the following:

1. No more than three (3) accessory buildings or uses per acre or proportionate fraction thereof, in addition to any private automobile garage, shall be permitted on any lot in conjunction with any Standard Use.
2. Accessory buildings and uses in conjunction with a Conditional Use or Planned Development District shall be determined appropriate as to number, type and location by the Planning Board in accord with their review of any proposed Conditional Use or proposed Planned Development District.
3. Accessory buildings to a residential use which are not attached to a principal building may be erected in accordance with the following requirements:
  - a. Front yard - not to be located in any required front yard except as allowed for under Section 17 - Shoreline Requirements.
  - b. Rear or side yard - at least ten (10) feet from side or rear property line. Accessory buildings in CB & RR Districts may be located, upon issuance of permit, less than ten (10) feet from property line(s) unless the abutting parcel is zoned residential.
  - c. Side yard, street side of corner lot - same as for principal building.
  - d. No closer to a principal or other accessory building than ten (10) feet.
4. An accessory building attached to a principal residential building or an accessory building to other than a residential use, whether attached to the principal building or not, shall comply in all respects with the requirements of these Regulations applicable to the principal building.
5. No accessory building or structure shall be constructed or located to house or provide shelter for animals, other than domestic household pets, on any lot less than one (1) acre in size. Front, side and rear yard setbacks for any such building or structure designed to house or provide shelter for livestock shall be a minimum of seventy-five (75) feet from the road centerline or shoreline and fifty (50) feet from the side and rear lot lines.
6. Except as provided for in Section 13 - F., the maximum height of any accessory building or structure shall be one and one-half (1 1/2) stories or twenty-two (22) feet, whichever is less; except that it shall not exceed the height of the principal building.

7. A private, outdoor swimming pool shall be permitted as an accessory use to a dwelling unit only in accordance with the following:
  - a. Such pool shall be accessory to a principal residential use and shall be erected only on the same lot as the principal structure or one contiguous thereto.
  - b. The pool may be erected or constructed only in the side or rear yard of the lot, shall conform with the minimum side and rear yard requirements for the district in which it is located and shall not be less than ten (10) feet distant from any principal or accessory building.
  - c. Any such pool shall be adequately fenced in order to assure that it will be used only by those persons having approved entrance to the pool.
  - d. No such pool shall adversely affect the character of any residential neighborhood and all lighting or other appurtenances shall be so arranged as not to interfere with neighboring uses.
8. A swimming pool to be constructed or installed as an accessory use to a resort lodge or club, tourist accommodation, organized group camp or as part of any commercial facility shall be permitted after application to, and issuance of a Permit therefor by the Enforcement Officer. Such swimming pool shall be so located as not to cause a hazard to public safety or nuisance to adjoining uses and shall be designed and located in accord with acceptable engineering standards and any applicable County or State requirements.
9. A building, mobile home, trailer or other structure accessory to the construction project for office, storage or related construction use may be permitted upon issuance of a Permit by the Enforcement Officer, such installation to be temporary and continued only for the duration of the construction project to which it is accessory. Such facility shall not be designed or used for living accommodations except for the nonpermanent accommodation of a clerk-of-the-works or night watchman, and shall be promptly removed upon completion of the construction project or part thereof to which it is accessory, such date to be determined by the Enforcement Officer. Upon notice from the Enforcement Officer, the Permit shall expire and the rights and privileges thereunder shall be vacated. Failure to remove such installation in a prompt manner after notice by the Enforcement Officer shall be considered a violation of these Regulations.

## Section 15 - Nonconforming Situations

- A. A permitted building or use may be constructed or located on any lot of record as of the effective date of these Regulations or their applicable amendment, in any district even if said lot does not meet the minimum lot area and lot width requirements for said use in the district in which it is located, providing the following conditions exist or are met:
1. The owner of said lot owns no adjoining unimproved land that would create a conforming lot if combined with the lot that is deficient in area or width.
  2. Any building or use located on a nonconforming lot shall have front, side or rear yards conforming to the minimums required for the district in which said lot is located, except as may be otherwise approved by the Board of Appeals according to the variance process elsewhere provided for under these Regulations.
  3. Any building or use located on a nonconforming lot shall meet any applicable shoreline requirements as set forth in Section 17 of these Regulations, except as may be otherwise approved by the Board of Appeals according to the variance process elsewhere provided for under these Regulations.
- B. The lawful use of any land or principal or accessory building or use requiring a Permit under these Regulations and existing on the effective date of these Regulations or their applicable amendment may be continued although such building or use does not conform with the provisions of the same; and any such building or use may be removed, discontinued, reconstructed, added to, altered or changed in use subject to the following:
1. A building or use nonconforming as to location shall not be extended, expanded or altered in any way that will extend or further aggravate the nonconforming features.
  2. A building or use nonconforming as to use shall not be extended, expanded or altered during its life to an extent exceeding in aggregate fifty (50) percent of the size of such building or use on the effective date of these Regulations or their applicable amendment unless such building or use is changed to conform to these Regulations.
  3. A nonconforming building or use, once removed, shall not be reintroduced or replaced other than by a conforming building or use.
  4. Whenever a nonconforming use has been discontinued for a period of two (2) years, any future use shall be in conformity with the provisions of these Regulations.

5. A nonconforming building or use which has been damaged by fire or other natural causes may be restored, reconstructed or used as before, provided the bulk, height and area requirements shall not exceed that which existed before said damage. Said restoration must be completed and a Certificate of Compliance issued within two (2) years of such occurrence; except as application may be made to and considered by the Board of Appeals, which Board may, for due cause shown, authorize such extension as it may determine appropriate within which to complete the project and obtain the Certificate of Compliance.
6. An accessory building or use to a nonconforming situation shall not be expanded or extended beyond the dimension, configuration or extent of occupation as of the effective date of these Regulations, or their applicable amendment, in any manner that would extend or further aggravate the nonconforming situation.
7. Any building or use for which a Permit has been lawfully granted and on which construction has started and diligently prosecuted, before the effective date of these Regulations or their applicable amendment, may be completed provided that the building or use shall be completed and a Certificate of Compliance issued within two (2) years from such effective date; except as application may be made to and considered by the Board of Appeals, which Board may, for due cause shown, authorize such extension as it may determine appropriate within which to complete the project and obtain the Certificate of Compliance.

#### **ARTICLE IV - SUPPLEMENTARY REGULATIONS**

##### **Section 16 - Conditional Uses**

- A. On application, the Planning Board may authorize the Enforcement Officer to grant a Permit for any use for which approval of the Planning Board is required by these Regulations according to the process and standards set forth following.
- B. The process for consideration of a Conditional Use shall be as follows:
  1. The Enforcement Officer shall determine the completeness of any application made under this Section and shall notify the applicant within ten (10) business days of the date of submission if such application is incomplete or deficient on any way, and shall further specify the deficiencies. The applicant shall provide to the Planning Board a "Letter of

Intent" detailing all aspects of the proposed new use to the satisfaction of the Planning Board.

2. The Planning Board shall consider the application and render its decision within forty-five days of the date of submission of a complete application if no public hearing is held; or, alternatively, schedule and hold a public hearing within forty-five (45) days of the date of the hearing. These respective timeframes may be extended only by mutual written agreement between the applicant and the Board. Consideration of the application at public hearing shall be optional at the discretion of the Planning Board.
  3. Notification of the Planning Board's decision to authorize or deny the Permit will be given in writing to the Enforcement Officer, a copy filed with the Village Clerk within five (5) business days of the date of the Board's decision and a copy of the Board's determination furnished to the applicant upon request.
- C. The nature and content of an application for a Building/Use Permit for a Conditional Use shall be as set forth in Appendix B of Part V of this Code. In addition to the criteria for each Conditional Use identified following, the General Development Considerations set forth in Appendix C of Part V of this Code will be evaluated in the process of reviewing any application for a Conditional Use and the Planning Board shall be satisfied in every instance that the applicable considerations identified therein are to be adequately provided for.
- D. Conditional Uses to be considered by the Planning Board include but not limited to:
1. Home Occupation - A home occupation shall comply with the following:
    - a. It shall not display or create outside the building any evidence of the home occupation, except such sign as may be permitted under these Regulations.
    - b. Such use is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not utilize more than twenty-five (25) percent of the gross floor area of the dwelling unit if located therein or, alternatively, in excess of four hundred (400) square feet of any accessory building if located therein.
  2. Two-, Three-, Four-Family Dwelling; Mixed Residential/Commercial Structure - Such uses shall be in accord with the following:

- a. Any such use shall be allowed only in combination with the use of the premises for otherwise permitted residential or commercial purposes.
  - b. Floor space, health, safety and sanitary conditions shall be adequate to insure livability, be in accord with the New York State Multiple Residence Law, where applicable, and provide a minimum floor space of six hundred (600) square feet per dwelling unit.
  - c. Adequate off-street parking shall be provided, including a minimum of one (1) space per dwelling unit.
  - d. Any sign erected in conjunction with such use shall be in accord with the sign requirements of these Regulations.
  - e. The use shall not interfere or conflict with the peaceful enjoyment of neighboring residential uses and shall be in accord with the density guidelines for the area as established in the Village Plan and Land Use Code.
  - f. Existing dwellings in CB Districts may be converted to two-, three-, and four-family dwellings. The Planning Board, prior to approval of such conversions, shall determine that adequate provision for recreational space and off-street parking has been made and that traffic flow generated will be in harmony with the Master Plan. The permit for the conversion shall contain the provision that the building lot area as existing at the time of the Planning Board approval shall not be diminished or compromised by act of the owner(s) to the detriment of the occupants/residents.
  - g. One-, two-, three-, and four-family dwellings will be allowed as a Conditional Use in any CB-Commercial District, providing that any new residential structures shall be located no closer than two hundred (200) feet from the right-of-way of a State highway, and further, that a minimum of ten thousand (10,000) square feet of lot area be provided for each family dwelling unit and each such unit shall be connected to the municipal water and sewer systems. The minimum standards of construction shall be as detailed in the latest edition of the NYS Building Code. No permit shall be issued unless the Planning Board has determined that adequate provision has been made for recreational space and off-street parking, and that traffic flow generated will be in harmony with the Master Plan.
3. Mobile Home Park; Recreational Campsite - These uses shall be approved in accord with the Mobile Home Park and Recreational Campsite Regulations as set forth in Part II of this Code.

4. Organized Group Camp; Resort Lodge, Club - Any such use shall be approved only in accord with the following:
  - a. The appropriateness of the use in its proposed location relative to the zoning classification of the area under consideration and immediately adjacent thereto, as well as surrounding uses or open space characteristics, shall be satisfactory to the Board.
  - b. The amount of land involved, the number of members or occupants and the size and sophistication of accommodations to be provided as these pertain to the intensity of the use; and the ability of the land and the character of surrounding areas to accommodate it within the intent of each of the respective zoning districts shall be found appropriate.
  - c. Parking, service and sign requirements shall be considered and found to be in conformity with these Regulations and the needs of the instant situation.
5. Public, Semi-public Facility, Institution - Such uses shall be located according to the following:
  - a. The use shall not interfere or conflict with the character of the immediate neighborhood nor with the peaceful enjoyment of neighboring residential uses.
  - b. The amount of land and building area shall be appropriate to the nature and scale of the proposed use.
  - c. Adequate off-street parking shall be provided including a minimum of one (1) space for each visitor, patient or client anticipated on the premises at any single time in addition to any employee parking.
  - d. Any sign to be erected in conjunction with such use shall be in accord with the sign requirements of these Regulations and shall further be considerate to the nature and proximity of adjoining uses.
6. Business, Professional Office - Such use shall be located according to the following:
  - a. The use shall not interfere or conflict with the character of the immediate neighborhood nor with the peaceful enjoyment of neighboring residential uses.
  - b. The amount of land and building area shall be appropriate to the nature and scale of the proposed business or professional office use.
  - c. Adequate off-street parking shall be provided including a minimum of one (1) space for each customer,

patient or client anticipated on the premises at any single time in addition to any employee parking.

- d. Any sign to be erected in conjunction with such use shall be in accord with the sign requirements of these Regulations and shall further be considerate to the nature and proximity of adjoining uses.

7. Tourist Accommodation; Commercial Recreation; Tourist Attraction - Such uses shall be permitted only according to the following:

- a. The proposed use shall be compatible with and not detract from surrounding uses, or open space characteristics.
- b. The Board shall determine that any traffic, noise or light likely to be generated by any such activity will not interfere with surrounding uses.
- c. The location and situation of all structures shall be satisfactory to the Board relative to the visual character and travel safety along the roadway on which such facility fronts.
- d. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Board.
- e. Sufficient and suitably located and arranged off-street parking shall be provided in accord with the need of the instant situation as determined by the Board.

8.1 Gasoline Station - Any such establishment shall be subject to the following regulations:

- a. Such establishment shall not be closer than one hundred (100) feet to any existing residential use on the same side of the street, except one on the same premises, unless said establishment is between two existing commercial uses. Distances shall be measured from the proposed gas station establishment to the residential structure.
- b. The minimum distance between pump islands and between the building and any pump islands shall be twenty (20) feet.
- c. No waste water, oil or other objectionable materials shall drain onto, pollute or create hazardous or unsightly conditions because of the storage or drainage thereof.

- d. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Board.
- e. Sufficient and suitably located and arranged off-street parking shall be provided in accord with the need of the instant situation as determined by the Board.
- f. Any auto wash in addition to meeting the off-street parking standards elsewhere required, shall provide four (4) stacking spaces per bay on the lot to prevent the waiting of automobiles on the public street.

8.2 Service Garage - Any such establishment shall be subject to the following regulations:

- a. The project sponsor for such an establishment will provide to the Planning Board for approval a written plan to protect the aesthetic and environmental integrity of the community.
- b. No waste water, oil or other objectionable materials shall drain onto, pollute or create hazardous or unsightly conditions because of the storage or drainage thereof.
- c. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Board.
- d. Sufficient and suitably located and arranged off-street parking shall be provided in accord with the need of the instant situation as determined by the Board.
- e. Any auto wash in addition to meeting the off-street parking standards elsewhere required, shall provide four (4) stacking spaces per bay on the lot to prevent the waiting of automobiles on the public street.

8.3 Convenience Store - Any such establishment shall be subject to the following regulations:

- a. Such establishment shall not be closer than one hundred (100) feet to any existing residential use on the same side of the street, except one on the same premises, unless said establishment is between two existing commercial uses. Distances shall be measured from the proposed gas station establishment to the residential structure.

- b. The minimum distance between pump islands and between the building and any pump islands shall be twenty (20) feet.
  - c. No waste water, oil or other objectionable materials shall drain onto, pollute or create hazardous or unsightly conditions because of the storage or drainage thereof.
  - d. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Board.
  - e. Sufficient and suitably located and arranged off-street parking shall be provided in accord with the need of the instant situation as determined by the Board.
  - f. Any auto wash in addition to meeting the off-street parking standards elsewhere required, shall provide four (4) stacking spaces per bay on the lot to prevent the waiting of automobiles on the public street.
9. Warehouse, Storage; Building Materials; Fuel Supply - Such businesses shall be subject to the following regulations:
- a. Such use shall have frontage on a public street and shall not be closer than two hundred (200) feet to any existing residential use except one on the same premises.
  - b. Such use shall be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property and the highway.
  - c. The location and situation of all structures shall be satisfactory to the Board relative to the visual character and travel safety along the roadway on which such facility fronts.
  - d. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Board.
  - e. Sufficient and suitably located and arranged off-street parking shall be provided in accord with the needs of the instant situation as determined by the Board based upon the general considerations set forth in this Code.
10. Commercial Excavation - Except when incidental to the construction of a building on the same lot, the excavation, processing or sale of topsoil, earth, sand, gravel, clay or other natural mineral deposits is subject to the following:

- a. Such extraction shall not endanger the stability of adjacent land or structures nor constitute a detriment to public health, safety or welfare by reason of excessive dust, noise, traffic or other condition. The Board shall specify any reasonable requirements to safeguard the public health, safety and welfare in granting a Permit.
  - b. The slope of such topsoil, sand, gravel, clay, or other earth material shall not exceed the normal angle of repose of such material.
  - c. The top and the base of such slope shall not be nearer than one hundred (100) feet to any property line nor nearer than one hundred (100) feet to the centerline of any roadway.
  - d. Such screen planting as may be required to protect the visual character of the area shall be instituted in accord with the direction of the Board and Section 21.
  - e. A plan for restoration and rehabilitation of a commercial earth excavation area or borrow pit shall accompany the application and shall be in conformity with the applicable provisions of the State Mined Land Reclamation Act. The Board, upon approval of such plan, may require a performance security to assure rehabilitation of commercial excavation sites in conformity with the plan.
  - f. No pool, pond or other collection of water shall be permitted in conjunction with such excavation area unless the Permit has specifically authorized such and the provisions therefor.
11. Forest Practices - Such uses shall be permitted according to the following:
- a. Timber and forest harvest practices shall be designed and carried out in accord with those guidelines set forth by the New York State Section of the Society of American Foresters in the brochure entitled "Timber Harvesting Guidelines for New York" with respect to protection of streams and waterways, location and improvement of roads and skid trails, relationship to public travel corridors, and improvement of roads, trails and landing areas upon completion of the operation.
  - b. No such activity shall be allowed which would encourage or contribute to problems associated with surface water runoff or soil erosion or destruction of an important visual asset and the location, nature and arrangement of such use shall be designed to preclude such problems.
  - c. Any building, structure or roadway constructed in conjunction with such use shall be situated and constructed

so as not to interfere with adjoining uses and with proper consideration to the physical characteristics of the site, including slope, soils and water features.

12. Public, Private Utility - Such use shall be subject to the following regulations;

- a. Such facility shall not be located on a primarily residential roadway, unless no other site is available, and shall be so located as to necessitate minimal travel of service vehicles over such roadways.
- b. The location, design and operation of such facility shall not adversely affect the character of the surrounding area.
- c. Adequate fences, barriers and other safety devices shall be provided, and the facility shall be screen-planted in accordance with the direction of the Board and the provisions of Section 21.

**Section 17 - Shoreline Requirements**

A. In addition to all other requirements of these Regulations, the following regulations shall apply to any stream, river, lake or pond navigable by boat, including canoe, and to all property fronting on or having access to such body of water.

1. Lot Width - The minimum lot width as measured along the shoreline shall be as follows according to the respective classifications of the Adirondack Park Land Use and Development Plan:

Category	Lot Width
a. Hamlet -	fifty (50) feet
b. Moderate Intensity Use -	one hundred (100) feet
c. Low Intensity Use -	one hundred twenty-five (125) feet
d. Rural Use -	one hundred fifty (150) feet
e. Resource Management -	two hundred (200) feet

2. Setback - The minimum setback of all principal and accessory buildings or structures in excess of one hundred (100) square feet, other than docks, boat houses or swimming float as hereinafter regulated, shall be a minimum distance from the mean high-water mark as follows for the respective classifications of the Adirondack Park Land Use and Development Plan:

Category:

Setback:

- a. Hamlet and Moderate Intensity use - fifty (50) feet
- b. Low Intensity and Rural use - seventy-five (75) feet
- c. Resource Management - one hundred (100) feet

3. Sanitary Sewerage - In the case of all lakes, ponds, rivers and streams the minimum setback of any on-site sewage tile field or seepage pit will be one hundred (100) feet from the mean high-water mark in all zoning districts.

4. Vegetation - The removal of vegetation, including trees, will be permitted on shoreline lots provided the following standards are met:

a. Within thirty-five (35) feet of the mean high-water mark not more than thirty (30) percent of the trees in excess of six (6) inches in diameter at breast height existing at any time may be cut over any ten (10) year period. This requirement does not apply to any trees less than six (6) inches in diameter at breast height.

b. In addition, within six (6) feet of the mean high-water mark no vegetation may be removed, except that up to a maximum of thirty (30) percent of the shoreline may be cleared of vegetation on any individual lot, provided that such clearing will not exceed one hundred (100) feet.

c. The above cutting provisions will not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees that present a safety hazard or are a nuisance.

5. Minimum Frontage - The following minimum shoreline frontages will be required in all zoning districts for deeded or contractual access to all such lakes, ponds, rivers or streams for five (5) or more lots, parcels or sites or multiple-family dwelling units not having separate and distinct ownership of shore frontage.

a. Where six (6) to twenty (20) lots or multiple-family dwelling units are involved, a total of not less than two hundred (200) feet of shoreline frontage will be required when shoreline access is provided.

b. Where more than twenty (20) and not more than one hundred (100) lots or multiple dwelling units are involved, a minimum of ten (10) feet for each additional lot or multiple dwelling units in excess of one hundred (100) will be required when shoreline access is provided.

- c. Where more than one hundred (100) and not more than one hundred fifty (150) lots or multiple dwelling units are involved, a minimum of ten (10) feet for each additional lot or multiple dwelling unit in excess of one hundred (100) will be required when shoreline access is provided.
- d. Where more than one hundred fifty (150) lots or multiple dwelling units are involved, a minimum of one (1) foot for each additional lot or multiple dwelling units in excess of one hundred fifty (150) will be required when shoreline access is provided.
- e. No more than one (1) boat house or dock and one (1) swimming float shall be allowed in conjunction with such common access for each two hundred (200) feet of shoreline lot width.

6. Optional Shoreline Clustering - In order to encourage clustering of buildings and the maintenance of undeveloped shore- lines, as an alternative to minimum lot widths, shoreline development may also take place upon the following approximate overall intensities of principal buildings per linear mile of shoreline or proportionate fraction thereof;

Category	Principal Buildings Per Linear Mile
a. Hamlet	- one hundred six (106)
b. Moderate Intensity Use	- fifty-three (53)
c. Low Intensity Use	- forty-two (42)
d. Rural Use	- thirty-six (36)
e. Resource Management	- twenty-six (26)

This alternative method of 'cluster' shoreline development can only be employed where single ownership or groups of owners acting in concert are involved. In addition, approval of this method of development must carry with it provisions, whether by deed restriction, restrictive covenant or other appropriate means, to insure the permanent retention in open space of the undeveloped portions of shoreline developed on a cluster basis instead of in conformity with the minimum lot width restrictions.

- 7. Ancillary Water, Waterfront Structures - Shall be permitted only according to the following:
  - a. Not more than two (2) such structures and no more than one (1) boat house or dock shall be permitted per minimum required lot width, existing lot of record or established right-of-way.

b. No dock, boat house or raft shall project across the extension of the side lot lines of any lot or right-of-way as such lines are projected into the waterway from the shoreline.

B. Nothing herein provided shall waive or otherwise affect any requirement of the New York State Department of Environmental Conservation under Article 15, Title 5 of the Environmental Conservation Law or Section 806 of the Adirondack Park Agency Act.

### **Section 18 - Flood Hazard Areas**

A. Flood Hazard Areas as depicted on Zoning Maps Nos. I and 2 within the Land Preservation (LP) - Overlay District are as recorded by the U.S. Department of Housing and Urban Development and are intended to follow the delineation of 'Special Flood Hazard Areas' set forth on the Federal Insurance Administration Flood Hazard Boundary Maps Nos. H-01-07 dated December 6, 1974 for Community No. 361527A, and as such maps may be subsequently amended.

B. Any building, structure or use, and any alteration of a major landform or shoreline shall be subject to the provisions of these Regulations, and in addition, shall meet the requirements of the National Flood Insurance Act as those requirements have been set forth in these and the Building and Sanitary Regulations contained in Part III of this Code. No Permit shall be authorized in any Flood Hazard Area until the Planning Board has determined that the applicable requirements for Flood Hazard Areas as set forth in Part III of this Code are to be complied with.

### **Section 18A - Land Preservation Overlay District**

Land Preservation Overlay District regulations are hereby established around Pleasant, Indian, Lewey, and Whitaker Lakes for a horizontal distance of 100 feet above the high-water shore line, and along the Sacandaga and Kunjamuck Rivers at least 100 feet horizontal from the nearest bank of the stream. The controls described below are to be superimposed on any other district regulations in the Land Preservation Overlay area.

The purpose is to safeguard the scenic resources of the Village of Speculator, to promote the use of scenic resources for the pleasure and welfare of the citizens of, and visitors to, the Village; to stabilize and improve property values; to safeguard against damage due to natural causes such as flooding and land, air and water pollution.

Before any improvements are made on any public or private property or public place within the Land Preservation District,

the project must first be reviewed by the Planning Board. No permit shall be issued nor shall any encroachment on public places be permitted until such approval is secured.

A. Within any Land Preservation Overlay District, the following shall be submitted to the Planning Board for review and approval:

1. Any plans for new buildings, structures, or signs including a general location map; site plan showing location of buildings, topography, access to the property, setbacks, yards and parking areas; water supply and sewage disposal facilities; complete elevation of the buildings; materials, lettering and any other features which constitute a major element in the appearance of the building.
2. Any plans for renovation, remodeling, or reconstruction of existing buildings, structures or signs shall include plans similar to those required in A-1 above.

B. In reviewing the plans, the Planning Board shall give consideration to:

1. The scenic value and significance of the location and its relationship to the surrounding area;
2. The general compatibility of exterior design, arrangement, texture and material proposed to be used; and
3. Any factor including aesthetic which it deems pertinent, provided however, that in the event a proposal is refused on aesthetic grounds that denial shall be made by a four-fifths (4/5) vote of the Village Board.

C. The process for consideration of any proposed use to be situated in any Land Preservation (LP) - Overlay District shall be as follows:

1. The nature and content of an application for any Building/Use Permit considered under this Section shall be as set forth in Appendix B of Part V of this Code and such additional information as may be required in the administration of this Section.
2. The Enforcement Officer shall determine the completeness of any application considered under this Section and shall notify the applicant within ten (10) business days of the date of submission of such application if it is incomplete or deficient in any way, and shall further specify the deficiencies.

3. The completed application will be referred to the Planning Board which Board may approve, approve with stipulated conditions or modifications or disapprove the application based upon its findings.
4. The Planning Board shall consider the application and render its decision within forty-five (45) days from the date of submission of a complete application if no public hearing is held; or, alternatively, schedule and hold a public hearing within forty-five (45) days of the date of submission and render its decision within forty-five (45) days of the date of the hearing. These respective timeframes may be extended only by mutual written agreement between the applicant and the Board. The consideration of the application at public hearing shall be optional at the discretion of the Planning Board.
5. Notification of the Planning Board's decision to authorize or deny the Permit and the reasons therefor will be given in writing to the Enforcement Officer, a copy filed with the Village Clerk within five (5) business days of the Board's decision and a copy of the Board's determination furnished to the applicant upon request.
6. The Enforcement Officer shall issue or deny the Permit in accord with the direction of the Planning Board.

## **Section 19 - Sign Requirements**

- A. Purpose of Regulations - A uniform code relating to signs; prescribing regulations and standards; providing for administration and procedures; requiring the payment of fees; and providing for penalties.

### **SEC.19.1 - STATEMENT OF PURPOSE**

- A. These regulations create the legal framework for signage regulations that is intended to facilitate an easy and agreeable communication between people. It recognizes the need to protect the safety and welfare of the public; the need for a well-maintained and attractive community and the need for adequate business identification, advertising, and communication. It is recognized, that a great percentage of that which is unattractive can be eliminated by sensible quality control, through adequate maintenance and inspection, and by reasonable guidelines formulated to minimize clutter.
- B. This code authorizes the use of signs visible from public rights-of-way provided the signs are:
1. Compatible with the zoning regulations.

2. Allowing and promoting optimum conditions for meeting the sign user's needs while at the same time promoting the amenable environment desired by the general public.
3. Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
4. Legible, readable and visible in the circumstances in which they are used.
5. Respectful of the reasonable rights of other advertisers whose messages are also displayed in the immediate environment.
6. All signs subject to APA jurisdiction shall be in compliance with Appendix Q3 of the APA Rules and Regulations in addition to this local law.

In summary, this Code is designed to prevent a vast majority of elements, which are undesirable in commercial signage without hampering the inherent right of a business to communicate reasonably, to advertise its products or services.

#### **SECTION 19.2 - DEFINITIONS**

ABANDONED SIGN - A sign which no longer correctly directs or exhorts any person, advertises a *bona fide* business lessor, owner, product or activity conducted or product available on the premises where such sign is displayed

ACCESSORY SIGN (See "On-Premise Sign").

ADMINISTRATOR - The Code Administrator or his designated representative, or any authorized employee of the Village of Speculator.

ADVERTISING MESSAGE - That copy on a sign describing products or services being offered to the public.

A-FRAME SIGN - A-frame signs, also known as sandwich, sidewalk or curb signs, are temporary signs placed at the front property line to direct attention to a special short-term offering or event and are taken indoors each night. Maximum size shall not exceed 36 inches wide by 48 inches high, shall be of finished, durable material and construction.

ANIMATED SIGN - Any sign that includes action or motion. For purposes of this Code, this term does not refer to flashing, changing or indexing, all of which are separately defined.

ARCHITECTURAL BLADE - A roof sign or projecting sign with no visible legs or braces designed to appear as an integral part of the building structure, rather than as an appendage to the building.

ARCHITECTURAL PROJECTION - Any projection not intended for occupancy which extends beyond the property line, not including signs, canopies or marquees.

AREA OF COPY - The area within a single, continuous perimeter composed of one or more squares or rectangles, which enclose the extreme limits of the message, announcement, or decoration on a fascia or wall sign.

AREA OF OFF-PREMISES SIGN - Where poster panels or bulletins are installed back to back, one face only is considered as area. If there is a difference, the larger face will be counted.

AREA OF SIGN - The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame which forms as integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

AWNING - A semi-permanent shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework

BACKGROUND AREA - The entire area of a sign on which copy could be placed as opposed to the copy area, when referred to in connection with fascia or wall signs.

BANNER SIGN - A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

BILLBOARD - See "Off Premise Sign", "Off-Site Sign"

BUILDING FACE OR WALL - All window and wall areas of a building in one plane or elevation.

BUILDING FRONTAGE - The linear length of a building facing the right-of-way or the Linear length of the right-of-way facing the building, whichever is smaller.

BUILDING SIGN - A sign displaying the name of a building itself, as opposed to the name of occupants or services

CANOPY (or MARQUEE) - A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as metal, glass or plastic.

CANOPY OR MARQUEE SIGN - Any sign attached to or constructed in or on a canopy or marquee.

CHANGEABLE COPY SIGN (MANUAL) - A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

COPY (PERMANENT AND TEMPORARY) - The wording on a sign surface either in permanent or removable letter form.

COPY AREA - The area in square feet of the smallest geometric figure, which describes the area, enclosed by the actual copy of a sign. For fascia signs, the copy area limits refer to the message, not to the total sign background.

DIRECTIONAL SIGN - Any sign which serves solely to designate the location or direction of any place or area other than a commercial use.

DIRECTLY ILLUMINATED SIGN - Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

ELECTRICAL SIGN - Any sign containing electrical wiring that is attached to an electrical energy source.

ERECTED - This term shall mean attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of new wall signs, but does not include repainting or copy changes on any existing sign.

EXEMPT SIGNS - Signs exempted from normal permit requirements.

FACE OF SIGN - The entire area of sign on which copy could be placed.

FASCIA SIGN (OR WALL SIGN) - A sign attached to or erected against a wall of a building, with the face horizontally parallel to the building wall.

FLASHING SIGN - Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date are classed as "Changing Signs" not "Flashing Signs".

FREE-STANDING SIGNS - See "Ground Signs"

FRONTAGE - The length of the property line of any one premises parallel to and along each public right-of-way it borders.

GROUND LEVEL - Final grade level at base of the sign.

GROUND SIGN - A sign erected on a freestanding frame, mast or pole and not attached to any building. (See "Free-Standing Sign" And also see Part IV, Attachment 3, Figures 1(a), (b), (c).)

HEIGHT OF SIGN - the vertical distance measured from the ground level, which permits the greatest height to the highest point of said sign.

IDENTIFICATION SIGN - A sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

ILLUMINATED SIGN - Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

INDIRECTLY ILLUMINATED SIGN - Any sign which reflects light from a source intentionally directed upon it - for example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.

INDIVIDUAL LETTER SIGN - Any sign made of self-contained letters that may be mounted on the face of a building, top of a parapet, roof edge of a building or on top of, or below a marquee.

INTERIOR PORPERTY LINE - Property lines other than those fronting on street, road or highway.

LINTEL - In this context, the line above the display windows and below transom windows (if any) on a store (Usually approximately 9'0" from grade).

LOT - A parcel of land which meets any of the following requirements:

- 1) That parcel of land legally defined on a subdivision map recorder with the assessment department of the Village or Town.
- 2) That parcel of land legally defined on a record of Survey map approved by resolution of the Village or Town.
- 3) A lawful lot of record.

MAINTAIN - To permit a sign, structure or any part of each to continue in use, or to repair or refurbish a sign, structure or any part of either.

MARQUEE (OR CANOPY)- A permanent roof-like shelter extending from part or all of the building face and constructed of some durable material such as metal, glass or plastic.

MARQUEE SIGN (OR CANOPY SIGN)- Any sign attached to or constructed in or on a canopy or marquee.

MESSAGE - The wording or copy on a sign.

NAMEPLATE - A sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises include more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

NON-CONFORMING SIGN (LEGAL) - Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Code, or a non conforming sign for which a special permit has been issued.

NON-ELECTRICAL SIGN - Any sign that does not contain electrical wiring or is not attached to intended to be attached to an electrical energy source.

OFF-PREMISE SIGN (OFF-SITE SIGN) - A sign that advertises goods, products, services or facilities not located or available on the premises where the sign is located or a sign that directs persons to a different location from that on which the sign is installed.

ON-PREMISE SIGN (ON-SITE SIGN) - Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

OWNER - A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary, any person having a vested or contingent interest in the property in question.

PARAPET OR PARAPET WALL - That portion of a building wall that rises above the roof level.

PENTHOUSE - A structure on top of a building roof such as a housing for an elevator shaft or similar form.

PERSON - Any individual, corporation, association, partnership, and the like, singular or plural.

POLE SIGN - See "Ground Sign" or "Free-Standing Sign".

PORTABLE SIGN - Any sign not permanently attached to the ground or a building.

PREMISES - An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PRINCIPAL BUILDING SIGNS - See "Ground Sign" and Attachment 3, Figures 1(a), (b), (c).

PROJECTING SIGNS - A sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of double-faced projecting signs is calculated on one face of the sign only.

PUBLIC RIGHT-OF-WAY WIDTH - The particular distance across a public street, measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the Village or State engineer.

PUBLIC SERVICE INFORMATION SIGN - Any sign intended primarily to promote items of general interest to the community, such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

REAL ESTATE OR PROPERTY FOR SALE, RENT OR LEASE SIGN - Any sign pertaining to the sale, lease or rental of land or buildings.

ROOF LINE - The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

ROOF SIGN - Any sign erected upon, against or directly above a roof or on top or above the parapet of a building.

ROTATING SIGN - Any sign or portion of a sign which moves in a revolving or similar manner.

SEASONAL OR HOLIDAY SIGNS - Signs such as Christmas decorations, or those used for a historic holiday and installed for a 30 day period, maximum.

SIGN - Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

SIGN LEGEND - See "Copy".

SIGN STICKER - A sticker affixed either to the face or the channel of a sign visible from the street denoting the name of the manufacturer or designated servicing company for purpose of identification by Village or municipal officials.

STREET - A public highway, road or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.

SWINGING SIGN - A sign installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole.

TEMPORARY SIGN - A sign which is not permanently affixed. All devices such as banners, pennants, flags (not intended to include flags of any nations), searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

TEMPORARY WINDOW OR BUILDING SIGN - A sign painted on the interior of a window or constructed of paper, cloth or other like material and attached to the interior side of a window or displayed on the exterior of a building wall in order to direct attention of persons outside the building to a sale of merchandise or a change in the status of the business.

UNDER CANOPY OR MARQUEE SIGN - A sign suspended below the ceiling or roof of a canopy or marquee.

UNLAWFUL SIGN - A sign which contravenes this Code or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a non-conforming sign for which a permit required under a previous code was not obtained.

USE - The purpose, for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

WALL SIGN (OR FASCIA SIGN) - A sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.

WINDOW SIGN - A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

### SECTION 19.3 - PERMITS, FEES, INSPECTION AND INDEMNIFICATION

- A. PERMITS REQUIRED - Except as otherwise provided in this code it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the Village, or cause the same to be done, without first obtaining a sign permit for each such sign from the administrator as required by this Code. These directives shall not be construed to require any permit for a change of copy on any sign, (except for change of name when ownership changes) nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this Code on the date of its adoption unless and until the sign is altered or relocated. No permit shall be issued prior to Planning Board review and approval.
- B. APPLICATION FOR PERMIT - Application for a permit shall be made to the Administrator upon a form provided by the Administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations to the Code including:
- 1) Name and address of owner of the sign.
  - 2) Clear and legible drawings with description with nominal dimensions showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises.
- C. ISSUANCE/DENIAL - The Administrator shall issue a permit for the erection, alteration or relocation of a sign within the Village or Municipality when the permit application is properly made and all required information has been provided, the Planning Board has approved the application and all appropriate fees have been paid as outlined below in Section E.

The Administrator may, in writing, suspend or revoke a permit issued under provisions of this Section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the Administrator, s/he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

D. EFFECT OF ISSUANCE - No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign. Issuance of permit requires the permittee to hold the Village of Speculator harmless of any liability incurred by erection or use of the sign.

E. PERMIT FEES - Application for permits shall be filed with the Administrator, together with a permit fee as specified by the Administrator, for each sign in accordance with the following schedule, provided, however, that the minimum fee for a permit, exclusive of any permit costs for electrical components, shall be not less than fifteen (\$15.00) dollars or \$.10 per square foot, whichever is the greater. In addition, when any sign is hereafter erected, placed, installed or otherwise established on any property prior to obtaining permits as required by this Section, the fees specified hereunder shall be doubled but the payment of such double fees shall not relieve any person from complying with other provisions of this Section or from penalties prescribed herein.

1) On-Premise Signs or Off-Premise Signs.

a. The calculation on a freestanding, pole, ground, projecting monument, or roof sign shall be based only on one face of the sign. That calculation shall be based on the largest face of the sign.

b. Fascia or wall signs: For individual or cut out letters only the copy area contained in one or more rectangles or squares that encompass all the letters shall be included in the calculation for the above mentioned fee. All other signs shall include total area including background.

F. SIGN PERMIT APPEALS -

1. Appeal from denial of permit. When a sign permit is denied by the Administrator, s/he shall give written notice of the denial to the applicant, together with a brief written statement of the reason or reasons for the denial. Appeal shall be taken to the Board of Appeals with the Administrator's denial of a sign permit. Such appeal may be made at a regularly scheduled meeting, provided a request for a hearing shall be made in writing to the Clerk or to the Administrator no less than seven (7) business days before a scheduled meeting. Established rules and procedures for a hearing before the appropriate authority shall apply.

2. Appeal from failure of the Administrator to grant a permit within ten (10) business days. The Administrator's failure to either formally grant or deny a sign permit application within ten (10) business days of the date of filing an application meeting the requirements of this code shall be grounds for appeal to the Planning Board at the next regular scheduled meeting.
- G. INSPECTION - The person erecting, altering or relocating a sign shall notify the Administrator upon completion of the work for which permits are required.
1. INSPECTIONS. All freestanding signs shall be subject to inspection and all signs to a final electrical inspection by an approved authority.
  2. MAINTENANCE. Every sign, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. The Administrator shall inspect and have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.
  3. SIGNS DECLARED UNLAWFUL. The Administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the Administrator for stating that the sign constitutes a safety hazard to the general public. Any sign owned, kept, displayed or maintained by any person which is unlawful pursuant to the provisions of this Code, is hereby declared to be in violation of this Code. The Administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction and display or operation thereof, is unlawful under the terms of this Code.

#### **SECTION 19.4 - SIGNS PERMITTED IN ZONING DISTRICTS OF VILLAGE**

- A. RESIDENTIAL DISTRICTS - Within any Residential Zone, signs or nameplates are permitted as follows:
1. For each single family home or duplex house, one nameplate not exceeding a combined area of 2 1/2 square feet for each occupancy. Said nameplate shall not be subject to the permit requirements of this code.

B. COMMERCIAL DISTRICTS -

1. One principal business sign per principal building, the total area of which shall not exceed 70 square feet which shall be calculated as that area between the two upright supports and the top horizontal support, except the space between the posts from 3 feet above grade level to 5 feet above grade level shall be left unobstructed for traffic safety. Maximum distance between vertical supports shall not exceed 64 inches and maximum height of sign shall not exceed 18 feet above grade level. Refer to Figure 1 which is hereby made a part of these regulations.
2. One wall or fascia sign for each occupancy within a developed parcel. Said sign shall not exceed a total area of forty percent of signable area. "Signable area" shall be that portion of building facade from grade level to peak, excluding windows and doors or major architectural detail. If such occupancy is on a street corner, one wall sign will be permitted for each building face. Two ground signs (principal business signs) for a business on a street corner may be permitted upon approval by the Planning Board.
3. Other signs are permitted as follows:
  - a. Up to three incidental signs may be attached to a freestanding sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards accepted, official notices of services required by law, or trade affiliations. Area of each sign may not exceed two square feet; the total area of all such signs may not exceed six square feet.
  - b. Two directional signs are permitted for each driveway on each street frontage. The area of each sign may not exceed three square feet. Such directional signs shall not be considered as part of the total allowable sign square footage permitted under this ordinance. Maximum permitted height for such signs shall be six feet above ground.
  - c. Any of the types of signs permitted in this code may be permitted as manual or electronic, but not automatic, changeable copy signs.

NO OTHER SIGNS EXCEPT THOSE SIGNS PROVIDED FOR UNDER SECTION 19.7 (EXEMPT SIGNS) OF THIS CODE SHALL BE PERMITTED IN ANY ZONE.

#### **SECTION 19.5 - PROHIBITED SIGNS**

- A. ANIMATED AND INTENSELY LIGHTED SIGNS - No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights. Public service information signs and other electronic message centers classified as "changing signs" may be permitted as a special exception upon review and approval by the Planning Board.
- B. MISCELLANEOUS SIGNS AND POSTERS - The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structures is prohibited unless otherwise permitted by this Code.
- C. ABANDONED SIGNS - Such business signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located, shall be prohibited.
- D. PARKING OF ADVERTISING VEHICLES PROHIBITED - No person shall place or park any vehicle or trailer or structure on wheels, skids or legs, on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This Section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle, when that vehicle is licensed and legal for use on NYS highways. A 'for sale' sign may be placed on a vehicle if that vehicle is legitimately for sale. Charitable, political, fraternal, not-for-profit and service organizations shall be exempt from this provision for temporary activities.
- E. PUBLIC AREAS - No sign shall be permitted which is placed on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this Code.

F. BANNERS AND PORTABLE SIGNS -

1. Banners, pennants, search lights, twirling signs, A-frame signs, sidewalk or curb signs, balloons or other gas-filled figures shall not be used on a continuous or permanent basis.
2. Signs described in (1) above will be permitted as special promotion in a commercial or industrial district for a total period not to exceed 30 days of continuous use and will be allowed in residential districts in conjunction with an open house or model home demonstration conducted by a realtor for 5 days before the opening of such a demonstration to 5 days after and not to exceed a total period of 30 days. A-frame signs are exempt from the 30 day requirement.
3. Any person may apply for a permit for the outdoor use of a nonconforming A-frame sign if the following conditions apply:
  - a. The sign was produced by a commercial manufacturing company.
  - b. The sign is in good condition.
  - c. All other requirements in this code shall be complied with,
  - d. A maximum of one A frame sign may be permitted.

G. FLAGS - Flags other than those of any nation, state or political subdivision or corporate flags are prohibited except as set forth in (2) of Section 19.5. F.

H. SWINGING SIGNS - Swinging signs are prohibited.

I. "A" FRAME SIGNS - "A" frame or sandwich board, sidewalk or curb signs are prohibited except as set forth in (2) of Section 19.5.F. of this Code.

J. UNCLASSIFIED SIGNS - The following signs are also prohibited; which:

1. Bear or contain statements, words or picture of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful.

2. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal.
3. Roof signs shall be prohibited.
4. No sign shall incorporate any day-glowing or other fluorescent paint or pigment.
5. Off-premises advertising signs are prohibited.

#### **SECTION 19.6 - CONSTRUCTION SPECIFICATIONS**

A. COMPLIANCE WITH BUILDING CODE - All signs shall comply with the provisions of National Electrical Code and the additional construction standards hereinafter set forth in the Section.

#### **B. CONSTRUCTION OF SIGNS, AUXILIARY SPECIFICATIONS**

1. Obstruction to Exits - No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit window or door opening used as a means of egress.
2. Obstruction to Ventilation - No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provision of the Building or Fire Prevention Codes.
3. Clearance from High Voltage Power Lines - Signs shall be located in such away that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code Specifications depending on voltages concerned. However, in no case shall a sign be installed closer than 24 inches horizontally or vertically from any electrical conductor or public utility guy wire.
4. Drainage - The roofs of all marquees shall be properly guttered, and drained.

### C. FREE-STANDING SIGNS - MATERIALS

1. All free-standing sign structures or poles shall be self-supporting structures erected on or permanently attached to concrete foundations.

### D. WIND LOADS

1. All signs, except those attached flat against the wall of a building shall be constructed to withstand wind loads as follows: freestanding sign vertical supports shall be a minimum of 6 x 6 inch pressure treated CCA 40 wood or a minimum six inch steel channel, box, U or I-beam set in concrete a minimum of 4 feet below natural grade.

### E. SIGN ANCHORING

1. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

F. Types and dimensions of allowable ground signs; refer to Figure 1 'Signs' for details. Figure 1 shall be a part of these regulations.

## **SECTION 19.7 - EXEMPT SIGNS**

A. PERMIT EXCEPTIONS The following operations shall not be considered as creating a sign insofar as requiring the issuance of a sign permit, but the signs must be in conformance with all other codes and electrical laws and regulations of the Village or Municipality:

1. Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or non-illuminated painted message, which are all specifically designed for the use of replaceable copy.
2. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes, or changes in name and ownership. Replacement of the sign face will be included as an exempt operation provided that it is due to change caused by breakage and/or deterioration of the face, but not for the substitution of a new or

different advertiser or where there is a new use, change of use or additional use of the premises.

3. Changes in the content of show window displays and permitted temporary signs.

#### B. EXEMPT SIGNS

1. Construction Signs - Public projects - One construction sign per public construction project not exceeding 32 square feet in sign area, provided that such signs shall be erected no more than 30 days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction and shall be removed 30 days after completion of construction and prior to occupancy. Private construction projects shall be subject to all the provisions of this paragraph except the sign size shall not exceed 10 sq. ft.
2. Directional or Instructional Signs: Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not exceed four square feet in area, signs identifying rest rooms, public telephones, walkway, or signs providing direction such as parking lot entrances and exit signs and those of a similar nature.
3. Flags: The flags, emblems or insignia of any nation or political subdivision or corporate flag.
4. Governmental Signs: Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.
5. Holiday Decorations: Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holidays.
6. House Numbers and Name Plates: House numbers and name plates not exceeding two square feet in area for each residential building.
7. Interior Signs: Signs located within the interior of any building or stadium, or within an enclosed lobby or court

of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater. This does not, however, exempt such signs from the structural, electrical, or material specifications as set out in this Code.

8. Memorial Signs: Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.
9. Notice Bulletin Boards: Notice bulletin boards not over 32 square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institution.
10. No-Trespassing or No-Dumping Signs: No-Trespassing or No-Dumping signs not to exceed one and one-half square feet in area per sign and not exceeding four in number per lots except that special permission may be obtained from the Administrator for additional signs under proven special circumstances.
11. Occupant Signs: One sign for each dwelling unit not to exceed two square feet in area indicating the name of the occupant, location or identification of a home professional office.
12. Plaques: Plaques or name plate signs not more than 6 square feet in area which are fastened directly to the building.
13. Public Notices: Official notices posted by public officers or employees in the performance of their duties.
14. Public Signs: Signs required or specifically authorized or a public purpose by any law, statute or ordinance: which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or ordinance under which the signs are erected.
15. Real Estate Signs: One real estate sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed six square feet in area, and

is removed within thirty days after the sale, rental, or lease has been accomplished.

16. Symbols or Insignias: Religious symbols, commemorative plaques of recognized historical agencies or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed six square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.
17. Temporary Signs: Temporary signs not exceeding 24 square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations provided that said signs are posted only during said drive or no more than 30 days before said event and are removed no more than 5 days after an event.
18. Warning Signs: Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.
19. Neighborhood Identification Signs: In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name.

#### **SECTION 19.8 - REMOVAL AND DISPOSITION OF SIGNS**

- A. MAINTENANCE AND REPAIR - Every sign including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The Administrator shall require compliance with all standards of this Code. If the sign is not made to comply with adequate safety standards the Administrator shall require its removal in accordance with this Section.

- B. ABANDONED SIGNS - Except as otherwise provided in this Code, any sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event, or purpose which no longer applies shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the premises.
- C. DANGEROUS OR DEFECTIVE SIGNS - No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises.
- D. UNLAWFUL SIGNS - No person shall erect on any premises owned or controlled by him any sign which does not comply with the provisions of the Code.
- E. REMOVAL OF SIGNS BY THE ADMINISTRATOR - The Administrator shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous or electrically or structurally defective sign or a sign for which no permit has been issued. The Administrator shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is corrected within ten days, the sign shall be removed in accordance with the provisions of this section.

All notices mailed by the Administrator shall be sent by certified mail. Any time periods provided in this Section shall be deemed to commence on the date of the receipt of the certified mail.

For all other signs the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll if known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the property. Any person having an interest in the sign or the property may appeal the determination of the Administrator ordering removal or compliance by filing a written notice of appeal with the appropriate authority within 30 days after receipt of the notice if the notice was not mailed.

In cases of emergency, the Administrator may cause the immediate removal of a dangerous or defective sign without notice.

Any sign removed by the Administrator shall become the property of the Village or Municipality and may be disposed of in any manner deemed appropriate by the Village or Municipality. The cost of removal of the sign by the Village or Municipality shall be considered a debt owed to the Village or Municipality by the owner of the property, and may be recovered in an appropriate court action by the Village or Municipality or by assessment against the property. The cost of removal shall include any and all incidental expense incurred by the Village or Municipality in connection with sign removal.

## **SECTION 19.9 - LEGAL NON-CONFORMING SIGNS**

### **A. LEGAL NON-CONFORMING SIGNS**

1. Notification of Non-Conformity. After the enactment of this Code, the Administrator shall, as soon as practicable, survey the Village or Municipality for signs which do not conform to the requirements of this Code. Upon determination that a sign is nonconforming, the Administrator shall use reasonable efforts to so notify either personally or in writing the user or owner of the property on which the sign is located of the following:
  - a. the sign's non-conformity
  - b. whether the sign is eligible for characteristics either as legal non-conforming or unlawful.
2. Signs Eligible for Characterization as "Legal Non-Conforming". Any sign located within the Village or Municipality limits on the date of adoption of this Code, or located in an area annexed to the Village or Municipality, thereafter, which does not conform with the provisions of this Code, is eligible for characterization as a "legal non-conforming" sign and is permitted, provided it also meets the following requirements:
  - a. the sign was covered by a sign permit or variance on the date of adoption of this Code if one was required under applicable law.

b. if no sign permit was required under applicable laws for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this Code.

3. Loss of Legal Non-Conforming Status. A legal non-conforming designation is lost if:

a. The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance), which tends to or makes the sign less in compliance with the requirements of this Code than it was before the alteration.

b. The sign is relocated to a position making it less in compliance with the requirements of this Code.

c. The sign is replaced.

d. On the happening of any of (a), (b), or (c) the sign shall be immediately brought into compliance with this Code, with a new permit secured therefore, or shall be removed.

B. LEGAL NONCONFORMING SIGN MAINTENANCE AND REPAIR - Nothing in this Section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this Code regarding safety, maintenance and repair of signs, contained in this Code, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign may lose its legal nonconforming status.

#### **SECTION 19.10 - SPECIAL SIGNS**

A. SUBDIVISION DEVELOPMENT SIGNS - The Administrator may issue a special permit for a temporary sign in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:

1. Such permits may be issued for a period not to exceed one year. The Administrator may renew such permits for additional periods of up to one year for each permit upon written application at least 30 days prior to its expiration.

2. Type of Sign: Signs as used in this Section refer to all types of signs except signs exempted under Section 8 of this Article, and those prohibited under Section 6 of this Article. Maximum sign area: 20 sq. ft.
3. Legend: The off-site sign may contain advertising in connection with the name of the subdivision, development firm, building, contractor, real estate sales firm, and may refer to materials, appliances, supplies and building trades used in construction of the dwelling units, or services provided by the developer.
4. Location: Any subdivision development sign shall comply with all applicable sign setback requirements for the zoning district in which the property is located. No such sign shall be permitted to remain in one subdivision or in one unit of a subdivision for the purpose of advertising the sale of lots or structures in another subdivision, or another unit within the same subdivision, without the express permission of the Administrator.

B. SIGNS FOR SPECIAL EVENTS - Temporary signs, not in excess of six square feet in area, may be erected as participation in a public parade, public event or public celebration of a period not to exceed ten days, provided however, the erection of such sign shall be approved by the Administrator.

#### **SECTION 19.11 - SPECIAL EXCEPTIONS**

- A. The intent of this article is to allow certain provisions of this ordinance to be modified where such modification will encourage excellence in the planning and design of signs. Nothing in this article, however, is intended to permit the erection or maintenance of signs which are prohibited in Section 5 "Prohibited Signs".
- B. In the event that any person wishes to construct or install a sign or signs other than as permitted in this ordinance, that person shall be entitled to a hearing before the Planning Board and Zoning Board of Appeals. Governing rules for appeals and variances required by the Planning Board and Zoning Board of Appeals shall apply.
- C. Requests for a hearing shall be made in writing to the Clerk or the Administrator no less than seven days before the meeting of the Planning Board and Zoning Board of Appeals.

D. The Zoning Board of Appeals will make the final decision on appeals of interpretations of this ordinance. They will also review all cases of variance request at a public hearing, making a recommendation to the Village or Municipality for amendments or variances to the provisions of this ordinance. The Planning Board shall provide a written recommendation on the appeal to the ZBA at least 5 days prior to the public hearing.

#### **SECTION 19.12 - ADMINISTRATION**

##### **A. SIGN INSPECTOR**

1. Appointment: The Administrator will appoint an individual to be called the "Sign Inspector" to enforce the provisions of this sign ordinance.
2. Duties of the Sign Inspector:
  - a. The Sign Inspector shall examine all applications for permits for erection of signs, authorize the continued use of signs which conform with the requirements of this ordinance, record and file all applications for permits with any accompanying plans and documents, make an annual inspection of all signs in the Village or Municipality, and make such reports as may be required.
  - b. If the Sign Inspector shall find that any sign has been constructed or erected or is being maintained in violation of the provisions of this ordinance, s/he shall promptly notify the owner or lessor thereof in writing.

#### **Section 20 - Off-Street Parking and Loading**

- A. Off-street parking space shall be required for all principal buildings or uses initiated or altered after the effective date hereof which require a Building/Use Permit. Parking requirements shall be as required hereunder. For uses not specified, the Planning Board shall establish parking requirements in specific cases consistent with those specified herein in conjunction with any site plan review or any Conditional Use.
- B. Each off-street space shall consist of at least one hundred eighty (180) square feet with a minimum width of nine (9) feet. In addition, space necessary for aisles, maneuvering and drives shall be provided and shall be so arranged as not to

interfere with pedestrian or motor traffic on the public roadway.

- C. For any building having more than one use, parking space shall be required for each use. For the purposes of computing parking requirements, floor areas shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas.
- D. Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or altered so as to require a Building/Use Permit and having a gross floor area in excess of 1,500 square feet. Off-street loading shall be so arranged, as not to interfere with pedestrian or motor traffic on the public roadway and any required off-street loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length.
- E. An off-street loading space may occupy any part of any required side or rear yard, except no such berth shall be located closer than fifty (50) feet to any existing residential district use other than one on the same premises unless wholly within a completely enclosed structure.
- F. The following off-street parking standards shall apply to the types of uses identified below and serve as the basis for determining the parking requirements for similar uses not specifically provided for herein:

<b>Use</b>	<b>Spaces Required</b>
1. One-, Two-Family Dwelling	1 space for each dwelling unit
2. Multiple-Family Dwelling	1 1/2 spaces for each dwelling unit
3. Home Occupation	1 space for each dwelling unit plus space for all customers, patients and clients
4. Tourist Accommodation	1 space for each guest room
5. Business, Professional office	1 space for each 400 sq. ft. of floor space
6. Public, Semi-public facility, Institution	1 space for each four adult seating spaces, or visitors

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|  | expected at any one time,<br>plus space for all employees  |
| 7. Commercial Recreation;<br>Tourist Attraction              | 1 space for each five seating<br>spaces/individual accommodation,<br>plus space for all employees                                      |
| 8. Retail, Personal Service<br>Trade                         | 1 space for each 300 sq. ft. of<br>floor space devoted to retail<br>or customer use  |
| 9. Shopping Center   | 1 1/2 square feet of retail area   |
| 10. Eating, Drinking<br>Establishment                        | 10 spaces, plus 1 for each 60<br>sq. ft. of dining area for 'sit-<br>down' facility, or of building<br>area for 'carry-out' restaurant |
| 11. Warehouse, Storage;<br>Building Material;<br>Fuel Supply | 1 space for each employee on<br>maximum shift. Parking area<br>shall not be less than 25 percent<br>of the building floor area         |
| 12. Gasoline Station;<br>Service Station                     | 1 space for each service bay,<br>plus space for all employee cars<br>and stacking space for 4 cars per<br>bay for any auto wash        |

**Section 21 - Site Improvement and Screening**

A. Fencing and screen-planting may be required according to the following:

1. Any use required by these Regulations to be fenced or screened from view shall provide a fence and/or structural or planting screen sufficient to enclose or so as to preclude entry or effectively screen such uses from abutting properties and the public right-of-way as is considered appropriate.
2. Plans and site design for the installation of such fencing or screening as are required by these Regulations shall be reviewed and approved by the Planning Board prior to authorization of a Permit.
3. Any fencing or screening installed in accordance with this Section shall be maintained in good order to achieve the objectives of the same. Failure to maintain required fencing and screening shall be considered a violation of these Regulations.

## ARTICLE V - ADMINISTRATION AND ENFORCEMENT

### Section 22 - Building/Use Permit

- A. Permit Required - No building will be constructed, erected or located; no site excavation, no existing building expanded or added to in any way that would alter its exterior dimensions; and no use will be located, changed, introduced or expanded relative to the area occupied or involved by such use until a Building/Use Permit therefor has been issued by the Enforcement Officer. Docks conforming to the definition of a "Standard Dock" as defined in Part V, Appendix D, do not require a permit.
- B. Application - A potential applicant may request a preapplication conference to informally discuss the proposal and its feasibility prior to formal submittal of an application for the project. There shall be submitted with all applications for a Building/Use Permit those items of information and in the number as set forth in Appendix B of Part V of this Code and such other information as may be necessary as stipulated by the Enforcement Officer to determine and provide for the administration and enforcement of these Regulations. An application for a Certificate of Compliance shall be made coincidental with any application for a Building/Use Permit, such application to be valid for the duration of the Permit.
- C. Notification of Determination - The Enforcement Officer shall review the application and shall issue or refuse to issue the applied for Building/Use Permit, or advise the applicant of any required additional information or referral required, within ten (10) business days of receipt of the application. Notice of refusal to issue any Permit shall be given to the applicant in writing and shall state the reasons for said refusal. Approval of the application shall be indicated by issuance of the Building/Use Permit.
- D. Duration of Validity - A Building/Use Permit issued under these Regulations shall be valid for a period of six (6) months from the date of issuance, during which six-month period the project for which the Permit was issued must be initiated. Providing the project is initiated within this six-month period, the validity of the Permit shall continue for a period of two (2) years from the date of issuance. Application may be made to and considered by the Board of Appeals, which Board may, for due cause shown, authorize such extension of either or both the six (6) month or two (2) year time limitation, as it may determine appropriate.

## **Section 23 - Certificate of Compliance**

- A. Certificate Required - No building or use requiring a Permit shall be occupied, used or put into operation until a Certificate of Compliance shall have been issued by the Enforcement Officer.
- B. Application - Application for a Certificate of Compliance shall be made coincidental with any application for a Building/Use Permit. Such application shall be valid for the duration of the validity of the Permit.
- C. Notification of Determination - The Enforcement Officer shall make or cause to have made an inspection of each building or use for which a Certificate of Compliance is required before issuing such Certificate. A Certificate of Compliance shall be issued only if the building or use conforms to the provisions of these Regulations and to the application based on which the Building/ Use Permit was issued. Issuance of the Certificate or written notification of refusal to issue the same and the reasons therefor are to be accomplished within ten (10) business days from the date of notification of project completion.

## **Section 24 - Amendments**

- A. The Village Board may on its own motion, on petition or on recommendation of the Planning Board or Board of Appeals, amend the Regulations pursuant to the applicable requirements of law.
- B. All proposed amendments originating by petition, or by motion of the Village Board, shall be referred to the Planning Board for a report and a recommendation thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute their recommendation for approval of the proposed amendment.
- C. Any proposed amendment governed by Section 239 of the General Municipal Law shall be referred to the Hamilton County Planning Board and, upon approval by the Adirondack Park Agency of the Village's local land use program, or the portion of such program embodied by these Regulations, any amendment will be referred to the Adirondack Park Agency in accord with the procedure identified under Section 26 below.
- D. Before any amendment, there shall be a public notice and hearing thereon as provided by law and as set forth below.

E. After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Village Board shall be required to amend these Regulations.

#### **Section 25 - Public Hearings**

A. Public hearing shall be required prior to action on any amendment, or variance considered under these Regulations.

B. The Village Board shall hold any public hearing in consideration of an amendment to these Regulations in accordance with the applicable provisions of law.

C. The Planning Board may, at its discretion, hold a public hearing in consideration of any conditional use or site plan review where the Board deems such hearing to be in the public interest and beneficial to the proper administration of these Regulations; such hearing, when held, to be in accordance with the applicable provisions of law.

D. The Board of Appeals shall hold any public hearing in consideration of a request for a variance in accordance with the applicable provisions of law. In addition, the Board of Appeals may, at its discretion, hold a public hearing in the consideration of any other matter within its jurisdiction, including a request for interpretation or extension of time which it has been delegated to consider under these Regulations.

E. Public notice of any required public hearing will be advertised in a newspaper of general circulation in the Village at least five (5) business days prior to the date of such hearing and shall specify the date, time, place and purpose of such hearing.

F. The instrument of the Village responsible for calling any public hearing may require any applicant in an action necessitating public hearing to notify by certified mail or other acceptable means adjoining and other specifically designated property owners and persons of legitimate interest concerning the public hearing.

G. The hearing shall be conducted in accord with the guidelines established by the presiding officer. Any person or party of interest may appear in person or by agent or attorney and shall be given an opportunity to be heard as it is relevant to the proceeding.

#### **Section 26 - Required Referrals**

A. Whenever any amendment or variance would apply to real property within a distance of five hundred (500) feet from any boundary of a neighboring municipality or within five hundred

(500) feet of any County or State property or right-of-way, said proposed amendment or variance shall be referred to the Hamilton County Planning Board, which Board shall have thirty (30) days in which to report its recommendations to the Board from which it was referred. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval by the County Planning Board. Notification of action taken on any matter previously referred to the County Planning Board will be given within seven (7) business days of such action.

- B. At such time as these Regulations may become part of an approved local land use program for the Village under the Adirondack Park Agency Act, any amendment or variance and all matters deemed to have a regional impact and classified as either Class 'A' or Class 'B' Regional Projects shall be referred to the Adirondack Park Agency in accord with the provisions for the administration of an approved local land use program as set forth in Appendix 'E' of Part V of this Code. Until such time as these Regulations become part of an Adirondack Park Agency approved program, the Village will administer the Regulations as herein provided and will notify any applicant of the need to comply with all applicable requirements of the Adirondack Park Agency Act.

#### **Section 27 - Enforcement and Violation**

- A. Enforcement - These Regulations shall be enforced by a person hereinafter called the 'Enforcement Officer,' designated by the Village Board, who shall in no case grant any Permit or Certificate where any proposed building or use would be in violation of any provision of these Regulations. The Enforcement Officer shall establish such procedure and make such inspections of the premises as are necessary to carry out his duties in the administration and enforcement of these Regulations. Further, the Enforcement Officer shall prepare and submit a written record and report of all official actions, including Permits and Certificates issued and denied, to the Village Board on a monthly basis or as otherwise directed by the Village Board, with copies transmitted to the Planning Board and Board of Appeals. The Land Use Enforcement officer may request the Planning Board to offer a non-binding advisory opinion in matters of interpretation of certain provision of the Code. Said opinion would not be required of the Board and may be in verbal form.
- B. Citizen Complaint - Any resident, property owner or other person of legitimate interest may file with the Enforcement Officer a written, signed complaint against any alleged violation of these Regulations. It shall be the duty of the Enforcement officer to investigate such alleged violation and to report thereon to the Village Board in a timely manner, which report shall be filed and be part of the public record of the Village.

C. Notification and Correction - Any building or use which does not comply with these Regulations shall be so recorded by the Enforcement Officer and a report thereof filed with the Village Board. The Enforcement Officer, at the direction of the Village Board, shall give official written notice to this effect to the owner of record thereof. The owner shall initiate measures to correct such noncompliance within thirty (30) days from the date of notification. If within this thirty (30) day period application is not made to initiate a process for correction and if thereafter such correction is not pursued according to an agreed-upon timetable and to the satisfaction of the Village Board, the Village Board shall instruct the Village Attorney to institute proceedings to compel compliance and assess such penalties in accord with the provisions hereinafter set forth for the violation of these Regulations.

D. Violations and Penalties - Shall be as follows

1. Any person or persons who are responsible for any acts contrary to the provisions of these Regulations and who have not complied with the direction to remedy such noncompliance as provided for above, shall be guilty of a violation of these Regulations and upon conviction therefor, shall be subject to the penalty provided below.
2. Any owner, lessee, contractor, agent, partnership, corporation, association or other person or persons who violate or cause to be violated any provision of these Regulations shall, upon conviction for such violation, be subject to a fine not to exceed two hundred fifty (\$250) dollars, imprisonment not to exceed fifteen (15) days, or both, for each violation; and every week, seven (7) days, that said violation continues shall constitute a separate and additional instance of violation.
3. In addition to the above provided penalties and punishment, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of these Regulations.

#### **Section 28 - Appeal and Court Review**

A. Appeal - All appeals for relief from the application of these Regulations in matters of interpretation or request for variance shall be directed to the Board of Appeals whose duties and procedure for consideration of appeal are as set forth in Appendix A of Part V of this Code. Where the Board of Appeals finds that practical difficulty or unnecessary hardship may result from strict compliance with these Regulations, it may vary the Regulations so that substantial justice may be done and the public interest secured; provided

that such variations will not have the effect of nullifying the intent and purpose of these Regulations or the Village Plan. In granting such variances, the Board of Appeals shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied.

- B. Court Review - Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Board of Appeals, Village Board or any official instrument of the Village in the administration of these Regulations may have the decision reviewed in the manner provided by Article Seventy-Eight of the Civil Practice Law and Rules, provided the proceeding is commenced within thirty (30) days after the filing of the decision in the appropriate office of the Village. Costs shall not be allowed against the Village unless it appear to the Court that the Village or its representative acted with gross negligence or in bad faith or with malice in making the decision appealed from.

#### **Section 29 - Interpretation and Effectuation**

- A. Interpretation - Terms and words used herein are as defined in Appendix 'D' of Part V of this Code. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety or the general welfare; and only where exceptional conditions warrant, which conditions shall be fully documented, shall the responsible instrument of the Village require such additional measures as are reasonable and appropriate under the circumstances to accomplish the purposes of these Regulations. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standard shall govern.
- B. Separability - The invalidity of any provision of these Regulations shall not invalidate any other provision thereof.
- C. Invalidity - No approval, Permit or Certificate authorized or granted by any official instrument of the Village in contradiction to the provisions of these Regulations shall vest any rights or interest in the recipient irrespective of any action taken or obligation incurred in reliance on such authorization, nor shall the Village be liable for same, under any such invalid authorization.
- D. Liability - Nothing in these Regulations, including the issuance of a Building/Use Permit or Certificate of Compliance, shall be construed to insure or in any way guarantee any building, structure, improvement, installation or use against any defect, failure or other shortcoming, and the Village shall not be liable for same.

- E. Fees - A schedule of fees for the administration of these Regulations in consideration of an application for any Building/ Use Permit, Certificate of Compliance, variance or amendment shall be as established by resolution of the Village Board.
  
- F. Effective Date; Repealer - The "VILLAGE OF SPECULATOR ZONING REGULATIONS" shall become effective at the time and in the manner provided by law and any existing Village ordinances, statutes, resolutions, regulations or laws in conflict with its provisions shall be deemed repealed upon the effective date of these Regulations.
  
- G. Continuation - Nothing herein, however, shall be deemed to exempt or release any prior or current building, structure, improvement, installation or use from any requirements, stipulations or pending actions under any Village requirements in force and effect prior to the effective date hereof.