

Zoning

ARTICLE I AUTHORITY, TITLE, PURPOSE.

§ 1-100 **Establishment.** Pursuant to the authority conferred by Article 7 of the New York State Village Law, the Board of Trustees of the Village of Stamford, County of Delaware, NY, hereby adopts and enacts as follows:

§ 1-101 **Title.** This Local Law, known as the Village of Stamford Zoning Law, is enacted in accordance with a Comprehensive Plan and is designed to lessen congestion in the streets; to secure from fire, panic, floods, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of the land; to avoid undue concentration of population; the facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations contained in this Local Law are made with reasonable consideration as to the character of the District and its peculiar suitability for particular uses, and with a view to conserving the value of the buildings, and encouraging the most appropriate use of land throughout the Village.

§ 1-102 **Separability.** If any section, subsection, or phrase of this Local Law is declared invalid, such invalidity shall not affect any other portion of this Local Law.

§ 1-103 **Repealer.** The ordinance entitled, "Zoning Ordinance, Village of Stamford," dated September 1973, and all Amendments thereto, is hereby repealed and declared to be of no further effect.

§ 1-104 **Effective Date.** This Local Law and any Amendment shall be in effect on the day of its publication, following adoption and filing with the office of the New York State Secretary of State.

ARTICLE II DEFINITIONS.

§ 2-200 **General.** For the purpose of this Local Law, certain terms or words used herein shall be interpreted as follows:

A.The word, "person," includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual. Words used in the present tense include the future tense. The singular includes the plural.

B.The words, "he" or "him" include "she" and "her." The words, "shall" and "must" are mandatory. The words "used" or "occupied" include the words, "intended," "designed," or "arranged," and are defined as "to be used or occupied."

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

§ 2-201 **Specific Terms.** As used in this Local Law, unless the context or subject matter otherwise requires, the following words shall have the following meanings:

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Accessory Use or Structure: A use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure, and may include alternate energy systems.

Adaptive Reuse: The development of a new use for a preexisting building. If a historic structure is involved, the conversion strives to maintain the structure's historic character.

Adult Use: Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities, or exhibition and viewing of any specified anatomical areas, removal of articles of clothing, or appearing unclothed, pantomime, modeling or any other personal services offered to customers.

Agriculture: The use of land for agricultural purposes including tilling of the soil, dairying, pasture, apiculture, aboriculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing and storing of products, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that such uses shall not include the commercial feeding of garbage and offal to animals.

Airport: Any facility for the purposes of engaging aircraft to flight.

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

Alternative Energy Systems: Structures, equipment, devices, or construction techniques used for the production of heat, light, cooling, electricity, or other forms of energy, on site, and may be attached or separate from the principal structure.

Amendment: A modification or change proposed or put into effect by a legislative or constitutional procedure; an alteration of, or an addition to, a law.

Animal Hospital: A business that treats animals and regularly houses them on the premises overnight or for extended periods for treatment.

Antique Motor Vehicle: Any motor vehicle that is twenty-five (25) years of age or older, and owned and operated as an exhibited piece or collector's item, and is used for participation in club activities, exhibits, tours, parades, occasional transportation or similar uses, but not used for general daily transportation, and meets the criteria necessary to obtain a New York State Historical Registration.

Apartment House: A structure containing three or more dwelling units. See Dwelling, Multi-Family.

Area Variance: The authorization by the Zoning Board of Appeals for the use of land in a manner, which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Basement: That portion of a building having more than one-half of its height below finished grade. This portion shall not be a completed structure, but shall serve as a substructure of foundation for the remainder of the building.

Bed and Breakfast: A dwelling in which overnight accommodations, not exceeding six (6) bedrooms, are provided or offered for transient guests for compensations, providing no meals except breakfast.

Boarding or Lodging House: A building other than a hotel or motel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding twenty (20) persons. Individual cooking facilities are not provided.

Buffer District: A land area used to visibly separate one use from another, or to block noise, lights, or other nuisances. This can include, but is not limited to, open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another, so as to visually shield or block noise, lights, or other nuisances.

Building: Any structure, permanently affixed to the land, which has one or more floors and a roof, and is intended for shelter, housing, or enclosure of persons, animals, or chattel.

Building Area: The total ground floor area of a principal building and accessory building, exclusive of uncovered porches, steps, and terraces.

Building Height: The vertical distance measured from the mean level of the ground surrounding the building to a point midway, between the highest and lowest point of the roof, but not including chimneys, spires, mechanical penthouses, towers, tanks, and similar projections.

Building, Principal: A building, in which is conducted the main or principal use of the lot on which said building is situated.

Building Setback Line: A line parallel with the front, side, and rear property lines respectively, beyond which a structure may not extend, as determined by this Local Law.

Bulletin Board: A sign which identifies an institution or organization on the premises of which it is located, and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

Burn Barrel: An uncovered metal or ceramic drum or container, in which rubbish is burned outside, in open air.

Campsite: Includes any or more of the following: a parcel of land designed to accommodate two or more camps, recreational vehicles or transitory living arrangements, or buildings and facilities thereon, used for the assembly or adults for which is commonly known as "day camp" purposes, or for overnight, weekend, or longer periods of camping by organized groups.

Carport: A roofed structure used for the storage of one or more automobiles and is considered an accessory building.

Change of Use: Any use that substantially differs from the previous use of a building or land.

Chiminea, Wood Burning: Chimineas are burning devices made from clay, aluminum, or steel and are used for warmth and aesthetics outside in yards and patios. Chimineas are designed to burn wood.

Church: Any structure used for worship or religious instruction, including social and administrative rooms accessory thereto.

Club: Any organization catering to members and their guests, or premises and buildings for recreational or athletic purposes, and are not open to the general public, and which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising, or commercial activities, except as required for membership and purposes of such club. For the purpose of this Local Law, clubs shall include lodges, fraternal organizations, mutual benefit societies, and other like organizations.

Clubhouse: A building to house a club or social organization, not conducted for private profit, which is not an adjunct to, or operated by, or in connection with a public tavern, café, or other public place.

College or University: An educational institution authorized by New York State to award associate, baccalaureate, or higher degrees.

Comprehensive Plan: A document that serves as the foundation of all land use and development regulations in the Village of Stamford. It is a policy document intended to guide the growth, development, and redevelopment of the Village for the next 5 to 10 years.

Commercial: Engaged in commerce; the activities of business, industry and trade; prepared, done, or acting with sole or chief emphasis on salability or profit.

Community, Cultural, Social, and Recreational Facility: A building used for recreational, social, education, or cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency.

Concertina: A musical instrument resembling an accordion.

Concertina Wire: A type of webbed wire, or dull wire, that is formed in large coils, which can be contracted like a concertina. Each coil actually consists of two oppositely wound helices which support each other against crushing, while allowing easy longitudinal movement. In conjunction with plain barbed wire and steel pickets, it used to form wire obstacles in the military.

Condominium: A single dwelling unit under individual ownership, together with other purchasers of the common elements of the structure, land, and appurtenances, within a two-family or multiple dwelling unit structure.

Conifer: Any of numerous, chiefly evergreen trees or shrubs of the class Coniferinae (or group Coniferales), including the pine, fir, spruce, and other cone-bearing trees and shrubs, and also the yews and their allies.

Coniferous: Belonging or pertaining to the conifers.

Controlled Burn: A fire that is intentionally set by a fire department for the purpose of training firefighters.

Convalescent Home: See Nursing Home.

Covenant: A legal agreement, usually formal, between two or more persons, to do or not do something specified, or an incidental clause in such an agreement.

Cross-easement: The reciprocal legal right to pass from one property to another.

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.

Customary Accessory Use: A use incidental and subordinate to the principal use, and which is located on the same parcel with such principal use.

Cul-de-Sac: A street, alley, or lane that is closed at one end, such as a blind alley or a dead-end street.

Day Care Center: A building or place where care, supervision, custody, or control is provided for more than seven (7) unrelated children or adults, for any part of a twenty-four (24) hour day.

Day Care Center, Exempt: Those childcare facilities licensed by New York State and that operate in private residences.

Development: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations, excluding normal maintenance to streets.

Direct Light: The light emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor of diffuser lens, of a luminaire, that goes directly from the front of the luminaire, in a straight line, to a target, such as a building.

Disability Glare: Glare resulting in reduced visual performance and visibility. It is often accompanied by discomfort. It has a blinding effect and dangerously decreases visibility.

Drive-In Restaurant or Refreshment Stand: Any place or premises used for the sale, dispensing, or serving of food, refreshments, or beverages to persons in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dump: Any place used for the disposal and leaving of waste paper, garbage, rubbish, trash, toxic chemicals and substances, and other waste material of any nature, by the public or by any person, excluding organic composting that is used for gardening purposes.

Dwelling: Any building, or portion thereof, that is designed or used exclusively as a residence or sleeping place of one (1) or more persons.

- A. Single Family: A detached residential dwelling designed for and occupied by one family.
- B. Two Family: A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two families.
- C. Multiple Family: A detached residential building designed for, or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units. **See Apartment House.**
- D. Seasonal Home: A dwelling unit intended for occupancy only during certain seasons of the year, principally for recreational use by the owner.
- E. A mobile home, including a doublewide mobile home, shall not be construed as a dwelling.

Dwelling Unit: One room, or rooms, connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units, which may be in the same structure and containing independent cooking and sleeping facilities, designed for occupancy by one family.

Easement: A right, giving individuals, other than the owner, permission to use a property for a specific purpose; a right, such as a right of way, afforded a person to make limited use of another's real property.

Educational Resource Center: A place to provide special services primarily to educational institutions.

Essential Services: The erection, construction, alteration, operation, or maintenance done by municipal agencies or public utilities of telephone switching centers, electrical or gas substations, water treatment or storage facilities, pumping stations, wastewater treatment plants, and similar facilities.

Establishment: An economic unit, generally at a single physical location, where business is conducted, or services or industrial operations performed.

Existing Non-Conforming Luminaires: Luminaires not conforming to the provisions of Article XI (11.7) (I) of this law, which were in place on the effective date of this chapter.

Family: One or more persons related to each other by blood, marriage, or adoption (or not more than three (3) individuals who are not related), living together in a single housekeeping unit. A group home for not more than twelve (12) persons, who are seventeen (17) years of age or less, who are not related, as above, to the adult occupants of the unit, shall be considered a family for this Local Law, when it has an internal structure akin to a traditional (biological unitary) family, and an external appearance of a relatively normal, stable, and permanent family unit, and is operated or supervised by a qualified social services agency.

Fast Food Restaurant: An establishment whose principal business is the sale of prepared or rapidly prepared food, sold directly to the customer in a ready-to-consume state, for consumption, either within the restaurant building, in cars on the premises, or off premises, and that, by design, encourages and allows customers to receive food while remaining in their motor vehicles.

Fires, Recreational (Fire Pits, Pots, Bowls and Chimineas): A recreational or pit fire is defined as a residential fire which is totally confined within a non-combustible structure or container, and burns only seasoned split fire wood, for the purpose of cooking or warmth. These fires must be attended at all times by an adult, and must be completely extinguished before leaving the site.

Recreational fires must be located more than ten (10) feet from any combustible structure, such as a house, a garage, motor vehicle, or tree.

A bucket of sand, a shovel, and an adequate supply of water must be near the burning fire at all times, for safety.

Firewood, Seasoned: Firewood that is dried, or "seasoned," a minimum of six (6) to twelve (12) months after splitting. Hardwoods dry more slowly than softwoods and may take over a year to dry. Seasoned firewood by definition contains 20 percent moisture or less by weight.

Flashing Light: A light source that is not constant in intensity or color at all times while in use.

Flood or Spotlight: Any luminaire or lamp that incorporates a reflector, a refractor, or a prismatic lens, to concentrate or diffuse the light output into a directed or diffused beam, in a particular direction.

Floor Area, Gross: For the purpose of applying the requirements for off-street parking and loading, "gross floor area," (in the case of offices, merchandising, or service types of uses) means the total floor area to be used or intended to be used by tenants, or for service to the public, as customers, patrons, or patients, including areas occupied by luminaires and equipment purposes such as storage, incidental repair, restrooms, fitting or alteration rooms, or general maintenance, or enclosed pedestrian malls or corridors.

Frontage: The part of the building that is parallel to the street, or the greater part of the building that faces the street. Where there is a question of which side is the building's front, the side with the greater linear distance will be considered.

Fully-Shielded/Cut-Off Luminaire: A luminaire constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element, is projected below a horizontal plane through the luminaire's lowest light-emitting part. The housing of a fully-shielded/cut-off luminaire is designed in such a manner that it does not allow any light dispersion or direct glare to shine above a 90° horizontal plane from the base of the luminaire. Fully shielded/cut-off luminaires must be installed in a horizontal position, as designed, or the purpose of the design is defeated and disability glare will result. The bulb shall not be visible with a fully-shielded/cut-off luminaire, and no light is emitted from the sides of the luminaire.

Garages, Private: Any accessory building, not operated for gain, and used in conjunction with a residential building, which provides for the storage of motor vehicles and/or other household items.

Garages, Public: Any garage, other than a private garage, operated for gain, available to the general public on a rental basis for the storage of motor vehicles, including the supply of gasoline and oil.

Garbage: The animal and vegetable waste, resulting from the handling, preparation, cooking, and serving of food. Vegetable waste that is used for garden composting shall not be considered garbage.

Glare: The light emitted from a luminaire, with intensity great enough to penetrate window coverings, reduce a viewer's ability to see, and, in extreme cases, causing momentary blindness, or a line-of-sight contact by a person's eye with a direct light source. **See Disability Glare.**

Governing Board: As used in this law, shall mean the Village of Stamford Board of Trustees.

Group Home: See Boarding House.

Holiday Lighting: Temporary lights used to celebrate holidays. Holiday lighting includes, but is not limited to, strings of small individual lights, illuminated menorahs, illuminated Nativity scenes, illuminated candles, and various yard decorations, seasonal in nature.

Home Occupation, Low Impact: Any non-residential use that is secondary and clearly subordinate to an existing residential use, conducted within a dwelling unit, or an accessory structure by a permanent resident of that dwelling unit, which does not change the residential character of the dwelling unit or vicinity, and where no customers enter the premises and where no signage, or exterior storage of products or equipment is required.

Home Occupation, Major: An occupation or business activity resulting in a product or service for financial gain, conducted wholly or partly in a dwelling unit or accessory structure which is clearly secondary to the use of the dwelling for living purposes, and does not change the residential character of the dwelling unit or have any exterior evidence of such secondary use, other than a sign, and where customers, clients, or sales representatives enter the premises, and in which not more than three (3) non-residents are employed.

Horizontal Illuminance: The measurement of brightness from a light source, usually measured in s or lumens, which is taken through a light meter's sensor at a horizontal position.

Hospital: An institution providing primary health services and medical or surgical care to persons, and including related facilities such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Hotel or Motel: A building or portion thereof, or a group of buildings, used as a transient abiding place, which may or may not serve meals, and whether such establishments are designated as a hotel, inn, automobile court, motel inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.

Illuminance: The density of luminous power, also called "illumination." One lumen of luminous flux, uniformly incident on one (1) square foot of area, produces an illuminance of one (1) foot candle; in SI (International System of Units) units, one lumen of luminous flux, uniformly incident on one (1) square meter of area, produces an illuminance of one (1) lux.

Impervious Surface: Any structure, surface, or improvement that prevents the absorption of storm water into land, and includes concrete paving, paver blocks, blacktop, oil and stone, and macadam.

Incandescent: A term used to describe a lamp, or a luminaire that utilizes such a lamp, that employs the incandescence of a filament as its light source.

Indirect Light: Direct light that has been reflected, or has scattered or bounced off other surfaces.

Injunction: A judicial process or order requiring the person or persons to whom it is directed to do a particular act or to refrain from doing a particular act.

Institutional Use: A non-profit or quasi-public use of an institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purposes.

Junk: For the purposes of this Local Law, junk is defined as:

A. Unregistered, inoperable motor vehicles no longer intended or in condition for legal use on the public highways, and unused car parts;

B. Discarded, worn-out, or unusable plumbing, heating supplies, household appliances (white goods), and furniture;

C. Discarded, scrap, or unusable lumber or wood;

D. Old, unusable or scrap copper, brass, rope, rags, batteries, paper, trash, glass, rubber, cement, plastic, stone, or building shingles, construction waste, and other waste;

E. All scrap or unusable iron, steel, and other scrap ferrous or non-ferrous material;

F. Anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent, or vermin infestation.

G. This definition shall not be deemed to include garden compost or items kept in covered bins or receptacles, designed for trash collection, and approved by the Village health officer or the Village code enforcement officer.

Junkyard: Any place of storage or deposit outside of a building, whether in connection with another business or not, where junk or one (1) or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom, or for the purpose of reclaiming for use, some or all of the materials therein.

Lamp: The component of a luminaire that produces the actual light (commonly called a "bulb").

Larceny: The wrongful taking and carrying away of the personal goods of another from his or her possession with intent to convert them to the taker's own use.

Laser Generated Light: Laser light (laser radiation) is light generated with a laser device. Such light has some very special properties, which very much distinguish it from light with other origins.

Licensed Design Professional: An architect, professional land surveyor, professional engineer, or structural engineer, licensed by the New York State Education Department.

Light: The form of radiant energy acting on the retina of the eye to make sight possible.

Light Leak: Unwanted light that escapes from a luminaire, from a location other than its intended opening.

Light Manufacturing: Those industrial uses whose activities do not usually constitute a fire hazard or emit smoke, glare, noise, odor, or dust, or in other ways constitute a nuisance and/or are not detrimental to neighboring properties.

Light Pollution: Any adverse effect of man-made light, including but not limited to, light trespass, uplighting, glare, light spill, or any man-made light that diminishes the ability to view the night sky. Often this is used to denote urban sky glow.

Light Shield: Any attachment that interrupts and blocks the path of light, designed in such a manner that it does not allow any light dispersion or direct glare to shine above a 90° horizontal plane from the base of the luminaire.

Light Spill: A general term to describe any stray light, including light leak.

Light Trespass: Light emitted by a luminaire that falls beyond the boundaries of the property on which the luminaire is located.

Lot: A parcel or area of land, the dimensions and extent of which are determined by the most recent official records or recordings.

A. Corner Lot: A lot at the junction of and fronting on two (2) or more intersecting streets;

B. Through Lot: An interior lot having frontage on two (2) parallel or approximately parallel streets.

Lot Coverage: That portion of the lot that is covered by buildings.

Lot Depth: The mean distance from the street line of the lot to its opposite rear line, measured in the general direction of the sidelines of the lot.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the roadway. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to roadways shall be considered frontage, and yards shall be provided as indicated under Yards in these definitions.

Lot Line: Any boundary line of a lot.

Lot Width: The width of the lot between side lot lines, measured at the front building setback line.

Lumen: The unit used to measure the actual amount of light that is produced by a light source. The lumen quantifies the amount of light produced by a lamp, NOT by the energy input, which is indicated by the wattage. One (1) is one lumen per square foot.

A standard North American 100 watt incandescent light bulb emits approximately 1700 lumens, while a 100 watt sodium vapor lamp emits about 15,000 lumens, about nine times as much.

Luminaire: A complete unit designed for the purpose of generating usable and somewhat controlled light, that comprises one or more lamps, parts to distribute the light, parts used to position and protect the light source, and a means to connect the light source(s) to an electrical supply.

Luminaire, Full Cut-Off: A shielded luminaire that allows no direct light dispersion or direct glare to shine above a 90° horizontal plane from the base of the luminaire. **See Fully-Shielded Luminaire.**

Luminance: A measure of the light, i.e., luminous flux per unit area leaving the surface in a particular direction. This quantity formerly was known as Brightness.

Luminous Flux: Luminous flux is a quantitative expression of the brilliance of a source of visible light. The standard unit of luminous flux is the lumen.

Also, the density of luminous power, also called "illuminance." One lumen of luminous flux, uniformly incident on one (1) square foot of area, produces an illuminance of one (1) foot candle; in SI (International System of Units) units, one lumen of luminous flux, uniformly incident on one (1) square meter of area, produces an illuminance of one (1) lux.

Lux: The International System metric unit of illumination, equal to one lumen per square meter.

Main Street Overlay District: An overlay District is a type of District that lies on top of another, much like a bedspread over a blanket. The blanket is the underlying zoning District, such as a commercial District, with minimum and maximum lot and structure sizes. In an overlay District, the municipality will superimpose a new level of requirements and opportunities over the underlying District.

Manufactured Home: Factory built single-family dwelling structures that are later transported to the site. Manufactured homes include panelized homes (flat units consisting of panels of wall with windows, doors, wiring and outside siding), modular homes (multi-section units), and pre-cut homes (factory cut to design specifications which include kit, lot, and dome homes), and that are to be placed on a permanent foundation, and are not transportable after installation. All manufactured homes are transported to the site and assembled. They differ from mobile homes in that they are not transportable after installation, and do not have a permanent axle and chassis.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials such as oils, plastics, or resins.

Maximum Occupant Load: The number of individuals allowed to live in or use a room, structure, dwelling, or premises, as permitted by the codes enforcement officer, and based on the most recent New York State Uniform Fire Prevention and Building Code.

Mobile Home, Single-Wide: Any moveable or portable housing unit, designed and constructed with one section to be towed on its own chassis, comprised of frame and wheels, connected to utilities and designed to be used, and capable of being used as a detached single-family residence; and which is intended to be occupied as permanent living quarters containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, and plumbing and electrical connections for attachment to outside systems. The definition of mobile home includes any additions made subsequent to installation. This definition does not include modular housing, placed on a standard foundation, nor does it include recreational travel trailers. Single-wide mobile homes are prohibited in all zoning Districts in the Village, except in Mobile Home Parks.

Mobile Home, Double-Wide: Any moveable or portable housing unit designed and constructed with two sections, to be towed on its own chassis, comprised of frame and wheels, connected to utilities and designed to be used, and capable of being used, as a detached single-family residence; and which is intended to be occupied as permanent living quarters containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, and plumbing and electrical connections for attachment to outside systems. The definition of mobile home includes any addition made subsequent to installation. This definition does not include modular housing placed on a standard foundation, nor does it include recreational travel trailers.

Mobile Home Park: Any site, lot, field, plot, parcel, or tract of land on which two (2) or more mobile homes are parked or located, and for which use said premises are offered to the public or any person for a fee of any type, including cost sharing. This definition shall also include two or more separate, but contiguous, lots under common ownership, having at least one mobile home on each lot.

Modular Home: A factory manufactured home which incorporates structures or components designed for residential occupancy, is constructed by a method of system of construction whereby the structure or component is wholly, or in substantial part, manufactured in a manufacturing facility, and is intended for permanent installation on a building site. For purposes of this definition, a manufacturing facility means the place, or places, at which machinery, equipment, and other capital goods are assembled and operated for the purpose of making, fabricating, forming, or assembling factory manufactured homes, or their components. A modular home shall be construed to mean a dwelling under this Local Law.

Motion Detector/Sensor: An electronic motion detector that contains a motion sensor that transforms the detection of motion into an electric signal.

Motor Vehicle: Any vehicle propelled or drawn by power, other than muscular power, originally intended for use on public highways.

Motor Vehicle Repair Shop: A building, or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles.

Motor Vehicle Sales Lot: Any building, land, and/or other premises used for the display and sale of new or used motor vehicles including, but not limited to, trucks, vans, cars, trailers, motorcycles, or recreational vehicles, and including any vehicle preparation or repair work, conducted as an accessory use.

Mounting Height: The vertical distance of the light source, measured from the illuminated plane.

Municipality: As used in this document, shall mean the Village of Stamford, Delaware County, NY.

Non-Conforming Building: A building existing at the time of the enactment of this Local Law, or any Amendment thereto, which does not conform to regulations of the District of District, excepting use regulations, in which it is situated, and which was legally constructed, altered, or enlarged under any prior zoning ordinances, or was in existence before any zoning ordinance was enacted by the Village.

Non-Conforming Lighting: Lighting which does not meet the requirements and specifications contained herein.

Nursing Home: An institution, or a distinct part of an institution that is licensed or approved to provide healthcare under medical supervision, for twenty-four (24) or more consecutive hours, to three or more persons. This includes long-term care facilities, intermediate care facilities, maintenance care facilities, hospice, and convalescent homes.

Obtrusive Light: Spill light that causes glare, annoyance, discomfort, or loss of visual ability. **See Light Pollution and Disability Glare.**

Opaque: Not transparent or translucent; not allowing light to pass through; impenetrable to sight.

Open Burning: The outdoor combustion of any household or construction rubbish, such as colored inks/dyes, glossy magazine products, wood (both treated or not), plastics, clothing, furniture, man-made byproducts or domestic belongings common to a household, including garbage and trash from such a dwelling, or the burning of any other matter, such as leaves, that products of combustion resulting from the burning are emitted directly into the ambient (surrounding outdoor) air, without passing through an adequate

stack, duct, or chimney. Campfires and open, contained barbecue fires, meant only for cooking use, are exempt.

Open Porch: A porch open on three (3) sides, except for wire screening. A porch shall not be considered open, if enclosed by either permanent or detachable glass sash.

Outdoor Lighting: The nighttime illumination of an outside area or object by any man-made device, located out of doors, that produces light by any means.

PAR Lamp: An acronym for parabolic aluminized reflector.

Parking Lot: An off-street, ground level, open area, usually improved, for the temporary storage of motor vehicles.

Parking Space: The space available for the parking of one (1) motor vehicle, and having an area of not less than 180 square feet (9' x 20').

Parking Space, Off-Street: An off-street area, or berth, with an appropriate means of vehicular access to a street, intended for temporary storage of vehicles.

P-D: Planned Development District.

Permitted Uses (or use "as of right"): A land use allowed under the regulations of this Local Law.

Person: Any individual, tenant, lessee, owner, or any commercial entity including, but not limited to, a firm, business, joint venture, or corporation.

Personal Service Shop: An establishment primarily engaged in providing services for the care of a person, or his/her personal goods or apparel.

Planning Board: As used in this Local Law, shall mean the Village of Stamford Planning Board.

Porch: A roofed exterior space on the outside of a building.

Preservation: Retention of essential character or an improvement, object, building, natural feature or structure as embodied in its existing form, integrity and material. This term includes the retention of trees, landscaping and vegetative cover of a site. This term may include temporary stabilization work, as well as ongoing maintenance of historic building materials.

Principal Use: The primary or predominant use of any lot or parcel.

Proctor Density: Pertaining to the Proctor Test, a standardized test measuring soil moisture-density, especially for the requirements of construction projects. The Proctor Test will measure the soil density that

can be attained for a particular soil and express it as a standard. The test will also determine the effect of moisture on soil density.

Professional Office, Minor: The place of business where a professional service is offered, and does not consist of structures with one or two separate offices, located within it. Veterinarian offices would be included in this category.

Professional Office, Major: The place of business where a professional service is offered and does not involve the sale of goods, or the keeping of a stock in trade. Major professional offices consist of structures with more than two (2) separate offices located within it.

Public Right-of-Way: Land set aside for use as a street, alley, fire lane, or other means of travel.

Public Utility: A closely regulated enterprise with a franchise for providing a utility service such as electric, gas, water, cable television, or telephone service, which is deemed necessary for the public health, safety, and welfare. Included are such facilities such as electric unit substations, high voltage transmission lines, pump stations, water towers, and telephone substations.

Putrescible: Liable to decay or spoil or become putrid.

Premises: A lot, parcel, tract, or plot of land, together with the buildings and structures thereon.

Receptor: *Physiology* - A specialized cell or group of nerve endings that responds to sensory stimuli, such as sound. Can also mean a device that measures decibel levels. Additionally, a receptor can be human hearing.

Recreational Motor Home: Any motor vehicle designed, constructed, or substantially modified so that it may be used, and is used, for the purpose of temporary housing quarters, including therein sleeping and eating facilities, which are either permanently attached to the motor vehicle, or attached to a unit, which is securely attached to the motor vehicle.

Restaurant: Any establishment, however designated, at which food is sold for consumption to patrons seated within a building, or on premises. A snack bar, refreshment stand, or vendor at a public or quasi-public recreational facility for the convenience of the patrons at the facility shall not be deemed to be a restaurant.

Retail Gasoline Outlet: Any establishment that sells gasoline to the public.

Rubbish: Solid or liquid waste materials, including but not limited to, paper and paper products; rags; trees or leaves, needles and branches therefrom; vines; lawn and garden debris; furniture; cans; crockery; plastics; cartons; chemicals; paint; grease; sludges; oil and other petroleum products; wood; sawdust; demolition materials; tires; automobiles and other vehicles and parts, for junk, salvage, or disposal. Rubbish shall

not include putrescible household garbage, incinerator residue, street sweepings, dead animals, or offal.

Scale: The relationships of a development and/or its elements in terms of size, height, bulk, intensity, and aesthetics, to one another and to the surroundings.

School: Instruction of five or more individuals at one time on a regular basis for a fee, tuition, or governmental subsidies or taxes and includes parochial, private, public and nursery school, college, university, and accessory uses; and commercially operated schools of martial arts, beauty culture, business, dancing, driving, music and similar establishments.

Setback, Front: A distance measured from the road's centerline to the nearest part of the main structure, but not including open porches, entrance steps, and other similar structures on the front of the main structure.

Setback, Rear: A distance measured from the rear lot line to the nearest part of the main structure.

Setback, Side: A distance measured from the side lot lines to the nearest part of the main structure.

Side Lot Line: A lot line that is not a road line or a rear lot line.

Sign: Any device, object, or structure designed to attract public attention or patronage.

Sign, Advertising: A sign designed to attract attention to a product or business.

Sign Area: The area defined by the face of the sign. The area defined by the sign shall be the product of the height, at its highest point, and the width at its widest point.

Sign, Directional: Signs limited to directional messages pertaining to the location for commercial or industrial businesses, principally for pedestrian or vehicular traffic, but not containing any other advertising information.

Sign, Directly Illuminated: Any sign that is illuminated by steady lighting.

Sign Directory: A listing of two (2) or more businesses.

Sign, Free Standing: A sign supported by structures or supports that are anchored into the ground, and that are independent from any building or other structure.

Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light, either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

Sign, Indirectly Illuminated: Any sign that is illuminated by steady external lighting, such as flood or spotlight, provided the light does not cause excessive glare upon adjacent properties and public highways, or direct light into the sky. Such signs shall be considered to be externally illuminated.

Signs, Internally Illuminated: Any sign that is illuminated by steady lighting, located within the structure of the sign.

Sign, Off Premises: A sign that directs attention to a business, commodity, service, or entertainment, that is conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Portable: Any sign not attached to the ground or to any other permanent structure, and which is designed to be transported, including but not limited to: A or T frames; menu and sandwich board signs; signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business being advertised.

Sign, Temporary: A sign or advertisement intended for a short period of time.

Sign, Wall: Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of the outside wall of any building, and supported by such wall or building, and which displays only one (1) advertising surface.

Sign, Window: A sign visible from the sidewalk, street, or other public place, located within a building, painted or affixed to the interior surface of glass or other window material, or located in such a manner that it can be seen from the exterior of the structure through the window.

Site Plan: A development plan on a lot, on which is shown topography, a directional arrow, location of all buildings, structures, roads, parking areas, rights-of-way, boundaries, all essential dimensions and bearings, and any other information deemed necessary by the Planning Board, in conformance with this Local Law.

Site Plan Review: A review and approval process, conducted by the Planning Board, whereby site plans are examined and studied, utilizing the criteria stated in this Local Law.

Sky Glow: The overhead glow from light emitted both sideways and upwards, including light that is reflected upward from the ground or other surfaces. Sky glow is caused by the reflection and scattering of various forms of light by dust, water, and other particles suspended in the atmosphere. Sky glow reduces or prevents the night sky from being seen.

Solar Access: A space open to the sun and clear of overhangs or shade, referring to the English doctrine of "ancient lights," or a right to light and fresh air, through existing windows. This is a form of easement that gives a long-standing owner of a building, with windows, a right to maintain his current level of illumination and fresh air.

Special Permit Uses: Any particular uses, which are specifically permitted in a given zoning District, but only when the criteria enumerated in this Local Law are met.

Spill Light: Light from a luminaire installation that falls outside of the boundaries of the property on which the luminaire is located, resulting in obtrusive light.

Street, Centerline: The midpoint of the traveled road surface.

Street Line: The right-of-way line of the street. This is not to be confused with a curb line or the edge of the pavement.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, signs, billboard, and poster panels.

Swimming Pool Residential: Any structure, basin, chamber, or tank which is intended for swimming, diving, recreational bathing or wading, and which contains, or is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, aboveground, and on-ground pools, indoor pools, hot tubs, spas, and fixed-in-place wading pools.

The phrase, "contains water over 24 inches deep," means having walls high enough for the pool to be capable of containing water to a depth of more than 24 inches when filled. A pool, which is capable of containing more than 24 inches of water, is a "swimming pool," (and is subject to all applicable New York State Uniform Building and Fire Prevention Code provisions relating to "swimming pools"), even if the pool is only filled to a depth of less than 24 inches.

Swimming Pool Alarm: A device that is capable of detecting entry into the water at any point on the surface of the swimming pool.

Tavern: An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use. Said term also includes a bar, pub, and nightclub.

Telecommunications Tower or Device: A structure that is intended to send and/or receive cellular communications.

Temporary Outdoor Lighting: The specific illumination of an outside area or object, by any man-made device, located outdoors, that produces light, by any means, for a period of less than seven (7) days, with at least one-hundred eighty (180) days passing before being used again.

Theater: A building, or part of a building, devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Ton: A unit of weight, equivalent to 2000 pounds avoirdupois (short ton) in the United States.

Tourist Home: See Boarding or Lodging House.

Traffic Impact: The effect of site traffic on highway operations and safety.

Traffic Impact Analysis: A traffic engineering study, which determines the potential traffic impacts of a proposed traffic generator. A complete analysis includes an estimation of future traffic with and without the proposed generator, analysis of the traffic impacts, and recommended roadway improvements, which may be necessary to accommodate the expected traffic.

Traffic Generator: A designated land use (residential, commercial, office, industrial, etc.) or a change in land use that generates more vehicular and/or pedestrian traffic to and from the site.

Trucking Facility: Any building, premises, or land, which involves the maintenance, servicing, storage, or where the repair of commercial vehicles is conducted, which includes the dispensing of motor fuel or other petroleum products, and the sale of accessories or equipment for trucks and similar commercial vehicles. It also includes premises used for overnight accommodations and restaurant facilities primarily for the use of truck crews.

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

Use Variance: The authorization by the Zoning Board of Appeals for the use of land for a purpose, which is otherwise not allowed, or is prohibited by the applicable zoning regulations.

Uplighting: Light emanating from a lamp, often a light bulb set in a cylinder or other container, placed on the ground so that a beam of light is directed upward, creating illumination above a 90° horizontal plane.

Used Car Lot: Any building, land area, or other premises, or portion thereof, used for the sale of used automobiles, including light trucks, vans, trailers, motorcycles, or recreational vehicles, and includes any vehicle preparation or repair work, conducted as an accessory use.

USPS: United States Postal Service.

Variance: The authorization by the Zoning Board of Appeals to vary or modify the application of any provisions of this Local Law, relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of this Local Law is observed, public safety and welfare is secured, and substantial justice done, pursuant to New York State Village Law § 7-712.

Veterinarian Office: A structure where animals are given medical care, but where no kennels, overnight stays, or boarding take place.

Veterinarian Hospital: A structure where animals are given medical care, and kennels, overnight stays, and boarding may take place.

Warehouse or Storage Facility: A building used primarily for the storage of goods and materials, short-term or long-term and may include terminal facilities for handling freight.

Wetland: Any land, which is annually subject to continual or periodic inundation by water and commonly referred to as a bog, swamp, or marsh.

Wholesale Business: Establishments or places of business, primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional businesses, to other wholesalers, or acting as agents or brokers.

Yard, Front: The required open space extended across the full width of the lot, the depth of which is the least distance between the street right-of-way and the front building setback line.

Yard, Rear: The required open space extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the rear building setback line.

Yard, Side: The required open space, extending through from the front setback line to the rear setback line, the depth of which is the least distance between the side lot line and the side building setback line.

Zoning Board of Appeals: That board which has been created by the Governing Body to hear and determine appeals and variances to zoning regulations.

Zoning District: The area that is a District, as set forth on the official Zoning Map filed, of record.

Zoning Enforcement Officer: The person authorized and empowered by the Governing Body to administer the requirements of this zoning law.

ARTICLE III APPLICATION OF REGULATIONS.

§ 3-300 Buildings. Except as hereinafter provided:

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

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

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

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

E.If a use or building is not specifically permitted, as a principal use, or use by Special Permit, it shall be deemed prohibited.

ARTICLE IV ESTABLISHMENT OF DISTRICTS.

§ 4-400 Establishment of Districts. For the purpose of promoting the public health, safety, and general welfare of the Village of Stamford, the Village is hereby divided into the following types of Districts:

- A.R-1 Residential District
- B.R-2 Residential District
- C.V-C Village Center District
- D.G-C Gateway Commercial District
- E.G-I General Industrial District
- F.F-H Flood Hazard District (overlay District)
- G.O-S Open Space District
- H.P-D Planned Development District

§ 4-401 Boundaries and Zoning Map. The boundaries of each of the Districts listed in §4-400(A-H) are hereby established as shown upon the duly adopted Zoning Map, which accompanies this Local Law, and which, with

all notations, references, and other matters shown thereon, is hereby declared part of this Local Law.

A. Interpretation.

1. Generally. The District boundary lines, unless shown otherwise, are intended generally to follow street centerlines, rail right-of-way boundary lines or their centerlines, other similar right-of-way lines, or lot lines or boundaries of subdivisions, or Village boundary lines, all as shown on the Zoning Map.

2. Where a District boundary line does not follow such a line, but is shown parallel to such a line on the Zoning Map, the distance between the parallel lines shall be as dimensioned on the Zoning Map.

3. Inaccurate Street Layouts. Where the street layout actually, on the ground, varies from the street layout as shown on the Zoning Map, the designation shown on the mapped streets shall be applied in such a way as to carry out the purpose and intent of the Zoning Map for the particular area in question.

4. Scaling. When the location of a District boundary line cannot be otherwise determined, the determination thereof shall be made by scaling the distance on the Zoning Map from a line of known location to such District boundary line.

5. Interpretation by Zoning Board of Appeals. In the case of uncertainty as to the true location of a District boundary line in a particular instance, an appeal may be taken to the Zoning Board of Appeals, as provided in this Local Law.

6. Division of Lot. When a zoning District boundary line divides a lot in a single ownership, at the effective date of this Local Law, or any subsequent Amendment thereto, the Zoning Board of Appeals may permit the extension into one District, a lawful conforming use existing in the other District, as hereinafter provided.

7. Underwater lands. All lands within the Village that are under water shall be considered to be a District in accordance with those District regulations applied to the upland adjacent to them, as though any District boundary line, shown on the Zoning Map as intersecting the water's edge, was projected across such water body to its interception of the Village boundary line, or other District boundaries.

§ 4-402 Overlay Districts.

In an overlay District, property is placed simultaneously in two Districts, and the requirements of both Districts shall apply. However, the requirements of the overlay District shall modify those of the underlying District(s).

ARTICLE V R-1 RESIDENTIAL DISTRICT.

§ 5-500 R-1 Residential District.

§ 5-501 Purpose.

- A. To designate those areas where predominately low and medium density residential development has occurred, or is likely to occur, in accordance with the Village's Comprehensive Plan;
- B. To protect the integrity of residential areas by prohibiting the development of incompatible land uses;
- C. To encourage home occupations and telecommuting that is done in a manner consistent with the neighborhood and residential character of the District.

§ 5-502 Permitted Principal Uses.

- A. One-family dwellings;
- B. Churches;
- C. Schools, public and private; nursery schools;
- D. Libraries;
- E. Public parks and playgrounds;
- F. Educational resource centers;
- G. Home occupations, low impact;
- H. Exempted day care centers.

§ 5-503 Permitted Accessory Uses.

- A. Custom accessory uses;
- B. Private swimming pools and private tennis courts.

§ 5-504 Special Permit. All uses subject to a Special Use Permit shall follow the procedures of Article XXVII and all require a Site Plan Review, as per Article XXVI.

- A. Two-family dwelling;
- B. Essential services;
- C. Home occupations, major; See Article XXIII.

- D. Nursing homes, convalescent homes, group homes for adults and youth, homes for the aged, all as defined under the NY State Public Health Law or the NY State Social Services Law, provided they are duly licensed by the State of New York;
- E. Hospitals;
- F. Colleges and universities;
- G. Day care centers that are approved by the NY State Department of Social Services;
- H. Professional offices, minor;
- I. Bed and breakfast inns; See Section 11.7(L).
- J. Mobile home, doublewide;
- K. Manufactured homes.

§ 5-505 Area, Height, Density, and Yard Requirements.

- A. Minimum lot area: 20,000 square feet;
- B. Minimum lot width: 60 feet;
- C. Maximum lot coverage: 20%;
- D. Minimum size of dwelling: 1000 square feet;
- E. Maximum building height: 25 feet or 2½ stories;
- F. Minimum yard requirements (as measured from the edge of the property line:
 - 1. Front yard: 30 feet, as measured from the road center line;
 - 2. Side yard: 10 feet but not less than 20 feet from an existing building on an adjacent lot;
 - 3. Rear yard: 35 feet;
 - 4. Exception for accessory buildings: May be located not less than 3 feet from the side or rear lot line, but not within 12 feet of an existing building.

§ 5-506 Off-Street Parking. All off-street parking shall conform to Article XIV.

§ 5-507 Sign Limitations.

1. Portable and temporary signs shall be allowed within the R-1 District, not to exceed six (6) square feet in sign area;
2. Internally illuminated signs, and off-premises directional signs shall be prohibited in this District;
3. Externally illuminated signs, for non-residential uses in this District, shall not exceed 6 square feet;
4. See also Article XVI.

§ 5-508 Uses Prohibited.

A. All uses of R-1 land, buildings, and structures that may be noxious by reason of the production, emission, or presence of dust, smoke, refuse matter, domestic animal excrement, odor, fumes, noise, excessive lighting, or similar substances or conditions;

B. All R-1 premises and exterior property shall be free from weeds or plant growth in excess of 10 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; however, this shall not include cultivated flowers and gardens.

ARTICLE VI R-2 RESIDENTIAL DISTRICT.

§ 6-600 Purpose.

- A. To designate those areas where predominantly higher density residential development has occurred, or is likely to occur, in accordance with the Village Comprehensive Plan;
- B. To encourage and designate those areas, which are best suited for multi-family housing, because of location, parking, and relation to other land uses;
- C. To encourage home occupations and telecommuting that is done in a manner consistent with the neighborhood and residential character of the District.

§ 6-601 Permitted Principal Uses.

- A) All uses permitted in the R-1 Residential District, and subject to all restrictions specified therein;
- B) Multi-family dwellings.

§ 6-602 Uses Prohibited.

A. All uses of R-2 land, buildings and structures, that be noxious by reason of the production, presence, or emission of dust, smoke,

refuse matter, domestic animal excrement, odor, fumes, excessive lighting, or similar substances or conditions;

B. All R-2 premises and exterior property shall be free from weeds or plant growth in excess of 10 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; however, this shall not include cultivated flowers and gardens.

§ 6-603 Permitted Accessory Uses.

A. Same as R-1.

§ 6-604 Special Permit Uses.

A. All uses subject to a Special Use Permit shall follow the procedures of Article XXVII and all require a Site Plan Review, as per Article XXVI.

B. Same as R-1;

C. Clubhouses;

D. Community, cultural, social, and recreational facilities;

E. Mobile Home Parks.

F. Rooming and boarding houses; tourist homes;

G. Bed and breakfast inns; (See Section 11.7(L)).

H. Professional offices, minor.

§ 6-605 Area, Height, Density, and Yard Requirements.

A. Minimum lot area: 10,000 square feet; for multi-family dwellings, not less than 1,000 square feet for each dwelling unit;

B. Minimum lot width: 50 feet;

C. Maximum lot coverage: 25%;

D. Minimum size of dwelling: 1000 square feet;

E. Maximum building height: 35 feet, or not more than 2½ stories;

F. Minimum yard requirements:

1. Front yard: Twenty (20) feet, as measured from the road centerline;

2.Side yards: Ten (10) feet, but not less than twenty (20) feet from an existing building on an adjacent lot;

3.Rear yard: Twenty (20) feet;

4.Exceptions: accessory buildings, which are the same as R-1.

§ 6-606 Off-Street Parking. All off-street parking shall conform to Article XIV.

§ 6-607 Sign Limitations. See Article XVI; signs are limited to two (2) per parcel.

ARTICLE VII VILLAGE CENTER DISTRICT.

§ 7-700 Purpose.

- A. To designate and encourage those area where predominantly business and commercial development has occurred and is likely to occur;
- B. To strengthen the traditional role of the Main Street business area in the Village, and to foster community interaction in a traditional center that enjoys a sense of place, and that includes a mix of commercial and residential uses, designed and integrated in a manner that is consistent with the dimensions, setbacks, and density of existing and historical buildings on Main Street.

§ 7-701 Permitted Principal Uses.

- A. All new buildings and accessory uses, other than one-family and two-family dwellings, require a Site Plan Review, per Article XXVI;
- B. Same as R-2, and subject to all restrictions specified therein;
- C. Stores and shops for conducting any retail or service business, except for adult uses;
- D. Offices, both professional and commercial;
- E. Restaurants;
- F. Banks;
- G. Theaters;
- H. Community services;
- I. Public garages;
- J. Wholesale businesses;
- K. Funeral homes and mortuaries;
- L. Personal service shops;

- M. Hotels, lodging or rooming houses, tourist homes;
- N. Bed and breakfast inns;
- O. Public parking lots;
- P. Municipal uses;
- Q. Mixed-use structures with commercial below and residential above;
- R. Professional office, minor;
- S. Professional office, major.

§ 7-702 Permitted Accessory Uses.

- A. Customary accessory uses;
- B. Home occupations and professional offices in residential buildings;
- C. Garages, private.

§ 7-703 Special Permit Uses. All uses subject to a Special Use Permit shall follow the procedures of Article XXVII, and all uses require a Site Plan Review, as per Article XXVI:

- A. Recreational business;
- B. Veterinarian office;
- C. Automotive service station;
- D. Public utility;
- E. Nursing home;
- F. Conversion of existing residential building to any non-residential use;
- G. Professional office, major.

§ 7-704 Area, Height, Density, and Yard Requirements.

- A. Residential lots shall have the same as R-2 Residential District requirements;
- B. Non-residential Lots shall meet the following standards:
 - 1. Minimum lot size: 4,000 square feet;
 - 2. Minimum lot width: 50 feet; maximum lot width, 100 feet;
 - 3. Front setback must conform to setbacks of adjoining properties;

4. Side yard requirements of R-2 Residential Districts shall be applicable to side or rear yards, when adjacent to an existing residential lot or District. When not adjacent to an existing residential lot or District, side yards may be a minimum of 0 feet, if attached to an adjacent building, or a minimum of five (5) feet, if not attached to adjacent building; maximum of 20 feet;
5. When adjacent to an existing residential lot or District; otherwise, a minimum of 55 feet (one row of parking);
6. Maximum building height: minimum of two (2) stories, maximum of three (3) stories, or 45 feet;
7. Maximum coverage of building lot: 70%;
8. Maximum building footprint: 100 feet in length.

§ 7-705 Off-Street Parking. All off-street parking shall conform to Article XIV.

§ 7-706 Sign Limitations.

A. Same as R-2;

B. See also Article XVI.

§ 7-707 Design Standards. Structures shall be designed in a manner to be compatible and consistent with the traditional character and development patterns of Main Street and Harper Street. See Main Street Overlay Design Standards for guidance.

ARTICLE VIII GATEWAY COMMERCIAL DISTRICT (GC)

§ 8-800 Purpose.

- A. To designate those areas where predominantly business and commercial development, or is likely to occur outside of the business center;
- B. To designate areas best suited for commercial services because of location;
- C. To encourage development that enhances the visual character of the main roadway entrances to the Village.

§ 8-801 Special Use Permits. All uses that are subject to a Special Use Permit shall follow the procedures of Article XXVII, and all require a Site Plan Review, as per Article XXVI.

- A. Same as V-C, subject to all restrictions specified therein;
- B. Motor vehicle sales establishments;
- C. Retail gasoline outlets;
- D. Warehouse/storage facilities;
- E. Car/truck washes;
- F. Motor vehicle repair establishments;
- G. Light manufacturing which involves only the processing, assembly, packaging or storage of previously manufactured or refined materials, provided that at no time will such use result in or cause:
- H. Dissemination of dust, smoke, smog, fumes or odors, or other atmospheric pollution, objectionable noise, excessive light, or vibration;
- I. Hazard of fire or explosion or other physical hazard to any adjacent buildings or to any plant growth on any land adjacent to the site of the use.
- J. Scientific or research laboratories devoted to research, design, and/or experimentation, processing, or fabricating incidental thereto;
- K. Veterinarians or animal hospitals.

§ 8-802 Permitted Accessory Uses. Same as V-C

§ 8-803 Area, Height, Density, and Yard Requirements.

- A. Residential lots: Same as R-2 Residential District requirements;
- B. Non-residential lots: All buildings must conform to setbacks of adjoining properties, except that side and rear yard requirements of R-2 Residential Districts shall be applicable to side or rear yards, when adjacent to an existing residential lot or District.
- C. No buildings shall be more than fifty (50) feet in height;
- D. Minimum lot size: 10,000 square feet;
- E. Minimum lot width: 50 feet, maximum lot width, 100 feet;
- F. Front setback: Must conform to setbacks of adjoining properties.
- G. Side yard requirements of R-2 Residential Districts shall be applicable to side or rear yards, when adjacent to an existing

residential lot or District; when not adjacent to an existing residential lot or District, 20 feet;

H. Rear yard requirements: Rear yard requirements of R-2 Residential Districts shall be applicable to rear yard when adjacent to an existing residential lot or District; otherwise, a minimum of 55 feet (one row of parking);

I. Maximum building height: 50 feet;

J. Maximum coverage of building lot: 70%;

K. Maximum building footprint: 100 feet in length.

§ 8-804 Off-Street Parking. All off-street parking shall conform to Article XIV.

§ 8-805 Signs.

A. Same as Village Center;

B. See Article XVI.

§ 8-806 Design Standards. Structures shall be designed in a manner to be compatible and consistent with the traditional character and development patterns of Main Street/Harper Street (State Route 23), within the Village. See Main Street Overlay Design Standards for guidance.

ARTICLE IX INDUSTRIAL DISTRICTS (I).

§ 9-900 Purpose. To designate areas best suited for industrial uses because of location, topography, transportation, existing facilities, and relation to other land uses.

§ 9-901 Special Permitted Uses.

A. Logging, sawmills, lumber yards;

B. Manufacturing;

C. Storage & warehouses;

D. Gas and fuel distributors;

E. Trucking facilities;

F. Public Utilities;

- G. Accessory uses/energy generation, including solar and other alternative energy systems and equipment;
- H. Manufacture or repair of farm implements;
- I. Printing, publishing and engraving, photographic processing or blueprinting;
- J. Research, experimental, or testing laboratories, not including combustion engine testing;
- K. Monuments and architectural stone;
- L. Wholesale houses and distributors, wholesale markets;
- M. Greenhouses, commercial, wholesale, or retail;
- N. Contractor equipment storage yard or plant, or rental of equipment commonly used by contractors;
- O. Automotive sales or repair facilities;
- P. Animal hospitals;
- Q. Storage and sales of building materials (cement, lime in bags or containers, sand, gravel, stone, lumber, structural or reinforcing steel, pipe, and the like);
- R. Junkyards (see Article XIII).

§ 9-902 Site Plan Required. All applications for proposed industrial uses shall be subject to Site Plan approval, as set forth in Article XXVI, and Special Use Permits, as set forth in Article XXVII.

§ 9-903 Uses Prohibited.

- A. All uses of land, buildings, and structures, or industrial processes that be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, animal excrement, odor, fumes, noise, excessive lighting, vibration, or similar substances or conditions.
- B. No person in an Industrial District shall emit noise exceeding the levels stated herein (as proposed by the Environmental Protection Agency).

Industrial Receptor	Business Receptor	Residential Receptor	Residential Receptor
		8AM to 9PM	9PM to 8AM
70 dBA	66 dBA	55 dBA	45 dBA

C. Vibration. Operation of any device that creates vibration, which is above the vibration perception threshold of an individual beyond the property where the source is located, is prohibited.

D. For the purposes of this section, "vibration perception threshold" means the minimum ground-borne or structure-borne vibration motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

§ 9-904 Area, Height, Density, and Yard Requirements.

A. All industrial uses shall be located a minimum of fifty (50) feet from any property line abutting a residential or commercial use. This fifty (50) foot buffer strip shall be perpetually maintained with plant material, to provide a visual screen between the industrial use and the adjoining residential or commercial use.

B. Physical buffers from such development shall be by a hedge or similar landscape screen, which rapidly will reach a height of at least six (6) feet, but not more than eight (8) feet. A combination of landscaping and decorative fencing may be substituted, provided that the height requirement is met, and considerable landscaping is used.

§ 9-905 Off-Street Parking. All off-street parking shall conform to Article XIV.

§ 9-906 Signs. See Article XVI.

ARTICLE X FLOOD HAZARD DISTRICT (O-F) **(Overlay District)**

§ 10-1000 Purpose. To designate those areas where construction controls may be imposed because of varying degrees of flood hazard.

§ 10-1001 Jurisdiction. The flood area shall be an Overlay District, and shall include the area specified as District A on the Federal Insurance Administration (FIA) Flood Hazard Boundary Map;

§ 10-1002 Procedures and Standards. Buildings and uses shall be in conformance with the US Flood Disaster Protection Act, as well as with the requirements of the underlying District.

ARTICLE XI MAIN STREET OVERLAY (MS)

§ 11-1100 Purpose and Intent.

- A. The purpose of the Main Street Overlay District is to conserve and enhance important community qualities by requiring base design standards and providing incentives to help achieve desired attributes.
- B. The properties that fall within the Main Street Overlay District may be required to meet stricter conditions in order to mitigate adverse impacts to the residential community that may result from new building or conversion of a residential use to a commercial use.
- C. By permitting additional low-impact commercial development to occur within a neighborhood District, the Village seeks to effectively integrate the residential with the commercial development, while preserving the residential and scale of the existing homes in the neighborhoods.

§ 11-1101 Applicability.

- A. The Main Street Overlay District applies to all properties having road frontage along Main Street and Harper Street, which comprise State Route 23, within the Village.
- B. The standards herein shall apply within this Overlay District to all newly constructed buildings or structures, new and reconstructed parking areas, and full conversion of an existing residential structure to a non-residential use (excluding home office uses).

§ 11-1102 Special Permits. Newly constructed buildings or structures, new and reconstructed parking areas, and full conversion of an existing residential structure to a non-residential use (excluding home office uses) shall be allowed only upon receipt of a Special Permit, in accordance with Article XXVII of this Local Law.

§ 11-1103 Pre-Application Conference Requirement.

- A. Prior to the submission of an application for a Special Permit under this Local Law, the Applicant shall meet with the Planning Board, at their regularly scheduled meeting, to discuss the proposed development in general terms, and establish the plan filing requirements.
- B. As such, no formal filings are required for the pre-application conference. However, the Applicant is encouraged to prepare sufficient preliminary architectural and/or engineered drawings to inform the Planning Board of the scale and overall design of the proposed project.
- C. Unless determined by the Planning Board, at the pre-application conference, that some of the requirements are not necessary to reach a decision on the merits of the application, items shall be submitted according to Site Plan Review.

§ 11-1104 Site Planning Standards. See Article XXVI.

§ 11-1104.1 New Curb Cuts.

- A. Curb cuts onto Main Street, Harper Street, and West Main Street shall be minimized.
- B. To the extent feasible, access to new businesses shall be provided through a common driveway, serving adjacent lots or premises, or through an existing driveway or side street, thus avoiding the principal thoroughfare.
- C. Ingress and egress to lots shall be limited to one (1) curb cut.

§ 11-1104.2 Access. A safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points, including:

- A. Location of any existing access points, on both sides of the street within one hundred (100) feet of the site, along streets where access to the site is proposed;
- B. Dimensions of access points, including distance from adjacent driveways or intersecting streets, including those across a street;
- C. Identification of width and material to be used for pedestrian paths;
- D. Name and location of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths;
- E. Written verification of access easements or agreements, if applicable.

§ 11-1104.3 Parking Spaces.

- A. The Planning Board is authorized to reduce the parking requirements specified for the use or structure proposed, up to 100%.
- B. In determining the appropriate reduction, if any, the Planning Board may give consideration to the hours of usage of the proposed use or structure, hours of usage of other uses or structures within the Main Street Overlay District, the amount of "shared" parking with other uses that may be available.
- C. Consideration shall also be given to the opinions of merchants, residents, and municipal officials, as to the adequacy or inadequacy of parking spaces within the specific area of the of the proposed use or structure, as well as other relevant information to assist the Planning Board in determining the need for additional parking for motor vehicles.

§ 11-1104.4 Parking Lot Design. To ensure that new and renovated off-street parking areas are constructed in accordance with the Village's character and the provisions of this Local Law:

- A. Parking areas shall be located to the side and rear of the structure. No parking area shall be designed such that parking is within the required front yard setback;
- B. To the extent possible, parking areas shall be shared with adjacent businesses, if present;
- C. Parking areas shall include adequate and statutory provisions for on-site retention and treatment of storm water;
- D. Parking areas, serving all structures other than solely for residential use, shall be paved, unless the Planning Board approves an alternative surface;
- E. Where alternative off-site parking (either public parking, or private parking obtained by lease or agreement) is provided within 500 feet of the property, the on-site parking requirement may be reduced to as little as zero (0), provided that the total of on-site and off-site parking, together, shall meet the requirement for the proposed use;
- F. The availability of alternative off-site parking for a particular development shall be determined based on the total number of off-site parking spaces that will be available by the time of occupancy of the structure, the cumulative amount of new use for which the off-site parking spaces are counted in meeting the parking requirement, and the maximum number of such off-site parking spaces likely to be utilized at any one time by the cumulative use.

§ 11-1104.5 Pedestrian Access.

- A. Provisions for safe and convenient pedestrian traffic shall be incorporated into plans for new construction of buildings and parking areas, and should be designed in concert with landscaping plans noted below.
- B. New construction should improve pedestrian access to buildings, sidewalks, and parking areas, and should be completed with considerations to pedestrian safety, handicapped access, visual quality, and maintaining the character of the Main Street Overlay District.
- C. Sidewalks shall be provided for all frontages along Main Street, Harper Street, and West Main Street.

§ 11-1104.6 Landscaping and Appearance.

- A. Appropriate landscaping and design shall be incorporated into new and expanded development within the Main Street Overlay District.

Landscape design plans, ordinarily, should be prepared by a professional landscape architect, although the Planning Board may accept a plan prepared by someone other than a licensed landscape architect, if the board believes the plan meets the design guidelines noted below, and in concert with the intent of this regulation.

- B. A landscaped buffer strip may be required adjacent to adjoining uses. This buffer strip shall be planted with a combination of grass, appropriate height shrubs, and shade trees;
- C. Large parking areas (i.e. greater than twenty (20) parking spaces) shall be separated by landscaped islands of eight (8) to ten (10) feet in width. In addition, a minimum of one (1) shade tree shall be planted for every three parking spaces, required or built, within appropriate locations on the lot(s).
- D. The most appropriate location of plantings shall be considered, including use of plantings to buffer neighboring properties, or along the street frontage and pedestrian ways. Trees planted within parking areas shall be planted in protected pervious plots of at least sixty (60) square feet of area;
- E. All exposed storage areas, machinery, garbage "dumpsters," truck loading areas, utility buildings and structures, shall be screened from the view of abutting properties and streets, using plantings, fences, and other methods compatible with the goals of this regulation, to maintain the character of this District.
- F. All premises and exterior property shall be free from weeds or plant growth in excess of ten (10) inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; however, this shall not include cultivated flowers and gardens.
- G. To ensure that landscaped areas are maintained, the Planning Board shall include, as a provision of any Special Permit granted, that a condition of said Special Permit is the maintenance of the landscaping, as approved by the Planning Board.
- H. The beneficiary of any Special Permit under this regulation shall replace any tree or shrub that dies within one (1) growing season. Replacement trees or shrubs shall be of similar type and size to the one(s) approved as part of the original approval.

§ 11-1104.7 Height. The maximum height of any new or expanded existing structures shall be the same as allowed in the underlying District (the District of lowest intrusion).

§ 11-1104.8 Bulk.

- A. To accomplish the purposes of the Main Street Overlay District, the Planning Board is authorized to allow an increase in lot coverage or square footage of structures either in existence, or as reconstructed, up to 30% above that provided for in the underlying

zoning District. This increase may be granted in conjunction with a reduction in required on-site parking spaces.

B. The Planning Board shall allow the increase only upon a finding that the additional useable square footage is necessary to reflect the scale of adjacent structures, to maintain the area's character and/or to rehabilitate or develop a structure or parcel within the Main Street Overlay District that would otherwise not have a likelihood of being rehabilitated or developed.

C. The Planning Board must further find that the relaxation of said bulk standards will not interfere or negatively impact abutting properties, particularly properties used or District for residential uses.

§ 11-1104.9 Setbacks.

A. To accomplish the purposes of this section, the Planning Board is authorized to allow a partial reduction of front, side, and rear setback standards for new or pre-existing structures.

B. The Planning Board shall allow the reduction of setback requirements only upon a finding that the setbacks, as imposed by the underlying District, would result, or have resulted in, the construction of structures that are not in keeping with the area's scale and character.

C. The Planning Board must further find that the relaxation of said standards will not interfere or negatively impact abutting properties, particularly properties used or District for residential uses.

§ 11-1104.10 Design Standards.

A. Where the underlying District is residential, new and converted structures shall be similar in scale and resemble single-family residential units.

B. When an existing residential building is converted to commercial use, the exterior residential façade shall be maintained.

§ 11-1104.11 Lighting.

A. Exterior lighting, (except for safety lighting that is controlled by a motion detector for steps, entryways, and walkways), shall be turned off from 10:00 PM until 6:00 AM.

B. Only fully-shielded/cutoff luminaires shall be used, which shall emit no light from the top of the luminaire, nor above a horizontal plane above 90° through the lowest direct light emitting part of the luminaire.

C. At the property line of the subject property, illumination from luminaires shall not exceed 0.1foot candles on adjacent properties, as measured at five (5) feet above the ground, both horizontally and vertically.

D. All exterior lighting shall conform to Article XX.

§ 11-1104.12 Allowable Uses. Recognizing that the Village-style development entails a mixture of uses, the Planning Board is authorized to allow a mix of residential and non-residential land uses within the Main Street Overlay District, as follows:

A. Residential Uses.

1. The Planning Board may grant approval for (single-family, two-family, or multi-family) residential uses, at a density of a maximum of six (6) units on the same lot.
2. If residential uses are currently allowed in the underlying zoning District(s), the provisions of the section shall apply to said residential uses only if this section is less restrictive than the underlying District.

B. Non-Residential Uses. The Planning Board may grant approval for non-residential uses within the Main Street Overlay District that are consistent with the provisions of the underlying zoning District(s), and with the following additional uses:

1. Retail sales;
2. Business or professional offices;
3. Banks and other financial institutions;
4. Restaurants or other places serving food, but not including fast food restaurants;
5. A mix of commercial uses on the ground floor and residential uses on upper floors.

§ 11-1104.13 Special Permit Standards and Criteria. In addition to the specific criteria regarding the granting of a Special Permit, contained within this regulation, the Planning Board shall issue a Special Permit only after consideration of the following points, and in conjunction with Article VII and Article XXVIII of this Local Law.

- A. Adequacy of the site in terms of the size for the proposed use(s);
- B. Suitability of the site for the proposed use(s);
- C. Impact on traffic and pedestrian flow, and safety;

- D. Impact on the neighborhood's visual character, including views and vistas;
- E. Adequacy of utilities, including sewerage disposal, water supply, and storm water drainage.
- F. The degree to which the proposed project complies with the goals of the Village Comprehensive Plan and the provisions of this Local Law.

§ 11-1104.14 General Design.

- A. Structures must be compatible with existing structures, their surroundings, and with Stamford historic character, whenever possible.
- B. The existing landforms and historic structures on a site must be preserved on-site, whenever possible, and reinforced by development, rather than destroyed and replaced by it.
- C. It is not implied that the buildings must look like the existing structures to be compatible. Compatibility can be achieved through proper consideration of scale, design, architectural details, proportions, site planning, landscaping, materials and colors, and compliance with the standards herein.

ARTICLE XII - OPEN SPACE DISTRICT (O-S).

§ 12-1200 Purpose and Intent. The purpose and intent is the protect those areas of the Village which are now essentially undeveloped and where, due to physical considerations and environmental limitations, conversion to uses, other than natural and non-intensive uses, are inappropriate.

§ 12-1201 Permitted Uses.

- A. Agriculture, forestry;
- B. Greenhouses, nurseries, gardens;
- C. Public parks and hiking trails;
- D. Land, water conservation and management practices.

ARTICLE XIII PLANNED DEVELOPMENT DISTRICTS

§ 13-1300 Purpose of District; Permitted Uses, Buildings, and Other Structures.

- A. Provisions for Planned Development Districts (P-D) are included herein, to permit the establishment of areas in which diverse uses may be brought together in a unified plan of development.

- B. In Planned Development Districts, land and buildings may be used for any lawful purposes, as determined by the Governing Body, subject to the following limitations and procedures.

§ 13-1301 Requirements for Establishment of P-D.

- A. There are minimum requirements that must be met for the establishment of a P-D.
- B. The area proposed for the P-D shall be under single ownership, both at the time of the application for the P-D, and when the P-D is adopted;
- C. The area constituting a P-D shall be five (5) or more acres in size.

§ 13-1302 Creation of a P-D.

- A. The creation of a P-D is subject to the New York State Environmental Quality Review Act (SEQRA), which is Article 8 of the NY State Environmental Conservation Law.
- B. Approval of a P-D does not constitute Site Plan Review or Special Use Permit approval, which are obtained from the Planning Board for specific uses authorized in the P-D.

§ 13-1303 Permitted Uses. Permitted uses are those that demonstrate a need, and which are deemed appropriate by the Planning Board and the Governing Body. These uses are approved by means of a process, as outlined in Article XXVII, of this Local Law.

§ 13-1304 Application Requirements.

- A. The application for a P-D (and six [6] copies) shall be submitted to the Village Clerk, at least twenty (20) business days before the next meeting of the Village Planning Board. The application shall consist of the following:
1. The standard application, obtainable from the office of the Village Clerk;
 2. The required application fee, which shall be determined annually by resolution of the Governing Body;
 3. A completed full New York State Environmental Assessment Form, Part 1;
 4. A sketch map (drawn to scale and prepared by a licensed design professional), showing the entire parcel of land proposed for the P-D, the location of proposed uses and major buildings, the proposed development density, proposed uses and housing types (if applicable), layout of roads, location of all entrances to the P-D's parcel of land, and all proposed open spaces;

5. Vertical elevation drawings or computer simulations, showing the development, as seen from the viewpoints of state or county roads or Village streets, so a viewer can see all aspects of the development in perspective;

B. A complete written narrative describing the design and architectural policies for the P-D, the developer's proposed treatment of any environmentally sensitive lands, and a realistic time frame for each phase of development (if applicable).

§ 13-1305 Application Procedures.

A. At its first meeting, following timely submission of an application for a P-D, the Village Planning Board and the Zoning Enforcement Officer shall determine whether the application is complete.

B. If the Village Planning Board and the Zoning Enforcement Officer determine that the application is not complete, the Village Planning Board shall so notify the Applicant with a written statement as to why the application is incomplete;

C. If the application is determined to be complete, the Village Planning Board shall send a copy of the complete application to the Delaware County Planning Board for its advisory opinion. The Delaware County Planning Board shall return its recommendations to the Village Planning Board within thirty (30) days of its receipt of the application.

D. The Governing Body shall not act on any application for a P-D until it has received the Planning Board's written recommendations on the application;

§ 13-1306 Review of Application.

A. The Governing Body and the Village Planning Board may engage experts, including but not limited to, professional planners, architects, and engineers, in reviewing the P-D proposal.

B. The reasonable expenses of engaging such experts may be charged to the Applicant.

§ 13-1307 Public Hearing.

A. The Governing Body shall not vote to approve a P-D until it has held at least one (1) public hearing on the application, following the submission of a complete application, and receipt of the Planning Board's written recommendations on the application.

B. At least five (5) days prior to the public hearing, the Village Clerk shall provide, by mail, a special notice to all adjacent landowners.

§ 13-1308 Adoption of a P-D.

- A. The Governing Body shall act on an application to establish a P-D, within ninety (90) days, following the receipt, by the Village Clerk, of the Planning Board's written recommendations;
- B. The date of the Village Clerk's receipt shall be deemed to be the first regular meeting of the Governing Body, following the Village Clerk's receipt of the Planning Board's recommendations;
- C. The Governing Body's failure to act on a P-D, within this period, shall not be deemed to constitute a default approval of the application. The Governing Body may adopt a P-D only after following the procedures described above, and making written findings regarding each of the standards set forth in this section, for an adoption of a P-D;
- D. The Governing Body shall cause the Official Land Use Map for the Village of Stamford, to be amended to show the P-D. The Amendment shall also include a list of Permitted, Special Use Permitted Uses, and uses requiring Site Plan Reviews, and any other minimum land use standards that the Governing Body deems appropriate;
- E. The allowable density in a P-D shall not be higher than the density allowed in the existing land use area;
- F. The minimum standards for all other aspects of the P-D shall be those applicable to the existing land use area, unless otherwise prescribed by the Governing Body. An Amendment to the Zoning Map shall not constitute any authorization to develop in the zoning District.
- G. The Governing Body may offer a resolution authorizing the issuance of the Permit for the establishment of a P-D, following the body's public hearing.

§ 13-1309 Planning Board Procedures.

- A. The Planning Board shall provide to the Governing Body an advisory opinion on the proposed P-D, within forty-five (45) days after receiving a complete application for a P-D. Alternatively, the Planning Board may request additional information reasonably related to the P-D application;
- B. If the Planning board requests additional information, the time to render an advisory opinion is extended to the next meeting of the Governing Body, following receipt of such additional information. The time of receipt of such information shall be deemed to be the date of the regular meeting of the Planning Board, following submission of the information to the Chair of the Planning Board.

§ 13-1310 Submittal to Planning Board. After a Planned Development District has been established, the Applicant shall submit, to the Planning

Board, further plans, specifications, supporting documents and data, as are required.

§ 13-1311 Imposed Conditions. All conditions imposed by the Governing Body in its Amendment, and all subsequent conditions imposed by the Planning Board of Governing Body, in their review of the final plans, including the posting of any performance bond, or any other conditions stipulated precedent to the issuance of any Permit, shall continue in force and effect as it applies to the approved project, and shall not lapse or be waived as a result of any change in tenancy or ownership or any or all of the designated District.

§ 13-1312 Expiration of Approval. If substantial construction of the development, in accordance with the approved plans and specifications, has not begun within one (1) year after the date of the resolution authorizing the issuance of the Permit, all permits shall become null and void, and the approval shall be deemed revoked and vacated.

§ 13-1313 Role of the Planning Board after Adoption of a PD. The Planning Board's role after adoption of a P-D is to review site plans and Special Use Permits for uses in the P-D, pursuant to the Planning Board's site plan approval powers, Special Use Permit authority, and the NY State Environmental Quality Review Act.

§ 13-1314 Standards for Adoption of a P-D. The Governing Body shall consider, and make findings, regarding each of the following factors in legislating any P-D:

- A. Compatibility with the surrounding area;
- B. Harmony with the character of the neighborhood;
- C. Need for the proposed development;
- D. The effect of the proposed P-D on the immediate area;
- E. The effect of the proposed P-D upon the future development of the area;
- F. Whether or not the P-D is warranted, by virtue of the design and amenities incorporated into a Proposed Development Plan;
- G. Whether the land surrounding the P-D can be planned in coordination with the P-D;
- H. Whether the proposed P-D is in conformance with the Village's Comprehensive Plan;
- I. Whether the existing and proposed streets are adequate to carry anticipated traffic, in and around the proposed District, including the amount of, location of, and access to automobile parking and service areas;

- J. That the existing and proposed utility services are adequate for the proposed development;
- K. That the P-D makes it possible for the establishment of a more creative, innovative, and efficient use of the property than would occur over the existing land use regulations;
- L. What the existing character of the neighborhood is, and the future relationship, beneficial or adverse, of the proposed development to this neighborhood;
- M. What the provisions are for pedestrian circulation and open space in the P-D, along with the reliability of the proposal for maintenance and conservation of common open space and pedestrian circulation, as related to the proposed density and type of development;
- N. The recognition of and satisfactory accommodations of important natural and physical limitations, and opportunities of the site;
- O. The provisions for storm, sanitary, and solid waste disposal, and other utilities, both on and adjacent to the site;
- P. The proposed location, type and size of signs, and landscape features;
- Q. The physical design of the plan and the manner in which said design does, nor does not, make adequate provisions for service demands, including water, sewerage, and fire protection.

§ 13-1315 Additional Standards for Planned Development Districts.

- A. P-D developments shall be protected by such reasonable and appropriate safety measures, devices, screening or yards, in order to avoid or minimize any adverse effects on the development itself, or in the surrounding area;
- B. Yard requirements for buildings may be modified by the Planning Board;
- C. All Planned Development District proposals shall be consistent with the need to minimize floor damage, where all public utilities and facilities, such as sewer, gas, electrical, and water systems, are located, elevated, and constructed to eliminate or minimize flood damage, and adequate drainage shall be provided so as to reduce exposure to flood hazards;
- D. All utilities must be buried underground in P-D areas.

ARTICLE XIV OFF-STREET PARKING REGULATIONS.

§ 14-1400 **Purpose.** The purpose of this Article is to require adequate off-street parking, thereby reducing traffic congestion, by allowing more efficient utilization of on-street parking.

§ 14-1401 **Requirements.** The following off-street parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each building which, after the date of this Local Law becomes effective, is erected, enlarged, or altered for use, for the following purposes, hereinafter listed.

- A. Dwellings: At least two (2) parking spaces shall be required for each dwelling unit in the building or buildings. This requirement is for single, two, and multi-family dwellings. These requirements may be reduced in the case of multi-family dwelling units containing housing predominately for senior citizens, if the Planning Board determines such reductions are warranted. Parking space in Residential Districts (R-1 & R-2) shall be located in the side or rear yard only;
- B. Major home occupation in dwelling: one (1) space for each client potentially served in such home occupation, plus the required spaces per dwelling unit;
- C. Hotel, motel, lodging, bed and breakfasts, or rooming houses: at least one (1) parking space for each guest sleeping room;
- D. Parking requirements for other non-residential uses:
- E. The Village finds that large and highly visible parking areas may damage the historic layout and architectural fabric of the Village, and harm the natural environment and visual character of the community. The Village also recognizes that inadequate parking can diminish quality of life by creating traffic congestion, safety hazards, and inconvenience. The Village seeks to balance the need for adequate parking with the need to minimize harm resulting from parking lots, and to avoid negative impacts of excessive parking requirements;
- F. Off-street parking requirements for non-residential uses shall be established on a case-by-case basis, based upon the need of the proposed use. Every effort shall be made to site any off-street parking behind buildings, and away from single-family residences;
- G. Since businesses vary widely in their need for off-street parking, it is most appropriate to establish parking requirements, based upon the specific operational characteristics of the proposed uses. In determining the parking requirements for any proposed use, the planning board shall consider:
- H. The maximum number of persons who would be driving to the use, such as employees, customers, clients, members, students, or any other

consumers at times of peak operation. Parking spaces shall be sufficient to satisfy eighty-five percent (85%) of the anticipated peak demand;

- I. The size of the structure(s) and site;
- J. The environmental, scenic, or historic sensitivity of the site. In cases where sufficient area for parking cannot be created on the site without disturbance to these resources, the planning board may require a reduction in the size of the structure so that available parking will be sufficient;
- K. The proximity of the parking lot to private residences;
- L. The availability of safe usable on-street parking;
- M. The availability of off-street parking lot that is open to the public, owned or controlled by the Applicant, or available on a shared use basis. The distance of any public off-street parking lot, located within five hundred (500) feet of the Applicant's property, shall be measured in a straight line, between the property line of the Applicant's lot and the property line of the public parking lot. The line shall not cross any private property, except that of the Applicant;
- N. Standards used in generally accepted traffic engineering and planning manuals shall be referred to; however, such standards shall be used as a guide only, and should be viewed as likely to require excessive numbers of parking spaces.

§ 14-1402 Design, Layout, and Construction of Parking Areas.

- A. All parking spaces provided, pursuant to this Section, shall be on the same lot with the building, except that the Planning Board may permit the parking spaces to be on any public off-street parking lot, located within five hundred (500) feet of the Applicant's property.
- B. The distance of any public off-street parking lot, located within five hundred (500) feet of the Applicant's property, shall be measured in a straight line, between the property line of the Applicant's lot and the property line of the public parking lot. The line shall not cross any private property, except that of the Applicant;
- C. As a minimum standard, parking areas shall be constructed of four (4) inches of compacted gravel.
- D. Each parking area shall be independently accessible;
- E. Landscaping, screening, fencing, visual access, and safety of the parking lot, and lot design, shall be reviewed during the Site Plan Review.

F. Surfacing, grading, and drainage shall minimize impermeable pavement and run-off. All drainage shall be compliant with New York City Department of Environmental Protection's rules and design specifications.

G. For parking lots of twenty (20) or more cars, landscaped areas may be required within the lot, including use of planting strips and deciduous trees. Lots of nineteen (19) or fewer cars may not require interior landscaping, if the Planning Board determines that there is adequate perimeter landscaping.

§ 14-1403 Access to Parking Lots. To minimize curb cuts, access to the parking lot from the main road may be limited to one (1) curb cut, when traffic conditions warrant.

§ 14-1404 Future Parking Set-Asides.

A. The Planning Board shall consider and may require that an Applicant set aside additional land to meet potential future parking needs. Such land may remain in its natural state, or be attractively landscaped, but may not be used in such a way that would prevent it from being used for parking in the future;

B. In cases where two (2) or more developments are adjacent, the Planning Board shall require cross-easements between parking lots, to provide for interconnected parking lots, and to facilitate traffic and control access on the main road. Shared parking facilities are encouraged.

§ 14-1405 Parking Lot Lighting. Lighting in parking lots shall be reviewed during the Site Plan Review, and shall conform to Village lighting standards, as set forth in Article XX, of this Local Law.

ARTICLE XV MISCELLANEOUS REGULATIONS.

§ 15-1500 Non-Conforming Buildings and Uses. The lawful use of any building or land, existing at the time of the enactment of this Local Law, may be continued, although such use does not conform to the provisions of this Local Law.

§ 15-1501 Unsafe Structures. Any structure, or portion thereof, declared unsafe by the Codes Enforcement Officer, shall be restored to a safe condition.

§ 15-1502 Alterations.

A. A non-conforming building may be reconstructed or structurally altered during its life, to an extent not exceeding in aggregate cost, fifty percent (50%) of the full market value of the building.

- B. Such alteration shall not violate any portion of this Local Law regarding yards, lot area, or lot coverage, for the District in which it is located, or increase any existing violation of such provision.

§ 15-1503 Extension of Uses.

- A. The non-conforming use of a building or lot shall not be further extended through the same building or lot;
- B. Conforming use may be extended to any portion of a non-conforming building, provided that such extension shall not violate any portion of this Local Law regarding yards, lot coverage for the District in which it is located, or increase any existing violation of such provision.

§ 15-1504 Construction Approved Prior to Adoption or Amendment of This Local Law. Any building for which a building permit has been lawfully granted, and on which the construction has been started and diligently pursued before the effective date of this Zoning Law, may be completed.

§ 15-1505 Restoration.

- A. No building damaged by fire or other causes, to the extent of more than seventy-five percent (75%) of its fair market value, shall be repaired or rebuilt, except in conformity with the regulations of this Local Law.
- B. If a building is damaged by fire or other causes, by less than seventy-five percent (75%) of its fair market value, it may be repaired or reconstructed and used as before the time of damage, provided such repairs or reconstruction is substantially underway within twelve (12) months of the date of such damage.

§ 15-1506 Abandonment. Whenever a non-conforming use has been discontinued for a period of one (1) year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this Local Law.

§ 15-1507 Change of Uses. Once changed to a conforming use, no building or lot shall be permitted to revert to a non-conforming use.

§ 15-1508 Displacement. A non-conforming use shall not be extended to displace a conforming use.

§ 15-1509 District Changes. Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

§ 15-1510 Existing Non-Conforming Lots. Any lot of record, lawfully created prior to the effective date of this Local Law, that does not comply

with the area, density, or dimensional requirements of this Local Law, shall be deemed to comply with such requirements and no variances shall be required for its development, provided that the lot complies with the requirements for on-site sewerage disposal and water supply systems. Existing lots must be safe from hazards.

§ 15-1511 Projections.

- A. Decks. An enclosed porch, erected on piers, may project into a required front, side, or rear yard to a distance not to exceed sixteen (16) feet. It shall not be considered in the determination of the size of the yards, provided that such porch shall not be closer than four (4) feet to any point of said lot line and not more than one such porch shall project into any required yard;
- B. Other projections of a building not requiring foundations, such as bay windows, fire escapes, cornices, or eaves, may project into any required yard not more than three (3) feet.

§ 15-1512 Clear Views at Intersections.

- A. No obstruction to views, including live plantings, in excess of two (2) feet in width and four (4) feet in height, measured perpendicularly from the road grade, shall be permitted or maintained on any premises, in the angle formed by intersecting highways, or by driveways intersecting highways, so as to interfere with the view of traffic approaching the intersection or a driveway, within a distance of seventy-five (75) feet, measured on the center line of the intersecting highway lines;
- B. Existing buildings, which obstruct the view of traffic, are exempted.

§ 15-1513 Garage and Tag Sales, Frequency of. Garage sales, porch sales, lawn sales, etc., shall be limited to four (4) sales per calendar year, each sale not to exceed three (3) days in length.

§ 15-1514 Corner Lots. Front yard setbacks are required on both street frontages and one yard, other than such front yard shall be deemed to be a rear yard, and the other a side yard.

§ 15-1515 Buffer District for New Streets. All new Village streets, built within seventy-five (75) feet of a property line, shall have a buffer strip, consisting of either a fence or a vegetative barrier.

§ 15-1516 Height Exceptions.

- A. The height limitations of this Local Law shall not apply to:
 - 1. Spires, belfries, cupolas, turrets, water towers, monuments, observation towers, transmission towers, chimneys, conveyors, flag poles, radio towers, television towers, and television aerials. No television or radio aerial may be erected whose height is greater than the horizontal distance from such aerial, or any part thereof,

to any overhead electric transmission line carrying more than 220 volts.

2. Bulkheads, elevator penthouses, monitors, fire towers, hose towers, cooling towers, water towers, grain elevators, or other structures where a manufacturing process requires greater height, provided that such structures, above the limiting heights specified in this law, shall not, in aggregate, occupy more than thirty percent (30%) of the horizontal area of the roof, and are set back one (1) foot from all legally established setback lines for each addition one (1) foot of height, from the specified height.

- B. Notwithstanding the foregoing, the Village Planning Board, as part of its Site Plan Review and approval, may limit the height of any of the above structures for the purpose of protecting the public health, safety, and welfare.

§ 15-1517 New Construction or Conversion. All new building construction or conversion of a dwelling unit shall require sewerage disposal and water hookup with the Village of Stamford systems.

§ 15-1518 Tennis Courts.

- A. All sides of a tennis court shall have at least an eight (8) foot fence, but no more than a twelve (12) foot high barrier, running the length and width of the court. The barrier shall be constructed in such a manner so as to prevent the passage of tennis balls through the barrier.
- B. All tennis courts shall be set back at least twenty (20) feet from an adjoining or adjacent lot line.
- C. Tennis court lights shall be turned off at 10:00 PM.
- D. A coniferous buffer District (at least six (6) feet in height) shall be planted on all sides of the court within fifty (50) feet of a rear or side yard.

§ 15-1519 Open Burning.

- A. No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, quality, characteristic, or duration, which are injurious to human, animal, or plant life, or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Barbecue cooking fires are exempted.
- B. No person shall burn, cause, suffer, allow, or permit the burning in and open fire, or in a burn barrel of (1) garbage; (2) rubbish generated by residential or commercial activities within the incorporated limits of the Village of Stamford, (3) of landscaping and construction rubbish, (4) controlled burn of a building.

§ 15-1520 Mineral Extraction. In any District, the removal of more than one thousand (1000) tons of soil, sand, gravel, or quarried stone for sale, except where incidental or connected with construction of a building on the same premises, requires a NY State Department of Environmental Conservation (DEC) permit. A Special Permit, granted by the Village of Stamford, is contingent upon an approved permit from the DEC.

§ 15-1521 Fill.

- A. Materials, including but not limited to, sand, gravel, stone, soil, etc., intended to be used as fill for on-site or off-site purposes, shall not be stored in the front yard or in the front half of side yards, but may be stored in the rear yard if neatly maintained or stabilized. Such materials shall be stored at least ten (10) feet from any adjacent lot line for a period not to exceed ten (10) weeks.
- B. Where it is impractical to store fill immediately in the rear yard, it may be stored for a period not to exceed five (5) weeks in the front yard, providing that such fill shall not be placed closer than fifteen (15) feet from the right-of-way of any state or county highway, or Village road or street, and is stored in such a manner as to not block visibility to or from such highways, streets, or roads.

ARTICLE XVI SIGNS.

§ 16-1600 Purpose. The purpose of this provision is to ensure attractive and architecturally compatible signage throughout Stamford's commercial areas, especially along Main and Harper Streets, thereby promoting a positive Village-wide image that reflects our historical heritage and enhances the experiences of residents and visitors alike.

§ 16-1601 General Provisions. All signs placed within the Village shall require a sign permit, except as provided for below, or as otherwise stated:

- A. All signs shall not project into a public right-of-way at ground level, except where it is attached to and flush with the façade or wall of a building.
- B. All signs that project horizontally from a building shall:
 - 1. Be pinned on the support rod a minimum of six (6) inches away from the building, and shall extend out a maximum of four (4) feet from the building;
 - 2. Be mounted so that the bottom of the sign shall be at least eight (8) feet high, as measured from the ground.
- C. No sign, attached or unattached, shall be higher than the principal building to which it is accessory, and no sign shall be erected upon the roof of any building.

- D. Every sign shall be designed and located in such a manner so as not to: (1) Not impair public safety; (2) Not restrict a motor vehicle's clear vision; (3) Not be confused with any traffic sign or signal; (4) Not prevent free access to any door, window, or fire escape.
- E. All two-sided signs shall be considered one sign, only if one side of said sign is visible from any angle.
- F. In addition to permanently mounted signs, one (1) temporary or portable sign per establishment, to be removed at the end of each business day, is allowed.
- G. Such sign shall be located on premises and shall not obstruct pedestrian traffic and visibility, and shall be secured to protect public safety, nor shall they be attached to utility poles, fire hydrants, or any kind of street sign.
- H. Signs must be constructed of durable material, maintained in good condition, and must not be allowed to become dilapidated, faded, peeled, or blistered.
- I. No sign shall be erected on a public utility pole, tree, or traffic control structure.
- J. Signs that flash or oscillate, or signs that move or appear to move, are not permitted, unless necessary for public safety and welfare.
- K. Any sign that includes banners, flags (except the flag of the United States, properly displayed), pennants, ribbons, streamers, spinners or similar moving, fluttering, or revolving devices shall be on a temporary basis only, and shall have the same limitations as any temporary sign.
- L. Flags or signs, which indicate that an establishment is open, shall not be regulated, nor require a permit, except that they shall be taken down at the end of each business day;
- M. Window signs shall not require a permit.
- N. No billboards are permitted within the Village.
- O. Off-premises signs are permitted within the Village, one (1) per establishment, with a maximum size of sixteen (16) square feet.
- P. Directional signs are permitted within the Village, one (1) per establishment, with a maximum size of two (2) square feet, and shall advertise the business name only, and shall not be illuminated directly or indirectly.

Q. All existing off-premises signs, at the time of adoption of this Local Law, shall be allowed to remain as long as they are properly maintained and their use remains current;

R. No sign shall emit audible sounds, odors, or visible matter.

S. No sign shall contain statements, words, or images of any pornographic or obscene nature.

T. Any sign, which is electrically lighted or installed to operate electrically, must comply with all local, state, and national codes; such sign shall comply with Article XX.

U. A new business, or a business in a new location, awaiting installation of a permanent sign, may use a portable sign for a period of not more than sixty (60) days, or until installation of permanent sign, whichever occurs first. Such a portable sign must meet all the requirements of this Local Law.

V. Businesses located in corner buildings are permitted to have one (1) sign for each street frontage.

W. Lettering painted on a building, and window awnings with lettering, shall be considered a sign and subject to all sign requirements and permit procedures.

§ 16-1602 For Sale, Rent, or Lease Signs. One (1) temporary, non-illuminated sign, not over four (4) square feet in area, located at least ten (10) feet from any public road or right-of-way, is allowed without a sign permit. Such temporary sign shall be removed within ten (10) days after sale or rental is consummated.

§ 16-1603 Agricultural, Commercial Business, Institutional Signs, Including Offices and Professions. The following signs, (shown in *Table 1: Dimensions for Non-Residential Signs Requiring a Sign Permit*, Page 57), are allowed and require the issuance of a sign permit:

A. Signs for these non-residential uses may be directly or indirectly illuminated, as outlined in Table 1, and the lighting of said signs shall conform to Article XX of this Local Law;

B. Signs may be placed on the lot in front of, or on any side, of the building, provided that the location fronts a lot boundary that is parallel to a public road;

C. Signs may be placed on the building, or may be free standing (ground or pole mounted), providing the setback requirements are met;

D. A maximum of two (2) signs per site will be allowed with the following exception: One (1) additional sign will be allowed for a building exceeding two hundred (200) feet of frontage;

- E. Where a building has frontage on two (2) public roads, the maximum sign allowance will be allowed for each front. However, the maximum amount of signs allowed will remain at two (2) per establishment;
- F. Where there are more than three (3) establishments per building, such establishments will be permitted to erect a sign directory, in addition to the signage allowed. The directory will be limited to thirty-two (32) square feet.

§ 16-1604 Home Occupation or In-Home Professional Office Signs.

- A. Limited to one (1) sign, no more than four (4) square feet in area, which may be externally illuminated.
- B. No exterior sign shall be illuminated beyond two (2) hours after the close of business, and in no event, between the hours of twelve o'clock Midnight, and 6:00 AM, unless the premises on which it is located is open for business.

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Table 1: Dimensions for Non-Residential Signs Requiring a Sign Permit

Type of Sign	R-1 (Limited to one sign) Max. sf Max. Height	R-2 (Limited to one sign) Max. sf Max. Height	V-C Max. sf Max. Height	Gateway Max. sf Max. Height	Industrial Maximum sf Max. Height	O-S Max sf Max. Height	P-D
Wall Mounted	1 sf for each one (1) foot in building frontage, not to exceed 75 sf	1 sf for each one (1) foot in building frontage, not to exceed 75 sf	1 sf for each one (1) foot in building frontage, not to exceed 75 sf	1 sf for each one (1) foot in building frontage, not to exceed 75 sf	1 sf for each one (1) foot in building frontage, not to exceed 75 sf	N/A	*
Projecting	6 sf	6 sf	24 sf 5 ft ¹	24 sf 10 ft ²	24 sf 10 ft ³	NA	*
Ground Mounted Non-Pole	6 sf 5 ft height ⁴	12 sf 5 ft height	24 sf 5 ft height	24 sf 5 ft height	24 sf 5 ft height	24 sf 5 ft height	*
Freestanding Pole Style	NA	NA	24 sf 10ft height ⁵	24 sf 10 ft height	24 sf 10 ft height	NA	*
Internally Illuminated	NA ⁶	NA	Permitted	Permitted	Permitted	6 sf 5 ft height	*
Externally Illuminated	6 sf 5 ft height	6 sf 5 ft height	Permitted	Permitted	Permitted	6 sf 5 ft height	*
Portable/Temporary	16 sf 5 ft height	16 sf 5 ft height	16 sf 5 ft height	16 sf 5 ft height	16 sf 5 ft height	NA	*
Off Premise	NA	NA	16 sf	16 sf	16 sf	NA	*

For projecting signs, the distance from the ground to the lower edge of the signboards shall be 10 feet or greater and if attached to a two or greater story building, shall not exceed the height of the bottom of any second floor.

² For projecting signs, the distance from the ground to the lower edge of the signboards shall be 10 feet or greater and if attached to a two or greater story building, shall not exceed the height of the bottom of any second floor.

³ For projecting signs, the distance from the ground to the lower edge of the signboards shall be 10 feet or greater and if attached to a two or greater story building, shall not exceed the height of the bottom of any second floor.

⁴ The height of the top of the sign or of any posts, brackets, or other supporting elements shall not exceed 5 feet from the ground.

⁵ Free-standing pole style signs may be permitted only when the principal building has a front setback of 25 feet or more.

⁶ NA = Not Allowed *All sign dimensions for uses in a P-D to be determined by Governing Body and Planning Board, during P-D adoption process.

§ 16-1605 Residential Sign Uses in All Districts.

- A. Limited to one (1) building or ground-mounted sign, no more than four (4) square feet in area, which may be externally illuminated only beyond two hours after the close of business, and in no event between 10:00 PM and 6:00 AM, unless the premises on which it is located is open for business.
- B. A non-conforming sign or sign structure, which is destroyed or damaged by any casualty, may be restored within six (6) months after such destruction or damage, only after the owner has shown that the damage did not exceed fifty percent (50%) of the appraised value of the design. If such a sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or replaced, unless such action makes the sign and sign structures conforming in all respects;
- C. A non-conforming sign or sign structure shall be removed within thirty (30) days of the building, containing the use to which the sign is accessory, is demolished or destroyed to an extent exceeding fifty percent (50%) of the building's appraised value;
- D. Any signs, not removed within the limit herein stated, shall be deemed a public nuisance and subject to the removal provision of this section. Such signs shall be removed by the Village, if the sign owner or property owner fails to do so after being so ordered by the Zoning Enforcement Officer. The cost of said removal shall be borne by the sign owner and/or the property owner, and may be recovered by the Village, if necessary, in an action of contract in District or State Supreme Court, or by placing a lien, in accordance with appropriate NY State Law, on the property from which the sign has been removed.

§ 16-1606 Temporary Development Signs. Temporary development signs, placed during construction, repair, or alterations, shall not exceed six (6) square feet in size, and shall not exceed one (1) sign per premises, without requiring a sign permit.

§ 16-1607 Exemptions.

Signs identifying municipally owned or operated buildings, facilities, or activities, shall be exempt from the provisions of this Local Law.

§ 16-1608 Sign Dimension Bonus.

- A. A size bonus, in square footage allowed per sign, may be given to encourage better design, at the discretion of the Planning Board, if the Applicant meets certain design standards.
- B. The size of the sign, as determined in Table 1, Page 48, can be increased by the following percentages, not to exceed a 50% total bonus increase.

- C. 10% when a sign is made of wood and architecturally compatible with the style, composition, materials, colors, and details of the building, or with an historical theme;
- D. 10% if the sign is designed to contain only the identification of the business, without advertising products or services of the business.
- E. 15% if the one sign is used to identify the establishment;
- F. 15% if the sign is not used with any type of illumination.
- G. 15% for a ground-mounted sign;
- H. 10% if the sign is in a landscaped planter, which is four (4) times the area of the sign.

ARTICLE XVII MOBILE HOMES & MODULARS.

§ 17-1700 **Purpose.** This Article's purpose is to permit an affordable alternative to single-family frame built residential units.

§ 17-1701 Mobile Homes/Modulars.

- A. Mobile homes (single wides) are prohibited in all Districts except in a Mobile Home Park, where allowed. Mobile homes (double wides), and manufactured homes are allowed in all Districts where single-family homes are permitted.
- B. All mobile homes (double wide and single wide) and modular homes shall have permanent foundations of concrete-reinforced slab bases or footings of at least six (6) inches on a 12-inch gravel sub-base, compacted to 90% standard proctor density.
- C. All mobile homes and modulars shall have a roof line of at least a 5/12 (rise over run) pitch.
- D. Mobile homes must be finished with a natural wood exterior, or other natural or artificial materials that, because of their color and texture, have the appearance of clapboards, wood shingles, or other traditional house siding, so as to blend in with the landscape, to enhance or maintain the attractive visual character of the neighborhood.
- E. Mobile homes shall comply with federal requirements and the New York State Uniform Fire Prevention and Building Code. Mobile homes shall be constructed in accordance with regulations set forth in the Code of Federal Regulations (CFR), Title 24, Housing and Urban Development, Chapter XX, Office of Assistant Secretary for Housing - Federal Housing Commissioner, Department of Housing and Urban Development, Part 3280, Manufactured Mobile Home Construction and Safety Standards.

F. Every mobile home shall have a manufacturer's label, which certifies that the home is in compliance with all Federal construction and safety standards. Every factory-manufactured home or component shall bear an Insignia of Approval issued by the NY State Division of Housing and Community Renewal.

G. Every mobile home shall also bear a data plate, affixed in the manufacturing facility, stating no less than the following information:

1. A statement of, "This mobile home is designed to comply with the Federal mobile home construction and safety standards in force at the time of manufacture;
2. A reference to the structural District and wind District for which the home is designed.
3. All mobile homes (single wide) shall have a minimum size of 720 square feet and a minimum width of fourteen (14) feet.

§ 17-1702 Mobile Home Parks. All Mobile Home Parks shall be regulated under this section, according to the following general guidelines. Creation, expansion, extension, or alteration of any Mobile Home Park shall be in accord with the following minimum requirements:

§ 17-1703 Location. A Mobile Home Park shall be located and maintained only in those Districts as permitted in this law, and in accord with the standards therein.

§ 17-1704 Compliance.

- A. All existing Mobile Home Parks of record shall be exempt from these regulations, except that they shall comply with them whenever any addition, expansion or alteration of the use or operation is proposed.
- B. All existing Mobile Home Parks shall be limited to the number and size of mobile homes presently accommodated at the time of adoption of this Local Law, except as they shall meet the minimum requirements set forth herein.

§ 17-1705 Park Minimum Lot Size. A Mobile Home Park shall have a minimum lot size of five (5) acres.

§ 17-1706 Minimum Individual Lot Size. Within the Mobile Home Park, minimum lot size for individual mobile homes shall be six thousand (6,000) square feet, and within the individual mobile home lot, the minimum lot requirements shall be as follows:

- A. Front Yard shall be twenty (20) feet.
- B. Side Yards shall be fifteen (15) feet.
- C. Rear Yard shall be fifteen (15) feet.

§ 17-1707 Sanitary Facilities. All water supply and sewerage disposal systems in mobile home parks, within the Village, will comply with those standards set forth in any applicable Village regulation and shall furthermore be approved by the NY State Department of Health before any permit is issued. The following shall comply, in all regards, with those standards set forth by the NY State Department of Health and the Village may establish any such additional regulations as:

- A. Storm and surface drainage;
- B. Open areas, yards, and drives;
- C. Garbage and refuse disposal.

§ 17-1708 Utility and Fuel Installations.

- A. All wiring, luminaires, and appurtenances shall be installed and maintained in accordance with the specifications and regulations of any applicable sections of the New York State Fire Prevention and Building Code, the National Electrical Code (NEC), the National Fire Prevention Association (NFPA), and local utility companies.
- B. Whenever possible, electrical transmission and other utility lines shall be placed below ground.
- C. Fuel tanks, where used, shall be placed at the rear of the mobile home and at a distance of at least five (5) feet from any exit, and shall have a safety shut-off at the tank. Underground tanks or a centralized fuel system are to be encouraged.

§ 17-1709 Roadways.

- A. All mobile homes within a mobile home park shall have access only to the internal mobile home park road, and not the existing street. Internal roadways within a mobile home park shall have a minimum right-of-way of fifty (50) feet and a minimum paved or stone course of twenty (20) feet, or such additional area as may be required by the Village.
- B. A cul-de-sac, or turn-around, shall be provided when necessary.

§ 17-1710 Off-Street Parking. Two (2) off-street parking spaces shall be provided for each mobile home lot in the Mobile Home Park, outside the fifty (50) foot right-of-way, and otherwise comply with the off-street parking requirements as set forth elsewhere in Article XIV of this Local Law.

§ 17-1711 Recreation Area. Open space areas of at least twenty percent (20%) of the land area, suitable for recreation and play purposes, shall be designated on the Site Plan and shall be an integral part of any proposed Mobile Home Park.

§ 17-1712 Improvements.

- A. Each mobile home owner or tenant shall be required to enclose the bottom portion of the mobile home with a metal, wood, or suitable "skirt," properly ventilated, within sixty (60) days after locating in the Mobile Home Park. Notification of such requirement shall be the responsibility of the mobile home park operator or his agent.
- B. Sidewalks, lighting, and landscaping shall be in keeping with the surrounding development, the unique features of the site, and the health and safety of the occupants of the mobile home park, as determined by the Planning Board. Attractive site development and landscaping shall be a consideration in determining the adequacy of the proposed mobile home park application.

§ 17-1713 Permits. No mobile home park shall be established in the Village until a permit has been applied for and granted, in compliance with this Local Law.

ARTICLE XVIII SWIMMING POOLS, RESIDENTIAL

§ 18-1800 Purpose. To prevent children from gaining access to unsupervised swimming pools, and ensure that residential pools are installed according to the NY State Uniform Building and Fire Code.

§ 18-1801 Swimming Pools.

- A. Such private pools shall be accessory to a principal residential use and shall be erected only on the same lot as the principal structure.
- B. Such pool shall not be located in any front yard nor within any required minimum side or rear yard, as required in that District.
- C. All lighting or other appurtenances shall be so arranged to conform to Paragraph I of this section, so as not to interfere with neighboring uses.
- D. An outdoor residential swimming pool must be provided with a barrier, which completely surrounds the swimming pool and obstructs access to the swimming pool. The barrier may consist of a fence, a wall, a building wall, or any combination thereof. The barrier must be at least four (4) feet (48 inches) high, and not greater than eight (8) feet high, and equipped with a gate that must be secured at all times the swimming pool is not in use. Aboveground pools must have a retractable ladder or steps.
- E. Access gates must satisfy the requirements applicable to barriers. In addition, access gates must be securely locked with a key, combination, or other childproof lock, sufficient to prevent access to the swimming pool through such gate, when the swimming pool is not in use or supervised.

- F. Each residential swimming pool installed, constructed, or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm which:
- G. Is capable of detecting a child entering the water and giving an audible alarm when it detects a child entering the water;
- H. Is audible at poolside and at another location on the premises where the swimming pool is located;
- I. Is installed, used, and maintained in accordance with the manufacturer's instructions;
- J. Is classified by Underwriter's Laboratory, Inc., or any other approved independent testing laboratory;
- K. Is not an alarm device which is located on a person(s) or which is dependent upon device(s) located on a person(s) for its proper operation.
- L. Multiple pool alarms - a pool alarm installed pursuant to this section must be capable of detecting entry into the water at ANY point on the surface of the swimming pool. If necessary to provide detection capability at every point on the surface of the swimming pool, more than one pool alarm shall be installed.
- M. Exemptions:
 - 1. A hot tub or spa equipped with a safety cover classified by Underwriter's Laboratory, Inc., or any other approved independent testing laboratory, to reference standard ASTM F1346 (2003);
 - 2. Any swimming pool (other than a hot tub or spa), equipped with an automatic safety cover classified by Underwriter's Laboratory, Inc., or any other approved independent testing laboratory, to reference standard ASTM F1346 (2003).

ARTICLE XIX USED CAR/MOTOR LOTS.

§ 19-1900 Purpose. To regulate the sales of used vehicles within the Village of Stamford.

§ 19-1901 Requirements.

- A. The Applicant shall be allowed one (1) vehicle per one hundred and eighty (180) square feet of paved surface. Four (4) inches of compacted gravel may be substituted for the paved surface.
- B. All vehicles shall be placed no closer than fifteen (15) feet from all property lines, including street rights of way.

- C. All vehicles on lot must be for sale and in legal condition to be driven off the lot.
- D. All Used Car/Motor Lots must have a Special Permit to operate within the Village, as described in Article VIII Gateway-Commercial District and Article IX Industrial District.
- E. If lot is neighboring a residential use, lot owner shall install a Buffer District, as detailed in the Site Plan Review, Article XXVI of this Local Law.
- F. All exterior lighting on the sales lot shall use fully-shielded/cutoff luminaires. All luminaires shall be mounted so as to minimize glare onto roadways and adjoining properties. Light spill shall not exceed 0.1 foot candles, as measured at adjacent property lines, at a height of five (5) feet above the ground, both vertically and horizontally.

ARTICLE XX EXTERIOR LIGHTING.

§ 20-2000 Purpose. Exterior lighting, when unregulated, can become obtrusive and negatively impact the character, safety, and quality of life in the Village of Stamford.

- A. Obtrusive aspects such as glare, light trespass, energy waste, and sky glow, can have serious consequences for the health, safety, and welfare of the public. In a non-shielded fixture, light goes in all directions, and 30 percent (30%) of it is wasted, going straight up or sideways.
- B. Light trespass can be an annoyance to neighbors trying to enjoy the outside or inside use of their properties at night. In residential areas, this can be an invasion of the rights of neighbors to enjoy their own properties.
- C. Energy waste can occur when light is uncontrolled and directed other than on the target area. Unwanted sidewise dispersion can cause glare, the upward and sidewise dispersion creates lost light that is no longer available for the target area, thus requiring higher wattage bulbs to achieve targeted illumination levels. This leads to unnecessary and wasteful use of electrical power, in detriment to the environment.
- D. Sky glow, or the illumination of the night sky by electric lights, can obscure the beauty of the starry sky for all of us, and for future generations. Sky glow also interferes with astronomical observations.

§ 20-2001 Requirements.

- A. In R-1 and R-2 Districts, no person may install, construct, or maintain on any house, pole, or wire, any lamp, electric bulb, spot light, flood light, or any lighting device, indoor or out, which

throws, extends, or shines light rays beyond the property lines of the owner or lessee of the house, pole, or wire, so as to interfere with the peace, quiet, comfort, sleep, or rest of any other person or persons, or adversely affect the health and well-being of any person or persons.

- B. In an R-1 or R-2 zoning district, any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens (100 watts incandescent), and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
- C. In an R-1 or R-2 zoning district, any exterior luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens (100 watts incandescent), and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $(D \div 3)$ (Distance divided by three), where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.
- D. Front porch lights are exempt from the exterior height requirement except that front porch lights shall not exceed a total of 1800 lumens and shall be shielded.
- E. In R-1 and R-2 Districts, no luminaire, on any part of any premises, shall be permitted to shine or reflect beyond the property line of the premises. All exterior luminaires on such premises shall be full cutoff luminaires, equipped with shielding devices, so that the glow emanating therefrom shall be directed only on and toward such premises. At the property line of said premises, illumination from said luminaires shall not exceed 0.5 measured at five (5) feet from the ground, both horizontally and vertically, onto adjacent residential properties.
- F. In all Districts, uplighting is prohibited, except that the American flag may be up-lit with a cut off/fully-shielded luminaire with a lumen output of 1300 lumens or less. Residents are urged to take down flags at sunset to avoid the need for lighting.
- G. Setback or Shielding Requirement - On non-residential lots, (which are adjacent to properties that are walking trails, public rights of way, or residentially [R-1 & R-2] zoned and developed, vacant or home owner's association open space), all commercial outdoor lighting fixtures must be set back a minimum prescribed distance from the nearest residential lot line, and shielded luminaires (called a "house-side shield") must be used on the side that faces the trail, public rights of way, or residential lots. This shield shall not allow the luminaire to emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
- H. A house-side shield typically consists of a visor or shielding panel that attaches to a lighting fixture. This provision is applicable for

both light poles and lighting fixtures mounted on the side and/or top of a building or structure.

- I. In all Districts, commercial externally lit signs, displays, building, and aesthetic lighting must be lit from the top and shine downward. These luminaires must be fully-shielded/cutoff luminaires, so as to prevent direct glare and/or light trespass. The lighting must be, as much as physically possible, contained to the target areas.
- J. Neon lights are only permitted pursuant to the Village of Stamford Sign Ordinance, which is contained in Article XVI of this Local Law.
- K. All new and replacements of commercial and residential outdoor lighting, installed in the Village of Stamford after the effective date of this Local Law, shall be in conformance with the requirements of this Local Law.
- L. In all Village Districts, all applicable existing exterior lighting, which is not in conformance with this Local Law, shall be brought into conformance by February 1, 2009.
- M. Certain lighting in place on the effective date of this Local Law shall also be subject to the requirements of this Local Law. Any inconsistent language in the Village of Stamford Code is superseded by the requirements of this Local Law.
- N. In R-1 and R-2 Districts, the installation or continued use of any laser source, mercury vapor, PAR, or metal halide lights is strictly prohibited.
- O. In all Districts, in no case shall any exterior lighting be directed towards the street so as to interfere with the vision, or attract the attention of the driver of a motor vehicle, nor shall any exterior lighting be directed towards any other lot, or cause excessive illumination or glare on neighboring lots or dwellings.
- P. In R-1 and R-2 Districts, all exterior lighting rated at 1800 lumens (100 watt incandescent) and less, including security and safety lighting, shall be fully-shielded/cutoff luminaires and installed, as designed, with the light source directed downward. Each luminaire shall not exceed 1800 lumens in output, per luminaire.
- Q. Residential security and safety luminaires shall be wired with motion detection/sensing devices, so as not to allow the luminaire to be lit continuously.
- R. Motion sensors/detectors that are used for security or safety in R-1 and R-2 Districts shall meet the following requirements:
 - 1. Motion sensor/detector shall not be triggered off-site, or within five (5) feet of the said property lines;

2. Movement on adjacent properties or adjacent sidewalks shall not trigger the security/safety lights;
 3. The security/safety luminaire shall remain lit for less than five (5) minutes.
- S. The illumination and lighting of any premises, between the hours of 9:00 PM and 6:00 AM, with more lighting and illumination that is reasonably necessary and proper for the safeguarding and protection of persons and property upon such premises, shall be presumed to be lighting and illumination of such power and intensity as to annoy or disturb unreasonably the sleep, comfort, and repose of the persons residing in the vicinity of such premises, and shall be presumptive evidence of a violation of this Local Law.
- T. On non-residential lots, high-pressure sodium, incandescent, compact fluorescent, or low-pressure sodium shall be used for all light sources rated at 1,800 lumens (100 watts incandescent), or greater. All luminaires shall be fully-shielded/cutoff luminaires. Laser source lights, metal halide (MH) rated over 3,000K and mercury vapor (MV) light sources are not permitted.
- U. The maximum illuminance at or beyond the property line that adjoins a residential parcel or public right-of-way may not exceed 0.01 foot candles, as measured both horizontally and vertically, at five (5) feet above grade.
- V. Maximum horizontal or vertical illuminance allowed between adjacent commercial or residential properties is 0.1 foot candles or less, as measured, both horizontally and vertically, at five (5) feet above grade.
- W. All temporary emergency lighting needed by law enforcement, fire departments, or other emergency services, as well as all automobile luminaires, shall be exempt from the requirements of this Local Law. All hazard-warning luminaires, as required by federal regulatory agencies, are exempt from the requirements of this chapter, except that all luminaires used must be as close as possible to the federally requirement for minimum lumen output for the specific task.
- X. Fossil fuel lights - All outdoor luminaires producing light directly by the combustion of fossil fuels (such as kerosene lanterns, gas lamps or equivalent) are exempt from the requirements of this chapter.
- Y. Lights used for holiday decorations are exempt from the requirements of this chapter.

§ 20-2002 Exceptions.

- A. Installation and replacement of municipal streetlights which are designated as "historic" or are decorative in nature, if part of a continuous lighting design scheme where the replacement of the luminaire on a piecemeal basis with compliant luminaries would

unacceptably degrade or destroy the aesthetic character of the existing lighting design.

B. Village streetlights and park lights are exempt from this Local Law.

§ 20-2003 Prohibitions. It shall be unlawful for any person, firm, owner, tenant, person in possession, partnership, corporation or other business entity to install, alter, repair, move, equip, use or maintain any exterior lighting in violation of any of the provisions of this Article, or to fail in any manner to comply with a notice, directive or order of the Codes Enforcement Officer, or Zoning Enforcement Officer, of the Village of Stamford.

ARTICLE XXI FENCES.

§ 21-2100 Purpose. Written standards for fences promote the positive benefits of fences without negatively affecting the community, or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials.

A. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access and the safe movement of pedestrians and vehicles, and create an unattractive appearance.

B. In the Village of Stamford, opaque fences establish a reasonable expectation of privacy.

§ 21-2101 Standards.

A. These standards apply to walls, fences, trellises, arbors, and screens of all types, whether open, solid, wood, metal, wire, masonry, or other materials.

B. All walls, screens, and fences shall be compatible with adjoining land uses and the residential character of neighborhoods, i.e. a picket or wrought iron fence in a residential neighborhood, as opposed to a chain link fence in a commercial area.

C. The "good" (i.e. finished) side of any fence shall face out towards neighboring lots or the sidewalk.

D. All fences erected after the effective date of this Local Law shall require a fence permit.

E. A fence shall be maintained in sound structural condition.

F. All fences erected after the date of this Local Law shall require a fence permit.

- G. All existing fences, erected prior to the date of this Local Law, shall require a fence permit if the fence is replaced with another fence.

§ 21-2102 Location of Fences.

- A. Front Lot Line - Fences up to forty-two (42) inches in height are allowed in required front lot line setbacks;
- B. Sides and Rear Lot Line - Fences up to eight (8) feet high are allowed in required sides or rear lot line setbacks. Except in an instance where a rear lot line joins the front lot line of another lot, the fence must be forty-two (42) inches high or less.
- C. Exempt from an eight (8) foot fence height restriction are fences around tennis courts, basketball courts, and other lots used for public recreation, (where the fence can be eight (8) feet to twelve (12) feet in height to enhance public safety).

§ 21-2103 Prohibited Fences.

- A. No person may construct or maintain, in any District, a fence or barrier charged with electricity, with the exception of a buried electrified dog containment fence.
- B. No person may erect or maintain a fence or barrier consisting of, or containing, barbed, concertina, or razor wire;
- C. A fence, wall, or other structure shall not be placed within the public right of way.
- D. No person shall use rope, string, wire products (including but not limited to chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics), netting, cut or broken glass, or fiberglass panels in any fence or any other materials that are not manufactured specifically as fencing materials.
- E. No person shall construct a fence of used, damaged, or unsafe materials.
- F. No person shall weave or use slats of any material, including, but not limited to metal, fiberglass, bamboo through a chain link fence to create a blind fence, screening fence, or any other type of fence addressed in this chapter.

§ 21-2104 Fence Setbacks.

- A. On NY State Routes 10 (Lake Street) and 23 (Main/Harper Streets), within the incorporated limits of the Village, no fence may be closer than twelve (12) feet to the curb.
- B. On Village side streets, no fence may be closer than the back of the sidewalk on a side street. If there is no sidewalk, the fence shall

be set back seven (7) feet behind the face of the curb of a side street.

- C. Side lot and rear lot fences shall be twelve (12) inches inside the property line, so as not to encroach on adjacent properties.

§ 21-2105 Visibility at Intersections.

- A. It is unlawful for any person to erect, maintain, suffer, or permit any fence, wall, hedge, or other improvement, on any lot, in such a manner as to create a traffic hazard by obstructing the views of travelers upon the streets, or of travelers entering a village street or state highway from a driveway.
- B. Failure of a person to remove such obstruction, within ten (10) days after receipt of notice to do so, is a violation of this chapter.

§ 21-2106 Other Fence Requirements.

- A. Subject to the authority of the Village Planning Board to make adjustments and special requirements in particular cases, no fence exceeding a height of forty-two (42) inches above the curb may be inside the inside line of the sidewalk; or, if there is no sidewalk, a line seven (7) feet inside the curb line.
- B. Where a fence is to be placed in an easement containing underground municipal utilities, water mains, or sewer mains, the property owner shall sign a release indemnifying the Village of Stamford from any damages for future removal of the fence and damage to the fence, as a direct result of a need to repair or replace said utilities. Permission to build a fence upon a utility easement may be granted conditionally by the public works working supervisor, subject to a statutory prior review by the Codes/Zoning Enforcement Officer and his subsequent permission granting mandatory fence permit.

ARTICLE XXII BED AND BREAKFAST ESTABLISHMENTS.

§ 22-2200 Requirements.

- A. Bed and breakfast establishments shall be owner-occupied and the owner's Certificate of Occupancy shall so stipulate, and shall not contain more than six (6) bedroom units, in addition to the owner's dwelling unit.
- B. Any additional bedroom unit, added after the original Certificate of Occupancy was issued, shall require a new building permit.
- C. Off-street parking shall not be located in a front yard, and shall be screened from roads, streets, and adjacent properties, so as to provide no variation from the residential character of the site. Off-street parking spaces for members of the owner's family residing in

the dwelling unit, as well as one parking space per room, shall be provided.

- D. Each bed and breakfast shall be established, maintained, and operated so as to preserve and compliment the residential character and integrity of the surrounding area.
- E. Each bedroom occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector. Furthermore, a smoke detector shall be properly installed and functioning on or near the ceiling in the room or hallway from which each bedroom rented to paying guests exists.
- F. The Codes Enforcement Officer shall be given such access to the dwelling as he deems necessary, from time to time, for the purpose of making inspections to ensure compliance with all federal, state, and local codes, rules, and regulations, including the New York State Uniform Fire Prevention and Building Codes. Such inspections may be made with or without prior notice thereof.
- G. A single sign or display may be established on the site of the bed and breakfast. Said sign or display shall not exceed six (6) square feet in area. No freestanding sign shall be located less than fifteen (15) feet from the property line, or less than five (5) feet from the side property line. Further, said sign or display shall be as unobtrusive as reasonably possible and may be illuminated by no more than two (2) light bulbs, 700 or less lumens each, approximately equivalent to two 75W incandescent bulbs. These two light bulbs shall be fully-shielded/cutoff luminaires to prevent glare, light trespass, etc.
- H. The bed and breakfast shall be maintained and operated at all times so as to conform to current NY State Health Department protocols and regulations, as well as with the current NY State Uniform Fire Prevention and Building Code.
- I. A Bed & Breakfast establishment shall require a Site Plan Review, during which the Village Planning Board shall consider (1) the adequacy and arrangement of vehicle traffic access and circulation; (2) the location, arrangement, appearance, and sufficiency of off-street parking; (3) the location, arrangement, size, and design of lighting and signs; (4) the relationship and compatibility of the proposed use as a bed and breakfast to uses of adjacent parcels in the immediate vicinity, together with their scales; (5) the adequacy, type and arrangement of trees, shrubs, fences, and other landscaping or improvements, which would constitute a visual or noise-detering buffer between the bed and breakfast site and the adjacent or adjoining uses.
- J. The owner shall maintain a guest register and shall preserve registration records for a minimum of three (3) years. The register and all records shall be made available for inspection by the Village Codes Enforcement Officer, at any time.

ARTICLE XXIII HOME OCCUPATIONS

§ 23-2300 **Purpose.** It is the intent of this section to ensure the compatibility of home occupations with other uses, maintain and preserve the character of the neighborhood, ensure peace, quiet, and domestic tranquility within residential areas, and allow residents to engage in gainful employment in their homes while avoiding excessive noise, traffic, nuisances, fire hazards, and other possible adverse effects of commercial uses.

§ 23-2301 **Requirements.** Home occupations shall be permitted as indicated in Articles V, VI, VII, and VIII, of this Local Law. Major occupations shall be in compliance with the following criteria and standards. Minor home occupations are exempt from these standards:

- A. A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in such a manner as to not give the outward appearance of a business, does not infringe on the rights of neighboring residents and does not alter the character of the neighborhood. A home occupation may be conducted within a dwelling unit and/or within accessory structures.
- B. One (1) parking space for each employee shall be provided. Where a home occupation is authorized, no off-site parking shall be permitted.
- C. No other professional shall be permitted to share, let, or sublet space for professional use.
- D. No more than eight hundred (800) square feet, or 30% of the total floor area of a dwelling shall be utilized. A home occupation may be located in an accessory building, not to exceed eight hundred (800) square feet.
- E. Any signs used in conjunction with a home occupation shall meet the requirements of Article XVI of this Local Law.
- F. All exterior aspects of the home occupation shall not disrupt the residential character of the area. There shall be no exterior display, exterior storage of materials, or other exterior evidence of any home occupation, except for signs and off-street parking.
- G. No home occupation shall produce any odor, noise, vibration, smoke, dust, heat, or glare that exceeds the average level in the immediate vicinity, and is detectable beyond the property line of such parcel.
- H. The Planning Board, on issuing a Special Use Permit, must find that the proposed home occupation meets the criteria and standards in this section, as well as the generally applicable Special Permit standards found in this Local Law.

ARTICLE XXIV JUNK AND JUNKYARDS.

§ 24-2400 Requirement for Operation and Maintenance. No person shall operate, establish, or maintain a junk yard until he has (1) obtained a Certificate of Approval, issued by the Village Planning Board, for the location of such junkyard; (2) obtained a permit, from the Zoning Enforcement Officer, to operate a junkyard business; and (3) obtained a valid junkyard license from the State of New York.

§ 24-2401 Application for a Certificate of Approval.

A. The Applicant for a junkyard certificate of approval and permit shall obtain the application forms from the Stamford Village Clerk. The completed forms, along with two (2) copies of the proposed site plan, a completed Environmental Assessment Form, and the appropriate fees, shall be returned to the Village Clerk.

B. The Village Clerk shall submit the completed application materials, for a Certificate of Approval, to the Village Planning Board for review. A secondary review may be necessary by the NY City Department of Environmental Protection.

§ 24-2402 Permit Requirements. At the time and place set for a public hearing, the Planning Board shall hear the Applicant and all other persons who wish to be heard on the application for a Certificate of Approval to operate, establish, or maintain a junkyard.

§ 24.2403 Permit Fees.

A. The annual permit fee for a junkyard permit shall be determined by a resolution of the Governing Board. The annual permit fee shall be paid at the time the application is made, and annual thereafter, in the event of a renewal.

B. The municipality, in addition to the permit fee, may assess the Applicant with the costs of advertising such application and such other reasonable costs incident to the public hearing as are clearly attributable thereto, and may make the issuance of a permit to operate a junkyard business conditional upon payment for same.

§ 24-2404 Location Requirements.

A. At the time and place set for the public hearing, the Planning Board shall hear the Applicant and all other persons who wish to be heard on the application for a Certificate of Approval to operate, establish, or maintain a junkyard.

B. In passing upon same, the Planning Board shall take into account, after proof of legal ownership, or proof of the right to use such property for the permit period by the Applicant, the nature and development of surrounding property, such as the proximity to churches, schools, hospitals, public buildings or other places of public gatherings. A determine shall be made as to whether or not the proposed location can be reasonably protected from the negative

effects to public health and safety by reason of offensive or unhealthy odors or any other pollutants.

- C. Notwithstanding any of the provision of this Section, no junkyard, hereafter established, shall be permitted to operate, if such junkyard or any part thereof, is located within one hundred (100) feet of the West Branch of the Delaware (or any of its tributaries), or within five hundred (500) feet of a residence, church, school, hospital, nursing home, public building, place of public assembly, or Village of Stamford park.

§ 24-2405 Containment Requirements. Junk, except that contained within the confines of a legal junkyard, shall not be stored in any open areas of any property, including exteriors under any roof that is not enclosed by walls, doors, or windows of any building.

- A. A limit of two (2) antique motor vehicles, which are personally owned by the property owner, or a member of the owner's immediate family residing on the property, or a legal tenant, shall be allowed on any property.
- B. A limit of one (1) recreational motor home, which is owned by the property owner, or a member of the owner's immediate family residing on the property, or a legal tenant, shall be allowed on any property. Such vehicle shall be intended for and in condition for personal legal use on highways, and may be unregistered for a portion of the year.
- C. Snow mobiles, all terrain vehicles, and other recreational vehicles may be kept in plain view, provided that these vehicles are owned by the property owner, or a member of the owner's immediate family residing on the property, or a legal tenant, and such vehicles are in condition and intended for legal use.

§ 24-2406 Fencing for Junkyards.

- A. Before use, a new junkyard shall be surrounded completely by a fence, eight (8) feet in height, which substantially screens. The fence shall have a suitable gate installed which shall remain closed and locked, except during the working hours of such junkyard, or when the Applicant or his agent shall be within. Such fence shall be erected not nearer than fifty (50) feet from a public street.
- B. All junk, motor vehicles and parts thereof, stored or deposited by the Applicant, shall be kept within the enclosure of the junkyard, except as removal shall be necessary for the transportation of same in the reasonable course of business. All wrecking, or other work on such junk, motor vehicles and parts, shall be accomplished within the enclosure.
- C. When the topography, natural growth of timber, or other considerations accomplish the purposes of this article, in whole or in part, the fencing requirements hereunder may be reduced by the Planning Board,

upon granting the permit, provided however, that such natural barrier conforms with the purposes of this Article.

§ 24-2407 Aesthetic Considerations.

- A. At the hearing regarding the location of the junkyard, the Planning Board may also take into account the clean, wholesome, and attractive environment which has been declared to be of vital importance to the continued general welfare of its citizens, by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon.
- B. In this connection, the Planning Board may consider, collectively, the type of street servicing the junkyard, the street from which the junkyard may be seen, the naturally or artificially established residential or recreational areas, or main access routes thereto, as well as the reasonable availability of other suitable sites for the junkyard.

§ 24-2408 Public Hearing.

- A. The Planning Board shall hold a public hearing, on the application for the Certificate of Approval, within forty-five (45) days from the receipt of the complete application.
- B. A legal notice of the hearing shall be given to the Applicant by mail, postage prepaid, to the address given in the application, and shall be published, not less than seven (7) days before such hearing date, in the officially designated newspaper for all legal notification pertaining to the Village.

§ 24-2409 Grant or Denial of the Application.

- A. After the hearing, the Planning Board shall, within forty-five (45) days, make a finding as to whether or not the application shall be granted, giving notice of their finding to the Applicant by mail, postage prepaid, to the address given on the application.
- B. If approved, the Certificate of Approval on the location, together with the permit, shall be forthwith issued, to remain in effect until the following April 1st. This permit is not transferable or assignable. Permits shall be renewed thereafter upon payment of the annual permit fee, without a public hearing, provided all provisions of this Article are complied with during the permit period, the junkyard does not become a public nuisance of the Common Law, and the Applicant is not convicted of any type of larceny or the receiving of stolen goods.
- C. The determination of the Planning Board may be reviewed under Article 78 of the NY State Civil Practice Law and Rules.

§ 24-2410 Established Junkyards.

- A. For the purpose of the Section, the location of established and operating junkyards, previously and legally sited, shall be considered approved by the Planning Board of the Municipality where they are located, and the owner thereof deemed suitable for the issuance of a permit.
- B. Within sixty (60) days from the passage of this Section, however, the owner shall furnish the Planning Board the information as to the location, which is required in an application, together with the permit fee.
- C. The Zoning Enforcement Officer then may issue the owner a valid permit until the next April 1st, at which time such owner may apply for renewal, as herein provided. Such owner shall comply with all other provisions of this Article, including the fencing requirements set forth in §12-1214.

§ 24-2411 Burning and/or Burying Junk. No junk shall be openly burned outside or buried, within the corporate limits of the Village of Stamford, nor shall there be any burn barrels used within the Village. A controlled burn of a structurally intact or demolished building is prohibited.

§ 24-2412 Violators. Violators of any of the portions of this Article shall be guilty of an offense punishable by a fine not exceeding five hundred (\$500.00) dollars, and each week that such violations are carried on or continue shall constitute separate violations. The operating permit may be suspended or revoked.

§ 24-2413 Dumps. The operation or maintenance of a dump is hereby prohibited in the Village of Stamford, except under the following conditions:

- A. A municipally operated transfer station and/or landfill, for which proper approvals and licenses are current.
- B. No materials, garbage, rubbish, or structures related to dumps, as permitted in this Article, shall be closer than fifty (50) feet to any lot line.

ARTICLE XXV ADMINISTRATION AND ENFORCEMENT.

§ 25-2500 Enforcement Officer. The duty of administering and enforcing the provisions of this Local Law shall be the responsibility of the Zoning Enforcement Officer (ZEO), or the Codes Enforcement Officer (CEO).

§ 25-2501 Administration of the Zoning Law. The Zoning Enforcement Officer/Codes Enforcement Officer shall receive all applications and issue zoning permits, provided the minimum requirements of this Local Law are met. These Zoning Officers do not have discretionary powers. If the application

meets all minimum requirements, the ZEO/CEO must grant a permit; if the application does not meet all minimum requirements, the ZEO/CEO must deny the permit.

§ 25-2502 Referral to the Zoning Board of Appeals (ZBA). An Applicant, or any aggrieved party, may appeal the denial of a zoning permit by the Zoning Enforcement Officer. The Applicant may apply to the Zoning Board of Appeals, either on the grounds that the ZEO made an erroneous order, requirement, decision, or determination, OR that a variance should be granted. The ZEO shall notify the Zoning Board of Appeals and transmit all necessary supporting information to the chairperson of the ZBA.

§ 25-2503 Referral to the Planning Board. Any application for a Special Permit, Site Plan Review, or a zoning change, shall be referred by the Zoning Enforcement Officer to the Village Planning Board, as provided in this Local Law, together with all necessary supporting information.

§ 25-2504 Stop Work Orders. When any work is being continued in violation of any provisions of this Local Law, the Zoning Enforcement Officer or the Codes Enforcement Officer shall issue a Stop Work Order, depending upon the officer's scope of responsibility.

§ 25-2505 Records and Reports. Activities conducted by the Zoning Enforcement Officer or Codes Enforcement Officer, under this Local Law, shall be recorded and reports filed with the Village Clerk.

§ 25-2506 Zoning/Building Permits.

- A. No building or structure shall be erected, added to, or structurally altered, nor shall any work commence, until all approvals have been obtained, and the Codes Enforcement Officer has issued a building permit. No permit shall be issued for any construction or building alterations, where it would be in violation of any of the provisions of this Local Law.
- B. A Zoning Permit shall not be granted until all necessary approvals have been obtained, or when ordered by the Zoning Board of Appeals. Such approvals would include a Site Plan Review, Special Permit approval, area or use variances, and Delaware County Planning Board approval under §239 of the General Municipal Law.
- C. All applications, submitted for a Zoning Permit, shall include a copy of a layout or site plan (in ink or a blueprint) drawn to scale, showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot, along with any accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this Local Law.
- D. Building Permits are separate from Zoning Permits. A Building Permit shall not be granted, nor shall any work commence, until all necessary approvals have been obtained. Such approvals would include a Site Plan Review, Special Permit approvals, conformity to the NY State Uniform Building and Fire Codes, area or use variances, and, if

required, Delaware County Planning Board approval under §239 of the General Municipal Law.

- E. Building Permits shall be deemed invalid if substantial construction has not been undertaken within one (1) year of the issuance of the Building Permit. If no substantial construction has taken place within the one (1) said year, the Applicant must reapply for the Building Permit, and pay a new fee.

§ 25-2507 Zoning Board of Appeals, Establishment.

- A. There is hereby established a Zoning Board of Appeals, to consist of five (5) members who shall function in the manner prescribed by law.
- B. The members of the Board of Appeals shall be residents of the Village of Stamford, and shall be appointed to serve for terms as prescribed by law.
- C. No person who is a member of the Village of Stamford Board of Trustees shall be eligible for membership on such Board of Appeals.
- D. The Village of Stamford Board of Trustees shall designate the chairperson.
- E. Vacancies occurring on the Board of Appeals, by expiration of term, or otherwise, shall be filled in the manner as provided by law.
- F. The Board of Appeals shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this Local Law and all its resolutions and orders shall be in accordance therewith.

§ 25-2507.1 Appeals. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by an officer, department, board, or bureau of the Village.

§ 25-2507.2 Time of Appeal.

- A. Such appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation, or determination of the administrative official charged with the enforcement of such Local Law, by filing with the Village Clerk and the Zoning Board of Appeals, a notice of appeal, specifying the grounds thereof and the relief sought.
- B. The administrative official from whom the appeal is taken shall forthwith transmit, to the Zoning Board of Appeals, all the papers constituting the record upon which the action appealed, was taken from.

§ 25-2507.3 Procedures for Granting a Variance.

- A. All applications for variances shall be in writing, on forms established by the Zoning Board of Appeals (ZBA). These forms are available from the Zoning Enforcement Officer or the Village Clerk.
- B. In order to be considered at the next meeting, the application shall be submitted, along with a fee, to the Village Clerk, at least ten (10) days prior to the regularly scheduled meeting of the ZBA.
- C. Every application shall refer to the specific provision(s) of this Local Law, and establish the details of why the variance should be granted.
- D. Upon receipt of the completed application, the ZBA shall:
 - 1. Schedule a public hearing within sixty-two (62) days;
 - 2. Arrange publication of notice of the public hearing, as described in §25-2507.8;
 - 3. Refer the application to the Delaware County Planning Board, if required by General Municipal Law, §239-1 and §239-m, as described in §13.5B;
 - 4. Require the Applicant to complete an Environmental Assessment Form (EAS) in order to determine whether a Draft Environmental Impact Statement (DEIS) should be required.
 - 5. Within sixty-two (62) days of the public hearing, the Zoning Board of Appeals shall render a decision. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the Applicant and the ZBA.

§ 25-1507.4 Notice of Hearing. The ZBA shall fix a reasonable time for the hearing of appeals, not to exceed sixty-two (62) days from the date of receipt of referral.

§ 15-2507.5 Meetings.

- A. The Zoning Board of Appeals shall establish a regular monthly meeting date, and at such other times as such ZBA may determine.
- B. Meetings of the ZBA shall be open to the public.
- C. Such ZBA shall keep accurate minutes of its proceedings, showing the vote of each member upon every question, or if absent, or if failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

§ 25-2507.6 Records.

- A. All decisions of the ZBA shall be by resolution, and a copy of each shall be sent to the Applicant, the Village Planning Board, the

Village Board of Trustees, the Village Clerk, and the Zoning Enforcement Officer.

- B. Every rule, re, regulation, amendment or repeal thereof, and every order, requirement, decision, or determination of the BA shall immediately be filed with the Village Clerk, and shall be a public record.
- C. Each decision shall set forth fully the reasons for the decision of the ZBA, and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards pertaining thereto, where the appeal concerns a variance.
- D. All conditions that must be met by the Applicant, as a reason for granting a variance, must be specifically stated in the decision.

§ 25-2507.7 Stay. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer, from whom the appeal is taken, certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

§ 25-2507.8 Hearing and Determination.

- A. The Zoning Board of Appeals shall, within sixty-two (62) days, set the public hearing of the appeal and give due notice thereof to the parties, and by publication, at least once in the official newspaper of the Village of Stamford, five (5) days before the date of the public hearing.
- B. Such publication shall give sufficient information so as to identify the property involved and the nature of the proposed action, and shall decide the same within sixty-two (62) days of the hearing.
- C. Upon the hearing, any party may appear in person, by agent, or by attorney.
- D. The time within which the ZBA must render its decision may be extended by mutual consent of the Applicant and the ZBA.

§ 25-2508 Powers and Duties of the Zoning Board of Appeals. The Zoning Board of Appeals (ZBA) shall have the following powers and duties prescribed by law, and by this Local Law.

- A. Interpretation. On appeal from a determination of the Zoning Enforcement Officer, the ZBA shall have the power to hear and decide on a question where it is alleged there is an error in any order, requirement, decision, or determination, made by the Zoning Enforcement Officer involving the interpretation of any provision of this Local Law.
- B. Appeals for a Variance. On appeal from a determination of the Zoning Enforcement Officer, and in conformity with the law, the ZBA shall

have the power to vary the zoning requirements as they apply to a particular lot. No application for a variance shall be acted upon until the required public hearing has been held.

C. Granting Area Variances. The Zoning Board of Appeals shall have the power, upon appeal from a decision or determination of the administrative official charged with the enforcement of such Local Law, to grant area variances as defined herein. Area Variance shall mean the authorization by the ZBA for the use of land in such a manner, which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

D. In making its determination, the ZBA shall take into consideration the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by granting such variance.

E. In making such determination, the ZBA shall also consider all the following criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an Area Variance;
3. Whether the requested Area Variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood;
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the Area Variance.

F. The ZBA, in the granting of Area Variances, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time, preserve and protect the character of the neighborhood, and the health, safety, and welfare of the community.

G. Area Variances shall be granted by the procedures established in § 25-2507.3, *Procedures for Granting a Variance*, in this Local Law.

H. Granting Use Variances. The ZBA, on appeal from a decision or determination of the administrative official charged with the enforcement of such Local Law, shall have the power to grant Use Variances, as defined herein. Use Variance shall mean the authorization by the ZBA for the use of land for a purpose, which is otherwise not allowed, or is prohibited by the applicable zoning regulations.

- I. No such use variance shall be granted by the ZBA without a showing by the Applicant that applicable zoning regulations and restrictions have caused unnecessary hardship.
- J. In order to prove such unnecessary hardship, the Applicant shall demonstrate to the ZBA that, for each and every permitted use under the zoning regulations for that particular property is located, that:
 - 1. The Applicant cannot gain a reasonable return, provided that lack of return is substantial as demonstrated by competent evidence;
 - 2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the District or neighborhood;
 - 3. The requested use variance, if granted, will not alter the essential character of the neighborhood;
 - 4. The alleged hardship has not been self-created.
- K. The ZBA, in the granting of a use variance, shall grant the minimum variance that it shall deem necessary and adequate, to address the unnecessary hardship proved by the Applicant and, at the same time, preserve and protect the character of the neighborhood, and the health, safety, and welfare of the community.
- L. Use variances shall be granted only by the procedures established in, § 25-2507.3, *Procedures for Granting a Variance*, of this Local Law.

§ 25-2509 Amendments.

§ 25-2509.1 General.

- A. The boundaries, regulations, and restrictions may, from time to time, be amended, supplemented, change, modified, or repealed by the Village of Stamford Board of Trustees, on its own motion or upon petition.
- B. In case, however, of a protest against such change signed by the owners of:
 - 1. Twenty percent (20%) or more of the area of land included in the proposed change, or,
 - 2. Owners of twenty percent (20%) or more of the land immediately adjacent, extending one hundred (100) feet therefrom, or,
 - 3. Owners of twenty percent (20%) or more of the land directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, such Amendment shall not become effective by the favorable vote of three-fourths (3/4) of the members of the Village of Stamford Board of Trustees.

ARTICLE XXVI SITE PLAN REVIEW.

§ 26-2600 Purpose. The intent of this Article is to set forth additional general standards applying to certain land uses and activities. The nature of these uses and activities require special consideration of their impact upon surrounding properties, the environment, community character, and the ability of the Village to accommodate development consistent with the objectives of this Local Law and the Village of Stamford Comprehensive Plan.

§ 26-2601 General Content of Site Plans. In general, a site plan shall comprise a development plan for an entire project, showing the use or uses, dimensions, and locations of proposed and existing structure(s) and of areas to be reserved for vehicular and pedestrian circulation, parking, signs, landscaping, screening and other spaces, and architectural sketches and drawings, demonstrating the design and character of the proposed uses, as well as the physical relationship of such uses.

§ 26-2602 Approval Required for Certain Types of Site Development Plans.

- A. The Village of Stamford Planning Board is hereby authorized to (1) review and approve, (2) approve with conditions, or (3) disapprove site plans prepared to the specifications set forth in this Article.
- B. Prior to the issuance of a building permit, approval by the Planning Board shall be required of site development plans for all of the following:
 - 1. All new buildings and accessory uses, other than one-family and two-family dwellings, in all Districts;
 - 2. Parking areas for four (4) or more vehicles;
 - 3. Off-street loading facilities;
 - 4. Required screening or buffer treatments;
 - 5. Building alterations that require additional parking;
 - 6. Special Permit uses;
 - 7. Extension, enlargement, or expansion of existing structures, other than one or two-family dwellings, that will exceed ten percent (10%) of the existing square footage.
 - 8. Any change from one use to a use which has (1) increased requirements for parking, (2) increased impervious surface area, (3) proposed establishment of additional exterior lighting, (4) any change to an exterior façade.

9. Erection of any telecommunications tower or device.

§ 26-2603 Exempted Uses. The following land uses activities are exempted from the requirements of this law:

- A. Construction of one or two-family dwellings, ordinary accessory structures (except when added to existing commercial on a lot), and related land use activities.
- B. Ordinary repair or maintenance of existing structures or uses.
- C. Agricultural structures, as defined under the NY State Uniform Building and Fire Prevention Code, and agricultural land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure. Temporary roadside stands are exempt.
- D. Incidental landscaping or grading not intended to be used in connection with a land use reviewable under the provisions of this Local Law.
- E. Exterior alterations or additions to an existing residential structure, which do not substantially change its nature or use.
- F. Interior alterations that do not substantially change the nature or use of an existing commercial or industrial structure.
- G. Any change in use, which does not require the issuance of a Certificate of Occupancy, or a Certificate of Compliance, pursuant to the regulations contained in the NY State Uniform Building and Fire Prevention Code.
- H. Residential garden uses.
- I. This law does not apply to uses and structures that are lawfully in existence as of the date this Local Law becomes effective. Any use that would otherwise be subject to this Local Law, which has been discontinued for a period of two (2) years or more, shall be subject to review pursuant to the terms of this law, before such use is resumed.
- J. Any use for which construction has already been initiated is exempt.

§ 26-1604 Uncertain Applicability. Any person, uncertain of the applicability of this Local Law to a given land use, may apply in writing to the Village Planning Board, for a written jurisdictional determination.

§ 26-2605 Procedure, CEO.

- A. After obtaining the application and paying the appropriate fee to the Village Clerk, the site plan is to be submitted to the Code Enforcement Officer (CEO) no less than fourteen (14) days prior to the next regularly scheduled meeting of the Village Planning Board.

- B. The CEO shall review said application to determine whether it is complete and conforms to the provisions of this Local Law. A complete application includes all the data listed below in §26-2608.
- C. The CEO shall notify the Applicant within fourteen (14) days of receipt of the application if the application is (1) incomplete, or (2) not in conformance with applicable zoning requirements.
- D. In no case shall an application be processed if it is incomplete or does not in conformance with zoning requirements.
- E. When an application is deemed complete, and complies with all zoning requirements, the CEO shall submit the application to the Planning Board, at least seven (7) days prior to a regularly scheduled Village Planning Board Meeting.

§ 26-2606 Procedure, Planning Board.

- A. The Planning Board may waive certain requirements as listed in § 26-2608, when, in the board's opinion, such information is not material to the project under review.
- B. The Planning Board may elect to conduct a less intensive review for minor types of projects that do not generate a significant amount of traffic, and/or that have little or no potential adverse impacts to neighboring properties and uses.
- C. Waivers shall be requested explicitly by the Applicant, in writing, and expressly granted by the Planning Board.
- D. Requirements of this Section may not be waived, except as properly voted upon by the Planning Board.
- E. The Planning Board Chairperson must state, in writing, the board's grounds for electing to conduct a less intensive review, and file such statement along with the site plan application and supporting documents.
- F. An application is not deemed complete until all required information, as outlined in §26-2608, has been received, and either a negative declaration or a draft Environmental Impact Statement has been Planning Board.
- G. The review timetable commences on the day the site plan is deemed complete, at an official Planning Board meeting.
- H. The Planning Board may conduct a public hearing on the site plan.
- I. If a public hearing is considered desirable by a majority of the members on the Planning Board (3 members) such public hearing shall be conducted within sixty-two (62) days of the receipt of the application. The public hearing shall be advertised in the official

newspaper of the Village of Stamford, at least five (5) days before the public hearing.

- J. A decision shall be rendered within sixty-two (62) days of the public hearing or, if no public hearing was held, within sixty-two (62) days of the application being deemed complete.
- K. The time within which the Planning Board must render its decision may be extended by mutual consent of the Applicant and the Planning Board.
- L. The decision of the Planning Board shall immediately be filed in the office of the Village Clerk, and a copy thereof mailed to the Applicant.

§ 26-2606.1 Decisions.

- A. Approval. Upon approval of the site plan and payment by the Applicant of all fees and reimbursable costs that are due the Village, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days of its decision, file the site plan along with a written statement of statement of approval, with the Village Clerk.
- B. Approval with Modifications. The Planning Board may approve the site plan and require that specific modifications be made. A copy of a written statement of approval, containing the modifications required by the Planning Board, shall be mailed to the Applicant by USPS Certified Mail, Return Receipt Requested. The Applicant shall submit a modified final site plan, in reproducible form. Upon approval and after payment by the Applicant of all fees and reimbursable costs due to the Village, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days, file the site plan and a written statement of approval with the Village Clerk.
- C. Disapproval. Upon disapproval of the site plan, the decision of the Planning Board shall, within five (5) business days, file the same with the Village Clerk, and mail a copy thereof to the Applicant, along with a letter stating the Planning Board's stating the Planning Board's reasons for disapproval, via USPS Certified Mail, Return Receipt Requested.
- D. The reason for action taken on the application shall be set forth in the written minutes of the Planning Board. The Planning Board minutes containing the decision shall be filed immediately in the office of the Stamford Village Clerk, and a copy mailed to the Applicant.

§ 26-2607 Referrals to Other Agencies.

- A. In addition to referral of site plans to other agencies, as required by law, the Planning Board may refer site plans to other federal, state, county, local, private, or quasi-public agencies for their recommendations, within their particular fields of expertise.

- B. The Planning Board shall receive written reports by other agencies that have been requested to submit a report, provided that such agencies shall report within thirty (30) days from the submission to said agency, to review and comment on same.
- C. Failure of any agency to respond within the prescribed time period shall constitute an approval of said application by that agency.
- D. When required by § 239-m, of General Municipal Law, copies of the application will be sent to the Delaware County Planning Board for review.
- E. In the event a public hearing is scheduled, the Planning Board shall mail notices thereof to the Delaware County Planning Board, as required by § 239-m, of General Municipal Law.
- F. The Delaware County Planning Board must be sent notice of the public hearing at least ten (10) days prior to the consideration, as defined in §239-m, of General Municipal Law. The notice shall be accompanied by a full statement of the matter under consideration, as defined in § 239-m, of General Municipal Law.
- G. If the Delaware County Planning Board submits a report that recommends disapproval or conditional approval, then the Planning Board may override that agency's decision by a vote of a majority of its members plus one (1).
- H. If the Planning Board votes to override the Delaware County Planning Board's decision, the Planning Board shall provide a written statement explaining the reasons for the overriding vote.
- I. The Delaware County Planning Board must be notified of the final action taken by the Planning Board within seven (7) days.
- J. In addition to the fee referred to in this Local Law, the Applicant shall reimburse the Planning Board for all consultants retained by it to review the site plan application, including, but not limited to the Village's consulting planner, engineer, and attorney, and the costs of publication of Notice of Public Hearing and Notice to abutting property owners. SEQRA fees shall be separately governed by 6NYCRR, Part 617.17. The Planning Board shall require advance deposits of estimated fees. All fees must be paid in full before the final site plan approval.

§ 26-2608 Site Plan Information to Be Provided.

- A. Plans submitted to the Codes Enforcement Officer shall be considered as being ready for review, provided that the following data and information are submitted at the appropriate scale:
- B. Plan checklist for all site plans:

- C. Title of drawing, including the name and address of the Applicant and the person responsible for preparation of such drawing;
- D. North arrow, scale, and date;
- E. Boundaries of the property, plotted to scale;
- F. Existing watercourses and bodies of water;
- G. Location of any slopes of 15% or greater;
- H. Proposed grading and drainage;
- I. Location, design, proposed use and height of all buildings and site improvements, including all culverts, drains, retaining walls, and fences;
- J. Location, design, and construction materials of all parking and truck loading areas, showing points of entry and exit from site;
- K. Location of outdoor storage, if any;
- L. Description of the method of sewage disposal and the location of facilities;
- M. Identification of water sources, i.e. if there is a well, then locate it.
- N. Location, size, design, and construction materials of proposed signs;
- O. Location and proposed development of all buffer areas, including existing vegetative cover;
- P. Location and design of outdoor lighting facilities;
- Q. General landscaping plan.
- R. As necessary, the Planning Board may require the following:
- S. Provisions for pedestrian access;
- T. Locations of fire lanes and hydrants;
- U. Designation of the amount of building area proposed for retail sales or similar commercial activity;
- V. Other elements integral to the proposed development.

§ 26-2608.1 Planning Board Review of Site Plan.

§ 26-2608.2 Considerations, Conditions, and Standards.

- A. Standards, generally. In considering and approving the site development plan, the Planning Board shall take into consideration the Village's Comprehensive Plan, public health, safety, and general welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood, in particular.
- B. The Planning Board may attach such conditions and safeguards as a precaution to approval of such plan as, in its opinion, will further the general purpose and intent of this Local Law and be in harmony therewith.
- C. General Considerations:
1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls;
 2. The Planning Board may require a Traffic Impact Analysis to be conducted when application propose traffic increases of more than one hundred (100) cars per day;
 3. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience;
 4. Location, arrangement, appearance, and sufficiency of off-street parking and loading zones;
 5. Location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs;
 6. Adequacy of storm water and drainage facilities;
 7. Adequacy of water supply and sewerage disposal facilities; all buildings with water supplies, located within the incorporated limits of the Village, must be connected to the Village sewer;
 8. Adequacy, type, and arrangement of trees, shrubs, and other landscaping, constituting a visual and/or noise buffer between the Applicant's and adjoining lands, including the maximum feasible retention of existing vegetation;
 9. In the case of an apartment complex, or other multiple dwelling, the adequacies of usable open space for child play areas and informal recreation;
 10. Protection of solar access on adjacent neighboring properties;
 11. Adequacy of fire lanes and other emergency zones, and the provisions for fire hydrants;

12. Special attention to the adequacy of structures, roadways, and landscaping, in areas with susceptibility to ponding, flooding and/or erosion;

13. Such other elements as may reasonably be related to the health, safety, and general welfare of the community.

§ 26-2608.3 Site Plan to Be Binding.

- A. The site plan, as approved by the Planning Board, shall be binding upon the Applicant.
- B. Any changes from the approved plan shall require resubmission and re-approval by the Planning Board.
- C. Site plan approval shall remain in effect for a period of one (1) year following the date of approval.
- D. The Planning Board, upon request of the Applicant, may, for good and sufficient reason, extend this time period for not more than one (1) additional year.

§ 26-2609 Other Laws and Regulations. This Article, in no way, affects the provisions or requirements of any other federal, state, or Local Law or regulations. Where this Article is in conflict with any other such law or regulation, the more restrictive shall apply.

Article XXVII SPECIAL PERMITS.

§ 27-2700 Administration.

- A. The Village of Stamford Planning Board is hereby authorized to review and approve, conditionally approve, or disapprove Special Permits.
- B. All requests for Special Permits shall also undergo a Site Plan Review by the Planning Board.

§ 27-2701 Purpose.

- A. The purpose of the Special Permit procedure is to provide for certain uses which cannot be well adjusted to their environments, such as in particular locations with full protections offered to surrounding properties by rigid application of the District Regulations.
- B. These uses either have unusual character, or are essential and desirable for the general convenience and welfare, but because of the nature of the use, (and possible impact, not only on neighboring properties, but also on a large section of the municipality), require the exercise of planning judgment on the location and the Site Plan.

- C. The Planning Board should approve a Special Permit only if it is found that the proposal meets the standards listed in § 27-2702. Otherwise, unless otherwise specified as a condition of approval, the height limits, yard spaces, lot area, and sign requirements, shall be the same as for other uses in the District in which the Special Permit is located.

§ 27-2702 Standards.

- A. The proposed development is compatible with nearby properties and will not discourage the appropriate development and use of adjacent properties, or substantially impair their values.
- B. Traffic generated by the proposed development can be adequately and safely served by the existing and proposed roads.
- C. The site has a fluid internal traffic layout.
- D. Adequate off-street parking must be provided.
- E. The proposed development will not adversely affect community appearance, historic character, or safety and enjoyment of the area by adjoining residents.
- F. The proposed development can be served by necessary community facilities and will not overtax such facilities. This includes providing adequate access for emergency vehicles, as required by NY State Village Law §7-736.
- G. Operation of any Special Permit Use shall not be more objectionable to nearby properties by reason of dust, odor, noise, fumes, vibration, excessive lighting, or water pollution, than would the operation of any permitted use.
- H. All NY State Environmental Quality Review Act (SEQRA) requirements have been met.
- I. No Special Permit shall for a property where this is a violation of this Local Law, the NY State Uniform Building and Fire Prevention Code, or any other Village Law or regulation.
- J. The proposed development shall conform to the provisions of the Local Laws of the Village of Stamford, NY State Village Law, the NY State Uniform Building and Fire Prevention Code, and all applicable rules and regulations of NY State and Federal Government.

§ 27-2703 Procedures.

- A. The procedures for review of Special Permits shall be the same as for Site Plan Review, in accordance with Article XXVI of this Local Law, except that the Planning Board MUST hold a public hearing on ALL Special Permit applications.

- B. Review of Special Permits shall be conducted concurrently with the Site Plan Review for a single project.

§ 27-2704 Conditions. The Planning Board, in granting Special Permits, may impose such conditions, safeguards, and restrictions upon the proposed development, as may be deemed necessary in the public interest, to secure compliance with the provisions of this Local Law. Conditions may include, but are not limited to the following:

- A. The hours of operation;
- B. Access to the subject property;
- C. Protection of surface and groundwater;
- D. Lighting of the site, to include intensity (as measured in lumens) and fully-shielded/cutoff luminaires, so as not to adversely affect adjacent or nearby property owners; See Article XX Exterior Lighting;
- E. Adequate sewerage disposal and water supplies;
- F. Sound limitations, as measured in decibels to EPA standards, as needed, to ensure peaceful enjoyment of adjacent or nearby properties by neighbors;
- G. The location, size, height, design of building(s), walls, fences, landscaping, and buffer yards;
- H. Covenants, easements, and/or home owner's association for maintenance of applicable restrictions;
- I. Timing or phasing of the development;
- J. Underground utilities;
- K. Control of dust, smoke, odor, and soil erosion;
- L. Bonding, as required, to ensure standards are met and plans are implemented correctly.

§ 27-2705 Scope.

- A. Approval of a Special Permit, under this Article, shall be valid for a period of one (1) year after the date of approval. Thereafter, the Special Permit shall become null and void, unless construction or use is substantially underway, as determined by the Codes Enforcement Officer during said one (1) year period.
- B. An extension of time, not exceeding one (1) year, may be approved by the Planning Board of good cause shown, if requested by the Applicant, before the expiration of the first one (1) year term.

- C. A Special Permit shall be construed to be authorized for only one particular Special Permit Use, and shall expire if the Special Permit Use shall cease for more than one (1) year, for any reason.
- D. A Special Permit shall be transferable with the change of ownership of the lot on which the Special Use exists, upon which that particular Special Use is permitted.
- E. New Special Permit approval shall be obtained from the Planning Board for any new addition, alteration, or enlargement of uses and buildings, not previously authorized by a Special Use Permit.

ARTICLE XXVIII VIOLATIONS AND PENALTIES.

§ 28-2800 Violations and Penalties.

- A. Authority: In case any building or structure is erected, constructed, reconstructed, altered, converted, located, or maintained, or any building, structure, land or premises is used in violation of this Local law, or any regulation or requirement made pursuant thereto, or under authority conferred thereby, in addition to other lawful remedies, the Governing Body, or, with their approval, the Zoning or Codes Enforcement Officer may, pursuant to the regulations included in this Local Law and in the NY State Uniform Building and Fire Prevention Code, institute any appropriate action or proceedings to prevent such unlawful erection, construction, alteration, conversion, repair, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such buildings, land, or premises, or to prevent and illegal act, conduct, business, or use, in or about such premises.
- B. Discovery of Violations. The Zoning or Codes Enforcement Officer shall determine the existence of violations of the provisions of this Local Law through such investigations as he shall conduct pursuant to the issuance of building or zoning permits, and through the prompt investigation of signed written complaints as are filed with him by persons having reason to believe that such violations exist.
- C. The Zoning or Codes Enforcement Officer may also determine the existence of such violations by means of investigations conducted at his initiative.

§ 28-2801 Procedure for Abatement of Violations.

- A. Notice of Violation. Upon finding violations of the provisions of this Local Law or the NY State Uniform Building and Fire Prevention Code, the Zoning or Codes Enforcement Officer shall serve written notice, either by personal service, or USPS Certified Mail Return Receipt Requested, or both. This notice of violation is addressed to the premises of such violation, on the person committing or permitting such violation, and/or to the owner of the property, or to the owner's

legal agent. Such notice shall specify the nature of such violations as exist, and specify a reasonable time limit, of not less than five (5) days, in which compliance shall be achieved.

B. Legal Action. The Zoning or Codes Enforcement Officer shall, upon failure of the responsible party to comply with a violation notice within the specified time, refer the matter to the Governing Body so that the Governing Body may, by resolution, authorize the Zoning or Codes Enforcement Officer to write a summons and the Village Attorney to undertake appropriate legal action against such party.

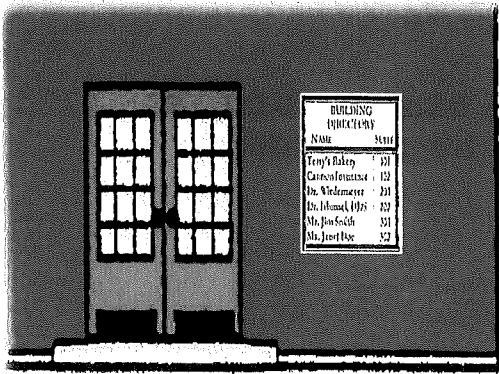
C. Penalty on Violation.

1. Any person or corporation, whether as owner, lessee, architect, building contractor, or the agent or employee of any of them, who violates or is an accessory to the violation of any provision of this Local Law, or who shall erect, construct, alter, enlarge, convert, or move any building or structure without a zoning or building permit, or in violation of any statement or plans submitted and approved under the provisions of this Local Law, or who shall use any building or land in violation of this Local Law or any regulation made under the authority conferred by this Local Law, or in violation of the provisions of any zoning or building permit, or without a zoning or building permit, or where permits are required by this Local Law, shall be liable to a fine not exceeding, in the case of one (1) violation, Two Hundred Fifty Dollars (\$250.00) or imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.
2. Any person violating this Local Law shall be subject to a civil penalty, enforceable and collectable by the Village of Stamford, in the amount of Fifty Dollars (\$50) for each week that such violation shall continue, not to exceed Two Hundred Fifty Dollars (\$250.00).
3. In addition to the above-provided penalties and punishment, the Governing Board may also initiate an action or proceeding in the name of the Village of Stamford, in a court of competent jurisdiction, to compel compliance with, or to restrain by injunction, the violation of this Local Law.

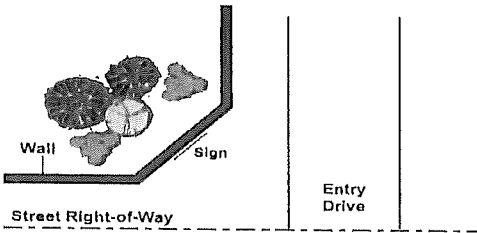
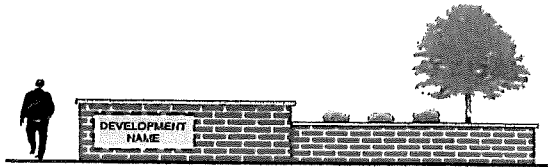
REFERS TO ARTICLE XI - MAIN STREET OVERLAY

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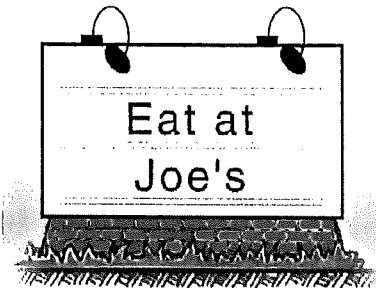
Exhibit B
REFERS TO ARTICLE XVI - SIGNS



Building Directory



Site Entry Feature With Signage

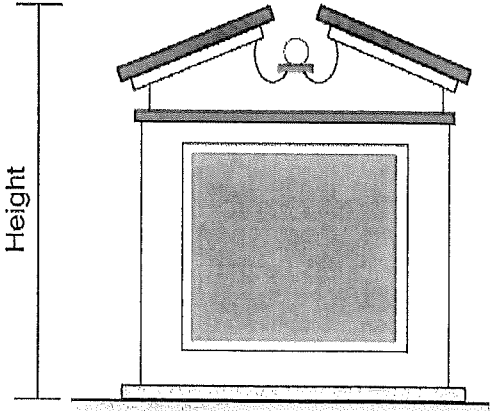
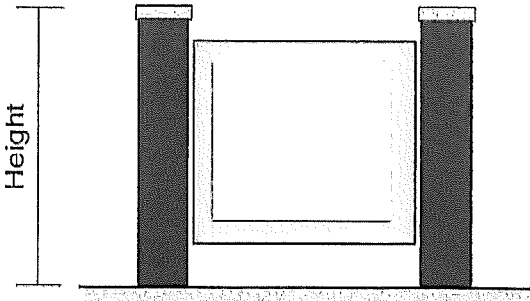


External Illumination
only



Internal Illumination
permitted

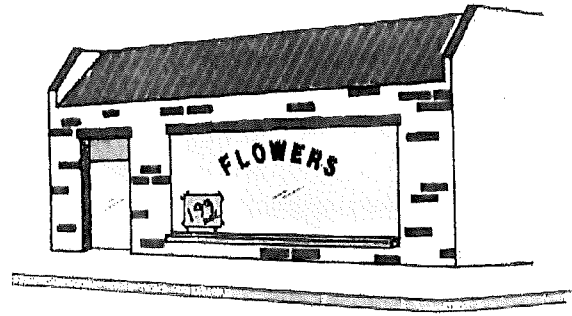
Sign Illumination



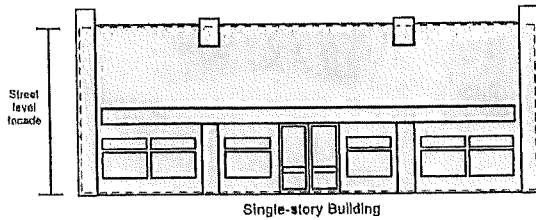
Sign Height



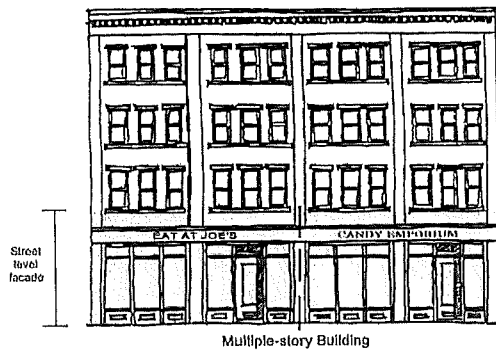
Awning Sign



Window Sign

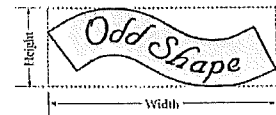
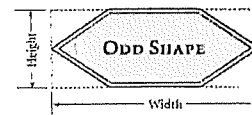
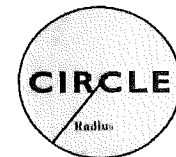
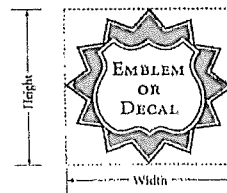


Single-story Building

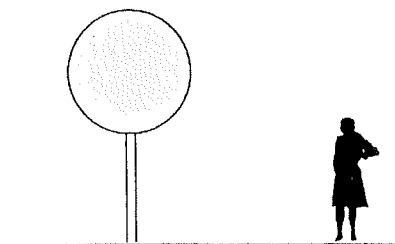
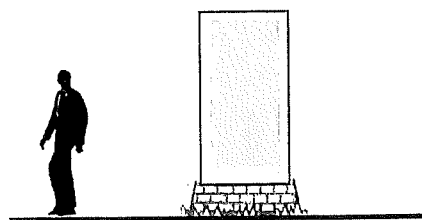
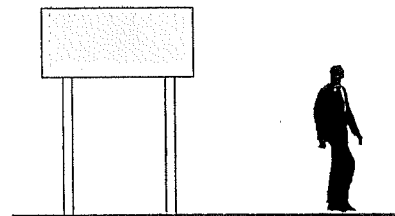
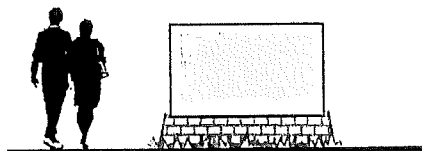


Multiple-story Building

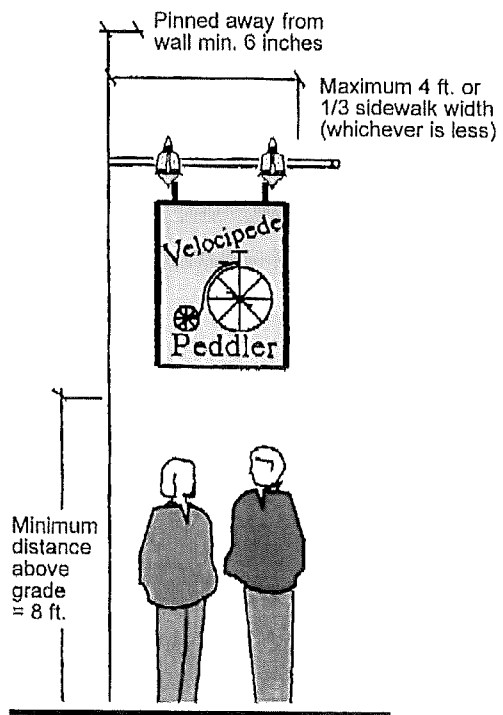
Signable Area



Computation of Sign Area



Various Types of Ground Signs



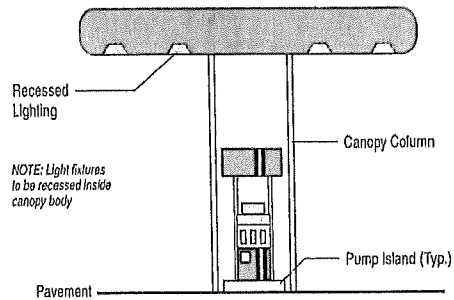
Projecting Sign Detail



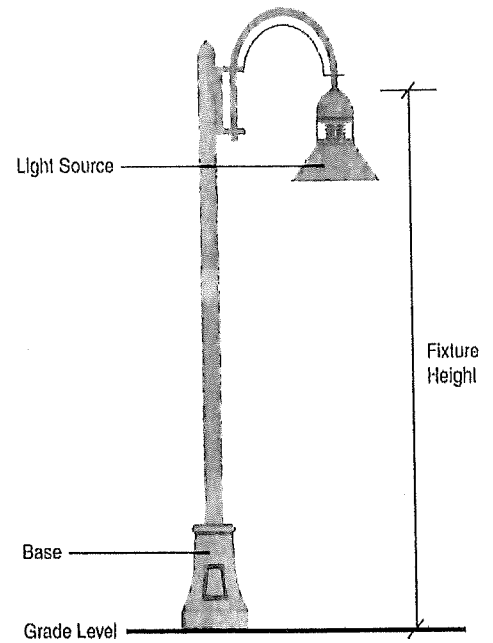
Portable Signs

Exhibit C

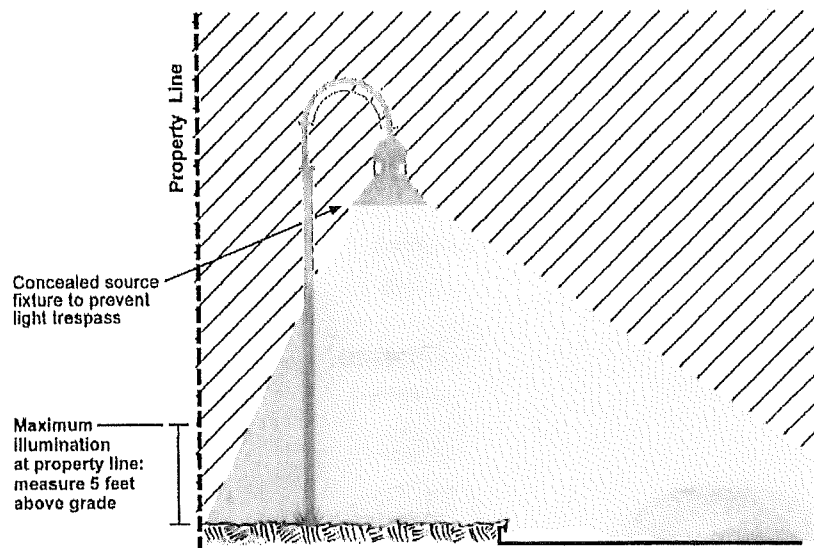
REFERS TO ARTICLE XX - EXTERIOR LIGHTING



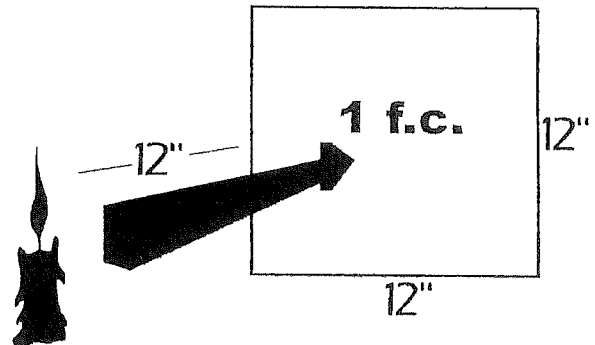
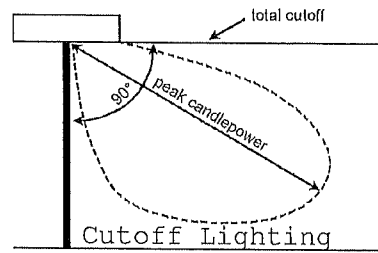
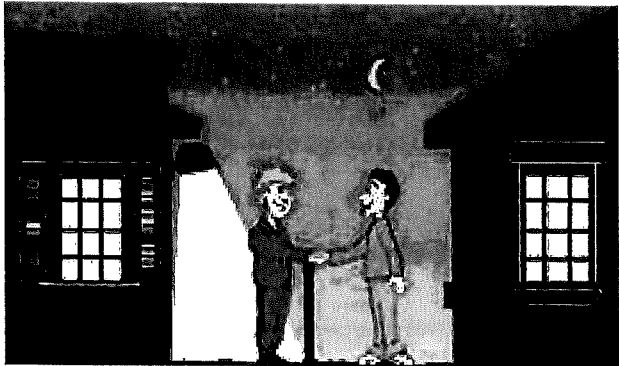
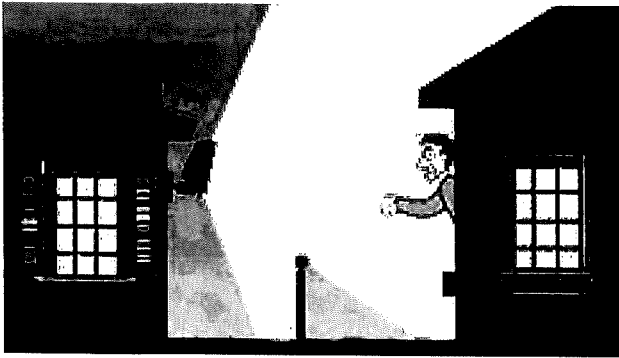
Pump Island Canopy Lighting



Light Fixture Height



Lighting Fixture Orientation and Shielding



Full Starlight = 1/100th footcandle
 Full Moon = 1/10th footcandle
 Full Sun = 5000 footcandles

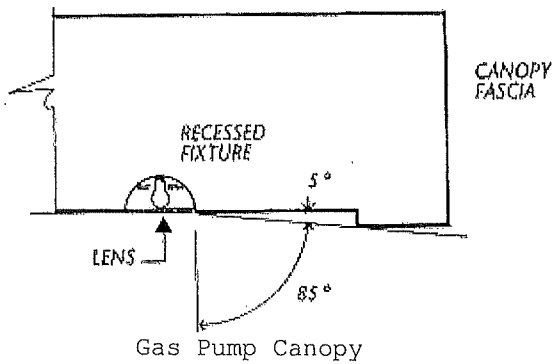
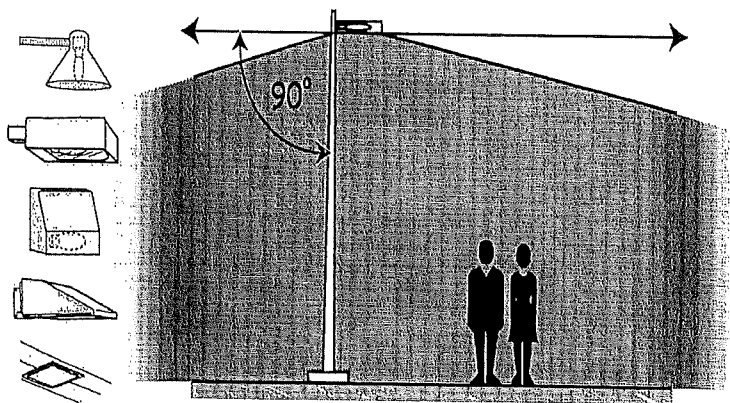
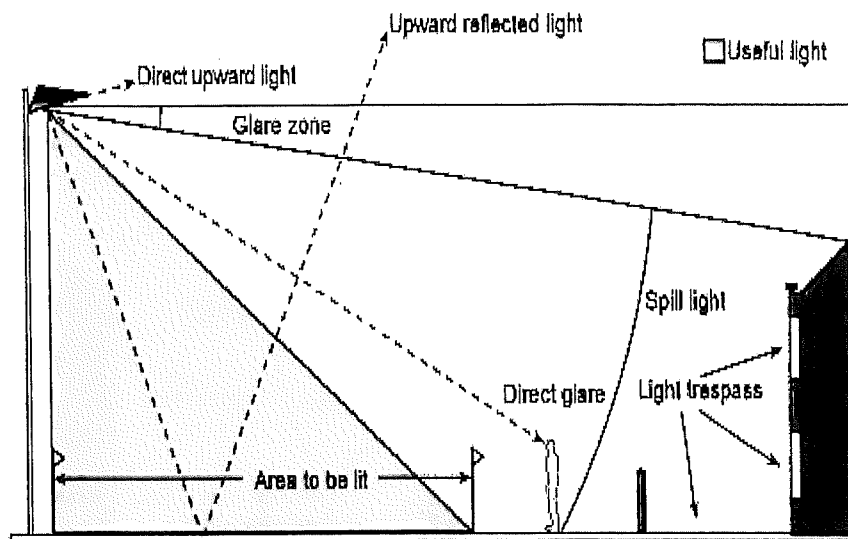
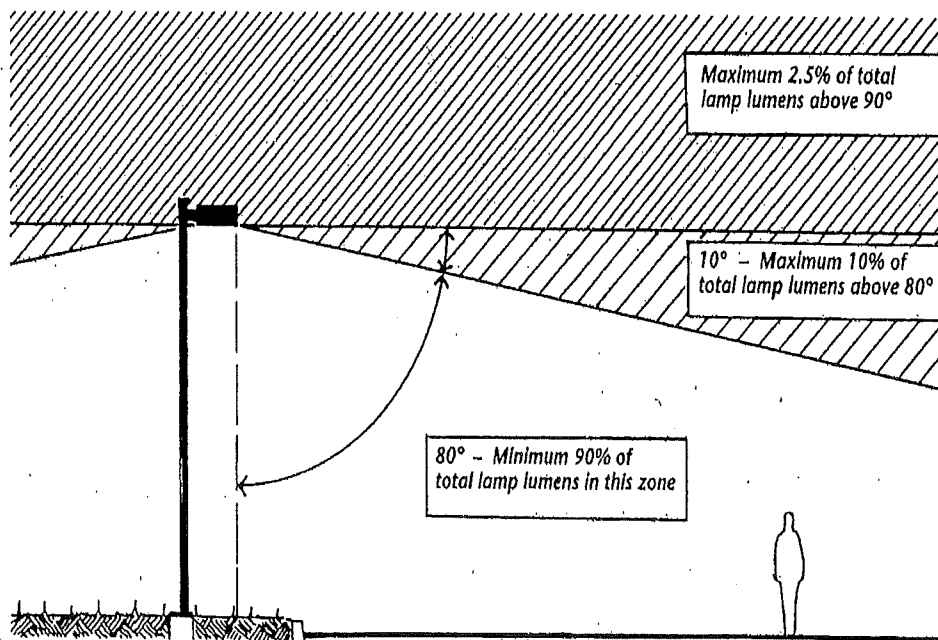


FIG. 1, EXAMPLES OF FULL CUT-OFF LIGHTING FIXTURES

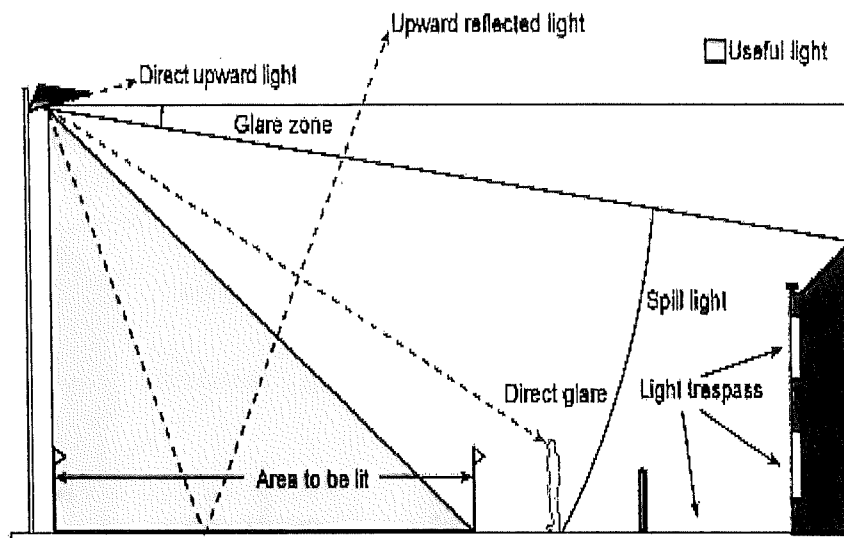




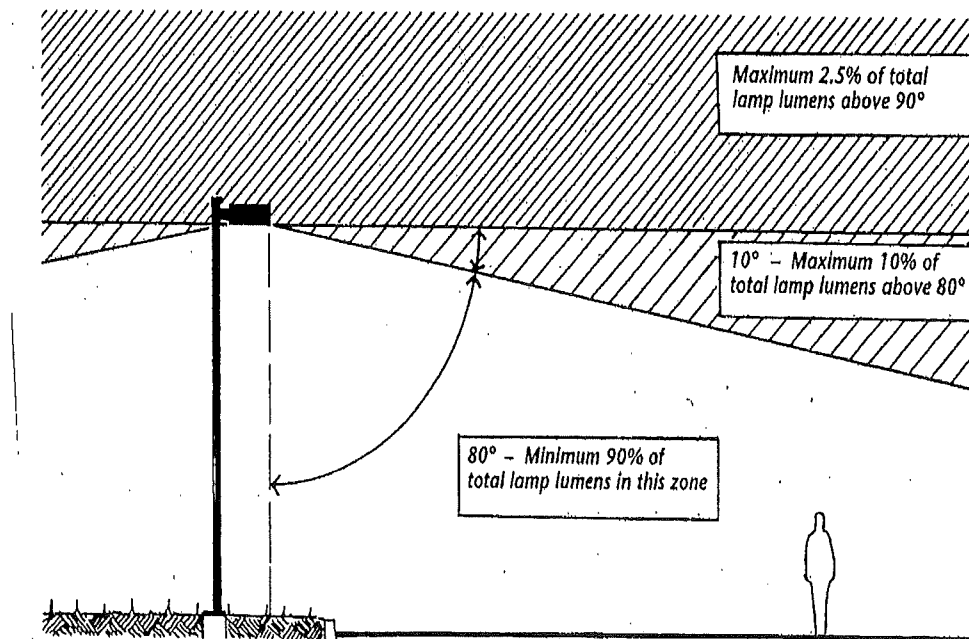
Light pollution is often caused by the way light is emitted from lighting equipment. Choosing proper equipment and carefully mounting and aiming it can make a significant difference.



Cut-off fixture as defined by IESNA.



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Cut-off fixture as defined by IESNA.

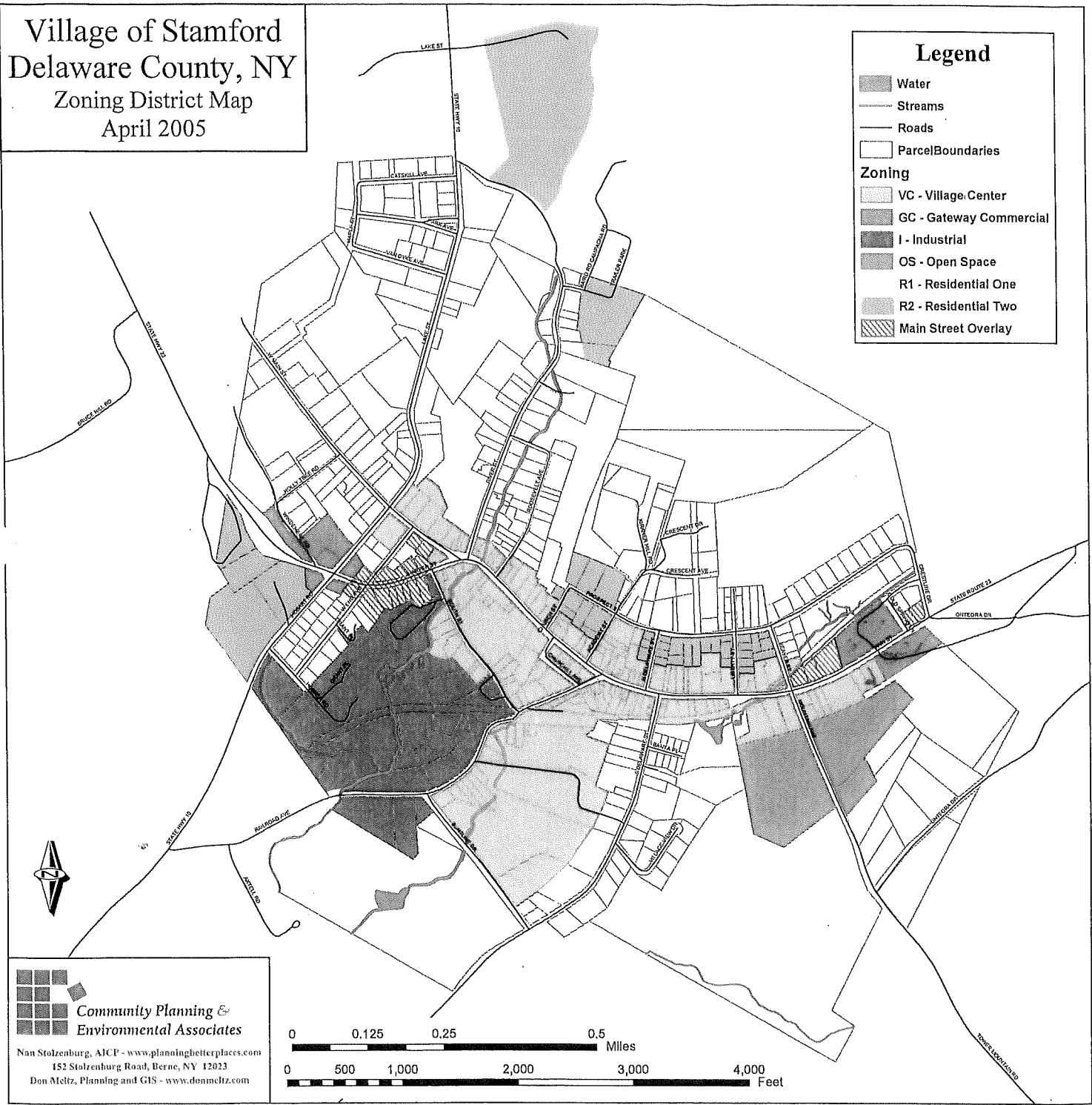
Village of Stamford
Delaware County, NY
Zoning District Map
April 2005

Legend

- Water
- Streams
- Roads
- Parcel Boundaries

Zoning

- VC - Village Center
- GC - Gateway Commercial
- I - Industrial
- OS - Open Space
- R1 - Residential One
- R2 - Residential Two
- Main Street Overlay



Community Planning & Environmental Associates
Nan Stolzenburg, AICP - www.planningbetterplaces.com
152 Stolzenburg Road, Berne, NY 12023
Don Meltz, Planning and GIS - www.donmeltz.com

Village of Stamford
Delaware County, NY
Zoning District Map
April 2005

