

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- ☐ ~~County~~
☐ ~~City~~ of Tannersville
☐ ~~Town~~
☒ Village

FILED
STATE RECORDS

MAR 22 2011

DEPARTMENT OF STATE

Local Law No. 1 of the year 20 11

A local law Zoning Law - Revised
(Insert Title)

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

- ☐ ~~County~~
☐ ~~City~~ of Tannersville as follows:
☐ ~~Town~~
☒ Village

(Please see attached.)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and
strike out that which is not applicable.)**

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 11 of the ~~(County)(City)(Town)~~ (Village) of Tannersville was duly passed by the Village Board of Trustees on March 7th 20 11, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law. (Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

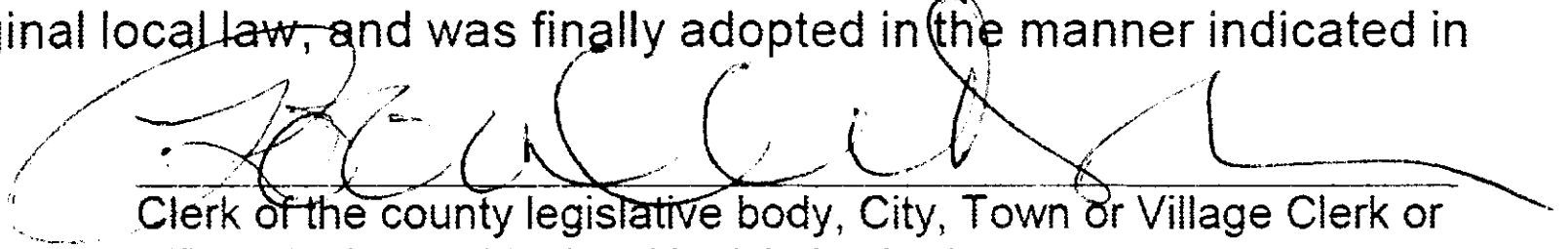
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____, above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

3/17/11

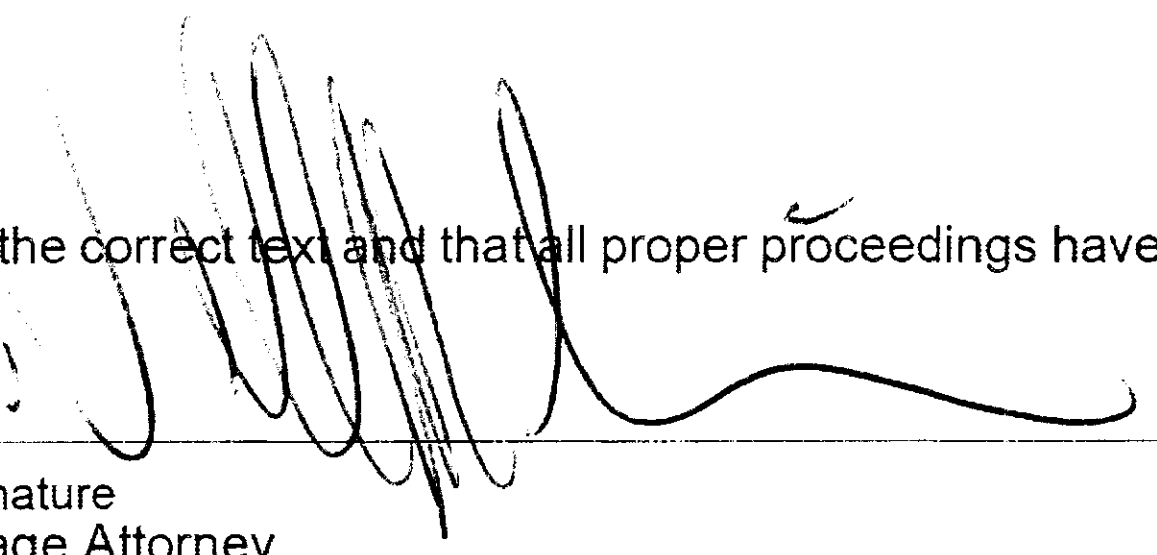
(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK

COUNTY OF Greene

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
Village Attorney

Title

~~County~~

~~City~~ of

Tannersville

~~Village~~

Village

Date: 03/17/2011

Village of Tannersville
Zoning Law - Revised
Local Law #1 of 2011

Village of Tannersville, 1 Park Lane, Tannersville, NY 12485
March 7th, 2011

*This Zoning Law was prepared with NYC Watershed Implementation Funds
provided through the NYS Department of State.

Village of Tannersville
ZONING LAW

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ARTICLE 1A: GENERAL PROVISIONS

1A.1 Title

This law shall be known and referred to as the “Tannersville Zoning Law”.

1A.2 Authority

This action of the Village of Tannersville, New York in the adoption of this Zoning code is authorized under the New York State Home rule Law, Article 2.

1A.3 General Purpose and Intent

For the purpose of promoting the health, safety and general welfare of the community, the board of Trustees of the Village of Tannersville is hereby empowered by local law, to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry residence or other purposes. Such regulations shall provide that a Board of Appeals may determine and vary their application in harmony with the general purpose and intent, and in accordance with general or specific rules herein contained.

The intent of the Zoning Law is the protection of the natural environment, conservation of land, energy and natural resources, reduction in vehicular traffic congestion and protection of pedestrians, historic preservation, reduction in sprawl development, protection and improvement of the built environment, protection of the visual character of the Village and the provision of a foundation for economic and population growth.

1A.4 Compliance with Comprehensive Plan

The Tannersville Zoning Law was adopted as one of the instruments for guiding future community development and conforms with the comprehensive plan of the Village as determined by the public planning process starting with the 2002 Economic Revitalization Strategy/Action Plan, followed by the 2005 Infrastructure Master Plan, and culminating in the Village Build-Out Analysis project conducted in 2006 and published in October 2006. In the Village Build-Out Analysis Project, the residents and business owners developed a “Neighborhood-based” future land use scenario that provided development opportunities at a variety of densities and selected a preferred build-out scenario, which, with subsequent modification, serves as the basis for this Zoning Law.

1A.5 Applicability

A. The provisions of this Code are activated by “shall” when required; “should” when recommended; and “may” when optional.

B. The Provisions of this Code, when in conflict, shall take precedence over those of other codes, laws, regulations and standards except the applicable Health and Safety Codes.

1A.6 Repeal of prior Land Use Ordinance and Set Back Ordinance

The Land Use Ordinance and Setback Ordinance of the Village of Tannersville, heretofore adopted by the Village Board of Trustees are hereby repealed.

1A.7 Amenability

This Zoning Law may be amended by a simple majority vote of the Village Board of Trustees.

1A.8 Severability Clause

If any court of competent jurisdiction shall adjudge any provision of this Zoning Law to be invalid, such judgment shall not affect any other provisions of this chapter. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Zoning Law to a particular property, building, or structure, such judgment shall not affect the application of the said provision to any other property, building or structure.

1A.9 Calculation of Densities

In all districts, densities shall be calculated in terms of dwelling units per acre of lands that are suitable for building. Suitable soils are those with restrictions identified in the latest edition of Soil Survey of Greene County, New York, by the US Department of Agriculture Soil Conservation Service as "slight" and "moderate" for building site development in Table 11 and "slight" and "moderate" for sanitary facilities in Table 12.

All lands that have one or more of the following characteristics shall not be considered in the calculation:

- a) Lands with a slope of more than 15%
- b) Wetlands*
- c) Floodplains
- d) Soils unsuitable for building*

*See definitions in Article 1B

1A.10 Compliance with Other Regulatory Agencies

All applicants shall comply with the regulations of any and all applicable regulatory agencies.

1A.11 Authority

This Local Law is expressly adopted pursuant to the relevant sections of the New York State Village Law and the New York State Municipal Home Rule Law.

1A.12 Effective Date

This local law shall be effective immediately upon filing with the Secretary of State.

ARTICLE 1B: DEFINITIONS

When used in this Zoning Law, the following terms shall have the meanings herein ascribed to them. Where any definition is divided into classifications or categories of activities or uses, each classification or category shall be considered a different activity or use requiring separate application of the provisions of this Zoning Law. No part of any definition shall be varied.

ACCESSORY USE OR STRUCTURE: An accessory use or structure that:

- A. Is subordinate to and serves a principal building or a principal use; and
- B. Is subordinate in area, extent and purpose to the principal structure or principal use served; and
- C. Is located on the same lot as the principal structure or principal use served.

ALPINE STYLE: An architectural style based on ski-related architecture in the Alps, with typical peaked roofs, overhanging eaves and unconcealed structural members. Style may involve decoration with Alpine motifs.

ANTENNA: A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include, but not be limited to, cellular, paging, personal communications services and microwave communications.

APARTMENT: A room or suite or rooms used as a single dwelling unit, located in a building in which there are one or more such rooms or suites other than a detached single-family dwelling.

ALLEY: A thoroughfare not more than 20 feet wide which affords only a secondary means of access to abutting property.

ANCILLARY GARAGE OR PARKING LOT: A garage or parking lot which is subordinate to a principal use not situated on the same parcel as such garage or lot, which is not operated as a separate commercial enterprise available to the public at large.

ARTICULATED FACADE: A façade which is visually broken up into different sections or pieces by the use of shape, color, texture, materials or other means of adding variety to the building surface.

AWNING: A permanent overhanging shelter which projects from the face of a building.

BED-AND-BREAKFAST ESTABLISHMENT: An owner-occupied and -operated dwelling originally designed as a residential structure where limited overnight lodging and a breakfast are provided for compensation to tourist or recreational guests.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

BUILDING COVERAGE: The percentage of a lot area occupied by the ground area of principal and accessory buildings on such lot, excluding the area occupied by a solar collector, awning, deck or porch.

BUILDING FACADE: The facade of a building providing the principal ingress to the building or a use from the public right-of-way.

BUILDING FRONT: The exterior wall of a building facing the front line of the lot.

BUILDING HEIGHT: The vertical distance measured from average grade along building perimeter to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

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

CLEARCUTTING: Felling and removal of all or most of the trees during the initial preparation of a property for development.

COMMERCIAL: The term collectively defining workplace, office, retail, eating and drinking establishments, lodging and entertainment functions.

COMMUNITY CENTER, PUBLIC: A building or structure and related facilities operated by a governmental agency, the primary function of which is available to the public for civic, cultural, educational, philanthropic, recreational or social purposes.

CANOPY: A permanent shelter, lit in whole or in part, which is constructed with a rigid frame that cannot be retracted, folded or collapsed and whose primary function is to cover and protect users of the accessory uses and structures on a site.

CONDOMINIUM: A multi-unit residential building, in which the units are owned by individual owners.

CRAFTSMAN STYLE: Also known as "Arts and Crafts" and "Bungalow Style", featuring organic materials, or synthetic materials simulating wood for siding and millwork; clay for bricks and tiles; iron and bronze for decorative window and door hardware; colored art glass or beveled glass for windows and doors. Buildings are horizontal in appearance, usually 1 ½ stories and rarely 2-story, with large, welcoming front porches.

DARK SKY LIGHTING: Light fixtures that minimize light pollution at night by directing illumination mainly to the ground and reducing glare to surrounding areas.

DAY-CARE CENTER: Any establishment caring for children or adults on a daily basis, where the children or adults return in the evening to their home in another building. No day-care center shall be established without prior licensing, and every special permit for a day-care center shall be conditioned upon the licensing, certification or other approval of every public agency charged with the regulation or supervision of any facet of the activity of the proposed center.

DAY-CARE HOME, FAMILY: A program licensed pursuant to § 390 of New York State Social Service Law caring for children for more than three hours per day per child in which child day care is provided in a family home for three to six children. A family day-care provider may, however, care for seven or eight

children at any one time if no more than six of the children are less than school age and the school-aged children receive care primarily before or after the period such children are ordinarily in school, during school lunch periods, on school holidays, or during those periods of the year in which school is not in session, in accordance with the regulations of the **Greene County Department of Social Services**, (DSS) and the DSS inspects such home to determine whether the provider can care adequately for seven or eight children.

DAY-CARE HOME, FAMILY ADULT: A program caring for adults for more than three hours per day per person in which day care is provided in a family home for three to six adults.

DAY-CARE HOME, GROUP FAMILY: A program licensed pursuant to § 390 of New York State Social Services Law and caring for children for more than three hours per day per child in which child day care is provided in a family home for seven to 10 children of all ages, or up to 12 children where all of such children are over two years of age, except for those programs operating as a family day-care home which care for seven or eight children. A group family day-care provider may provide child day-care services to two additional children if such additional children are of school age and such children receive services only before or after the period such children are ordinarily in school or during school lunch periods, or school holidays, or during those periods of the year in which school is not in session.

DECK: An uncovered, attached or freestanding, structure built on supports.

DESIGNATED BUILDING OF HISTORIC VALUE: A building that is listed on the National or State Register of Historic Places.

DEVELOPMENT or REDEVELOPMENT: Any change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling.

DISTRICT: A portion of the Village of Tannersville within which certain regulations and requirements or various combinations thereof apply pursuant to the provisions of this Zoning Law.

DOMESTICATED ANIMALS: Animals that have been breed and trained to live in close proximity to humans and have value as pets, work animals or livestock.

DRAINAGE: The removal of surface or subsurface water from a given area either by gravity or by pumping. The term is commonly applied to surface and ground water.

DRIVEWAY (RESIDENTIAL): The area delineated through pavement, gravel or other surface as the access to an attached garage or a side or rear yard parking space or garage. The width of the driveway shall not exceed 25 feet in the front of the dwelling.

DWELLING: Any building or structure, or part thereof, used and occupied for human habitation, or intended to be so used, and includes any appurtenances belonging thereto.

DWELLING, ATTACHED: A row of two or more adjoining dwelling units each on their own lot, each of which is separated from the others by one or more unpierced walls extending from ground to roof.

DWELLING UNIT: One room, or a group of rooms joined to each other, located in a dwelling, designed and maintained as unified living quarters, occupied by a family, containing integrated facilities used for living, sleeping, cooking, eating and sanitation.

ENLARGEMENT: An addition to the floor area of an existing building or an increase in the size of any other existing structure.

EXPANSION: An increase in the amount of existing floor area used for an existing use within an existing building.

FRONTAGE: The unbroken length of the front lot line which is contiguous to a public street or private road.

GARAGE: A building, or part thereof, used or intended to be used for the parking and storage of vehicles.

GARAGE OR PARKING LOT, MUNICIPAL: A garage or parking lot owned or operated by the Village of Tannersville or other governmental entity and used primarily for the parking and storage of vehicles owned by the general public.

HOME OCCUPATION: non-retail commercial uses in residential units, located either within the main dwelling or in an accessory building.

HOMELESS RESIDENTIAL FACILITY: A residential facility operated by a provider, other than a residential care facility, which provides temporary accommodations to more than four homeless persons in a non-dormitory-style setting. For the purpose of this definition, "provider" shall mean a government agency or private nonprofit organization which provides, or contracts with recognized community organizations to provide emergency or temporary shelter for the homeless. The homeless residential facility shall operate 24 hours a day, seven days a week. Twenty-four-hour supervision shall be required for homeless residential facilities.

HOMELESS SHELTER: A residential facility operated by a provider, other than a residential care facility, which provides temporary accommodations to homeless persons and/or families in a dormitory-style setting. For the purpose of this definition, "provider" shall mean a government agency or private nonprofit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless. The shelter shall operate less than 24 hours a day, seven days a week. Supervision shall be required for homeless shelters during operating hours.

HOTEL: A dwelling containing multiple rooming units in which lodging is provided and offered to the public for compensation. Hotels are usually multi-storied buildings, entered through a front entry with lobby. Guest bedrooms are entered through interior doors. This definition shall not be construed to affect local or state licensing provisions.

INDUSTRIAL, LIGHT -- Firms engaged in the manufacture, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Light industrial uses will generate minimal truck trips, visual emissions, noise, odors or vibrations and have minimal visual impact on an area.

INDUSTRIAL, MEDIUM - Firms engaged in the manufacture, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Medium industrial uses will generate moderate amounts of truck trips, visual emissions, noise, odors or vibrations and have a moderate visual impact on an area.

INDUSTRIAL, HEAVY. - Firms engaged in the manufacture, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Heavy industrial uses will generate a large amount of truck trips, visual emissions, noise, odors or vibrations and have a great visual impact on an area.

LOT -- A tract of land under single ownership and occupied by, or designated to be developed for, a building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this Zoning Law, to be used with such buildings or use. Every lot shall have access in accordance with the provisions this Zoning Law.

LOT OF RECORD -- A parcel of land that is a lot recorded on the records of the Recorder of Deeds of Greene County, New York, or that is described by a metes and bounds description which has been so recorded.

MARQUEE -- Any permanent, roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building without additional supports; unlike a canopy, a marquee generally has more than one foot of vertical or wall space between the bottom of it (which serves as an outdoor cover) and the top of it (which serves as a roof).

MIXED USES -- A development or redevelopment that allows for more dense development in a single building or on a single lot and includes a mixture of uses, including but not limited to two or more of the following: residential, commercial and light industrial.

MOTEL -- A building or group of buildings in which lodging is provided for compensation for primarily automobile transients and which has individual entrances from the outside of the building for at least 25% of the dwelling or rooming units located therein.

NONCONFORMING BUILDING OR STRUCTURE -- Any building or structure, other than a sign, lawfully existing on the effective date of this Zoning Law, or any modification to it rendering such building or structure nonconforming, which:

- A. Does not comply with all of the regulations of this Zoning Law, or any amendment of this Zoning Law, governing parking, space and bulk requirements for the zoning district in which such building or structure is located; or
- B. Is located on a lot which does not, or is so located on a lot as not to, comply with the yard requirements for the zoning district in which such building or structure is located.

NONCONFORMING USE -- Any use lawfully being made of any land, building or structure, including an accessory use on the effective date of this Zoning Law, or any amendment to it rendering such use nonconforming, which does not comply with all of the regulations of this Zoning Law, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

NURSERY SCHOOL -- A place providing or designed to provide daytime care or instruction for three or more children from two to five years of age away from their home for up to three hours per day, whether or not for compensation or reward.

PARKING AREA -- Any land consisting of one or two parking spaces accessory to a single- family, semidetached, two-family or attached dwelling.

PARKING LOT -- Any land area used or intended to be used for the temporary parking of three or more licensed vehicles or the portion of a vehicle sales operation utilized for the display of vehicles or customer parking.

PATIO -- An area of ground paved with stone, asphalt, concrete, planks with or without joists, brick, flagstone, concrete blocks, or similar materials capable of bearing pedestrian travel, including wheelchairs, where the top surface of the paving is substantially at the finished grade of the adjoining ground on all sides.

PEDESTRIAN SCALE - As seen from the street level by pedestrians, buildings and streetscapes which have a rich and inviting visual quality characterized by continuous facades, first-floor doors and windows at pedestrian height, rich architectural detailing, and abundant decorative elements such as attractive signs, potted plants and flowers, benches, shade trees and other ornamental items.

PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES (PWTF) – Facilities for the provision of commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including but not limited to antennae, telecommunications towers and accessory facilities.

PLACE OF WORSHIP -- A structure owned and/or used by a religious organization for the practice of their religion.

PORCH, OPEN -- A roofed open structure projecting from the exterior wall of a building and having at least 70% of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect screening between floor and ceiling.

PUBLIC AND SEMIPUBLIC USES -- Uses operated by the public or semipublic body such as schools, public libraries, fire and public safety buildings, museums, parks, public meeting halls, governmental buildings and community centers.

PUBLIC UTILITY - A building, structure or equipment used to provide a public service such as light, power, water, and communications.

RESIDENTIAL CARE FACILITY -- A dwelling unit or dwelling units within a building providing twenty-four-hour supervised room, board and care in a residential setting to residents thereof whose status limits their ability to live independently, and secondarily for training, rehabilitation and nonclinical services. Room or rooms may be regularly locked where a matter of owner policy, and occupancy is by a person, persons, or family as authorized by the operator. The term excludes facilities subject to New York State Mental Hygiene Law § 41.34. Residential care facilities shall not include a clinic, institution, hospital, nursing home, convalescent home, school, child day-care center, adult day-care center, nursery school, dormitory, homeless residential facilities or other similar use. The term shall not be applied to owner-occupied premises with one or two roomers.

RETAIL SALES AND SERVICE -- The sale, provision of service or on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption, but not including the sale to another business for resale purposes. This shall include carry-out restaurants and the like with six or fewer seats.

ROOMING HOUSE -- Any dwelling containing one or more rooming units in which individual units are let by the owner or operator to non-family members with no more than two persons per unit and where a twenty-four-hour resident property manager is available for five or more rooming units; this would include dormitories. For fewer than five rooming units, a property manager must be available 24 hours and his or her name and phone number must be posted inside the building. The term shall not be applied to owner-occupied premises with one or two roomers.

SEASONAL RENTAL UNIT -- A residential unit which is rented to tenants for a period of time shorter than the normal 6 month or yearly lease time period. A seasonal rental unit is therefore usually occupied by a series of different tenants throughout the year.

SETBACK: -- The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly from the property line.

SEXUALLY ORIENTED BUSINESS -- An adult retail store, adult arcade, adult cabaret, adult movie theater, or escort agency characterized by their emphasis on sexual activities, entertainment or goods.

SIGN -- A name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. "Sign" does not include attention-getting devices, merchandise, pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, graffiti or scoreboards located on athletic fields.

STAFF -- As determined by the regulatory agencies.

STORY -- That portion of a building, including a basement, between the surface of any floor and the surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. A half story shall include that part of a building between a pitched roof and the uppermost full story, having a ceiling height of seven feet or more for not exceeding 1/2 the floor area of such full story. For purposes of side yard determination, a basement shall be counted as a half story.

STREET -- A public or private way, square or lane, having a right-of-way at least 50 feet in width, permanently open to common and general use, which affords the principal means of access to abutting property.

STRUCTURE -- Anything constructed or erected with a fixed location on the ground above grade but not including poles, lines, cables or other transmission or distribution facilities of public utilities.

SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or

repair is started or before the damage occurred, if the structure has been damaged and is being restored. This term does not include any project for improvement of a structure to comply with state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of any structure or contributing structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SUITABLE SOILS - Suitable soils are those with restrictions identified in the latest edition of Soil Survey of Greene County, New York, by the U.S. Department of Agriculture, Soil Conservation Service as "slight" and "moderate" for building site development in Table 11 and "slight" and "moderate" for sanitary facilities in Table 12.

TELECOMMUNICATIONS TOWER -- A freestanding structure on which transmitting and/or receiving antennae are located, including lattice towers, guyed towers, monopoles and similar structures, which may employ camouflage technology.

TERRACE -- An at-grade plane constructed of paving materials.

VILLAGE HOUSE -- A multi unit building that occupies the full lot frontage, leaving the rear of the Lot as the sole and common yard.

VARIANCE -- A ruling that would permit a practice that is not consistent with a specific provision of this Zoning Law.

VICTORIAN - An architectural style associated with the Victorian Age, characterized by irregular floor plans, multiple steep roofs and porches with decorative gables, ornate woodwork, and the addition of elaborate exterior features such as cupolas, octagonal or circular towers, chimneys, and highly decorative windows and entry doors with glass panels.

WASTE CENTER - A completely enclosed building or buildings where putrescible (rotten) and nonputrescible materials are stored, treated or transferred from one kind of transportation to another, for future movement to a landfill, recycling processor or other resource/waste facility.

WETLANDS - "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." (Clean Water Act definition.) Wetlands are regulated by NYS and Federal regulations.

YARD -- An open space on the same lot with a building or structure.

ARTICLE 2 ESTABLISHMENT OF ZONING DISTRICTS

2.1 Zoning Districts Established

A. Established Districts

In order to carry out the purposes and provisions of this Law, the Village of Tannersville is hereby divided into the following districts:

District		Density
R1	Residential Single Family: Low Density	1 unit/acre
R2	Residential Single Family: Medium Density	1 unit/half acre
R3	Residential Multi Family: High Density	1 unit/ one-fifth acre
CBD	Central Business District	N/A
B1	General Business District	N/A
CU	Community Use	N/A

B. Floating District

In order to make provision for more flexible development opportunities than would be possible through the strict application of the established Zoning Districts of this Zoning Law, a Planned Development District (PDD) is hereby created, which shall be applicable to the R1, R2, R3 and B1 Districts. Where a PDD is deemed appropriate, the rezoning of land to a PDD will replace all use and dimensional specification contained elsewhere in this Zoning Law.

2.2 Zoning Map

A. Map Incorporated

The Boundaries of the Zoning Districts hereby established are shown on a map entitled "Tannersville Zoning Map". The Zoning Map and all notations, references and other information shown thereon shall have the same force and effect as if fully set forth or described herein, and such map is hereby made part of this Zoning Law. The Zoning Map shall be properly attested and kept on file in the office of the Tannersville Village Clerk.

B. Map Amendments

The Zoning Map may be amended from time to time, by local law duly enacted by the Village Board, to provide for PDD's upon approval of a development concept plan as set forth in Article 9.

C. Omitted Land

It is the intent of this Zoning Law that the entire area of the Village of Tannersville, including all land and water areas, rivers, streets, alleys railroads, and other rights of way, be included in the districts established by this Zoning Law. Any area not shown on the Zoning Map as being included in such a district shall be deemed to be and is hereby classified in the R1 District.

2.3 District Boundaries

A. Cases of uncertainty

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

- 1) The district boundaries are the center lines of the streets, alleys, waterways, and rights-of-ways. Where designation of a boundary line on the Zoning Map coincides with the location of a street, alley, waterway or right of way, the center line of such street, alley, waterway and right of way shall be construed to be the boundary of such district.
- 2) Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
- 3) Distances shown on the Zoning Map are perpendicular distances from road center lines measured to the district boundary, which boundaries in all cases where distances are given are parallel to the road center line. In other cases, the district boundary shall be determined by the use of the scale of the Zoning Map.

B. Divided Lots

Where a district boundary divides a lot of record at the time such boundary is adopted, the requirements for the respective districts shall apply to the divided portion.

ARTICLE 3 R1- RESIDENTIAL SINGLE-FAMILY: LOW DENSITY DISTRICT (R1)

3.1 Purpose

The Residential Single Family: Low Density District is intended to maintain the natural environment and preserve open space, and create a residential area characterized predominantly by large single-family homes at a low density. The large size of the lots and setback requirements provide for a broad leeway in building design and size.

3.2 Permitted Uses

The following uses are permitted in R1-Residential Single Family: Low Density District:

A. Single-Family Detached Dwellings

B. Accessory uses and structures

No accessory use or structure shall be established or constructed until the primary use or structure is constructed.

1. All detached accessory structures and uses, except for the driveway, shall be located in the rear or side yard including, but not limited to:

- a. Child's playhouse
- b. Fire Escapes
- c. Guest house or servants' quarters
- d. Outdoor parking or storage of recreational boats and vehicles
- e. Tennis courts
- f. Greenhouses
- g. Storage sheds
- h. Garages
- i. Swimming pools
- j. Outdoor freestanding, wood burning furnaces, limited to rear yard only

2. Attached Accessory uses and structures

Garages, patios, decks, porches and terraces, which are attached to and part of the main dwelling are permitted in all yards, subject to the setback requirements.

C. Public Utilities

Public Utilities are subject to the additional requirements for specified uses in Article 10.7.

D. Personal wireless telecommunication facilities

Personal wireless telecommunication facilities in the CU District shall be regulated as outlined in Article 10.6.

3.3 Special Use Permits

The following uses are allowed as special permit uses in the R1 District:

A. Adult family day-care homes,

B. Bed-and breakfast establishments subject to the additional requirements for specified uses in Article 10.1.

- C. Convents and rectories
- D. Day-care centers, subject to the additional requirements for specified uses in Article 10.2.
- E. Family and group family day-care homes
- F. Home occupations, subject to the additional requirements for specified uses in Article 10.3.
- G. Places of worship
- H. Parks and recreational areas
- I. Public and semipublic uses, including but not limited to schools and libraries.
- J. Residential care facilities
- K. Personal wireless telecommunication towers subject to the additional requirements for specified uses in Article 10.6.
- L. Seasonal Rental Units subject to additional requirements for specified uses in Article 10.10

3.4 Clear cutting of lots prohibited

Because one of the purposes of the R1 District is to conserve the natural landscape, clear cutting of lots in preparation for construction of buildings is prohibited. All trees over 6" in diameter, measured 48" from the ground, shall be left standing, except when they are located in areas where buildings, driveways, and lawns are to be established.

3.5 Prohibited Conversions

Conversion of any residential structure to any nonresidential use and/or to increase the number of residential units in the R1 District is prohibited.

3.6 Additional Regulations

The applicable Village-Wide Design Guidelines and Standards for all Districts are provided in Article 11.

3.7 Standards for Lots, Yards, Building, Landscaping and Parking

Table 1 atop the next page shows Lot, Yard, Building, Landscaping and Parking Standards for the R1 District.

Table 1
Lot , Yard, Building, Landscaping and Parking Standards
R1- Residential Single Family: Low Density District

Factor	R1 Standards
Maximum Density	One dwelling unit per acre
Minimum Frontage	75 linear feet
Minimum Front yard setback from Front Property Line	50 feet
Side and rear yard setbacks	25 feet
Maximum building height	None
Minimum building size	1200 square feet
Building orientation	Optional
Architectural Standards	Optional
Fencing – front yard	3 foot high or hedge permitted
Fencing – side and rear yards	Fencing or hedge up to 6 foot high permitted
Frontage Treatment	The natural landscape shall suffice. If altered, the landscape shall be native evergreen and deciduous trees.
Parking Requirement	Parking accommodated in attached or detached garages or in uncovered parking areas. No minimum or maximum stipulated.

3.8 Non-conforming Lots of Record

A single-family detached dwelling which applies with the yard, height and set back requirements of the district in which it is located may be erected on a non-conforming lot.

ARTICLE 4 R2- SINGLE-FAMILY: MEDIUM DENSITY DISTRICT (R2)

4.1 Purpose

The R2 Residential Single-Family District is intended to create and/or maintain a traditional residential neighborhood, characterized predominantly by detached single-family homes at a relatively higher density. Each Residential unit will be located on a minimum half acre lot.

4.2 Permitted Uses

The following uses are permitted in R2-Residential Single-Family District

A. Single-Family Detached Dwellings

B. Accessory uses and structures

No accessory use or structure shall be established or constructed until the primary use or structure is constructed.

1. All detached accessory structures and uses, except for the driveway, shall be located in the rear or side yard including, but not limited to:

- a. Child's playhouse
- b. Fire Escapes
- c. Guest house or servants' quarters
- d. Outdoor parking or storage of recreational boats and vehicles
- e. Tennis courts
- f. Greenhouses
- g. Storage sheds
- h. Garages
- i. Swimming pools
- j. Outdoor freestanding, wood burning furnaces, limited to rear yard only

2. Attached Accessory uses and structures

Garages, patios, decks, porches and terraces, which are attached to and part of the main dwelling are permitted in all yards, subject to the setback requirements.

C. Public Utilities

Public Utilities are subject to the additional requirements for specified uses in Article 10.7.

D. Personal wireless telecommunication facilities

Personal wireless telecommunication facilities in the R2 District shall be regulated as outlined in Section 10.6 -Personal wireless telecommunication facilities.

4.3 Special Use Permits

The following uses are allowed as special permit uses in the R1 District:

A. Adult family day-care homes,

B. Bed-and breakfast establishments subject to the additional requirements for specified uses in Article 10.1.

- C. Convents and rectories
- D. Day-care centers, subject to the additional requirements for specified uses in Article 10.2.
- E. Family and group family day-care homes
- F. Home occupations, subject to the additional requirements for specified uses in Article 10.3.
- G. Places of worship
- H. Parks and recreational areas
- I. Public and semipublic uses, including but not limited to schools and libraries.
- J. Residential care facilities
- K. Personal wireless telecommunication towers subject to the additional requirements for specified uses in Article 10.6.
- L. Seasonal Rental Units subject to additional requirements for specified uses in Article 10.10.

4.4 Prohibited Conversions

Conversion of any residential structure to any non-residential use and/or to increase the number of residential units in the R2 District is prohibited.

4.5 Additional Regulations

The applicable Village-Wide Design Guidelines and Standards for all Districts are provided in Article 11.

4.6 Standards for Lots, Yards, Building, Landscaping and Parking

Table 2 Below shows Lot, Yard, Building, Landscaping and Parking Standards for the R2 District.

Table 2
Lot , Yard, Building, Landscaping and Parking Standards
R2- Residential Single Family: Medium Density District

Factor	R2 Standards
Maximum Density	One dwelling unit per half acre
Minimum Frontage	75 linear feet
Minimum Front yard setback from Front Property Line	30 feet
Side and rear yard setbacks	15 feet
Maximum building height	2 ½ Stories (35 feet)
Building orientation	Front of Building must face public street
Architectural Standards	Front of building must be articulated
Fencing – front yard	3 foot high or hedge permitted
Fencing – side and rear yards	Fencing or hedge up to 6 foot high permitted
Frontage Treatment	Front yard landscaped with lawn and/or other vegetation
Parking Requirement	Two parking spaces per unit required or uncovered area

4.7 Non-conforming lots of record

A single-family detached dwelling which complies with the yard, height and setback requirements of the district in which it is located may be erected on a non-conforming lot.

ARTICLE 5 R3-MULTI-FAMILY RESIDENTIAL: HIGH DENSITY (R3)

5.1 Purpose

The R3-Multi-Family Residential District is intended to create a residential neighborhood comprised of attached residential units at a higher density.

5.2 Permitted Uses

The R3-Multi-Family Residential District is created solely for multi-family dwelling units, and shall require a site plan review. The procedure for plan submission will follow the procedure detailed in *Local Law #2 of 2007: Site Plan Review Law for the Village of Tannersville (revised)*.

5.3 Accessory Uses and Structures

No accessory use or structure shall be established or constructed until the primary use or structure is constructed.

A) All detached accessory structures and uses, except for the driveway, shall be located in the rear or side yard including, but not limited to:

1. Child's playhouse
2. Fire Escapes
3. Guest house or servants' quarters
4. Outdoor parking or storage of recreational boats and vehicles
5. Tennis courts
6. Greenhouses
7. Storage sheds
8. Garages
9. Swimming pools
- 10 Outdoor freestanding, wood burning furnaces, limited to rear yard only

B) Attached Accessory uses and structures

Garages, patios, decks, porches and terraces, which are attached to and part of the main dwelling are permitted in all yards, subject to the setback requirements.

5.4 Personal Wireless Telecommunications Facilities

Personal Wireless Telecommunications Facilities in the R3 District shall be regulated as outlined in Article 10.6 .

5.5 General Site and Building Design Guidelines

A. Residential units shall be arranged to allow for private back yards.

B. All units shall have individual exterior front entrances.

C. Two parking spaces in covered or uncovered area shall be furnished for each residential unit.

D. On-site storage facilities shall be furnished for the storage and/or parking of recreational vehicles and equipment.

E. All utility connections and meters shall be discretely located so that they are not visible from

public or on-site streets.

F. Building facades shall be articulated and compliment the Alpine and/or Victorian architectural style prevalent in the Village.

G. Permitted building materials for facades include brick, stone, wood, and man-made materials that emulate natural materials. Concrete block, plastic veneer and sheet metal are prohibited.

H. Open areas shall be landscaped with lawn, trees and other vegetation. In no case shall open areas be covered with asphalt or some other impervious surface.

I. Parking lots, refuse bins, and storage areas shall be screened from view from public or on-site streets.

J. The frontage shall be attractively landscaped with trees, lawn or some other vegetation.

5.6 Standards for Lots, Yards, Building, Landscaping, and Parking

Table 3 below shows Lot, Yard, Building, Landscaping and Parking Standards for the R3 District.

Table 3
Lot , Yard, Building, Landscaping and Parking Standards
R3- Residential Multi- Family: High Density District

Factor	R3 Standard
Maximum Density	Five dwelling unit per acre
Minimum Frontage	N/A
Minimum Front yard setback from Front Property Line	50 feet
Side and rear yard setbacks	50 feet
Maximum building height	3 Stories (40 feet)
Minimum Building Size	N/A
Building orientation	Per Site Plan
Architectural Standards	Design of builds shall be in keeping with Village character and should complement the current use of Apline and Victorian architecture
Fencing – front yard	3 foot high or hedge permitted
Fencing – side and rear yards	Fencing or hedge up to 6 foot high permitted
Frontage Treatment	The landscape shall be comprised mainly of vegetation
Parking Requirement	Parking accommodated in attached or detached garages or in uncovered parking areas. Two parking spaces per dwelling unit.
Interior Roads	Any roads in the interior of the residential complex shall have at least a 50 foot right-of-way width, with a 24 foot carriageway and sidewalks on both sides of road.

ARTICLE 6 CENTRAL BUSINESS DISTRICT (CBD)

6.1 Purpose

The CBD is intended to foster a vibrant, safe, twenty-four-hour Village Center by encouraging residential development in the upper stories while retaining and further developing a broad range of commercial, office, institutional, public, cultural and entertainment uses and activities at the street level. The regulations are intended to define and promote the Village as an attractive retail and business center for the region, for the seasonal residents and visitors, and as a desirable place to live, work and recreate.

6.2 Centrality of Main Street

Main Street is the most important commercial street in the Village and acts as the center for shopping, dining and entertainment. For the enjoyment of residents and visitors, the streetscape should be designed to create a lively and inviting setting. The pedestrian experience should be enhanced with well designed pedestrian walkways and street crossings, and unique street amenities such as light standards, landscaping, banners, etc. Buildings should enhance the public experience through lively and compatible scale, styling and color.

6.3 Central Business District Principles and Objectives

The principles and objectives which shall guide the development of the Central business District are to:

- A. Maintain and develop the CBD as the dynamic commercial, economic and cultural center of the Village for residents and visitors.
- B. Strengthen the CBD employment base and enhance the economic viability of the central Village.
- C. Increase the number of visitors/tourists (both short-term and long-term) in the CBD.
- D. Maintain and develop the built environment at a pedestrian scale.
- E. Create and maintain a pedestrian circulation system that promotes safety and accessibility.

6.4 Permitted Uses

- A. Restaurants, establishments for sale and consumption of alcoholic beverages on premises, retail sales and service, commercial, business, public, and light industrial uses are permitted in fully enclosed buildings in the CBD unless specifically listed as limited or prohibited uses in this article.
- B. Festivals, events and activities, including those associated with public parks, plazas and open spaces, are allowed in any portion of the CBD
- C. Outside seating areas in conjunction with eating and drinking establishment are permitted in the side and rear yards, and in the front yard, with the requirement that they allow for at least five-foot wide pedestrian sidewalk space.
- D. Municipal Parking Lots and Garages

E. Public Uses

F. Public Utilities are subject to the additional requirements for specified uses in Article 10.7

G. Accessory Uses

H. Personal Wireless Telecommunications Facilities in the CBD shall be regulated as outlined in Article 10.6

6.5 Limited Uses

Residential uses shall be permitted in upper stories only.

6.6 Prohibited Uses

A. Homeless shelter

B. Homeless residential facilities

C. Residential care facilities

D. Rooming Houses

E. Sexually oriented businesses

F. Waste Center

G. Medium and Heavy Industrial Uses

H. Any use that creates noxious and/or harmful levels of noise, odors, vibrations, glare, air pollution, or any other harmful or adverse environmental impact.

6.7 Establishment of Design-Based Criteria

Design-based criteria are established to maintain the historical and architectural character of the Village and to guide future development that is compatible and harmonious with that character. The prevalent architectural style of articulated two and three storied pedestrian-scaled buildings prevalent along Main Street is used as the baseline for the codification of design elements. A mix of styles is encouraged along Main Street to create a lively streetscape, with a preference for design that reflects the Alpine and Victorian styles with peaked roofs, articulated facades, and lively color.

6.8 Rationale of Minimum and Maximum Front Yard Setback Requirements

The Central Business District contains a predominance of buildings built at the front property line with no setback. To maintain the visual integrity of the streetscape, the maximum setback will be zero, i.e., buildings must be built at or almost at the front property line with no setbacks. There shall be a 5 foot tolerance to allow for any contingency. However, eating and drinking establishments, may include a front yard, deck or porch for an outside eating and drinking. An exception shall also be permitted for businesses that demonstrate that the inclusion and use of a front yard is crucial or advantageous to their business and submit a request for an area variance.

6.9 Design Criteria

A. Buildings shall face the road.

B. Building shall be built to or almost to the front property line. There shall be no front yard setback, except for eating and drinking establishment. Other businesses must submit an application for an area variance.

C. Outdoor eating areas or public seating and gathering areas are permitted in front yards provided that they do not encroach on the public sidewalk.

D. If front yards are established, the front yards shall be landscaped and maintained in good condition. Materials used for front yards shall complement the building façade and contribute to the commercial appeal of Main Street. Asphalt paving in front yards is prohibited.

E. Building facades shall be articulated and compliment the established scale and character of existing commercial buildings in the CBD.

F. All buildings shall have an active first story façade, with building elements such as doors, signs and windows with pedestrian scale.

G. The first story of all facades shall be glazed with glass no less than 30%.

H. Permitted buildings materials for facades include brick, stone, wood, and man-made materials that emulate natural materials. Concrete block, plastic veneer and sheet metal are prohibited.

I. Open porches, balconies, terraces, arcades and other architectural features are permitted on building facades, providing they do not encroach on the public sidewalk.

J. Upper story porches, balconies and other architectural features may extend over the pedestrian walk way, provided that they leave the pedestrian walk- way unimpeded.

K. Ornamental awnings, banners, flags and other decorative features are permitted in front yards, provided that they do not encroach on the pedestrian sidewalk.

6.10 Lot size

Lots of record comprise the CBD as of the adoption of this Zoning Law. Their size and configuration will continue as legal conforming entities for the CBD.

6.11 Standards for Lots, Yards, Building, Landscaping, and Parking

Table 4 atop the next page shows Lot, Yard, Building, Landscaping, and Parking standards for the CBD.

Table 4
Lot, Yard, Building, Landscaping and Parking Standards
Central Business District (CBD)

Factor	CBD Standards
Lot Size	Lots of Record
Minimum Frontage	Frontage of Record
Minimum/Maximum Front Yard Setback from Property Line	0-5 Feet (See Table 7)
Maximum Front Yard Setback from Property Line for eating and drinking establishments only	25 feet
Minimum Side and rear setbacks	5 feet
Maximum Building height	3 Stories (40 feet)
Minimum Building Height	2 Stories (30 Feet)
Minimum Building Size	1,000 square feet
Maximum Building Size	10,000 square feet
Building orientation	Building must face the road
Architectural Standards	Buildings must adhere to Design Criteria for CBD set forth in Article 6.9
Fencing – front yard	No front yard fencing is permitted
Fencing – side and rear yards	Fencing or hedge up to 6 foot high permitted
Frontage Treatment	Landscaping and/or decorative pavement for front yard if applicable
Parking Requirement	No on-site parking is mandated. See article 6.12.

6.12 Parking Regulations

In the CBD, no on-site parking shall be required. If additional parking to on- street parking is deemed necessary by either the property owner or the Village, the parking lot shall be located in the rear yard. Joint parking lots for adjoining properties are encouraged. All applicants proposing to construct surface parking shall submit a parking demand analysis that illustrates the following:

- A. The reason surface parking is required.
- B. The anticipated number of parking spaces needed to accommodate the proposed use.
- C. Site plan for parking

6.13 Site Plan Review

All building applications in the CBD shall be subject to Site Plan Review by the Village Board or Planning Board if so designated by the Village Board, and shall follow procedure for plan submission detailed in *Local Law #2 of 2007: Site Plan Review Law for the Village of Tannersville (revised)*.

ARTICLE 7 B1 – GENERAL BUSINESS DISTRICT

7.1 Purpose

The purpose of the B1 District is to support a mix of retail and services businesses which serve the ordinary needs of Village residents and surrounding region, and accommodate visitors, tourists and seasonal guests. While sidewalks allow pedestrian access, the B1 district is intended to accommodate businesses, services and public uses that have a large patronage drawn from a wide area, and require large parking areas. Multi-family uses are required to be at the rear of commercial properties in the B1 District to encourage a commercial streetscape along Route 23A. As the eastern and western entrances to the Village, the B1 district also acts as the initial gateway and part of the central spine of the Village. The regulations are intended to define the eastern and western ends of Main Street as an attractive, welcoming business district which reflects the historic architectural and large-scaled development pattern characteristic of the present area.

7.2 Permitted Uses

- A. All retail, commercial, public, business, residential and light industrial uses are permitted in fully enclosed buildings in the B1 District unless specifically listed as limited or prohibited uses in this article. Commercial uses shall be defined to include all retail, eating and drinking establishments, lodging and entertainment functions, and other functions or uses that offer goods and services for sale.
- B. Festivals, events and activities, including those associated with public parks, plazas and open spaces, are allowed in any portion of the B1 District.
- C. Outside eating areas in conjunction with eating establishment are permitted in the side and rear yards, and in the front yard, with the requirement that they allow for at least five-foot wide pedestrian sidewalk space.
- D. Municipal Parking Lots and Garages
- E. Public Uses
- F. Public Utilities are subject to the additional requirements for specified uses in Article 10.7
- G. Accessory Uses
- H. Personal Wireless Telecommunications Facilities in the B1 District shall be regulated as outlined in Article 10.6

7.3 Limited Uses

- A. Multi-Family Residential Uses
Multi-Family Residential uses shall be permitted only in the back yard of lots which have a business or commercial use in the front portion of the lot, and shall be subject to the requirements in Articles 7.8. and 5.6.

7.4 Prohibited Uses

- A. Waste Center
- B. Medium and Heavy Industrial Uses
- C. Any use that creates noxious and/or harmful levels of noise, odors, vibrations, glare, air pollution, or any other harmful or adverse environmental impact.

7.5 Establishment of design-based criteria.

Design-based criteria are established to maintain the historical and architectural character of the Village and to guide future development that is compatible and harmonious with that character. The prevalent architectural style of articulated two and three storied large scale buildings of Alpine and Victorian style along Main Street is used as the baseline for the codification of design elements. Design criteria are specified in Article 11 - Village-wide Design Guidelines and Standards.

7.6 Standards for Lots, Yards, Building, Landscaping and Parking

Table 5 below, shows lot, yard, building landscaping and Parking standards for the B1 District

Table 5
Lot, Yard, Building, Landscaping and Parking Standards
B1- General Business District

Factor	B1 Standard
Minimum Lot Size	½ acre
Minimum Frontage	100 linear feet
Minimum/Maximum Front Yard Setback from Property Line (Non- residential)	75 feet
Minimum/Maximum Front Yard Setback from Property Line (multi-family)	150 feet
Minimum Side and rear setbacks	15 feet
Maximum Building height	3 Stories (40 feet)
Minimum Building Size	1,000 square feet
Maximum Building Size	25,000 square feet
Building orientation	Building must face the street/road
Architectural Standards	Buildings must adhere to Village wide Design Standards set forth in Article 11
Frontage Treatment	Landscaping required for front yard
Parking Requirement (non-residential uses)	See Table 6 in Article 11
Parking Requirement (residential uses)	Parking accommodated in attached or detached garages or in uncovered parking areas. Two parking spaces per dwelling unit.

7.7 Parking Regulations and Procedures

- A. In the B1 District, on-site parking shall be required and shall be made a part of the site plan. Parking requirements are stipulated in Article 11.9.
- B. Parking is permitted in front yards subject to requirements stipulated in Article 11.

7.8 Special Requirements for Multi-Family Residential uses in the B1 District

The intent of including multi-family residential uses in the B1 district is to encourage integrated, mixed-use neighborhoods. Residential streets shall be arranged in a grid pattern, insofar as limited by natural constraints of topography, water bodies, etc., in order to evenly distribute vehicular and pedestrian traffic. Residential streets will be arranged so they can be extended onto adjacent properties. Sidewalks will be placed on both sides of all streets, both private and public, to enable convenient pedestrian access to businesses and to the sidewalks on Main Street.

7.9 Site Plan Review Required

All applications shall require Site Plan Review by the Village Board or Planning Board and shall follow procedure for plan submission detailed in *Local Law #2 of 2007: Site Plan Review Law for the Village of Tannersville (revised)*.

ARTICLE 8 COMMUNITY USE DISTRICT (CU)

8.1 Purpose

The purpose of the Community Use District preserves and enhances the Village of Tannersville open spaces and recreational areas by protecting these natural amenities and restricting development that does not respect these environmentally sensitive areas. Tannersville recognizes the value and importance of these resources for Village and area residents and, therefore, strictly limits the development of these areas. Community Use Districts are intended to apply to all publicly owned parks, squares, recreational areas, natural wildlife areas, lake and waterfront area.

8.2 Permitted Use

The following uses are permitted in the CU District:

- A) Public Uses and Structures include, but are not limited to:
 - 1. Publicly owned parks, squares, recreational areas, natural wildlife areas and other open areas
 - 2. Community centers, visitor's welcome center or kiosk, and interpretative centers
 - 3. Botanical gardens, arboretums, greenhouses and conservatories
 - 4. Public marinas, boat launches, boat docks and fishing docks
 - 5. Outdoor recreational facilities, such as hiking and bicycle trails, tennis courts, athletic fields and bleachers
 - 6. Passive recreational facilities such as greens and commons, sitting areas and picnic areas
 - 7. Swimming pools, beaches and changing facilities
 - 8. Band shells, and gazebos
 - 9. Refreshment stands and small concessionaire shops
 - 10. Cultural facilities, such as museums and observatories
- B. Accessory uses and structures
All detached accessory structures and uses shall be located in appropriate areas in the CU District, including, but not limited to:
 - 1. Storage sheds
 - 2. Outdoor parking or storage of recreational boats and vehicles
 - 3. Public parking areas or garages

- C. Public Utilities
Public utilities are permitted in the CU District, subject to requirements in Section 10.7.
- D. Personal wireless telecommunication facilities, subject to requirements in Section 10.6.

8.3 Lot, area and yard requirements

The following lot, area and yard requirements shall apply to CU District

A. Lot size and area requirements are not applicable.

B. Yard Setbacks

- 1. Minimum front yard setback shall be 25 feet
- 2. Minimum side and rear setback shall be not be required expect for yards that are adjacent to a residential district, in which the yards shall be the same as required in the residential districts.

8.4 Maximum Building Height

The maximum building height shall be three stories or 40 feet.

8.5 Additional regulations

The applicable Village-Wide Design Guidelines and Standards and Requirements Applying to All Districts Article 11 in this Zoning Law shall apply to all uses in the CU District.

ARTICLE 9 PLANNED DEVELOPMENT DISTRICT

9.1 Purpose

The Planned Development Districts (PDD) recognize a defined area for unified and integrated development and are intended to create more flexible development opportunities than would be possible through the strict application of the land use and development regulations of this Zoning Law. Planned Development Districts allow diversification in the uses permitted and variation in the relationship of uses, structures, and open spaces and are conceived as cohesive unified projects with unique standards and regulations. The Zoning Map may be amended from time to time, by local law duly enacted by the Village Board, to provide for planned development districts upon approval of a development concept plan as set forth herein.

9.2 Location

The PDD shall be applicable to the R1, R2, R3 and B1 Zoning Districts where the applicant can demonstrate that the characteristics of the development will satisfy the intent and objectives of this Zoning Law. Where a planned development is deemed appropriate, the rezoning of land to a PDD will replace all use and dimensional specifications contained elsewhere in this Zoning Law.

9.3 District ownership and size

- A. All owners of the tract shall be included as joint applicants on all applications, and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.
- B. No PDD shall be established having an area of less than two contiguous acres.

9.4 Requirements and Standards

- A. The requirements and standards for a PDD shall be determined for each individual project. At minimum, the PDD shall include:
 - 1. A purpose statement that includes how the project meets the objectives of this Zoning Law.
 - 2. Uses
 - 3. Density
 - 4. Building architectural characteristics
 - 5. Open Space
 - 6. Parking
 - 7. The applicable Village-wide design guidelines and standards (Article 11) shall apply to all uses in the PDD.
- B. Planned developments shall be served adequately by, and shall not impose an undue burden upon, essential public facilities and services such as highways, streets, traffic control signals and devices, parking spaces, police and fire protection, drainage

structures, refuse disposal, water and sewers, and schools. Where any such facility or service is not available or is inadequate to service the planned development, the applicant shall be responsible for establishing his or her ability, willingness and binding commitment to provide such facilities and services.

- C. All covenants, deed restrictions, easements and similar restrictions shall be recorded in connection with a PDD shall provide that they may not be modified, removed or released without the express consent of the Village Board and shall provide that they may be enforced by the Village of Tannersville in addition to the landowners within the PDDs.

9.5 Procedures for Planned Development Districts

A. Development concept plan (DCP) approval

1. The applicant shall provide a development concept plan (DCP) at a "Schematic" level of detail showing in its entirety the basic scope, character and nature of any proposed PDD or amendment thereof. The DCP or amendment to a DCP shall include:
 - a. The categories of uses to be permitted;
 - b. The overall maximum density of residential uses and intensity of nonresidential uses
 - c. The general location of:
 - i. Vehicular and pedestrian circulation systems
 - ii. Extent of public and private open space
 - iii. Extent of utility systems, and
 - iv. Residential and nonresidential structures
 - d. The existing and proposed ownership and management of the PDD, including the buildings, landscaped areas and open spaces.
2. The applicant may, at its option, submit an Incremental Development Plan (IDP) for the PDD simultaneously with the submission of the DCP. An IDP is a plan showing detailed incremental and or limited section development within the approved PDD which complies with all of the standards and requirements of the approved DCP.
3. The DCP for proposed planned developments, amendments to existing planned developments and IDPs shall be subject to site plan review by the Village Board in accordance with *Local Law #2 of 2007: Site Plan Review Law for the Village of Tannersville (revised)* established by the Village of Tannersville, and review by the Zoning Board of Appeal for compliance with Village-wide design standards (Article 11) and purposes of the underlying Zoning Districts.
4. Within 40 days following receipt by the Village Board of the report of the Zoning Board of Appeal, the Village Board shall conduct a public hearing, and either deny the DCP, refer it back to the Zoning Board for further consideration of

specified matters, or, by local law, approve the DCP and amend the Zoning Map of the Village to designate the area included in the approved plan as "Planned Development District Number (x)".

5. In the event that a DCP is approved, or approved with conditions, no development shall be permitted unless and until an IDP has been submitted and approved in accordance with the provisions of this Zoning Law.

B. Limitations to approvals

1. A DCP shall become null and void one year after the filing date with the Village Clerk, and the zoning district shall revert to the prior zoning district if an IDP is not submitted for approval.
2. An IDP approval shall become null and void six months after the date on which it was issued unless a building permit is obtained and maintained.

C. Current plan submission

The current plan is a complete, comprehensive and permanent public record of a PDD. The current plan is intended only to put in final form the information contained in the DCP and shall conform to all prior approved and all approved conditions thereof resulting from the PDD process. The current plan shall consist of a site map that reflects all approved incremental development as well as the DCP for all areas not yet approved through an IDP. It shall also contain references to all DCP components outlined.

ARTICLE 10 ADDITIONAL REQUIREMENTS FOR SPECIFIED USES

- A. The purpose of this article is to place restrictions on specific uses, both permitted and specially permitted, because of the potential impacts to surrounding properties. These restrictions are applied to a project to mitigate impacts including noise, off-site parking, traffic, unsightliness, odors, dust and fumes. The regulations promote the public health, general safety and neighborhood character of the immediate neighborhood and the larger community.
- B. The Zoning Board of Appeal may, in approving a special permit outlined in this article, waive any of the requirements imposed by this article when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. Prior to making a determination, the Zoning Board shall have a recommendation from staff addressing the following:
 - 1. The size and intensity of such use.
 - 2. The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use.
 - 3. The obstruction of light or air or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties.
 - 4. The overall effect on values and utilization of neighboring properties.
 - 5. Unusual topography of the location; the nature, location and height of buildings, walls, stacks, fences; grades and landscaping on the site.
 - 6. The extent, nature and arrangement of parking facilities, entrances and exits.
 - 7. Problems of fire and police protection.
 - 8. Preservation and/or upgrading of the neighborhood character.
 - 9. The availability of adequate sewer and water supply.
 - 10. All other standards prescribed by these regulations.

10.1 Bed-and-breakfast Establishments

Bed-and-breakfast establishments shall be subject to the following requirements:

- A. No alteration to either the exterior or the interior of any principal or accessory structure shall be made which changes the character and appearance of the residential premises.
- B. Only rooms originally designed as bedrooms shall be used for guest lodging.

- C. Guest parking shall include one off-street parking space for each bedroom.
- D. No sign, other than one unlit address sign not more than four (4) square feet in area, shall be permitted.

10.2 Day-care centers

Day-care centers shall be subject to the following requirements:

- A. No permanently installed play equipment shall be located in the required front yards.
- B. Day-care centers shall be located a minimum of 1,500 feet from any existing sexually oriented business.

10.3 Home occupations

Home occupations shall be subject to the following requirements:

- A. No more than 25% of the floor area of the dwelling unit shall be devoted to the home occupation. This requirement shall not apply to family day-care homes.
- B. No stock-in-trade shall be displayed or sold on the premises.
- C. There shall be no outdoor storage of commercial vehicles, equipment or materials used in the home occupation.
- D. Commercial vehicles shall not be permitted in connection with any home occupation, except for business related pickup up trucks and smaller vehicles that shall be parked in side or rear yards.
- E. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.
- F. No home occupation shall be permitted which is noxious, or hazardous by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other noxious emissions.
- G. In all residential districts one unlighted sign not over two square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation shall be permitted to advertise the presence or conduct of the home occupation.
- H. Instruction for no more than five attendees shall be allowed.
- I. Any building or lot where more than two animals are housed, groomed, bred, boarded or trained shall not be considered a home occupation.
- J. Parking Spaces for customers or client shall be provided in accordance with the needs of the business owner. All parking for more than two client vehicles shall be

accommodated in side or rear yards, subject to set-back requirements, and screened from view from public rights-of-way with at least 5 foot high opaque fencing or hedge. If the business has only one or two clients at a time, they may park in the driveway.

10.4 Homeless Residential facilities

Homeless residential facilities shall be subject to the following requirements:

- A. Families with children shall be sheltered in space other than an open dormitory style shelter.
- B. For families, a homeless residential facility shall provide a minimum of 80 square feet per bedroom.
- C. In residential structures, only habitable rooms originally designed as bedrooms shall be used for lodging.
- D. A homeless residential facility shall provide interior common areas totaling 20 square feet per bed or 150 feet, whichever is greater. Common areas may be provided in any habitable room or rooms that are available to all residents at all times.
- E. A homeless residential facility shall provide 50 square feet of open space per person or 200 square feet, whichever is greater. In addition to yard areas, this requirement may be provided in open porches or decks.
- F. Homeless Residential Facilities shall adhere to all the regulations of the Greene County Department of Social Services.

10.5 Homeless Shelters

Homeless shelters shall be subject to the following requirements:

- A. Each homeless shelter shall provide a minimum of 50 square feet of exterior common/open space per person
- B. A minimum of three feet will be maintained between beds on a regular basis
- C. There will be a minimum of one toilet and sink for every 10 residents and a minimum of one tub or shower for every 15 residents.
- D. All homeless shelter applications shall, as part of the special permit, provide the following:
 - 1. A crime prevention and crime awareness program that is developed in conjunction with and approved in writing by the Police Department. The Police Department, as part of this approval, will review the site plan and the location of all lighting.
 - 2. A litter control program must include at least two trash receptacles on site for client use, located next to walkways. At a minimum, the program must also

include daily on-site litter pickup, client awareness activities, and off-site litter pickups.

3. A loitering control program is required and must, as a minimum, address such things as locating telephone booths, benches, tables, and other activity areas where they can be viewed and controlled by the employees.
4. The person on duty must be able to monitor the grounds, facility and resident activities to help prevent theft and physical harm.

E. Homeless Residential Facilities shall adhere to all the regulations of the Greene County Department of Social Services.

10.6 Personal Telecommunication Facilities and Towers

The purpose of this section is to provide sound land use policies, procedures and regulations for personal wireless telecommunication facilities. These will protect the community from the visual or other adverse impacts of these facilities, while encouraging unobtrusive development, and will ensure comprehensive wireless telecommunication service in the Village of Tannersville with its benefits to residents and businesses. The standards reflect a policy that expresses a preference that antennas be located on existing buildings and towers rather than on newly constructed towers. The regulations of this section in addition to the provisions of the Village of Tannersville Building Code and any other federal, state or local laws or Federal Communication Commission (FCC) regulations pertaining to such facilities.

- A. Antennas on buildings:
Antennas on buildings are permitted on all buildings, provided that the antennas and related support structures do not extend more than 20 feet above the roofline.
- B. Antennas on existing towers:
Antennas on existing telecommunication towers are permitted, provided that the added antenna does not extend the height of the telecommunication tower.
- C. Dish Antennas:
Dish antennas are permitted on all buildings, and shall be colored, camouflaged or screened to the extent that they are as unobtrusive as possible, and in no case shall the diameter of a dish antenna exceed six feet.
- E. Free standing telecommunication towers:
The construction of new telecommunication towers shall require a special permit and shall be subject to the additional design standards set forth in this section.
 1. Telecommunication Towers shall not be located in the front yard, neither in the front yard set back, nor anywhere in front of the main building.
 2. Setback requirements for towers and accessory buildings and structures shall be as prescribed by the applicable district regulations for principal use.

3. The height of free standing telecommunication towers shall be no more than 20 feet higher than the maximum building height of the district in which it is to be located.
4. The base area of a tower shall be enclosed with a fence not less than six feet in height.
5. Landscaping shall be provided along the perimeter of the tower base area to provide a visual screen or buffer for adjoining private properties and the public right-of-way.
6. Towers shall be gray in color so that the tower is as unobtrusive as possible.
7. Each application for a certificate of zoning compliance for a telecommunication tower shall be accompanied by a site plan, and an analysis of other sites considered, the availability of those sites and why the subject site was chosen.
8. The Village Board may retain technical consultants as it deems necessary to provide assistance in the review of the site location alternatives analysis. The service provider shall bear the reasonable cost associated with such consultation, which cost shall be assessed as an additional application fee.

10.7 Public utilities

Public utilities, except personal wireless telecommunication facilities, shall be subject to the following requirements:

- A. Any structure shall be set back not less than 25 feet from all property lines or the minimum setback requirements of the applicable zoning district, whichever is greater.
- B. No parking or storage areas/facilities shall be located in the front setback.
- C. The uses shall be enclosed by a solid fence and be landscaped, with the expecting of uses that are completely enclosed in a building compatible with surrounding buildings that provides complete coverage and protection of the utility.
- D. The storage of vehicles and equipment on the premises shall be prohibited.
- E. All buildings and structures shall either have exteriors which give the appearance of a structure permitted in the district where located or shall be screened from view from any private property located in any residential district; any such screening located in or adjoining any front yard shall be limited to vegetation which provides effective year-round screening.
- F. All such uses shall be fenced where any hazard to the safety of human or animal life is present.
- G. No service or storage yard or building shall be permitted except as permitted for other uses in the district.

- H. The level of noise emanating from such use shall not exceed regulations set forth in *Local Law #2 of 2004 – Noise Law*.

10.8 Residential Care Facilities

Residential care facilities shall be subject to the following requirement:

No residential care facility shall be located within 1/2 mile of any other existing residential care facility regardless of municipal boundary lines

10.9 Rooming Houses

Rooming houses shall be subject to the following requirements:

- A. There shall be one staff person for each 15 residents.
- B. No alteration to either the exterior or the interior of any principal or accessory structure shall be made which changes the character and appearance of the residential premises.
- C. Only habitable rooms originally designed as bedrooms shall be used for lodging.
- D. Each rooming house shall provide usable exterior open space, which may include any required yard area, of at least 200 square feet per unit.

10.10 Seasonal Rental Unit:

Seasonal Rental Units are subject to the following requirements:

- A. Access to all units shall be kept clear of snow for pedestrians and vehicles, and vehicle parking spaces shall be plowed.
- B. One parking space per bedroom shall be provided for all seasonal rental units.
- C. Garbage collection service shall be provided at all times.

ARTICLE 11 VILLAGE-WIDE DESIGN GUIDELINES AND STANDARDS

11.1 Purpose

The Village-wide design guidelines and standards are established to preserve and promote the unique Village character of Tannersville. The guidelines and standards are intended to encourage coherent architectural design, attractive streetscapes and safe roads and pedestrian walkways.

11.2 General Village-wide design guidelines

Buildings, structures, sites, signs and public spaces should be designed to:

- A. Retain, reflect and enhance the dominant aesthetic or visual qualities of the Village as much as possible. The predominance of Alpine, Victorian, and Craftsman architecture with peaked roofs and articulated facades is hereby established as the architectural standard for the Village in business districts.
- B. Encourage and promote a sense of design continuity that appropriately relates the historic past of each neighborhood to ongoing revitalization and redevelopment efforts.
- C. Appropriately relate proposed development to existing designs, styles, building forms and land uses.
- D. Encourage a pedestrian-oriented and human-scaled right-of-way, public realm and streetscape and promote safe pedestrian movement, access and circulation. Access from streets, sidewalks and public rights-of-way should be clearly defined and, where a service alley is viable, garages and loading areas shall be accessed only from the alley.
- E. Encourage and promote the use of predominant existing building materials within the neighborhood and the predominant existing building materials, architectural features and fenestration on specific structures as a guide in determining appropriate replacement and new construction materials. Where possible, all replacement windows in elevations visible from any public right-of-way should match the original windows in size and configuration.
- F. Be in keeping with the general color themes of the Village. Buildings shall be painted with no less than two colors and no more than four colors. One dominant color shall cover no less than 70% of all exterior surfaces. The dominant color may be that of a traditional exterior earth material such as brick and stone.
- G. Protect, respect and expand the design of green space, landscaping and open space within the neighborhood and encourage public and private development that enhances this character with landscape design details such as trees, lawns, plantings, and fountains.
- H. Promote preservation of designated buildings of historic value to enhance and promote the history, culture and architecture of the Village.

1. Demolition of a designated building of historic value shall be prohibited.
2. Significant architectural features, including but not limited to slate or tile roofing, original cladding, porches, cornices, etc., shall be maintained.

11.3 Design Standards for all Districts except Single Family Residential Districts

- A. All facades shall have an active building elevation. Active building elevations shall include windows, building entrances and other architectural features that enhance the pedestrian scale and experience of the building façade.
- B. New construction shall respect existing building widths by providing a division of the facade into visible building increments no larger than the average width of existing buildings on the block.
- C. If buildings do not face the street, the exterior wall fronting the street shall incorporate fascias, canopies, arcades or other design features to break up large wall surfaces.
- D. Facades and exterior walls that face streets shall be finished with facing, including wood, brick, stone, and man-made materials that simulate natural materials. The use of plywood, sheet metal, plastic or concrete block is prohibited on such walls. Concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, embossed, imprinted, sandblasted or covered with a cement-based acrylic coating shall not be used as finishes on facades and exterior walls that face the street.
- E. All roof-mounted and ground-mounted mechanical equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or residential district within 150 feet of the subject lot, measured from a point five feet above grade. Roof screens, when used, shall be coordinated with the building to maintain a unified appearance.
- F. Mechanical equipment and open storage areas shall be screened from public and private streets, with screens to a minimum height of six feet. When solid screening is used, the materials shall be compatible with the building.
- G. Franchised businesses, branches of chain stores, and other multi-site regional and national businesses will conform to the requirements of this Article.
- H. Illustrations of architectural guidelines are provided in Article 14.

11.4 Design Standards for Residential Buildings in established neighborhoods

- A. Building context and compatibility

New infill single-family buildings, additions to existing structures, and accessory buildings shall be constructed to be generally compatible with other existing dwelling units or accessory buildings on the same block frontage within 200 feet. This provision shall be satisfied by constructing the subject dwelling unit or accessory building so that at least four (4) of the following features are similar to the majority

of other dwelling units within 200 feet on the block frontage:

1. Roof style and overhang
2. Garage orientation and access
3. Building massing (e.g., ranch with attached garage; two-story with attached garage; bungalow)
4. Floor area shall be no less than 75% and not more than 150% of the average floor area of other single-family dwelling units
5. Front porches, existence of
6. Exterior building materials
7. Pattern of window and door openings

B. Landscaping

1. Except for driveways and walks, no portion of the front yard shall be paved with asphalt or concrete.
2. To the maximum extent practical, the front yard, side yard and the unpaved area between the sidewalk and the street paving shall be covered with turf grass or vegetative ground cover. Decorative stone or gravel surfaces shall be used when an integral part of a landscape plan.
3. To the maximum extent practical, the rear yard shall be fine graded to ensure proper grades and drainage.

11.5 Dumpsters and refuse collection areas

- A. Dumpsters must be completely screened from view when visible from any residential or open space district or public street or walkway with screening that is at least as tall as the dumpster. This provision shall apply to all dumpsters, including those used for the collection and storage of recyclable materials, whether public or private.
- B. Refuse collection areas for multifamily, business and mixed uses shall be subject to the following:
 1. All refuse collection areas shall be in the side and rear of the buildings and be screened from view from adjacent properties and public rights of way.
 2. All refuse collection areas should be effectively designed to contain all refuse generated on site between collections. Deposited refuse should not be visible from outside the refuse enclosure.

3. Screening shall be of sufficient height and density to completely hide the storage from view. All screening shall be maintained in such manner as to present a neat and orderly appearance at all times.
 4. Refuse collection areas should be so located upon the lot as to provide clear and convenient access to refuse collection vehicles.
- C. Commercial dumpsters shall be bear-proofed.

11.6 Fences and hedges, and walls

The following requirements for fencing, hedges and walls apply to all districts in the Village of Tannersville:

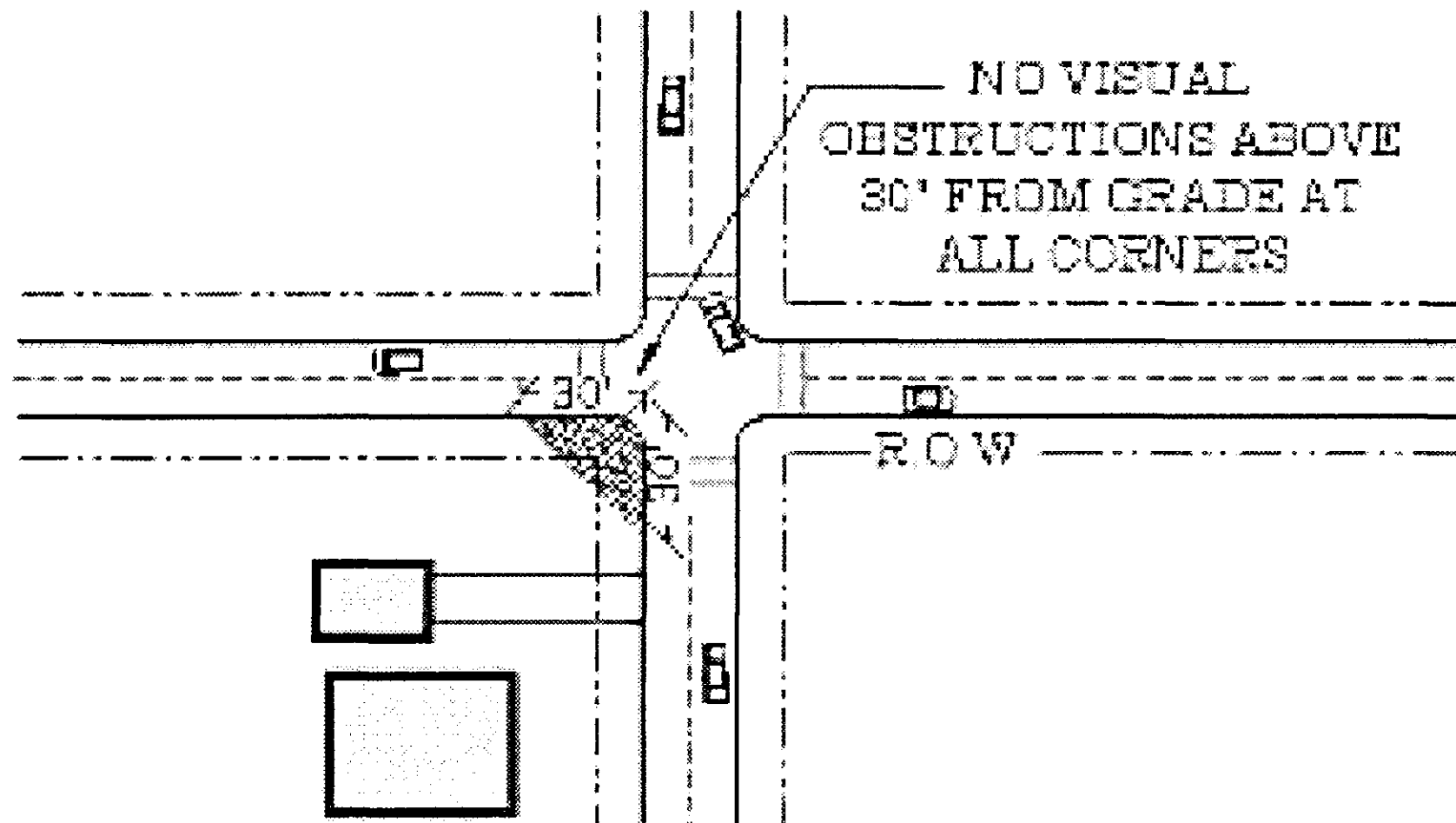
- A. Fences and hedges may be permitted on lots with no principal structure subject to the requirements of this section.
- B. Fence and Hedge Heights:
1. The height of all fences, hedges or walls shall be measured from the average finished grade within two feet of the fence line.
 2. No fence, hedge or wall in a residential district shall exceed six feet in height in the side and rear yards.
 3. A fence of 12 feet shall be allowed to enclose a private or public tennis court or public basketball courts.
 4. Within nonresidential districts no fence or hedge shall exceed eight feet in height.
 5. Within residential districts, no fence, hedge or wall over three feet in height shall extend into the front yard of any lot, other than a necessary retaining wall.
- C. Fence Surfaces
1. In residential districts, hedges and fences not more than 60% solid may be located in any front yard.
 2. All solid fences shall be installed so that the finished side shall face outward; all bracing shall be on the inside of the fence.
 3. No chain-link fencing shall be permitted in the front yard.

D. Street Intersections

In all districts, at all street intersections, no obstruction to vision (other than an existing building, post, column or tree) exceeding 30 inches in height shall be erected or maintained on any lot within the triangle formed by the street lines on such lot and a line drawn between points along such street line rights-of-way 30 feet distant from the

point

of intersection.



11.7 Lighting

The following lighting design standards and guidelines are provided to ensure coordinated, safe and functional lighting systems in each development. The site lighting requirements include:

A. Standards

1. No use shall produce a strong, dazzling light or reflection of a strong, dazzling light or glare that is visible from any point along a lot line.
2. Pedestrian areas, plazas and walk lights shall not exceed 15 feet in height and should be designed to be harmonious with light fixtures on site.
3. All light fixtures shall be "dark sky" fixtures except for pedestrian-oriented accent lights.
4. Security lighting fixtures shall not project above the facade or roofline of any building and are to be shielded. Lighting shields shall be painted to match the surface to which they are attached. Security lighting fixtures shall not be substituted for parking lot or walkway lighting fixtures and are restricted to lighting only loading and storage locations or other similar areas requiring security lighting.

5. Service-area lighting shall be contained within the service yard boundary. No light spillover shall occur outside the service area; the light source shall not be visible from the street.
6. Exterior wall-mounted floodlights shall be prohibited except for security lighting in enclosed service courtyards.

B. Guidelines

1. Soft lighting of building faces is encouraged. Building lighting should be indirect in character. Indirect wall lighting or "wall-washing", overhead down lighting or interior illumination that spills outside are encouraged. Architectural lighting should articulate the particular building design and provide required functional lighting for safety and clarity of pedestrian movement.
2. When possible, overhead wiring should be avoided.

11.8 Signs

Signs shall be regulated in accordance with *Local Law #1 of 1997, Revised Sign Law*

11.9 Parking

A. Minimum Parking requirements

Minimum Parking Requirements vary with Districts and Uses. The table below gives the minimum requirements for specified uses and districts.

Table 6
Minimal Parking Requirement per Use per District

USES	DISTRICTS			
	R1,R2,R3	CBD	B1	PDD
RESIDENTIAL	2/DU	2/DU	2/DU	2/DU
LODGING	1/BEDROOM	1/BEDROOM	1/BEDROOM	1/BEDROOM
OFFICE	N/A	N/A	2/1000 GSF*	2/1000 GSF
RETAIL	N/A	N/A	3/1000 GSF	3/1000 GSF
SERVICE	N/A	N/A	3/1000 GSF	3/1000 GSF
LT. INDUSTRIAL	N/A	N/A	1/EMPLOYEE	1/EMPLOYEE

*GSF=Gross Square Feet

B. Additional requirements for specific districts

1. CBD
Parking in the CBD is provided on-street and in municipal parking areas. Any business requiring additional parking space on-site or in ancillary parking lots shall submit a Parking Demand Analysis to the Code and Building Director to petition for on-site parking. Residential Units in the CBD are permitted only in upper stories, and on-site parking in the side or rear yard shall be provided.

2. Home Occupation Parking
Parking spaces required for clients shall be determined by proprietors on an as needed basis and provided in parking spaces in the side or rear yards. If the home occupation has only one or two clients at a time, parking in the driveway shall be permitted.
 3. General Business and PDD Districts
The location and size of parking lots for new businesses, or for new buildings in business districts will be included in Site Plans and approved during the Review Process.
 4. Community Use District
Parking areas in the Community Use District will be determined by the Village on an as needed basis.
- C. Screening
Parking lots in side and rear yards shall be screened from public view by hedges or fencing that is complementary to building materials of the main use.
- D. Landscaping
Parking lots with spaces for more than 10 vehicles shall be formally landscaped with trees, shrubs and ground covers in landscaped areas. Deciduous street trees shall be placed within ten feet of public right-of-way lines at 40-foot intervals where parking is placed in front yards in the B1 District.
- E. Lighting
Parking lots used after sundown shall be lighted to give protection to persons using the lot.
- F. Surface
Off-street parking lots and parking areas shall be constructed in such a manner as to provide an all-weather, durable and dustless surface. Individual stalls shall be clearly identified by markings four to six inches in width.

ARTICLE 12 EXCEPTIONS

12.1 General Height Exceptions

The stated maximum height shall not apply to any of the following structure when lawfully, permitted or permissible in the district:

- A. Chimneys, flues, spires and belfries
- B. Flagpole, radio or television antennae, amateur licensed radio antennae, masts or aerials located on a building and extending not more than 20 feet above the roof of such building
- C. Elevator or stair bulkheads, provided that such structures do not occupy more than 10% of the roof area
- D. Solar energy systems not more than ½ story above the roof of such building
- E. Water towers and tanks
- F. Observation towers
- G. Clock towers

12.2 Yards

The following may be located within any required setbacks, subject to the specific limitations noted:

- A. Trees, shrubs, flowers, fences, walls, hedges, and landscape features may be located within any required setback, with the exception of the CBD where no fences are permitted in the front yard.
- B. Statuary, arbors and trellises
- C. Awnings and canopies
- D. Chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, gutters and the like that project not more than 18 inches from an exterior wall.
- E. Fire escapes or outside stairways projecting from an exterior wall not more than three feet may be located in side or rear yards
- F. Flagpoles
- G. Recreational equipment, except in front yards
- H. Solar collectors, except in the front yards

ARTICLE 13 NON-CONFORMING STRUCTURES USES AND LOTS

13.1 Purpose

The purpose of this article is to regulate nonconforming uses, structures, and lots

- A. The continued existence of certain nonconformities is frequently inconsistent with the planned development of the Village and thus the gradual elimination of such nonconformities is often desirable.
- B. The regulations of this article are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate districts.

13.2 Non-conforming Uses

- A. Continuance
Any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in this section. Ordinary repair and maintenance or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed.
- B. Structural alteration or enlargement.
No structure containing a nonconforming use shall be structurally altered or enlarged unless the use thereof shall thereafter conform to the regulations of the zoning district in which it is located. No parking, yard, space or bulk nonconformity may be created or increased.
- C. Damage or destruction
 - 1. When a structure is damaged or destroyed by any means not within the control of the owner, the structure may be restored provided that:
 - a. The structure is restored to its original non conforming use.
 - b. No parking, yard, space or bulk nonconformity is created or increased.
 - c. A certificate of nonconforming use is obtained.
 - d. Such restoration is actually begun within one year after the date of such damage or destruction and is diligently pursued to completion. Failure to restore structure to its original condition within one year will result in the owner having to comply with the provisions of the zoning district where the property is located.
 - 2. In no event shall any damage or destruction to such a structure by any means within the control of the owner be repaired or restored, except in accordance with this section.

D. Moving
No nonconforming structure, structure containing a nonconforming use or nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire nonconforming structure, structure containing a nonconforming use or nonconforming use of land shall conform to all regulations of the zoning district in which the structure or use is located.

E. Expansion of use
No non-conforming use shall be expanded, enlarged or increased in intensity.

F. Change in use

1. A nonconforming use in a structure designed for a use permitted in the district in which it is located shall not be changed to any use other than a use permitted in the zoning district in which the property is located.
2. A nonconforming use in a structure not designed for a use permitted in the district in which it is located shall not be changed to any use other than a use permitted in the zoning district in which the structure is located.
3. Once changed to a permitted use in accordance with Subsection F(1) and (2) above, the use shall not be changed back to the prior nonconforming use. The use is deemed changed when an existing nonconforming use is terminated and a new use commences and continues for a period of seven consecutive days, including any change of use in violation of this subsection.

G. Abandonment or discontinuance
When the active operation of a nonconforming use is discontinued or abandoned for a period of twelve consecutive months, regardless of any intent to resume or not to abandon the use, the use thereof shall not be reestablished or resumed.

13.3 Non-conforming Buildings or Structures

A. Continuance
Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in this section.

B. Enlargement, repair or alterations.
Any nonconforming structure may be enlarged, maintained, repaired or altered, provided no additional nonconformity is created nor is the degree of the existing nonconformity increased.

C. Damage or destruction
1. In the event that any part of a nonconforming structure which contributed to its nonconformity is damaged or destroyed, by any means may be restored in accordance with the provisions of this section.

2. When any part of a nonconforming structure is damaged or destroyed, by any means, repairs or restoration may be made provided a certificate of nonconformity is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
3. In the event a nonconforming structure which is allocated the low- income housing tax credit pursuant to the Internal Revenue Code of 1986, as amended, shall be damaged or destroyed, such nonconforming structure shall be able to be rebuilt or continued, as applicable, maintaining, but not increasing, any nonconformities relating to parking, yard, space or any other bulk requirements.

D. Moving

No nonconforming structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

ARTICLE 14 DESIGN GUIDELINES ILLUSTRATIONS

14.1 Purpose

The Design Guidelines Illustrations are presented to provide visual illustrations of various site and building designs and to present possible alternatives.

14.2 Frontage Alternatives

Frontages in the CBD and B1 Districts shall conform to one of the alternatives illustrated in Table 7.

Table 7
Frontage Alternatives in the CBD and B1 District

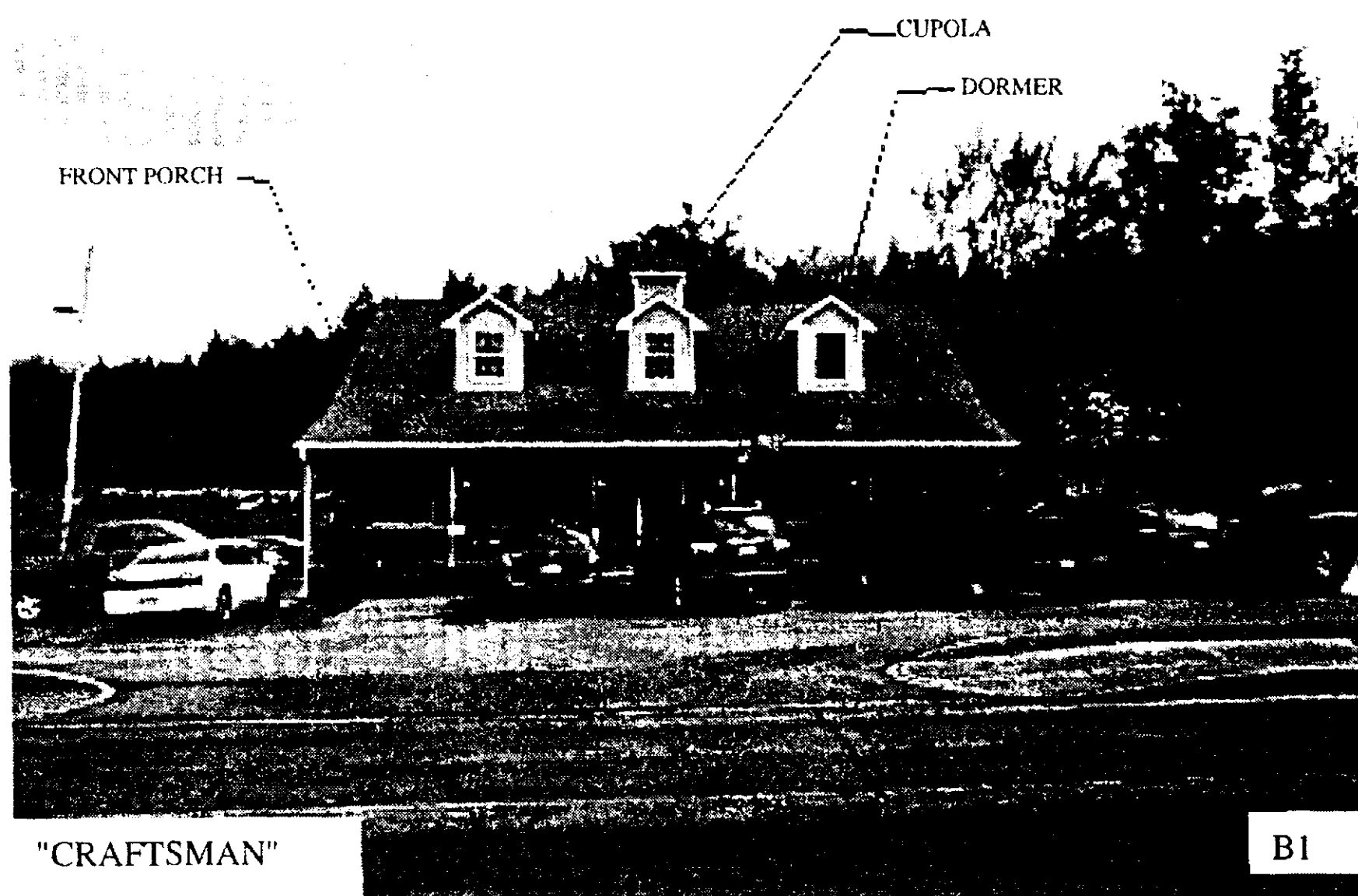
ZONING SETBACKS	SECTIONS	DISTRICT WHERE APPLICABLE
A. ZERO SETBACK: BUILDINGS ARE SET AT THE LOT LINE WITH ENTRANCES DIRECTLY OFF THE SIDEWALK.		CBD
B. FIVE FOOT SETBACK: BUILDINGS MAY BE SET BACK FIVE FEET FROM LOT LINE. GROUND BETWEEN SIDEWALK AND FRONT OF BUILDING TO BE PAVED, EITHER WITH CONCRETE OR UNIT PAVERS. PLACE ONE BENCH FOR PUBLIC SEATING PER 100' OF FRONTAGE.		CBD
C. FORECOURT: BUILDINGS HOUSING EATING AND DRINKING ESTABLISHMENTS MAY BE SET BACK FROM LOT LINE 25 FEET SO THAT A FORECOURT IS CREATED FOR CUSTOMERS. SEPARATE FROM SIDEWALK WITH A 30" HIGH FENCE OR WALL. TREES IN FORECOURT MAY OVERHANG SIDEWALK.		CBD
D. STOOP: THE FAÇADE IS ALIGNED CLOSE TO THE LOT LINE WITH THE FIRST STORY ELEVATED FROM THE SIDEWALK. THE ENTRANCE IS USUALLY AN EXTERIOR STAIR OR LANDING.		CBD

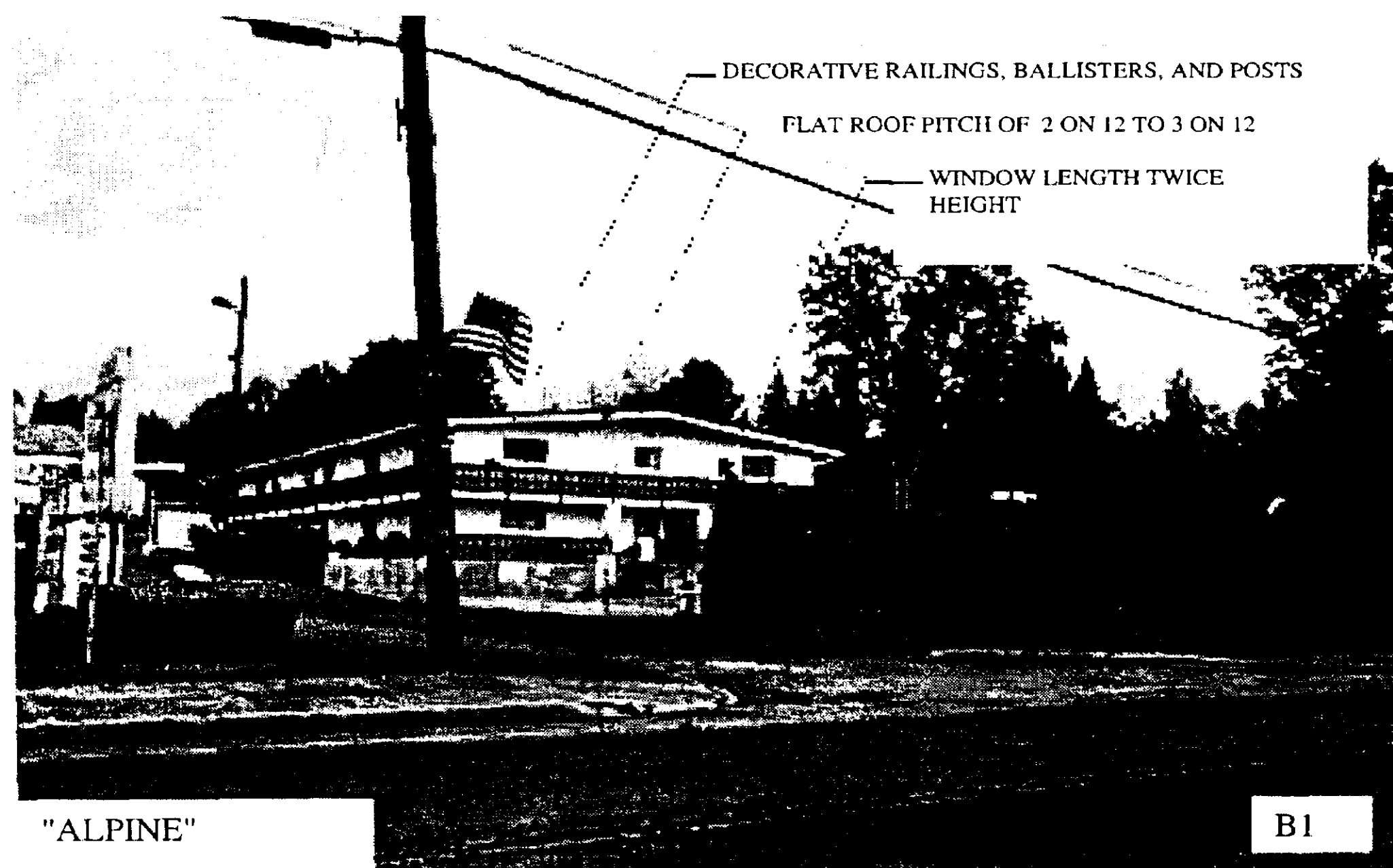
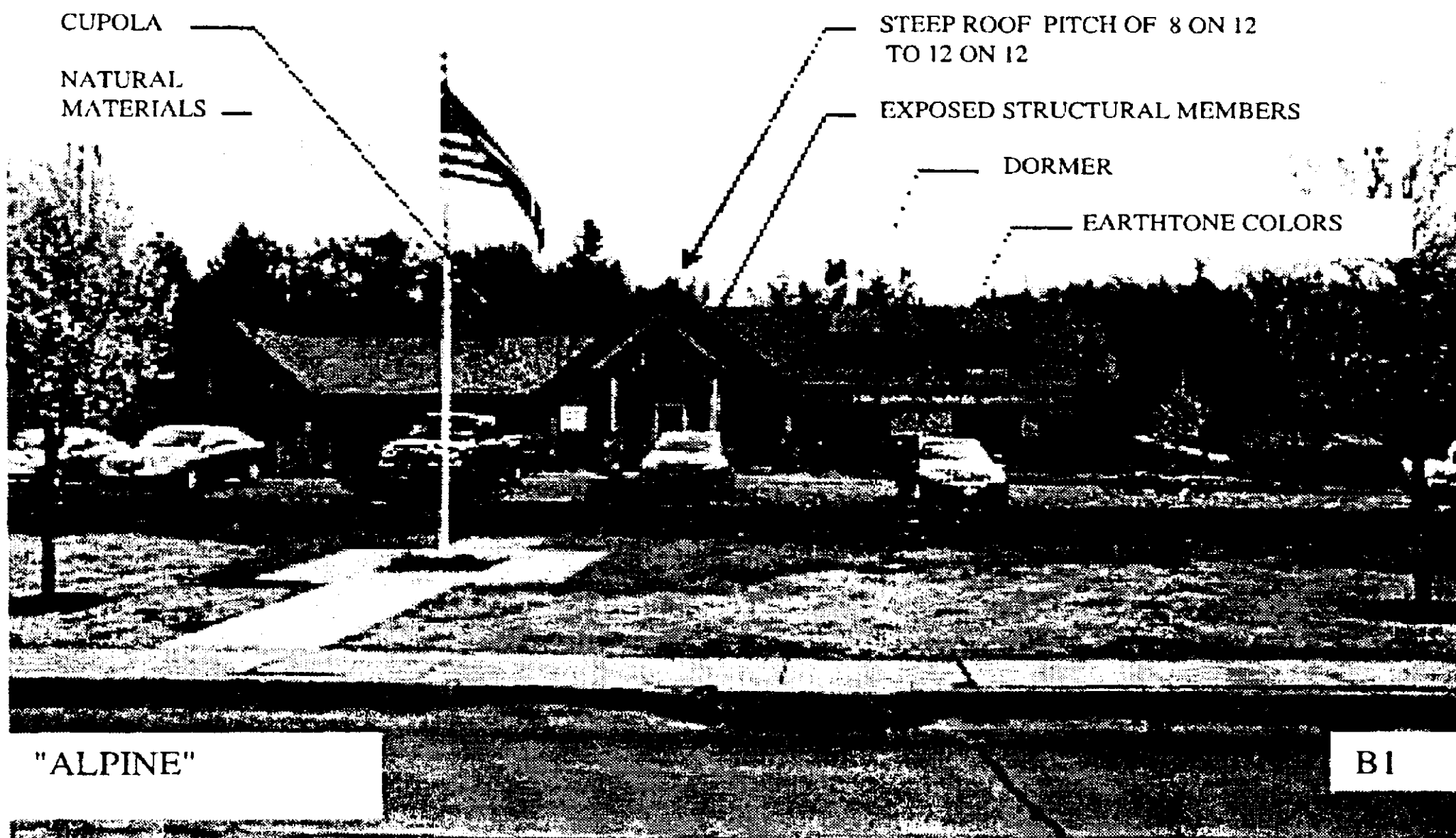
ZONING SETBACKS	SECTIONS	DISTRICT WHERE APPLICABLE
E. SHOPFRONT: THE FAÇADE IS ALIGNED CLOSE TO THE LOT LINE WITH THE BUILDING ENTRANCE AT SIDEWALK GRADE. THIS TYPE IS CONVENTIONAL FOR RETAIL USE. IT HAS A SUBSTANTIAL GLAZING ON THE SIDEWALK LEVEL AND AN AWNING OR BALCONY THAT SHOULD NOT OVERLAP THE PUBLIC SIDEWALK.		CBD
F. LANDSCAPED FRONTAGE: A FRONTAGE WITH NO PARKING WHICH IS LANDSCAPED WITH DECIDUOUS AND EVERGREEN TREES AND SHRUBS. MAXIMUM SETBACK 20 FEET. ENTRANCE TO BUILDING MAY FACE SIDE YARD.		B1
G. PARKING FRONTAGE 1: A FRONTAGE WITH SINGLE-LOADED PARKING IN FRONT YARD. MAXIMUM SETBACK IS 60 FEET. ENTRANCE TO BUILDING FACES STREET.		B1
H. PARKING FRONTAGE 2: A FRONTAGE WITH DOUBLE-LOADED PARKING IN FRONT YARD. MAXIMUM SETBACK IS 75 FEET. ENTRANCE TO BUILDING FACES STREET.		B1

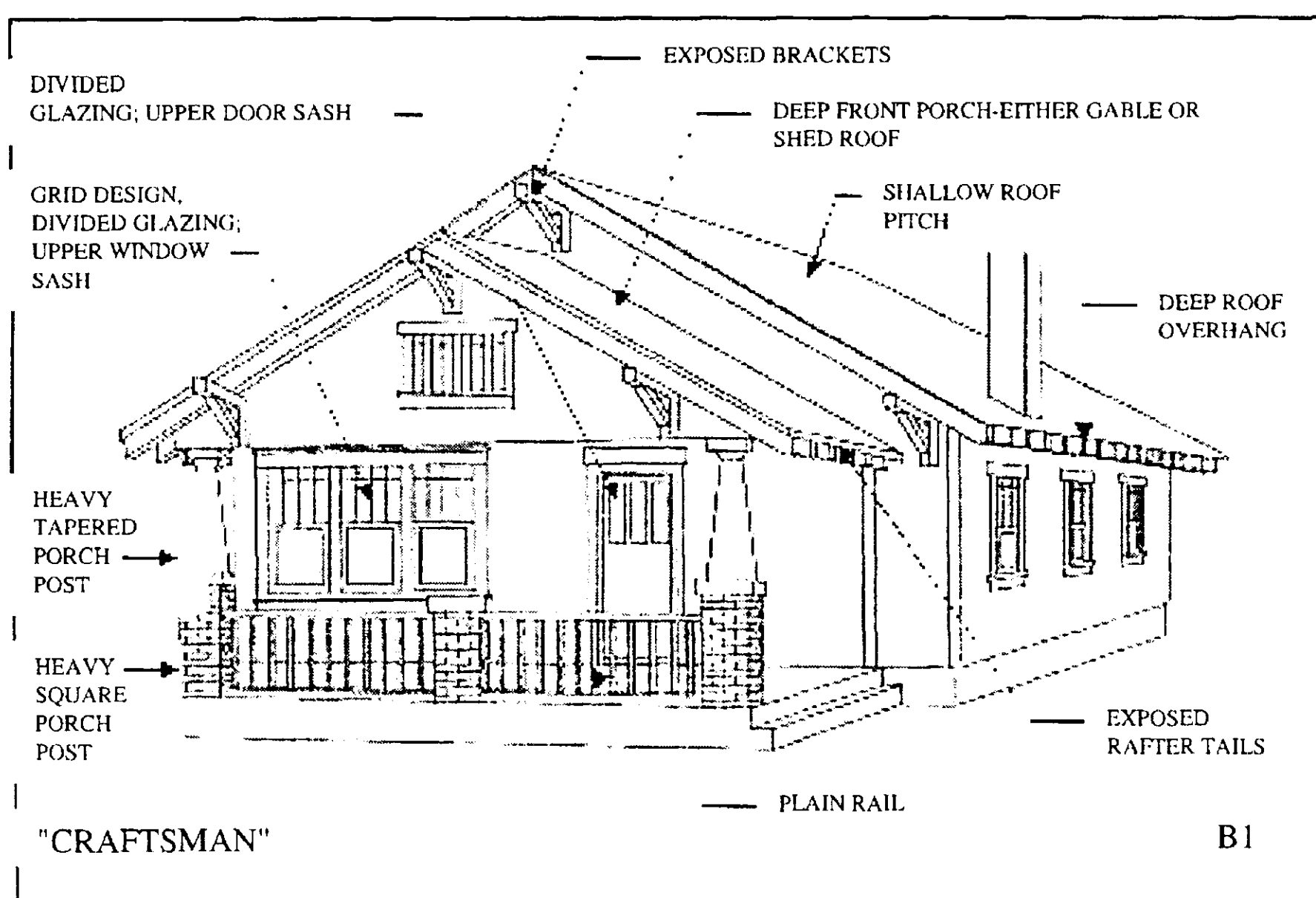
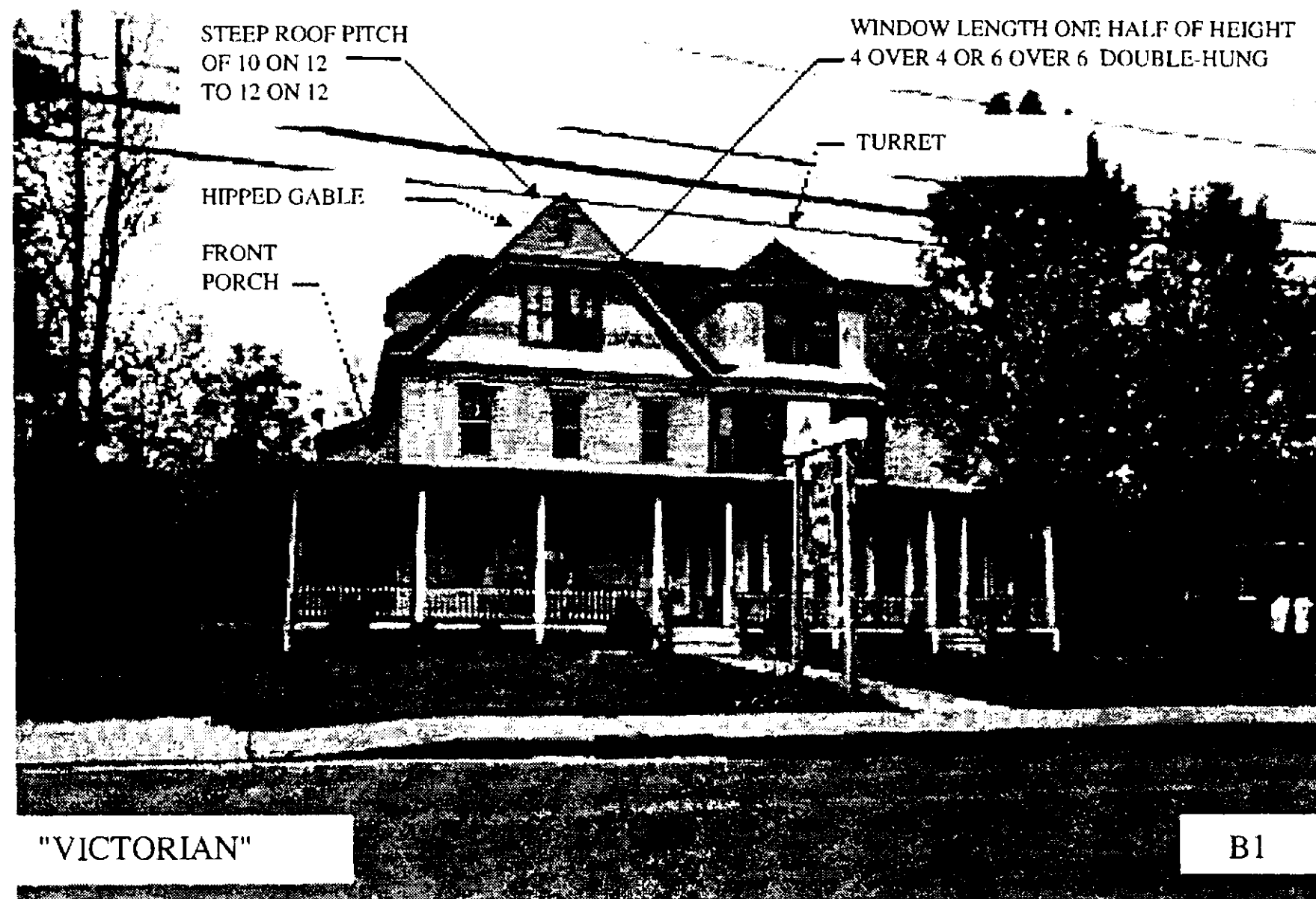
14.3 Architectural Guidelines – B1 District

Buildings in the B1 District will incorporate one of the roof types illustrated and no less than 75% of the features illustrated in Table 8. Front Facades of retail buildings shall be comprised of no less than 50% windows and doors.

Table 8
B1 Architectural Illustrations



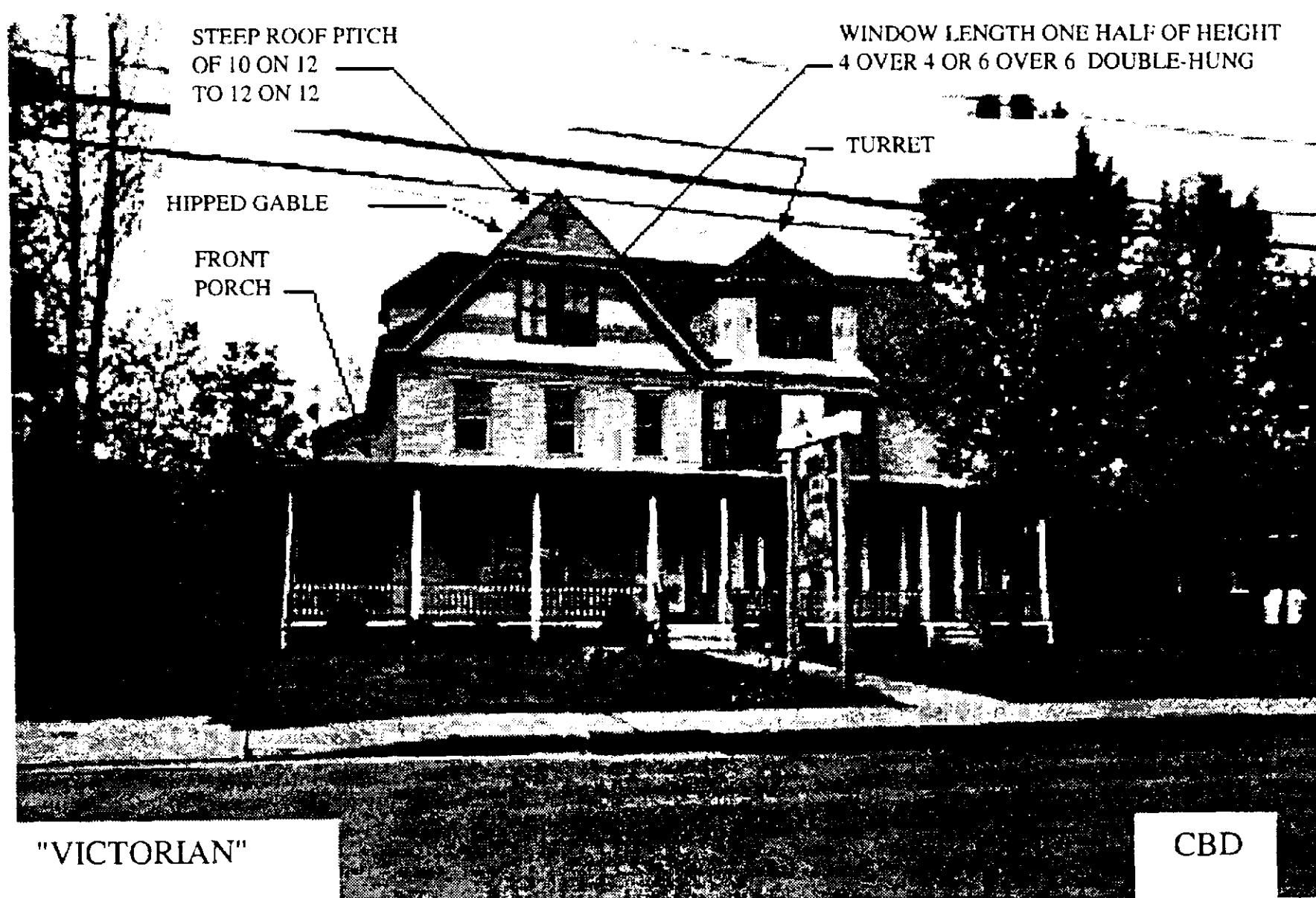


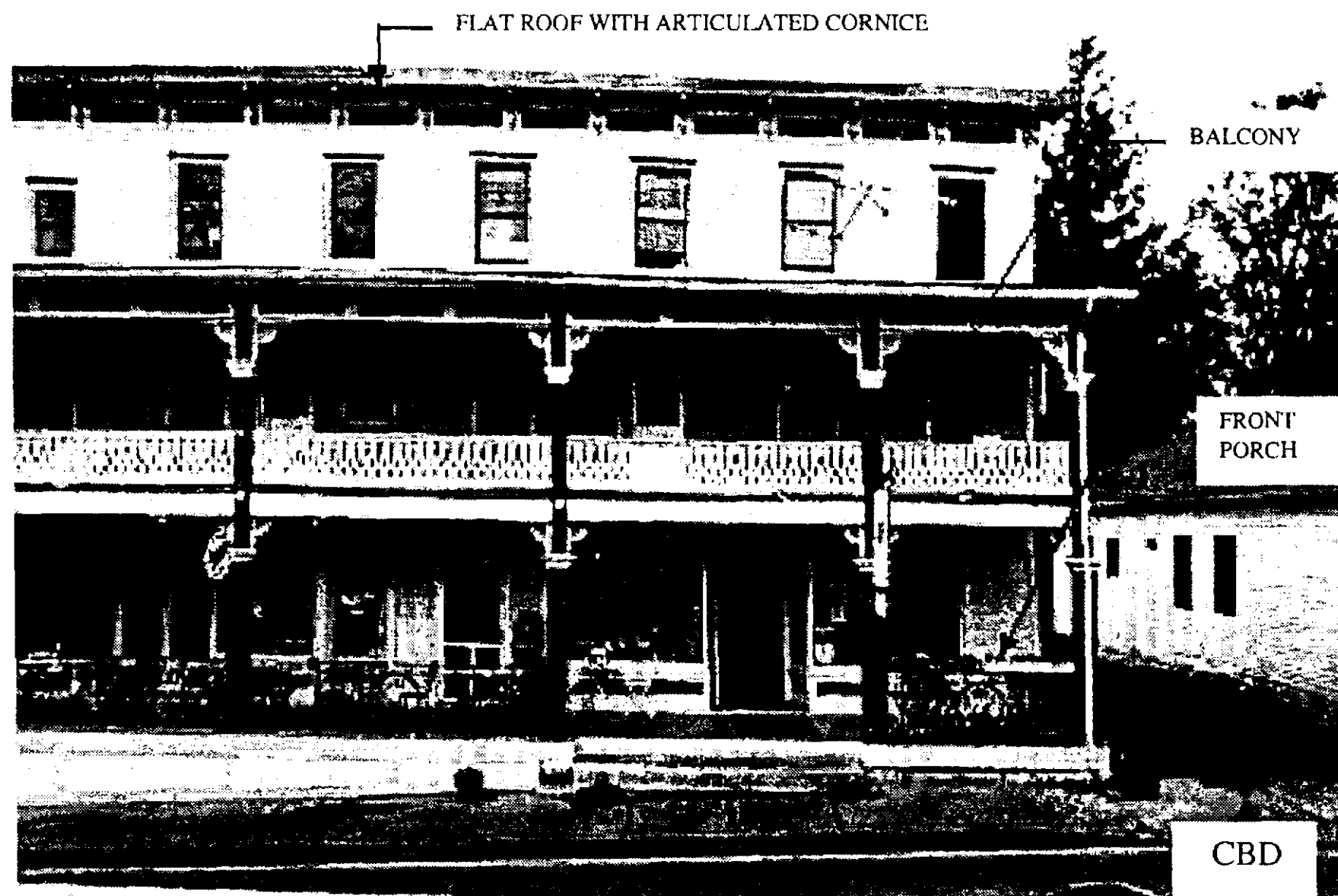


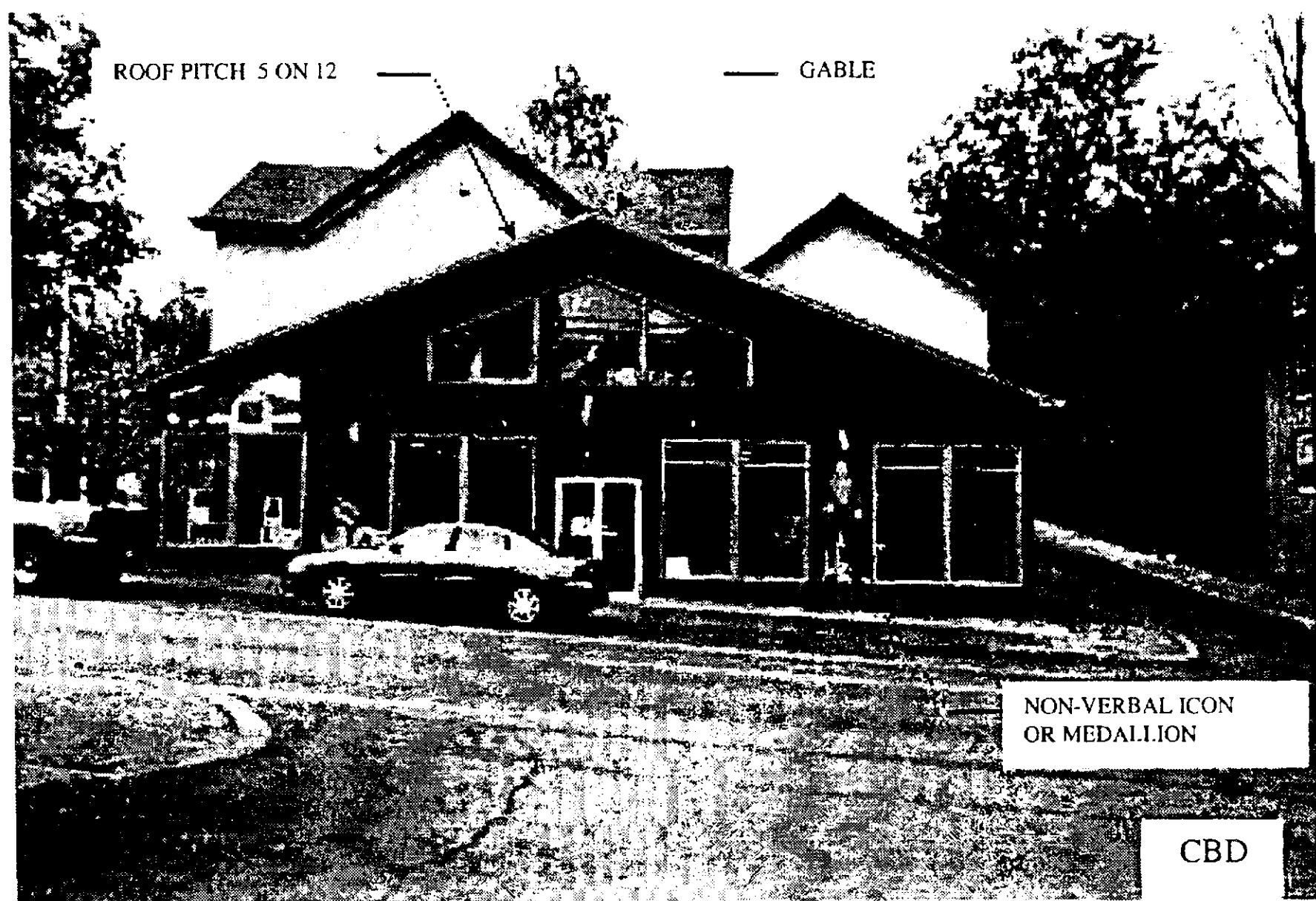
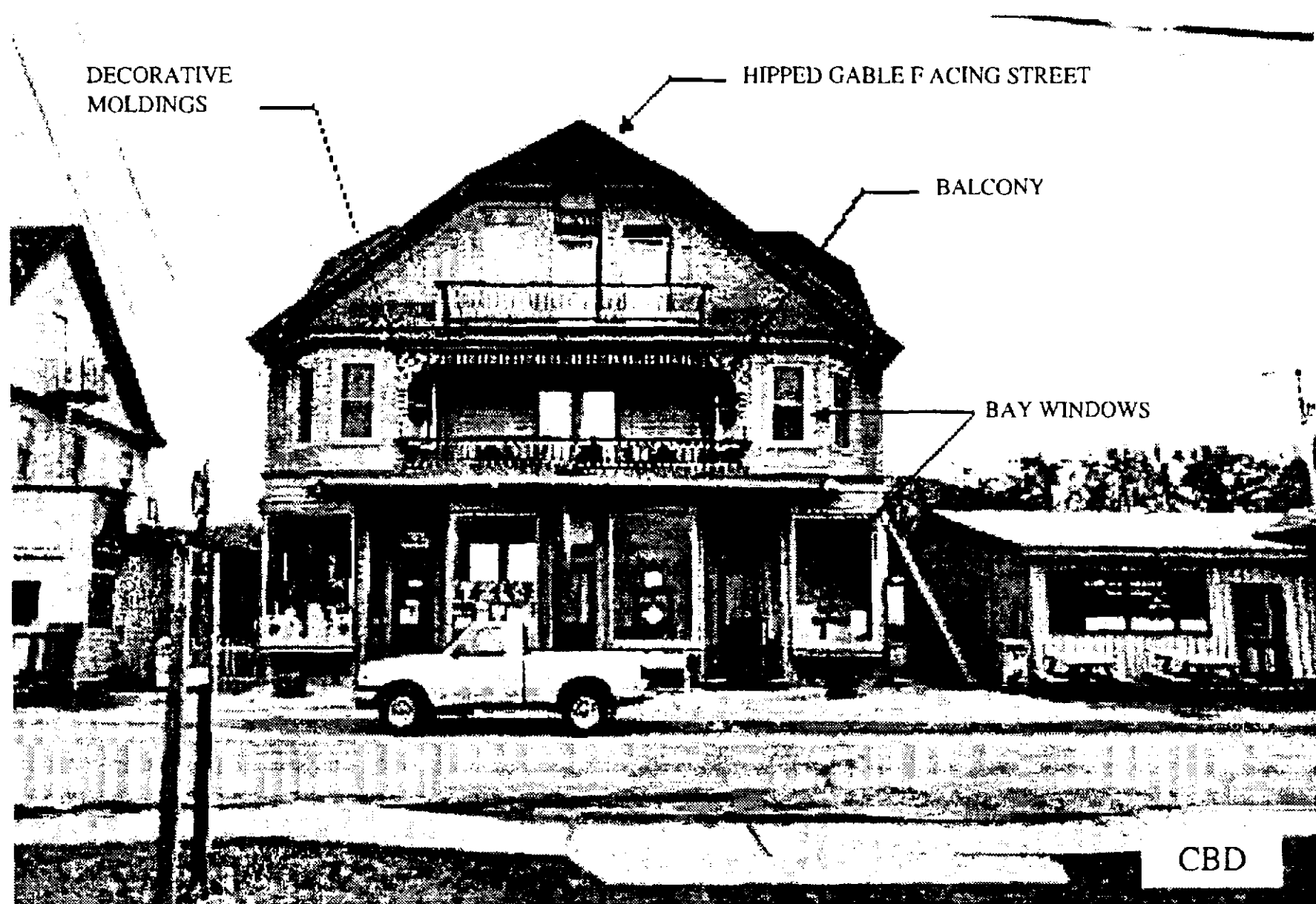
14.4 Architectural Guidelines – CBD

Buildings in the CBD shall incorporate no less than 75% of the features illustrated in Table 9. Front Facades shall be no less than 50 % windows and doors.

Table 9
CBD Architectural Illustrations









ARTICLE 15 ZONING BOARD OF APPEALS

15.1 Zoning Board of Appeals: Appointment, Term, Removal, Vacancies

The Village Board of Trustees hereby provides for the appointment of a Zoning Board of Appeals, (the "Zoning Board") which shall consist of three members, who shall not hold any elective office or position under the Village, each to be appointed for a term of three years. Members of the Zoning Board may be removed for cause by the Village Board of Trustees upon written charges and after public hearing. The Village Board shall provide for the filling of vacancies resulting from the unexpired term of any member.

15.2 Zoning Board of Appeals By-laws

The Zoning Board shall prepare and adopt by-laws , including rules of procedure for the conduct of its business consistent with this article and the statutes of the State of New York. Such rules shall be filed with the Village Clerk.

15.3 Meetings and Records

Meetings of the Zoning Board shall be held at the call of the chairman and such other times as the Zoning board may determine, and shall be open to the public. The zoning board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and be a public record. The Village Board shall appoint a secretary to record minutes.

15.4 Subpoenas

The chairman, or in his absence, the acting chairman, shall have power to issue subpoenas for the attendance of witnesses and the production of records and may administer oaths and take testimony.

15.5 Powers of the Zoning Board of Appeals

The Zoning Board of Appeals may hear and decide appeals relating to the application of the Zoning Law, but no relief may be granted which negatively impacts the public good or substantially impairs the intent and purpose of this Zoning Law and related Zoning Map. The Zoning Board of Appeal shall have the power to:

- A. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning law.
- B. Hear and decide, in accordance with the provisions of any such law, requests for special exception or for interpretation of the Zoning map or for decision upon other special questions related to determinations relating to the Zoning Law.
- C. Hear and decide a granting of an area variance based on applicable sections of this Zoning Law and the current version of Village Law Section 7-712B;
- D. Hear and decide a use variance based on applicable sections of this Zoning Law and the current version of Village Law Section 7-712B;

- E. Hear and decide requests for the establishment of a Planned Development District in standard Zoning District where PDDs are permitted, and make recommendations to the Village Board concerning changes to the Zoning Law Text and Zoning Law Map.

15.6 General Criteria

- A. The granting of the variance is necessary for reasonable use of land or building and said variance is the minimum variance within the same use that will accomplish this purpose;
- B. The granting of the variance will be in harmony with the general purpose of this chapter and will not be injurious to the neighborhood and public welfare.

15.7 Conditions

The Zoning Board of Appeals, in granting any variance, shall prescribe any conditions that it deems to be necessary or desirable, provided the same are permissible.

15.8 Compliance

The granting of a variance to this law shall not obviate the necessity of complying with all other applicable provisions of this law in every other respect.

15.9 Review

The Zoning Board of Appeals shall have the option to request the Village Board to review a request for a variance, and make a recommendation to the Zoning Board of Appeals. The Zoning Board of Appeals, in making its determination on the zoning variance request, shall consider the Village Board's recommendation to the extent permitted under the applicable standard of practical difficulties or unnecessary hardship pertaining to such zoning request.

15.10 Appeals

- A. Application

All appeals shall be made in the form and manner prescribed in the rules of procedure adopted by the Zoning Board of Appeals and stated herein. Every appeal or application shall refer to the specific provision of this law that is involved, the decision, requirement, act or failure to act of the Building Inspector, as the case may be.

- B. Decisions

Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Village Clerk, together with all other documents pertaining thereto. The Zoning Board of Appeals may reverse, affirm, wholly or partly, or modify any order, requirement or decision, as it deems necessary, in any case referred to it, and therefore shall have all the powers of the Building Inspector from whom the appeal was taken. The concurring vote of a simple majority of members of the Zoning Board of Appeals shall be necessary to affirm

any appeal upon which the Board is required to pass.

15.11 Stay of Proceedings

Any appeal, properly filed, shall stay all actions under such action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Zoning Board of Appeal that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to person or property.

15.12 Restraining Order

The Zoning Board of Appeal shall have the power to grant a restraining order to stay all proceedings in furtherance of the action appealed from, over any action by the Building Inspector from whom the appeal is taken, upon notice of said officer and on due cause shown.

15.13 Zoning Board of Appeals Application

The following page shall reflect the application for submittal to the Zoning Board of Appeals:

VILLAGE OF TANNERSVILLE
Po Box 967, Tannersville, NY 12485
Telephone: (518)-589-5850 Fax: (518)-589-5805
E-mail: voffice@hvc.rr.com Website: tannersvilleny.org
ZONING BOARD OF APPEALS APPLICATION

DEADLINE: Three weeks prior to meeting

Meeting Date: _____ at 7:00pm

Area Variance: _____ Use Variance _____

Interpretation: _____ Special Permit _____

Other: _____

Application Fee \$ _____

Date Submitted _____

Plans Submitted _____

Please note:

- Applicant must attend meeting(s).
- Failure to show, withdrawal of application, or denial will result in forfeiture of fee.
- Applicant may be billed for Village Engineer fees related to the review of application.

PROPERTY ADDRESS: _____

Tax Map Parcel #(s): _____ Parcel Size _____ Width _____ Depth _____

Property Zoning District: _____ Property Class _____

Present Use of Property: _____ Proposed Use _____

Provision of Code Appealed (give section and subsection numbers): _____

Previous applications for this property: _____ Planning Board _____ Zoning Board of Appeals

If yes, provide results:

Description of Proposal / Detail of Request: _____

Value of Construction: \$ _____ Building Permit required after ZBA approval: ___ yes ___ no

Certification of Statements:

The **applicant(s)** hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application. Notarized statement of authorization is attached to this application if the applicant is not the owner of record.

Applicant Signature

Applicant Name Printed/Typed

Mailing Address

Phone # / Fax # / E-mail

ARTICLE 16 ENFORCEMENT

16.1 Penalties

Violations of this Zoning Law may be enforced pursuant to the conditions set forth in this document, and violators shall be subject to the penalties set forth in this Article.

16.2 Code compliance required

The commencement or continuation of any activity regulated by this Zoning Law that is not in compliance with the express provisions of this Zoning Law or that is not in compliance with the express provisions of any permit or approval, including any attached findings or conditions, shall be a violation of this Zoning Law and subject to enforcement under the terms of this article and New York law

16.3 Enforcement responsibility

The responsibility for the enforcement of this Zoning Law is delegated to the Director of the Code Enforcement and Building Department or a designee, or as otherwise designated by the Village Board. Each enforcement officer designated herein shall have the authority and power to issue and serve an appearance ticket under Criminal procedure Law section 150.10.

16.4 Continuing violations

- A. Whenever a ticket or summons of such violation of this Zoning Law has been served, each day the offender continues such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.
- B. Additional tickets will not be issued if:
 - 1. The violation is actively being cured pursuant to a written plan, including a clear time frame and deadline, accepted by the Director of the Code Enforcement and Building Department. Failure to actively cure the violation as specified in the plan shall reactivate the enforcement process at the point where discontinued;
 - 2. A complete application has been submitted to the applicable board or commission to bring the violation into conformance until after the board or commission renders a decision.

16.5 Penalties for offenses

- A. Any person who, having been served with a notice and order to remove any violation of the Zoning Law of the Village of Tannersville fails to comply therewith within the time fixed by the Department, or who violates a section of the Zoning Law for which an immediate ticket may be given, shall be guilty of an offense, punishable, for each offense, by a fine not exceeding \$500 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.
- B. An action or special proceeding may be brought in either Village Court or State Supreme

Court seeking the Court's jurisdiction to enjoin and abate the continued violation of the Zoning Law and the costs of said proceeding.

- C. Enforcement may be pursued against an owner, occupant, mortgagee or vendee in possession, operator, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the premises or part thereof, or any person, regardless of said person's relationship to the property, found to be violating any of the codes enforced under this Law.

Article 17 Fees

17.1 Establishment of Fees

The following fees shall be charged upon application for the following actions:

- A. Planned Development Districts \$750.00
- B. Amendments \$600.00
(Zoning Map and text, and amendments to existing IPDs and PDDs)
- C. Special Permit \$250.00
- D. Site Plan Review
 - 1. Minor \$250.00
 - 2. Major \$500.00
- E. Variance: area \$200.00
- F. Variance, use, and Official Map \$350.00
- G. Certificate of Zoning Compliance \$50.00
(when no site plan review process or special permit is required)
- H. Certificate of nonconformity \$150.00