

**VILLAGE OF PARISH
ZONING LAW**

Adopted February 6, 2017

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ARTICLE 1. INTRODUCTION

Section 110. Preamble

Pursuant to the authority conferred by Article 7 of the Village Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Village Board of the Village of Parish does hereby enact the Village of Parish Zoning Law. This law shall replace and supersede the prior existing zoning law of the Village of Parish.

Section 120. Short Title

This law may be known and cited as the "Village of Parish Zoning Law."

Section 130. Purpose

This law is adopted to promote and protect the public health, safety, and general welfare, and in furtherance of these related and more specific purposes:

1. To guide and regulate orderly growth, development and redevelopment with the principles and standards deemed beneficial to the interests and welfare of the people.
2. To protect the established character, natural resources and the social and economic well-being of both private and public property.
3. To promote in the public interest, the utilization of land for the purposes for which it is most desirable and best suited.
4. To secure safety from fire, flood, and other dangers, and to provide adequate light, air and convenience of access.
5. To prevent overcrowding of the land and excessive density of population.
6. To make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

Section 140. Applicability

This law, and any amendment thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

Section 150. Conflict

A conflict between the requirements of this law and those of any other law, ordinance, rule, regulation, statute or other provision of law shall be resolved by giving effect to the provision imposing the more restrictive requirement or higher standard.

ARTICLE 2. DEFINITIONS

Section 210. General

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future and the word "shall" indicates a mandate.

Section 220. Specific Definitions

Accessory Apartment: A dwelling unit located on the same lot as a one-family dwelling, located within an accessory building. Such a dwelling is an accessory use to the one-family dwelling.

Accessory Building: A building which is an accessory structure.

Accessory Structure: A structure incidental and subordinate to a principal structure and located on the same lot with such principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.

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

Agriculture or Forestry Structure: A structure used for agriculture or forestry.

Agricultural Use: Land used for the raising of crops, cows, horses, pigs, poultry and other livestock, horticulture or orchards, including the sale of products grown or raised directly on such land, and including the construction, alteration, or maintenance of fences, agricultural streets, agricultural drainage systems and farm ponds.

Alteration: Any change, rearrangement, extension or increase in area or height to a building or structure, other than repairs; any modification in construction, or in building equipment.

Antenna: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, and microwave communications. The frequency of these waves generally range from 10 hertz to 300,000 megahertz.

Bed and Breakfast: Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

Building: Shelter having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or property.

Building, Accessory: See *Accessory Building*.

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

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such "cemetery."

Certificate of Compliance: A certification by the enforcement officer that a lot, structure, or use of land has been developed in conformity with an approved zoning permit and/or complies with the provisions of this law, and may be occupied and used for the purposes specified in such zoning permit and/or certificate of compliance.

Commercial Sign: *See Sign, Commercial.*

Commercial Use: Any use involving the sale, rental, or distribution of goods and services, either retail or wholesale.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for offsite consumption.

Corner Lot: *See Lot, Corner.*

Day Care Center: An establishment providing for the care, supervision, and protection of children.

Directional Signs: *See Signs, Directional.*

Distribution center: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials.

Dumping: The act of abandoning, burying or disposing, in any manner, of garbage, sewage, trash, refuse, hazardous wastes, junk, discarded machinery, vehicles or parts thereof, or other waste or scrap in any location other than in a manner and/or at a facility which is approved by the village for such purpose.

Dwelling: A building designed for human habitation.

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family.

Dwelling, Multiple-Family: A principal building containing three or more dwelling units.

Dwelling, One-Family: A principal building containing one dwelling unit.

Dwelling, Two-Family: A principal building containing two dwelling units.

Eating and Drinking Place: Retail establishment selling food and drink for consumption on the premises.

Essential Facility: The operation and maintenance by municipal agencies or public utilities of telephone dial equipment centers; electrical or gas transmission facilities and substations; water treatment, storage and transmission facilities; pumping stations; and similar facilities.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit.

Flood Hazard Area: Maximum area of a flood plain that is likely to be flooded once every 100 years. It includes the areas shown on the Flood Insurance Rate Map as Zone A, AE, AO, AH and A1 to A99.

Floor Area: The sum of the gross horizontal areas of all floors of a building or structure from the exterior face of exterior walls.

Footprint: The gross horizontal area of the first floor of a building or structure from the exterior face of exterior walls.

Forestry Use: Any management, including logging, of a forest, woodland or plantation, including the construction, alteration, or maintenance of wood streets, skidways, landings, fences, and forest drainage systems, and the incidental processing of products grown on the premises.

Freestanding Sign: *See Sign, Freestanding.*

Front Lot Line: *See Lot Line, Front.*

Front Yard: *See Yard, Front.*

Frontage, Lot: *See Lot Frontage.*

Heavy Manufacturing: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Home-Based Business: A commercial activity that is conducted for financial gain within a dwelling unit or in a building or structure accessory to a dwelling unit; and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Industrial Use: Any use involving the act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity.

Institutional Use: A nonprofit, religious, or public use, such as a church, library, public or

private school, hospital, or government owned or operated building, structure, or land used for public purpose.

Light Manufacturing: A use engaged in the manufacture of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing of raw materials.

Lot: A parcel of land that consists of one or more contiguous lots of record. If a public or private street right-of-way or a municipal boundary divides a parcel of land otherwise characterized as a lot by this definition, then the land on either side of this division shall constitute a separate lot.

Lot, Corner: A lot abutting two or more streets at their intersection. Lot lines abutting the streets are designated as front lot lines and the lot line opposite and most distant from one of the front lot lines is designated as the rear lot line. All remaining lot lines are designated as side lot lines.

Lot, Through: A lot having frontages on two parallel or converging streets that do not intersect at the boundaries of the lot. Lot lines abutting the streets are designated as front lot lines. All remaining lot lines are designated as side lot lines.

Lot Area: The total horizontal area included within the lot lines of a lot. No part of the area within a public right-of-way shall be included in the computation of lot area.

Lot Depth: The greatest distance between the front lot line and the rear lot line measured along a straight line perpendicular to the front lot line.

Lot Frontage: The length of the front lot line measured as a straight line between each end of the front lot line.

Lot Line: A line bounding a lot that divides one lot from another lot.

Lot Line, Front: The lot line separating a lot from a public street or private street. Where a street right-of-way is not established or is irregularly shaped, the front lot line shall be considered to be a line parallel to and 25 feet from the centerline of the street pavement of county, village and private streets or 35 feet from the centerline of the street pavement of state streets.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot Width: The greatest distance between side lot lines measured along a straight line perpendicular to the front lot line.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. A manufactured home shall be construed to remain a manufactured home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This term shall not include factory manufactured homes known as "modular homes" bearing an insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212.

Manufactured Home Park: Land on which three or more manufactured homes are parked, or which is used for the purpose of supplying to the public a parking space for three or more manufactured homes.

Manufacturing, Light: *See Light Manufacturing.*

Motor Vehicle Collision Repair Garage: Any building, premises, and land in which or upon which a business, service, or industry involving the repair or painting of vehicle bodies is conducted or rendered.

Motor Vehicle Engine Repair Garage: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, or repair of vehicle engines is conducted or rendered.

Motor Vehicle Sales: The use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

Motor Vehicle Service Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Multiple-Family Dwelling: *See Dwelling, Multiple-Family.*

Non-commercial Sign: *See Sign, Non-commercial.*

Nonconformity: A lot, structure, or use of land which lawfully existed prior to the enactment of this law, or conformed to the regulations of the zoning district in which it was located prior to the amendment of this law; which does not conform to the regulations of the zoning district in which it is located following the enactment or amendment of this law.

Office: The use of premises for the transaction of business, excluding on –premises sales of tangible products, manufacturing or storage activities, and including professional services and administrative operations.

One-Family Dwelling: See *Dwelling, One-Family*.

Permit, Special Use: See *Special Use Permit*.

Permit, Zoning: See *Zoning Permit*.

Post Secondary Educational Institution: A college, university or vocational facility.

Principal Building: A building which is a principal structure.

Principal Structure: A structure in which is conducted the principal use of the lot on which it is located.

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

Private Street: See *Street, Private*.

Projecting Sign: See *Sign, Projecting*.

Public Street: See *Street, Public*.

Rear Lot Line: See *Lot Line, Rear*.

Rear Yard: See *Yard, Rear*.

Residential Use: One-family dwelling, two-family dwelling, multiple-family dwelling, accessory apartment and manufactured home.

Retail Sales, Indoor: Establishments engaged in selling goods or merchandise to the general public and/or rendering services incidental to the sale of such goods.

Retail Sales, Outdoor: A commercial facility including sales, rental, lease and service or repair for new and used automobiles, trucks, manufactured homes, boats, recreational vehicles, farm implements, and other large items stored outdoors.

Retail Services: Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including but not limited to hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums, and galleries. *Not including car wash, eating and drinking place, motor vehicle repair garage, or motor vehicle service station.*

Street, Private: A private way for vehicular traffic which affords the primary means of access to abutting properties.

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

Street Line: A right-of-way line of a street as dedicated by a deed or record

Side Lot Line: See *Lot Line, Side*.

Side Yard: See *Yard, Side*.

Sign, Commercial: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

Sign, Freestanding: Any nonmovable sign not affixed to a building.

Sign, Non-Commercial: A sign that expresses a personal, political or religious view.

Sign, Projecting: A sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches from such building.

Sign, Wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches from such building or structure.

Site Plan: A plan, to scale, showing uses and structures proposed for a lot. It includes, but is not limited to lot lines, streets, building sites, reserved open space, buildings, major landscape features, and the locations of existing or proposed utility lines.

Solar Energy: Radiant energy (direct, diffuse, and reflected) received from the sun.

Solar Energy System: An arrangement or combination of components and structures designed to provide heating, cooling, hot water, or electricity through the process of collecting, converting, storing, protecting against unnecessary dissipation, and distributing solar energy.

Special Use Permit: A permit for special uses which must be approved by the planning board, granting permission to the zoning officer to issue a zoning permit.

Storage Facility: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

Structure: An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

Structure, Accessory: See *Accessory Structure*.

Structure Height: The vertical distance from the mean finished grade to the highest point of the structure measured at the front wall of the structure.

Structure, Principal: A structure in which a principal use of the lot on which it is located is conducted.

Telecommunication Tower: A structure on which transmitting and/or receiving antenna(e) are located.

Through Lot: See *Lot, Through*.

Travel Trailer: See *Recreational Camping Vehicle*.

Truck Terminal: An area or building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Two-Family Dwelling: See *Dwelling, Two-Family*.

Use, Accessory: See *Accessory Use*.

Use, Principal: See *Principal Use*.

Wall Sign: See *Sign, Wall*.

Warehousing: A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.

Wetland: Any lands that are defined as wetlands according to the New York State Freshwater Wetlands Act, Section 24-0107(1) and are mapped pursuant to 6 NYCRR Part 664; such areas as are regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act, 33 USC Section 1344; and such areas as are mapped in the U.S. Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.

Wholesale: The sale of large quantities of goods to retailers and/or wholesalers or large quantities of materials used in the manufacturing of products, including on-premises storage.

Wind Energy System: Facilities, including windmills, energy storage devices, and related materials, hardware or equipment necessary to the process by which wind is converted into another form of energy, and such energy is stored, protected from unnecessary dissipation and distributed for private purposes.

Yard: Any open space located on the same lot with a structure, unoccupied and unobstructed from the ground up, except for accessory structures, or such projections as are expressly permitted in this law. The minimum depth of a yard shall consist of the horizontal distance between a lot line and a line, parallel to the lot line, that passes through the point of the principal structure nearest the lot line.

Yard, Front: The space within and extending the full width of the lot from the front lot line to a line, parallel to the front lot line, that passes through the point of a principal structure nearest the front lot line.

Yard, Rear: The space within and extending the full width of the lot from the rear lot line to a line, parallel to the rear lot line, that passes through the point of a principal structure nearest the rear lot line.

Yard, Side: Any yard other than a front yard or rear yard.

Zoning Officer: An individual designated by the village board to enforce this law.

Zoning Permit: A permit issued by the zoning officer certifying that all plans for the use and development of land comply with the regulations of this law, and granting permission to commence development activities in conformity with the conditions of the approved permit.

ARTICLE 3. ZONING DISTRICTS AND ZONING MAP

Section 310. Establishment of Zoning Districts

For the purpose of this law, the Village of Parish is hereby divided into the following zoning districts:

R Rural

The purpose and intent of the Rural district is to recognize the existence of farm, woodland, and low density residential uses on the edges of the village and to encourage the continuation of these uses in a harmonious manner.

VR Village Residential

The purpose and intent of the Village Residential district is to recognize the existence of residential uses in a traditional village setting and to encourage the continuation and development of these uses in a harmonious manner.

C Core

The purpose and intent of the Core district is to recognize the existence of the traditional central business district of the village and to encourage harmonious development of land for uses appropriate in this district.

HC Highway Commercial

The purpose and intent of the Highway Commercial district is to recognize the need for commercial development which is not appropriate in the central business district. These commercial establishments should have nearby access to major highways and should not encroach on residential neighborhoods.

I Industrial

The purpose and intent of the Industrial district is to provide for the continuation and development of wholesale commercial and light industrial uses in a manner that protects the natural environment and is compatible with a village setting.

LMO Light Manufacturing Overlay Zone

The purpose and intent of the Light Manufacturing Overlay Zone is to allow the adaptive reuse of the former Parish Elementary School building within the Village of Parish.

Section 315. Light Manufacturing Overlay Zone

1..Purpose: The purpose and intent of establishing a light manufacturing overlay zone is to allow the adaptive reuse of the former Parish Elementary School building and property.

2..Establishment and Delineation: There is hereby established within the Village of Parish, one light manufacturing overlay zone. The zone is delineated on the zoning map.

3..Permitted Uses: The light manufacturing overlay zone shall be considered as overlaying other existing zones as shown on the zoning map. Any uses not permitted in the underlying zone shall not be permitted in the light manufacturing overlay zone, with the exception of light manufacturing uses, which shall be permitted with site plan review. Any uses permitted in the underlying zone shall be permitted in the light manufacturing overlay zone, along with light manufacturing uses, which shall be permitted with site plan review.

Section 320. Zoning District Map

The zoning districts are shown, defined and bounded on the map accompanying this law entitled "Zoning District Map," dated June 19, 2013. This zoning district map is hereby made a part of this law, and shall be on file in the office of the village clerk.

Section 330. Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

1. Where the designation on the zoning map indicates a boundary approximately upon a street, the centerline of the street shall be construed to be the boundary.

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 street centerlines measured to the zone boundary. In all cases where distances are given, zone boundaries are parallel to the street centerline.
4. In other cases the zone boundary shall be determined by the use of the scale on the zoning map.

Section 340. Metes-and-Bounds Descriptions

In the event that a metes-and-bounds description has been filed for a zoning district change or a variance as required by this law, such metes-and-bounds description may be used in lieu of other provisions of this article.

Section 350. Lots Divided by Zoning District Boundaries

Where a zoning district boundary divides a lot at the time such boundary is adopted, the requirements of the least restrictive portion of such lot shall extend 50 feet into the more restrictive portion of the lot, provided the lot has frontage on a street in the less restrictive zoning district.

ARTICLE 4. ZONING DISTRICT REGULATIONS

Schedule A: Permitted Uses

	R	VR	C	HC	I
accessory apartment	Z	Z	-	-	-
accessory structure	Z	Z	-	Z	Z
agricultural or forestry structure	Z	-	-	-	-
alteration or reconstruction of nonconforming commercial, industrial or multi-family residential use	SPEC	SPEC	SPEC	SPEC	SPEC
bed and breakfast	SITE	SITE	SITE	-	-
car wash	-	-	-	SITE	-
convenience store	-	-	SITE	SITE	-
day-care center	-	SITE	SITE	-	-
distribution center	-	-	-	-	-
dwelling, multi-family	SITE	SPEC	SITE #	-	-
dwelling, one-family	Z	Z	SITE #	-	-
dwelling, two-family	Z	Z	SITE #	-	-
dumping	-	-	-	-	-
eating and drinking place	-	-	SITE	SITE	-
essential facility	SITE	SITE	SITE	SITE	SITE
home-based business	Z	Z	Z	-	-
institution	SPEC	SPEC	SITE	-	-
joint use of parking facility	SPEC	SPEC	SPEC	SPEC	SPEC
light manufacturing	-	-	-	-	SITE
manufactured home	-	-	-	-	-
manufactured home park	-	-	-	-	-
motor vehicle collision repair garage	-	-	-	SPEC	-
motor vehicle engine repair garage	-	-	-	SITE	-
motor vehicle sales	-	-	-	SITE	-
motor vehicle service station	-	-	-	SITE	-
office	-	-	SITE	-	-
post-secondary educational institution	-	-	SITE	-	-
retail sales, indoor	-	-	SITE	SITE	-
retail sales, outdoor	-	-	-	SITE	-
retail services	-	-	SITE	-	-
storage	-	-	-	SITE	-
telecommunication tower	SPEC	-	-	SPEC	SPEC
truck terminal	-	-	-	SPEC	SITE
two one- or two-family dwellings on a single lot	SPEC	SPEC	SPEC	-	-
warehouse	-	-	-	SITE	SITE
wholesale	-	-	-	-	SITE

- = use prohibited

Z = zoning permit required (special use permit required if activity exceeds thresholds in §. 1110)

SITE = site plan review required (special use permit required if activity exceeds thresholds in §. 1110)

SPEC = special use permit review required

= special use permit required if use is located on first floor

Schedule B: Dimensional Requirements

	R	VR	C	HC	I
lot size minimum:	1.5 acres 6000 s.f. if existing sewer	6000 s.f.	-	-	-
lot frontage minimum:	220 feet 60 ft. if existing sewer	60 ft.	-	-	-
lot frontage maximum:	-	120 ft.	-	-	-
front yard minimum:	25 feet from streetline 10 ft. from streetline if existing sewer	10 ft. from streetline	-	10 ft. from streetline	10 ft. from streetline
front yard maximum	None 50 ft. from streetline if existing sewer	30 ft. from streetline	10 ft. from curbline	80 ft. from streetline	80 ft. from streetline
side yard minimum:	15 feet 10 ft. if existing sewer	10 ft.	-	-	-
rear yard minimum:	15 feet	15 ft.	-	-	-
building footprint maximum:	40000 square feet	5000 s.f.	5000 s.f.	40000 s.f.	-
building height minimum:	-	-	2 stories	-	-
building height maximum:	3 stories	3 stories	3 stories	3 stories	3 stories
off-street parking, maximum:	-	-	3 spaces per 1000 s.f. floor area	4 spaces per 1000 s.f. floor area*	60 spaces per lot

*12 spaces per 1000 s.f. for eating and drinking places

Schedule C: Design Standards

	R	VR	C	HC	I
Building facades shall be parallel to the street	X (if existing sewer)	X	X	X	
Siding shall be brick, wood, glass, stone, textured masonry or a combination of these			X	X	
The exterior of all buildings and structures shall be painted subdued colors, or may be unpainted masonry or natural materials					X
Windows shall make up at least 15% of front wall area			X		
Windows shall be clear or lightly tinted glass			X		
Buildings shall not have drive-thru facilities			X		
Parking shall not be located directly on street corners			X		
Parking shall be prohibited in front yards, except in driveways	X	X	X	X	X
Parking areas shall have one deciduous tree per 10 parking spaces				X	
Front yards shall be free of all fencing					X
All uses shall be housed in fully enclosed buildings unless adequately screened from public view					X
All vehicular storage areas and other open storage areas shall be located in either side or rear yards, and shall be adequately screened from public view					X
Impervious surface area shall be minimized and shall in no case exceed 60 per cent of the lot area					X

ARTICLE 5. NONCONFORMITIES

Section 510. Intent

The intent of this article is to recognize lots, structures and uses of land and structures which legally existed prior to the enactment or subsequent amendment of this law which would be prohibited or unreasonably restricted by the requirements herein. All rights of nonconformity shall continue regardless of the transfer of ownership of nonconforming lots, structures or uses.

Section 520. Nonconforming Lots

Any lot held under separate ownership prior to the enactment or amendment of this law, and having a frontage, depth or area less than the minimum requirements set forth in this law, may be developed for one- or two-family residential use, provided that such lot has sufficient frontage, depth and area to undertake development which will:

1. maintain the required minimum front yard depth;
2. maintain at least 2/3 of the required minimum side and rear yard depths.

Section 530. Nonconforming Structures

No structure which by the enactment or amendment of this law is made nonconforming or placed in a nonconforming situation with regard to yard sizes, lot coverage, height or any requirement of this law, other than the use to which it is put, shall be changed so as to increase its nonconformity. If a structure is nonconforming as to use, see Section 540 below. Any such nonconforming structure may be used for any compatible use listed for the zoning districts in which it is located as designated in Article 4 of this law.

Section 540. Nonconforming Uses of Land or Structures

Any use of land or structures which by the enactment or amendment of this law is made nonconforming may be continued on the premises and to the extent preexisting provided that:

1. no nonconforming use shall be increased in size so as to occupy a greater area of land or floor area than was committed to the nonconforming use at the time of such enactment or amendment;
2. no nonconforming use which has for any reason been discontinued for a period of one year or more shall be re-established; and
3. a special use permit shall be required for any alteration or reconstruction which is on the premises of a nonconforming commercial, industrial or multiple-family residential use.

Section 550. Nonconforming Structures Damaged or Destroyed

Any structure which is nonconforming as to use, yard sizes, lot coverage, height or any other requirement of this law, which is damaged or destroyed by fire or other hazard, may be repaired, restored or reconstructed provided that such work is undertaken within one year of the date on which the damage or destruction occurred. No such work shall increase the nonconformity of the structure.

ARTICLE 6. SPECIAL DEVELOPMENT STANDARDS

Section 605. Principal Residential Structures Per Lot

There shall be no more than one one-family or two-family dwelling on a single lot except in the following circumstance:

1. A special use permit may be issued allowing a maximum of two one-family or two-family dwellings on a single lot where it can be demonstrated that any future subdivision of the lot, which would result in the dwellings being located on separate lots, can be accomplished in such a way that: 1) the resulting dwellings and accessory structures will have front, side and rear yard depths in accordance with this law; 2) the resulting lots will have areas and dimensions in accordance with this law; and 3) all sewage and wastewater systems will be in accordance with the NYS Sanitary Code. All principal structures shall be separated by a distance of at least twice the side yard depth requirement, or such greater distance as deemed appropriate by the planning board so as to allow for lawful future subdivision.
2. A zoning permit may be issued for one interim dwelling located on the site of the construction of a one- or two-family dwelling for which a valid zoning and building permit is in effect; for one interim manufactured home unit for commercial or industrial use on the site of the construction of a commercial or industrial use for which a valid zoning and building permit is in effect; or for temporary uses and structures incidental to a construction project for which a valid zoning and building permit is in effect. All interim structures shall be removed within 60 days of the issuance of a certificate of compliance.

Section 610. Accessory Uses and Structures

1. Accessory uses and structures shall be allowed in any zoning district.
2. The establishment or change of an accessory use or structure which is incidental to a use requiring a site plan review pursuant to Article 10 of this law shall likewise require a site plan review.
3. The establishment or change of an accessory use or structure which is incidental to a use requiring a special use permit pursuant to Article 11 of this law shall likewise require a special use permit review.

4. When an accessory structure is attached to a principal structure, it shall comply in all respects with the requirements of this law applicable to the principal structure.
5. Accessory structures shall comply with all front, side and rear yard requirements of principal structures as indicated in Article 4 of this law.

Section 615. Height of Structures

No structure shall exceed 40 feet in height except agricultural structures, chimneys, communication towers, television and radio masts and antennas, water tanks, spires, and windmills. Structures exceeding 40 feet in height shall be allowed only upon approval of a special use permit. Such permit shall not be approved until the applicant has demonstrated the following:

1. that there is a demonstrated public need for the proposed use, and that this need cannot be met by any means other than by exceeding the general height limitations of this law;
2. that the height of the structure is the minimum necessary to accomplish its intended purpose;
3. that all practical means have been used to minimize any negative aesthetic impacts identified by the planning board;
4. that the structure does not significantly impair solar or wind access to other structures or solar or wind energy systems equipment.

Section 620. Line of Sight for Traffic Safety

No accessory structure, fence, wall or hedge shall be erected in such a manner as to confuse or obstruct the views of any traffic sign, signal, or device, or obstruct the visibility of vehicles entering or exiting streets. The design of all lot accesses shall conform to the standards set forth in Policy and Standards for Entrances to State Highways, published by NYS Department of Transportation.

Section 625. Off-Street Parking and Loading

1. **Parking Space Dimensions:** Each parking space shall contain a rectangular area at least 18 feet long and 9 feet wide. Handicapped accessible parking spaces shall contain a rectangular area at least 18 feet long and 12 feet wide.
2. **Location:** Parking spaces accessory to a principal use shall be located on the same lot as the principal use, unless a special use permit is granted in accordance with subdivision 4 below.
3. **Siting:** No parking space shall be located in any front yard or within five feet of any side or rear lot line, except in driveways. Parking shall be designed to eliminate the need to back out onto public streets.

4. **Joint Use of Parking Facilities:** The planning board may approve, by special use permit, the use of joint parking facilities by one or more applicants, upon a finding that:
 - a. No substantial conflict will exist during principal hours or periods of peak demand of the uses for which the joint space is provided;
 - b. Such spaces shall not be located further than 500 feet from any of the principal uses which they serve;
 - c. The applicant provides written evidence that the lot owner has granted permission for such shared parking.
5. **Off-Street Loading Requirements:** Off-street loading activities shall be subject to the following standards:
 - a. Each loading berth shall be at least 10 feet by 50 feet in size and have a minimum clear height providing access to the street of 14 feet.
 - b. Off-street loading facilities shall otherwise be subject to the provisions applicable to parking spaces.

Section 630. Uses Prohibited In All Zoning Districts

The following uses shall be prohibited in all zoning districts:

1. Dumping
2. Heavy manufacturing
3. Rendering operations
4. Slaughter houses
5. Waste incinerators
6. Commercial and industrial uses that create excessive noise, create excessive odors, create or store hazardous materials, or involve live animals
7. Mobile homes

Section 635. Streams, Wetlands and Water Bodies

1. The following activities are prohibited within 50 feet of all streams and natural bodies of water: construction of any principal or accessory use; construction of a public street or public utility line; feed lots, trash or waste disposal.
2. Man-made ponds, including those requiring a NYSDEC permit or whether excavated or created by an earthen dam, shall comply with the following:
 - a. The high-water line of any pond shall be at least 150 feet from any leach field, 100 feet from any structure or public street and 50 feet from any adjoining property.

- b. Ponds large enough to require a NYSDEC permit shall be at least 100 feet from the nearest public street as measured from a) the base of the outside slope of the dam, or b) the lowest point on the side of an excavated pond closest to the street.
- c. Ponds small enough to not require a NYSDEC permit shall be at least 50 feet from the nearest public street as measured from a) the base of the outside slope of the dam, or b) the lowest point on the side of an excavated pond closest to the street.
- d. Ponds created by the construction of an earthen dam shall have a minimum side slope of three to one (3:1) on both sides.

Section 640. Storm Water Drainage

No land use shall result in a net increase in storm water runoff onto adjacent properties. For any use requiring planning board site plan approval, a storm water drainage plan shall be prepared by the applicant. A surface channel system shall be designed to convey through the project the peak storm runoff from a 100-year storm. Controlled release and storage of excess storm water runoff shall be required in combination for all commercial and industrial projects and for residential projects larger than one acre whenever the capacity of the natural downstream outlet channel is inadequate. No habitable structures shall be constructed within this floodway, but streets, parking and playground areas and utility easements may be considered. Outlet control structures shall be of ample design requiring little or no alteration for proper operation. Each storm water drainage area shall be provided with an emergency overflow facility designed for a storm of 100-year intensity. An adequate easement over the land within the project shall be dedicated for the purpose of improving and maintaining any drainageways and facilities. Operators of construction activities that involve one acre or more of land disturbance must obtain a State Pollutant Discharge Elimination System (SPDES) permit from NYSDEC.

Section 645. Home-Based Businesses

Home-based businesses shall be subject to the following standards:

- 1. Total floor area devoted to the business shall not exceed 25% of the total floor area of the principal residential use located on the lot.
- 2. Operation shall be limited to the interior of a building.
- 3. The exterior of a building containing a home-based business shall not be altered to accommodate the business.
- 4. One on-premises sign not to exceed six square feet shall be allowed.
- 5. Manufacturing and assembly operations shall be limited to five-horsepower tools.
- 6. Excessive noise, glare, vibrations, and/or electronic and microwave interference with radios, TVs and other household appliances shall not be produced.

7. Hours of operation shall be limited to 6 a.m. - 9 p.m. Monday through Saturday, and 7 a.m. - 8 p.m. on Sundays.
8. All parking shall be provided on-site in accordance with Section 625, and there shall be no on-street parking.
9. The business shall employ a maximum of three people.

Section 650. Uses and Structures Located Greater Than 500 Feet From a Public Street Right-of-Way

The planning board may approve, by special permit, uses and structures located greater than 500 feet from a public street right-of-way, upon receipt of written acknowledgment from the Parish Fire Department stating that adequate access can be provided for emergency vehicles.

Section 655: Accessory Apartments

No more than one accessory apartment shall be allowed per lot. Each accessory apartment shall be a maximum of 500 square feet.

Section 660: Manufactured Homes

Manufactured homes are prohibited for residential and nonresidential purposes in all zoning districts.

Section 665. Flood Hazard Areas

All activities occurring within the areas shown on the Flood Insurance Rate Map for the Village of Parish, published by the Federal Emergency Management Agency shall conform to the Village of Parish Flood Hazard Regulations.

Section 670. Erosion and Sedimentation Control

All activities must conform to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manuals recognized by the planning board, including EPA MS4 regulations.

Section 675. Cemeteries

No burial or memorial plots or buildings shall be located closer than 50 feet to any adjacent lot line. All burials shall be undertaken in strict accordance with all applicable regulations of the New York State Department of State and Department of Health.

Section 680. Exterior Lighting

Exterior lighting proposed for any site shall be planned, erected and maintained so that the light is confined to the property and will not cast direct light or glare upon properties in adjacent residential uses or upon public streets. Under no circumstances shall light levels at lot lines adjacent to residential uses or at public street lines exceed 6.5 lumens per square meter, measured at ground level. No light source shall be higher than 20 feet other than motion-activated security lights which are normally turned off. Such motion-activated lights shall be no higher than the roof line of buildings on the site. Parking areas lighting shall be minimized and shall not exceed 10.8 lumens per square meter, measured at ground level, except upon approval of the Planning Board.

Section 685. Fences and Hedges

1. Approval required

No fence, wall or other type of construction shall be erected without a zoning permit issued by the Zoning Enforcement Officer.

2. Height limitations, setbacks, and encroachments

a. In all zones, with the exception of Industrial zones, no fence shall be more than four feet in height in any front yard and no more than six feet in height in any side or rear yard. In Industrial zones, no fence shall be more than four feet in height in any front yard and no more than eight feet in height in any side or rear yard. Height shall be the distance measured from the average grade to the top of the fence.

b. Any fence erected under this section shall be placed at least two feet from any property line so if repair or maintenance of said fence is to be performed, it may be performed from the fence owner's land.

c. All fence or walls must be erected within the property line, and none shall be erected so as to encroach upon a public or private right-of-way or easement or interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, in private or public property.

d. The Zoning Enforcement Officer shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees or flowers or other vegetation, fence, wall or hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections, driveways, or curbs.

e. For safety purposes, no person being owner or occupant of land and premises shall construct, use or maintain a fence along the boundary line of any street, sidewalk, or grounds at a height of more than two feet, measured perpendicularly from the street grade, if located in the area bounded by the street lines of such corner lot and a line joining points along said street lines 20 feet from the point of the intersection.

3. Materials and Composition

a. Any fence, wall or similar structure which unduly cuts off light or air, which may cause a nuisance, a fire hazard, a dangerous condition, or an obstruction to persons and equipment in combating fires or which may affect public safety is hereby expressly prohibited.

b. All fences in front yards shall be constructed of vinyl, wood, composite, wrought iron, picket, iron, or hedge. All fences in side or rear yards shall be constructed of vinyl wood, stockade, composite, wrought iron, picket, iron, stone, chain link, or hedge.

c. Chain link fences shall be erected with closed loops at the top of the fence.

4. Facing of fence; fence posts

Any fence, of vinyl, wood, stockade, chain link, composite, wrought iron, picket, iron, stone or other type of fence shall have the good side facing to the outside of the property which the fence is situated on. The good side is that part of the fence that is considered the finished side which does not include the structural members. Fence posts shall be placed on the inside of the fence.

5. Maintenance

All fences shall be maintained by the person responsible for the property. Such maintenance shall include but not be limited to replacement and/or repair of fences which may become in disrepair. Repairs should be made in accordance with existing fences. Such repair may include missing or broken sections, and heaving, collapsed and/or tilted fences.

6. Pool Fences

Fences for the enclosure of in-ground pools shall conform to the New York State Uniform Fire Prevention and Building Code.

7. Existing Fences

Those fences that were constructed prior to the adoption of this section can remain but must be maintained safely. Any replacement fences must comply with this section and will be required to obtain a permit from the Zoning Enforcement Officer. In addition, any deed, easement, right of way, or any other restrictions relating to fencing must be brought to the attention of the Zoning Enforcement Officer.

ARTICLE 7. SIGNS

Section 705. Zoning Permits

All signs shall require site plan review except those listed in Section 715 and Section 720.

Section 710. Prohibited Signs

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

1. Portable signs (not listed in Section 715 and Section 720).
2. Signs which have flashing, moving, rotating or intermittent lights other than to show time and temperature.
3. Signs having moving parts; banners, ribbons, streamers, pennants, spinners, or other similar moving, fluttering, or revolving devices; projections beyond their area; mirror or mirror-like surfaces; or fluorescent paint or pigment.

Section 715. Exempt Temporary Signs

A zoning permit shall not be required for the following temporary signs:

1. ***Announcing Signs:*** One sign per street frontage of a building which is under construction, structural alteration or repair, announcing the character of the building enterprise or the purpose for which the building is intended, or one sign per other construction project, including names of architects, engineers, contractors, developers, financiers, and others, not to exceed 24 square feet. Placement shall not exceed 30 days following completion of the project.
2. ***Real Estate Signs:*** One sign per street frontage not to exceed 24 square feet advertising the sale, rental, or lease of the premises on which displayed. Placement shall not exceed 30 days following the sale, rental or lease of the property.
3. ***Subdivision Signs:*** One sign per street entrance to the subdivision and located on the property to be subdivided, not to exceed 24 square feet. Such sign may not be erected until the subdivision has been approved by the appropriate officials. Placement shall not exceed 30 days from the date of subdivision approval. The display period may be extended upon approval of the planning board for a reasonable period of time, not to exceed one year at any given time.
4. ***Sale Ad Signs:*** Signs advertising special sales of goods or merchandise which will be on sale for no longer than one month, not to exceed 24 square feet. Such signs shall be removed within 30 days of the termination of the sale.
5. ***Campaign Signs:*** Political posters, banners, promotional devices and similar signs, not to exceed 24 square feet. Placement shall not exceed 30 days after the election to which they relate.
6. ***Window Signs:*** Nonilluminated window signs and posters not to exceed 12 square feet. Such signs shall be removed within 30 days of the termination of the sale or the event to which they relate.
7. ***Streetside Stand Signs:*** One sign for streetside stands selling agricultural produce grown on the premises in season, not to exceed 24 square feet. Such signs shall be removed within 30 days of the termination of the season.

Section 720. Exempt Permanent Signs

A zoning permit shall not be required for the following permanent signs:

1. **Flags:** Official flags of government jurisdictions, including flags indicating weather conditions and flags which are emblems of on-premises religious, charitable, public, and nonprofit organizations.
2. **Plaques:** Commemorative plaques placed by historical agencies recognized by the village, the county or state.
3. **Architectural Features:** Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
4. **Parking Signs:** Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
5. **Residential Signs:** Signs bearing only property numbers, post box numbers, or names of occupants of premises, not to exceed one square foot.
6. **Driveway Signs:** Signs bearing only the name of a driveway, not to exceed one square foot, and using a color scheme distinctly different than that of the color scheme used for official village or county street signs.
7. **Vegetative Signs:** Signs made exclusively of vegetative material.
8. **No Trespassing and/or Posted Signs.** Signs indicating private property, not to exceed one square foot.

Section 725. Sign Standards

1. On-site signs shall be subject to the following standards:
 - a. Wording and graphics of commercial signs shall be limited to the name of the establishment and its principal service or purpose.
 - b. **Wall signs** shall not exceed 32 square feet (except those listed in Sec. 725.3.b.).
 - c. **Projecting signs** shall not exceed 16 square feet (except those listed in Sec. 725.3.b.) and shall have a minimum ground clearance of ten feet.
 - d. **Freestanding signs** shall not exceed 24 square feet (regardless of the number of businesses advertised) (except those listed in Sec. 725.3.b.). One freestanding sign allowed per street-front if frontage is 500 feet or less. Two freestanding signs allowed per street-front if frontage is greater than 500 feet.

2. Off-site signs shall be subject to the following standards:
 - a. Wording limited to the name of an establishment and the direction thereto.
 - b. Off-premises signs shall be **freestanding signs** and shall not exceed twelve square feet.
 - c. Signs must be placed within six miles of the establishment to which they relate.
3. All signs are subject to the following standards:
 - a. Signs shall not exceed 12 feet in height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.
 - b. Signs advertising home-based businesses shall not exceed six square feet.
 - c. Signs shall not project into the public right-of-way.
 - d. Signs shall not project above the roofline or parapet of a building.
 - e. Luminous signs, indirectly illuminated signs, and lighting devices shall not be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public street, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance.
 - f. Signs shall not be placed, painted or drawn upon trees or natural features of the site, or on utility poles, bridges, culverts, towers or similar structures.
 - g. Signs shall be kept in good repair and display surfaces shall be kept neatly painted at all times.
 - h. Signs shall be constructed from commercial grade materials.
 - i. Signs shall comply with all applicable NYSDOT sign standards.
 - j. Signs with light emitting diode (LED) components shall be subject to the following standards:
 1. LED signs shall be prohibited in the Village Residential zoning district.
 2. a minimum distance of 100' shall be required between any two LED signs or any LED sign and a residential use.
 3. A static duration of one minute shall be required before a message changes.
 4. Signs colors must be approved by the planning board.
 5. Sign brightness shall be approved by the planning board.
 6. Signs must be dimmed between the hours of 10:00 pm and 6:00 am.
 7. Signs shall not include animation.

Section 730. Enforcement

Violations of this article will subject to the enforcement procedures outlined in Section 950 of this law.

ARTICLE 8. TELECOMMUNICATION TOWERS

Section 805. Shared Use

1. At all times, shared use of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antennae on pre-existing structures shall be considered. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to new construction.
2. An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening, and other changes including real property acquisition or lease required to accommodate shared use.
3. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.

Section 810. Setbacks

Towers and antennae shall be setback from all lot lines a distance equal to the height of the tower plus 25 feet. Additional setbacks may be required by the planning board to contain on-site substantially all ice-fall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts including guy wire anchors, and to any accessory facilities.

Section 815. Visibility

1. All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.
2. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding treeline and painted gray, green or black below the surrounding treeline unless other standards are required by the FAA. In all cases,

guyed towers shall be preferable to free-standing structures. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

3. Accessory structures shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

Section 820. Existing Vegetation

Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to approval of the permit. Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

Section 825. Screening

Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory structures. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.

Section 830. Access and Parking

A street and parking will be provided to assure adequate emergency and service access. Maximum use of existing streets, public or private, shall be made. Street construction shall be consistent with standards for private streets and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten feet beyond the edge of any pavement. Street grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public street standards may be waived in meeting the objectives of this section.

Section 835. Inspection

Towers shall be inspected annually for structural integrity and continued compliance with this law by a licensed professional engineer. A copy of the inspection report shall be submitted to the Village Board indicating repairs made.

ARTICLE 9. ADMINISTRATION AND ENFORCEMENT

Section 905. Zoning Permits Required

No land-use activity as listed below shall be carried out until a zoning permit has been issued

by the zoning officer stating that the proposed building, structure, use of land, or development activity complies with the requirements of this law:

1. Erection, re-erection or movement of a building or structure;
2. Change of the exterior structural dimensions of a building or structure;
3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
4. The resumption of any use which has been discontinued for a period of one year or longer;
5. Establishment or change in dimensions of a parking area for nonresidential or multiple-family residential uses;
6. Placement of a sign as regulated in Article 7 of this law;
7. Change in the contours of land.

Section 910. Zoning Permit Exceptions

A zoning permit shall not be required for:

1. Fences or walls complying with Section 620 of this law;
2. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
3. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.;
4. Nonstructural agriculture and forestry uses.

Section 915. Application Procedure for Zoning Permits

1. Applications for zoning permits shall be submitted to the zoning officer and shall include four copies of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, street lines, mean high water lines of lakes, streams, ponds and wetlands, and any other features of the lot; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the zoning officer
2. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, street line, or nearest mean high water line to the

furthermost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, etc.

3. The zoning officer shall take action to approve or disapprove the application within 15 days of the receipt of a completed application and the payment of all fees.
4. A zoning permit shall expire one year from the date of issue if construction is not substantially started or the use has not commenced. Such permit may be renewed upon payment of all fees.

Section 920. Permit Fees

1. A fee as determined by village board resolution shall be paid for each application for a zoning permit, site plan review, or special use permit. No permit shall be issued until full payment has been received by the zoning officer. Fees are nonrefundable.
2. The planning board may retain consulting services from engineers, architects, landscape architects, lawyers, planners, or other professional services during the course of site plan reviews and special use permit reviews conducted pursuant to this law. The applicant shall pay any actual and reasonable costs attributable to a consultant's review of an application as determined by the planning board. Appeals of such fees shall be made to the village board. The planning board may require the applicant to deposit such funds as may be necessary to pay for these services with the village in advance.

Section 925. Certificate of Compliance

No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of compliance has been issued by the zoning officer stating that the use or structure complies with the provisions of this law. All certificates of compliance shall be applied for coincidentally with the application for a zoning permit and shall be issued within 15 days after the use has been approved as complying with the provisions of this law.

Section 930. Unapproved Lots

No zoning permit or certificate of compliance shall be issued for any use or structure on any lot which has been filed in the office of the county clerk after the effective date of the Village of Parish Subdivision Law, unless such lot is included in a plat which has been approved by the planning board and filed with the office of the county clerk, or was exempt from said law at the time of filing.

Section 935. Zoning Officer

This law shall be enforced by the zoning officer, who shall be appointed by the village board. The duties of the zoning officer shall be to:

1. Approve and disapprove zoning permits and certificates of compliance;

2. Scale and interpret zoning district boundaries on the zoning map;
3. Refer appropriate matters to the zoning board of appeals, planning board, or village board;
4. Revoke zoning permits or certificates of compliance where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application;
5. Enforce these regulations, investigate violations, issue stop work orders and appearance tickets, and refer violations to the village justice or the village board;
6. Report at regular village board meetings the number of zoning permits and certificates of compliance issued.

Section 940. Zoning Board of Appeals

A zoning board of appeals is hereby created pursuant to Village Law Section 7-712. The board of appeals shall have all the power and duties prescribed by Village Law Section 7-712-b.

Section 945. Planning Board

The planning board shall have the following powers and duties with respect to this law and Village Law Section 7-718:

1. Approval of site plans.
2. Approval of special use permits.
3. Approval of temporary permits.

Section 950. Violations and Penalties

1. It shall be unlawful for any person, firm or corporation to:
 - a. Allow any building or land to be used or occupied or any building or part thereof to be erected, moved, extended or altered except in conformity with the regulations herein set forth for the district in which it is located.
 - b. Construct, alter or use and occupy any building or structure or portion thereof or use any land in a manner not permitted by an approved plan or resolution of the planning board or the zoning board of appeals, where required.
2. Whenever a violation of this law occurs any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the zoning officer who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the zoning officer shall issue a stop work order requiring all work to cease until

the violation is corrected. If the violation is not corrected within the specified time the zoning officer shall take action to compel compliance.

3. Pursuant to Criminal Procedure Law Section 150.20 (3), the zoning officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the village justice.
4. Pursuant to Municipal Home Rule Law Section 10 and Village Law Section 7-714, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine. Any violation of this law is an offense punishable by a fine not exceeding \$350 for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
5. The village board may maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

ARTICLE 10. SITE PLAN REVIEW

Section 1005. Authority

The planning board is hereby authorized to review and approve, approve with modifications, or disapprove site plans pursuant to Village Law Section 7-725-a. and in accordance with the standards and procedures set forth in this law.

Section 1010. Applicability

All uses designated as requiring site plan review shall have a site plan approved by the planning board prior to the issuance of a zoning permit or a certificate of compliance by the zoning officer.

Section 1015. General Site Plan Review Criteria

The planning board shall require that all site plans comply with the following general review criteria:

1. that the site is designed in the interests of the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area;

2. that the site is designed so as to be in harmony with the comprehensive plan for the community;
3. that parking areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties;
4. that access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the village street system;
5. that the internal circulation of the site is arranged so as to minimize impacts on the village street system;
6. that the site is suitably landscaped, and appropriately screened from adjacent properties and the street so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
7. that pedestrian ways are safe and adequate, and are properly integrated with the pedestrian ways of adjacent properties and the neighborhood;
8. that any activities on the site which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;
9. that signs, site lighting, and the locations of all buildings and structures are in keeping with the character of the neighborhood;
10. that any changes to existing drainage patterns, or increased drainage due to development activity have no negative impacts on adjacent property;
11. that proposed water supply and sewage disposal facilities are safe and adequate;
12. that development activity complies with all other standards and requirements of this law.

Section 1020. Application

The zoning officer shall refer any application for a zoning permit which requires a site plan review to the planning board. An application for a site plan review shall be filed with the planning board, and the appropriate fee as determined by the fee schedule adopted by village board resolution shall be paid to the village clerk. Four or more copies of the application and site plans shall be provided which shall include the following:

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;
2. Date, north point, written and graphic scale
3. Boundaries of the site plotted to scale, including distances, bearings, and areas;

4. Locator map showing the site in relationship to the village;
5. Location and ownership of all adjacent lands as shown on the latest tax records;
6. Location of all zoning district boundaries;
7. Location, name, jurisdiction and width of adjacent streets;
8. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
9. Complete outline of existing or proposed deed restrictions or covenants to the benefit of the village applying to the property;
10. Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of five foot intervals;
11. Location of any archeological resources;
12. Location, proposed use, and height and dimensions of all buildings including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office and other commercial or industrial activities;
13. Location and design of all parking and loading areas, access and egress drives, fire lanes and emergency access areas;
14. Provision for pedestrian access, including public and private sidewalks;
15. Location of outdoor storage;
16. Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
17. Description of the method of securing water supply and disposing of sewage, and the location and design of such facilities;
18. Location and design of all energy distribution facilities, including electrical, gas, and solar energy;
19. Location, size and design of all proposed signs;
20. Location and design of outdoor lighting facilities;
21. General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;

22. Erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manuals recognized by the planning board;
23. An agricultural data statement pursuant to Village Law Section 7-739, when applicable;
24. A statement of the nature and extent of the interest of any state employee, or officer or employee of the village in the applicant pursuant to General Municipal Law Section 809, when applicable;
25. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617;
26. Other elements integral to the proposed development as considered necessary by the planning board.

Section 1025. Waiver of Submission Requirements

The planning board may waive any of the submission requirements listed in Section 1020 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.

Section 1030. Environmental Impact Review

The planning board shall be responsible for the completion of an environmental assessment form (EAF) for each application for site plan review. The planning board shall be responsible for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any site plan.

Section 1035. Review

Upon a determination by the planning board that the application for a site plan review is complete, the board shall review the site plan taking into consideration the objectives for site plan review as outlined in Section 1015 above and all other requirements of this law.

Section 1040. Public Hearing

The planning board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application for a site plan review and shall be advertised at least five days before the hearing in a newspaper in general circulation in the village. A notice of the hearing shall be mailed to the applicant at least ten days before the hearing.

Section 1045. Referral to County Planning Board

At least ten days before the hearing, the planning board shall refer all site plan review matters that fall within those areas specified under General Municipal Law Section 239-m to the county planning board. This shall include any use that falls within 500 feet of the following: the boundary of the village or any village within the village; a state or county park or recreation area; a state or county highway or expressway; a state or county owned drainage channel; state or county land where a public building or institution is located; or a farm operation in an agricultural district. If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report.

Section 1050. Final Action

1. Within 62 days of the public hearing, or within 62 days of the acceptance of a complete application by the planning board where such hearing has been waived pursuant to Section 1155 above, the planning board shall act on the site plans. The time within which the planning board must render its decision may be extended upon mutual consent of the applicant and the planning board. The action of the planning board shall be in the form of a written statement to the applicant stating whether or not the site plans are approved, approved with modifications, or disapproved. In its approval, the planning board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan. The decision of the planning board shall be filed in the office of the village clerk within five business days of the decision, and a copy mailed to the applicant.
2. If the site plans are approved, and upon payment by the applicant of all fees and reimbursable costs due the village, the planning board shall endorse its approval on a copy of the application and site plans.
3. If the site plans are approved with modifications, the planning board shall specify in the statement all modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due to the village, and upon approval of the modified application and site plans, the planning board shall endorse its approval on a copy of the application and site plans.
4. If the site plans are disapproved, the statement shall contain the reasons for such findings. In such case, the planning board may recommend further study of the application and resubmission after it has been revised or redesigned.

Section 1055. Report to County Planning Board

Within 30 days of final action on any matter referred to the county planning board pursuant to Section 1045 above, the planning board shall file a report of the final action it has taken with the county planning board.

ARTICLE 11. SPECIAL USE PERMITS

Section 1105. Authority

The planning board is hereby authorized to review and approve, approve with modifications, or disapprove special use permits pursuant to Village Law Section 7-725-b and in accordance with the standards and procedures set forth in this law.

Section 1110. Applicability

All uses that meet one or more of the following conditions shall have a special use permit and site plan approved by the planning board prior to the issuance of a zoning permit or a certificate of compliance by the zoning officer.

1. the use requires a special use permit pursuant to Article 4 of this law;
2. the use is a Type I SEQR action and is determined by the planning board to have environmental significance;
3. the use is over 10,000 square feet in floor or ground area;
4. the use is located greater than 500' from a public street right-of-way;
5. the use includes a structure over 40' feet in height;
6. the use is within 100' of a DEC designated wetland area, within 100' of a stream or a body of open water, or in any FEMA designated floodplain area;
7. the use results in the alteration or development of three or more acres (excluding customary agricultural and forestry uses); or
8. the use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, streets, curbs, gutters, or other public improvements.

Section 1115. General Special Use Permit Criteria

1. In considering and acting on special use permits, the planning board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of proposed developments, and the residents of the immediate surrounding area.
2. The planning board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:
 - a. That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the comprehensive plan for the community.

- b. That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, and street facilities, and any other utilities and public services are adequate for the intended level of use.
- c. That the proposed use complies with all requirements for site plans as specified in this law and any other special requirements as may be set forth for the use in this law.

Section 1120. Application and Review Procedure

All applications for special use permits shall be submitted and reviewed in compliance with the submission requirements and review procedures for site plan reviews as provided in Article 10 of this law.

ARTICLE 12. MISCELLANEOUS PROVISIONS

Section 1210. Amendments

The village board may amend the provisions of this law pursuant to Village Law Section 7-708 and Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the county planning board pursuant to General Municipal Law Section 239-m.

Section 1220. Separability

The provisions of this law are separable and the invalidity of a particular provision shall not invalidate any other provision.

Section 1230. Effective Date

This law shall be effective on the _____.