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Village of WATKINS GLEN, NY

Local Law No. 3, of the Year 2018

A Local Law to establish Zoning Requirements and Districts to promote public health, safety, and general welfare for the residents of Watkins Glen

Be it enacted by the Board of Trustees of the

Village of Watkins Glen as follows:

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ARTICLE 1 TITLE, AUTHORITY, PURPOSE

1.0 Short Title

This Local Law shall be known as the “Zoning Law of the Village of Watkins Glen” and may also be referenced as “WGZL”.

1.1 Authority

Pursuant to the Village Law of the State of New York and Chapter 36a of the Municipal Home Rule Law of the Consolidated Laws of New York State, the Village Board of the Village of Watkins Glen, in the County of Schuyler, State of New York, hereby resolves, enacts and publishes as follows:

1.2 Purpose

The Zoning Requirements and Districts herein set forth and the Districts identified upon the Zoning Map of the Village of Watkins Glen are made to promote public health, safety, and general welfare for the residents of the Village of Watkins Glen; and specifically:

- A. To encourage the most appropriate use of land in the community in order to conserve and protect the value of property and the Village's tax base;
- B. To eliminate the spread of strip business development and provide for more adequate and suitably-located commercial facilities and consequently eliminate road-side hazards and add to community attractiveness;
- C. To create a suitable system of open spaces and recreation areas, and to protect and enhance existing wooded areas, scenic areas, farmland and waterways;
- D. To protect groundwater resources which serve as public and private sources of water supply;
- E. To regulate building densities in order to assure access to light and circulation of air, to facilitate the prevention and fighting of fires, to prevent undue concentration of population, to lessen congestion on roads, to provide efficient municipal utility services, and to accommodate Solar Energy Systems and equipment and access to sunlight necessary thereto;
- F. To improve transportation facilities and traffic circulation, and to provide adequate off-street parking and loading facilities;
- G. To assure privacy for residents and freedom from public nuisances and things harmful to the health, safety and general welfare of the public;
- H. To protect the community against unsightly, obtrusive, and nuisance land uses and operations;
- I. To enhance the aesthetic aspects throughout the entire Village and maintain its natural beauty; and
- J. To provide an opportunity for occupancy of housing or uses of land to all people regardless of race, creed, sex, color, national origin, age, disability, or marital status.
- K. To recognize the importance of Seneca Lake to the community, and to preserve and enhance appropriate lakefront development.
- L. This Law has been made with reasonable consideration for the character of each District and a District's suitability for particular uses, and with a view to conserving

and protecting the value of the property, while encouraging the most appropriate uses of the land throughout the Village.

These purposes are achieved throughout this Local Law by regulating and restricting the height, number of stories and size of buildings and other structures; restricting the density of population; regulating the size of yards and other open spaces; regulating and restricting the location and use of a building, structure and lot for trade, industry, residential or other purposes; creating Districts for such purposes and establishing their boundaries; continuing a Zoning Board of Appeals to determine and vary the application of various provisions of this Local Law in harmony with its general purposes and intent and in accordance with general and specific rules herein contained; and providing for the enforcement of this Local Law.

ARTICLE 2 INTERPRETATION

2.0 Interpretation, Separability and Conflict

- A. The following rules of construction of language shall apply to the text of this Law.
 - 1. Words used in the present tense include the future tense.
 - 2. Words used in the singular include the plural, and words used in the plural include the singular.
 - 3. Words used in the masculine form shall also include the feminine.
 - 4. The word “person” includes an individual, partnership, association, firm or corporation.
 - 5. The word “shall” is mandatory; the word “may” is permissive.
 - 6. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied”.
 - 7. A building or structure includes any part thereof.
 - 8. The phrases, “to erect”, “to construct”, and “to build” each have the same meaning and include “to excavate” for a building and “to relocate” a building by moving it from one location to another.
 - 9. Other words not defined above or below in Sub-Section 2.1 Definitions, shall be as defined in the New York State Uniform Fire Prevention and Building Code, as amended or as defined and explained by their common dictionary meaning.
- B. If any Section, Sub-Section, paragraph, subdivision, sentence, clause or provision of this Law shall be held invalid, such invalidity shall apply only to the Section, Sub-Section, paragraph, subdivision, sentence, clause or provision adjudicated invalid, and the remainder of this Law shall remain valid and in full force and effect.
- C. This Law shall be interpreted in such a way wherever possible so that the meaning of the words, phrases and Sub-Sections herein shall make them consistent, valid and legal in effect.
- D. Whenever the requirements of this Law are at variance with the requirements of other lawfully adopted laws, rules, requirements or ordinances of the Village, the one which has the most restrictive provisions, or those imposing the higher requirements, shall

govern.

E. Any reference in this Law to other Laws, Rules or Regulation shall be interpreted to include any future amendments to those Laws, Rules or Regulation.

2.1 Definitions

The following words or phrases as used in this Law are defined as follows:

AGRICULTURE CROP - The raising and incidental storage of agricultural products (including farm crops, fruits, vegetables or nursery stock) for sale, gain or commercial purposes. This term does not include the processing, packaging and/or handling of agricultural products for sale off lot as the Principal Use.

AGRICULTURE LIVESTOCK - The raising of agricultural products (including livestock, poultry, dairy cattle, fur-bearing animals, bees, other such animals, and associated feed crops) for sale, gain or commercial purposes. This term does not include riding academy, private stable or processing, packaging and/or handling of agricultural products as the Principal Use.

AGRI-BUSINESS - A Principal Use that involves the following: Wholesale raising, processing, packaging or other handling of non-food plant crops such as annual and/or perennial plant production and may include minor retail sales as accessory use; or

- (1) Wholesale raising, processing, packaging or other handling of non-food plant crops such as annual and/or perennial plant production and may include minor retail sales as accessory use; or
- (2) Any business that has as the primary function support service of active agricultural operations; or
- (3) Any business that provides processing, packaging, or handling of agricultural products to prepare them for transport to a manufacturing facility or retail market. This use does not include; cooking, canning, or other preparation of food stuffs, nor use as a facility for the slaughter, processing and/or packaging of livestock, meat, and/or meat by-products for off-lot sale.

AIRPORT - Any Lot designed to be used and/or operated either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings.

ALTERATION - Any change, rearrangement, modification, addition, enlargement, or demolition of a structure, other than repairs.

AMUSEMENT CENTER - A continuous commercial use in which six (6) or more mechanical, electrical or electronic machines or devices used or designed to be operated for entertainment or as a game, and either activated by the insertion of a coin or token for their operation or use of which a charge is made.

ANTENNA - A fixed-base structure used for receiving or transmitting telephone, television or radio electro-magnetic signals from orbiting satellites or ground communications sources.

APPLICANT - Owner, representative or property developer.

AQUIFER - An area consisting of saturated, permeable geologic material capable of yielding water to wells and springs.

ATTIC - That space of a building which is between the top of the uppermost floor construction and the underside of the roof. (See Story)

AUTO SALVAGE YARD - See Salvage Yard.

BAR - A business establishment licensed by the State of New York to serve alcoholic beverages and which establishment is designed primarily for the consumption of such alcoholic beverages on the lot, regardless of whether food or entertainment are provided as accessory use.

BARRIER - A structure and/or plant materials that obstruct visual and/or noise impact on a use from another use and which is located in a buffer.

BED AND BREAKFAST - A owner-occupied residential building containing a one unit dwelling in which at least one (1), but not more than five (5), sleeping rooms are provided by the owner for compensation, not to exceed more than ten (10) transient guests for the accommodation of transient guests with no more than one (1) meal served daily and the entire service included in one stated price.

BILL BOARD - See Sign, OFF lot.

BOARDING HOUSE - A commercial building containing a one-unit dwelling used for non-transient lodging for compensation, with a common kitchen and dining room, with or without meals, and not occupied as a single-family dwelling, with more than 10 occupants. A lodging house or rooming house shall be deemed a boarding house.

BODY PIERCING AND/OR TATTOO PARLOR OR SPECIALIST - An establishment providing body piercings and/or tattoos as licensed by NYS Public Health Law.

BUFFER - An area of land forming a physical separation between two uses.

BUILDING - Any structure which is wholly or partially enclosed within exterior walls, is affixed to the land, has one or more floors and a roof, and is intended for occupancy or storage.

BUILDING AREA - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, including open or enclosed porches, attached carport or garage but exclusive of terraces, and uncovered steps. Such horizontal area of each building is the area within, and circumscribed by, the exterior faces of the outer walls and/or architectural elements of the building.

BUILDING, ACCESSORY - An accessory structure that is a building.

BUILDING GROUP - A group of two or more principal buildings and any accessory buildings occupying a lot with one ownership and having any yard in common.

BUILDING, HEIGHT - The vertical distance from grade plane to the average height of the highest roof surface.

BUILDING, PRINCIPAL - A building where the Principal Uses of the lot are conducted and situated.

BUILDING, SEMI-DETACHED - A building attached by a party wall to another building, normally of the same type, on another lot, but having one side yard.

BULK - A term to describe the size, volume, area and shape of a structure and the physical relationship of their exterior walls or their location to Lot Lines, other buildings and structures, or other walls of the same building; and of all open spaces required in connection with a structure, or lot.

BULK STORAGE - Materials stored in large quantities which are dispensed in smaller units for use or consumption as regulated by NYS Department of Environmental Conservation (NYSDEC).

CAR WASH - A building, lot or portions thereof where vehicles are washed either by the patron or others using machinery and mechanical devices specifically designed for this purpose.

CHURCH - See Place of Worship.

CLEAR VISION ZONE - A volumetric zone at an intersection of any combination of roads, drives, internal drives and driveways permitting a visual line of sight and defined by a geometric sector of certain radius in a base plane in feet above finished grade and by a zone height extending a certain number of feet above the base plane.

CLUB, MEMBERSHIP - An organization catering exclusively to members and their guests, and lot and or building for social, educational, service, recreational or athletic purposes, which are not conducted primarily for gain, providing there are no vending stands, merchandising, or commercial activities except as when limited to the use of the membership or guests for the club purposes.

CODE ENFORCEMENT OFFICER (CEO) - An official designated by the Village Board for the purpose of enforcing Codes, Laws, Ordinances, Rules, Regulations and conditions set by Resolution of the Village Board, Village Planning Board or Village Zoning Board of Appeals.

COMMERCIAL VEHICLE - Any vehicle with a net vehicle weight of five (5) tons or more and/or more than four (4) axles, or trailer longer than 18'-0" used or designed to be used for the commercial transportation of persons, goods, wares or merchandise.

COMMUNITY LANDMARK - Those structures deemed of historical or cultural significance by the Village of Watkins Glen.

CONDOMINIUM - A building or building group, in which residential dwelling units or commercial or industrial units are owned individually, with common areas and facilities owned jointly by all the owners of individual space within the building or building group.

CONSULTED AGENCIES - Each Government agency having decision-making authority applicable to a proposed development and private consultants designated by such

governmental agency.

CONTRACTOR'S EQUIPMENT YARD - Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, or vehicles, or parts thereof, and/or building materials, soil and/or stone stockpiles.

CONVALESCENT HOME - A building used for accommodation and care of persons receiving non-skilled, long-term care, meeting the New York State Department of Social Services (NYSDSS) definition of a proprietary facility. (See also Nursing Home)

CONVENIENCE MART - A retail use that combines two principal uses on a single lot; the sale of motor vehicle fuel and accessory substances, as well as the sale of groceries.

COTTAGE INDUSTRY - A business or profession conducted as an accessory use, which is clearly incidental to, or secondary to, a residential use of a dwelling unit and which; (a) does not change the character of the residential use, (b) is carried out wholly within the enclosed walls of the dwelling unit and/or an accessory structure located on the same lot as the dwelling unit, and (c) is operated by a resident of the dwelling unit and with up to three (3) employees who do not reside in the dwelling unit.

COVERAGE - That lot area, or percentage of lot area, covered by buildings, including accessory structures, and all other impervious surfaces.

CREMATORY - Any place, however designated, operated for the purpose of reducing deceased bodies to ashes

CULTURAL USES - Musical, Theatrical, Artistic and Historical events.

DAY CARE OF ADULTS - Shall be as defined and licensed by the NYSDSS pursuant to the NYS Social Services Law and related Rules and Regulations.

DAY CARE OF CHILDREN - Shall be as defined and licensed by the NYSDSS, pursuant to the NYS Social Services Law and related Rules and Regulations, to include care provided for three or more children away from their own homes in a day care center, excluding those children receiving family day care as defined in this Law. Such care shall be for more than three (3) hours and less than twenty-four (24) hours per day per child to any child accepted for care therein. The term Day Care of Children includes services provided, with or without, compensation or payment.

DAY CARE CENTER - A place, person association, corporation, institution, or agency which provides Day Care for Children as defined and licensed by NYSDSS pursuant to the NYS Social Services Law and related Rules and Regulations. The name, description, or form of the entity which operates a day care center shall not affect its status as a day care center.

The term Day Care Center shall not refer to care provided in:

- (1) a day camp as defined in the State Sanitary Code (10 NYCRR Chapter 1): or
- (2) an after school program operated by a private school or religious organization: or
- (3) a facility operated by a public school district or providing day services under an

operating certificate issued by the Department of Mental Health.

DAY CARE, FAMILY HOME - Day Care provided in the caregiver's residence in accordance with NYSDSS Rules and Regulations.

DAY CARE, GROUP FAMILY HOME - Day Care provided in the caregiver's residence in accordance with NYSDSS Rules and Regulations.

DENSITY - The Minimum Lot Area per permitted Principal Use. (See Bulk and Density Control Schedule, Article 5)

DESIGN ENGINEER - An Engineer, Architect, Landscape Architect, Designer or Surveyor licensed to practice in the State of New York.

DEVELOPER - Any entity or person undertaking a proposed development.

DEVELOPMENT - Any man-made changes to improved or unimproved real estate, including but not limited to, the construction, reconstruction, or demolition of buildings and/or structures, impervious surfaces, construction of tanks or other storage facilities, pumps, pumping stations, waste treatment or disposal facilities, or commercial excavation, dredging, filling, mining, or grading.

DISTRICT - That mapped portion of the Village within which specific uses are permitted, according to the designation applied thereto in Article 3 and the statement of intent set forth in Article 4, and in conformity with the requirements of this Law.

DRIVE - An improved way that provides, or is designed to provide, vehicular access between a road and a parking area and /or an internal drive.

DRIVE, INTERNAL - An improved way that provides or is designed to provide vehicular access between a drive and one (1) or more uses on the same lot.

DRIVE THROUGH USE - Any commercial or Business use which includes an improvement such as a service window, booth or other like arrangement on the exterior of a principal or accessory structure which is for drive-through or carry-out service.

DRIVEWAY - An improved way on a lot that contains a one-unit dwelling and/or two-unit dwelling and providing or designed to provide vehicular access between the residential use and a road and /or drive or internal drive.

DUMP - See Solid Waste Disposal Facility.

DWELLING, IN-GROUND - A dwelling unit that is constructed principally below the average finished grade elevation of the lot on which it is located and with at least one wall open for a height of at least six (6) feet and/or which provides for special light and ventilation design.

DWELLING, ONE-UNIT - A building containing one dwelling unit that is;

- (1) Detached, having two side yards, or
- (2) Semi-detached, having only one side yard and one common party wall.

DWELLING, TWO-UNIT - A building containing two dwelling units.

DWELLING, MULTI-UNIT - A building containing three or more dwelling units.

DWELLING UNIT - One or more rooms, connected together, with provision for living, cooking, sanitary and sleeping facilities arranged for the uses of one family or household. This shall include mobile homes, house trailers and factory manufactured homes provided they meet the requirements of this Law and the NYS Uniform Fire Prevention and Building Code. It shall not include a motel, hotel or a boarding house.

EASEMENT - A recorded right-of-way or right of use held by a person or entity and granted from the owner of a lot.

FACTORY MANUFACTURED HOME - A dwelling unit constructed off-site, consisting of one or more segments and designed to be affixed to and supported by a foundation, as part of the real estate. Such dwelling unit shall bear an insignia of approval issued by the Division of Housing and Community Renewal of the State of New York.

FAMILY - A household consisting of a single housekeeping unit occupied by one or more persons. (See the NYS Uniform Fire Prevention and Building Code)

FENCE - A structure, constructed of wood, masonry, stone, wire metal or any other manufactured material or combination of materials, erected in the minimum setback.

FLEA MARKET - A lot or parcel with outdoor stalls, booths, or selling spaces used for the display or sale of used or new goods, wares, merchandise, antiques collectibles and arts and crafts.

FINISHED GRADE - The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or structure. If the line of intersection is not reasonably horizontal, the finished grade, in computing height of a building and structure, shall be the mean elevation of all finished grade elevations around the periphery of the building.

FLOOR AREA - The aggregate sum of the gross horizontal area of the floor or several floors of the building or building group, measured from the exterior walls or from the center-lines of walls separating the buildings. The floor area of a building or building group shall include:

- (1) Basement space.
- (2) Elevator shafts and stairwells at each floor.
- (3) Floor space for mechanical equipment, with structural headroom of 7'6" or more.
- (4) Penthouses
- (5) Attic space, whether or not a floor has actually been laid, providing structural headroom of 7'6" or more for at least 50% of the area.
- (6) Interior balconies and mezzanines.
- (7) Enclosed porch or attached garage.
- (8) Accessory use, exclusive of space for Parking Lots.

However, the Floor Area of a building shall not include:

- (1) Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- (2) Elevator and stair bulkheads, accessory water tanks, and cooling towers.
- (3) Floor space used for mechanical equipment, with structural headroom of less than 7'6".
- (4) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than 7'6" for 50% of the area.
- (5) Uncovered steps and/or exterior fire escapes.
- (6) Terraces, breezeways, open porches, and outside balconies and open spaces.
- (7) Accessory off-street parking spaces.
- (8) Accessory off-street loading berths.

FOOTPRINT - The perimeter of a structure at ground level as depicted on a scaled drawing.

HEALTH CARE CLINIC - A place where medical, dental, vision, nutrition, physical therapy, chiropractic and other similar health care services are furnished to persons on an out-patient basis by three (3) or more physicians or professional health care providers who have common offices in a building which may also offer laboratory/testing facilities, medical or surgical procedures, and similar health care services.

HELIPORT - Any lot or other facility used or designed to be used, either publicly or privately, by any person for the landing and taking off of helicopters, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings.

HOME OCCUPATION - An occupation or profession conducted as an accessory use, clearly incidental and secondary to the Residential use of a dwelling unit and which does not change the character of the dwelling unit, and which is carried on wholly within the enclosed walls of the dwelling unit by only residents of the dwelling unit and not more than (1) employee.

HOSPITAL - An institution for the care and treatment of sick and injured, equipped with technical facilities, medical, nursing and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury who may require bed care. (See the NYS Public Health Law)

HOSTEL – An establishment providing transient, overnight accommodations, typically characterized by low cost, shared use of a self-service kitchen, common areas, sleeping rooms, and bathing facilities.

HOTEL/MOTEL - a building or any part thereof, which contains living and sleeping accommodations for transient occupancy, which may have a common exterior entrance or entrances, and which may or may not include dining and/or meeting facilities. This term shall include a hostel, and not include a bed & breakfast, short-term rental, or boarding house.

HOUSE TRAILER - A transportable, factory-built structure designed to be used as a year-round dwelling unit and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Requirements Act of 1974, which became effective June 15, 1976.

IMPROVEMENTS - Constructed or installed facilities, other than buildings including, but not limited to: drives or internal drives, utilities, parking areas, roads, the entire storm water management system and components, domestic and fire protection water supply, and public sewer, except those portions thereof that are the responsibility of the Village of Watkins Glen Department of Public Works, and other similar facilities needed to support the principal or accessory use.

INN - A commercial building containing a one-unit dwelling in which at least (6) but not more than (12), sleeping rooms are provided by the owner for compensation, for accommodation of transient guests with or without meals.

INDUSTRIAL USE - Any activity conducted in connection with the manufacture, assembly, disassembly, fabrication, painting, coating, resource recovery, storage or processing of materials or products.

KENNEL - Any lot or structure used or maintained for the boarding, breeding, sale, letting for hire or the commercial training of dogs and/or cats.

KINDERGARTEN - Any place operated on a regular basis for the purpose of providing New York State certified instruction for children at least five years of age by December 1 of the entry year and less than six years of age by the same date. The term school includes kindergarten.

LARGE TREE - A live deciduous tree that is a minimum of twelve (12") inches diameter breast height (dbh).

LOT - A measured unit of contiguous land, whether improved or unimproved, having fixed boundaries and designated on a plat or survey devoted to a specific use or occupied by a building or a building group, united by a common interest, use or ownership, which abuts and is accessible from a road or drive, and that is not divided by any existing road or public right-of-way.

LOT AREA - The total area within the lot boundary lines excluding any area within a right-of-way and any area within twenty-five (25) feet of the centerline of a private road.

LOT, CORNER - A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angle or intersection does not exceed 135 degrees.

LOT, COVERAGE - See Coverage.

LOT DEPTH - The mean distance from the front lot line to the rear lot line.

LOT LINE - The lines bounding a lot.

LOT LINE, FRONT - A lot line, which is coincident with the right-of-way boundary line of a road, other than a private road, or which is measured 25 feet from the centerline of a private road.

LOT LINE, REAR - A lot line which is coincident with the line bounding the rear yard of a lot.

LOT, THROUGH - A lot which faces on two roads at opposite ends of the lot and which is not a corner lot.

LOT WIDTH - The width of a lot measured along the minimum front yard setback.

MALL - a building or building group, which contains a combination of three (3) or more separate business and/or industrial uses. Multiple uses in a building in the Central Business Zoning District shall not be considered a Mall.

MARINA - A lot or any portion thereof that is adjacent to a waterbody and which provides docks, slips, etc. for the short-and/or long-term storage of boats and other watercraft. Such use may include boat and boat engine repair, sale of fuel and/or other accessories, sale of groceries and convenience items.

MICRO-BREWERY - Any establishment where a commercial beer brewing operation is conducted in conjunction with a standard restaurant.

MIXED USE - A building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

MINI-STORAGE FACILITY - A building or grouping of buildings designed and constructed with individual partitions or compartments for the storage of property. This definition shall not include the wholesale storage, warehousing, truck terminals, and/or other transfer facilities for goods, wares or merchandise.

MOBILE HOME - A dwelling unit bearing a seal issued by the Federal Department of Housing and Urban development that is manufactured as a moveable dwelling unit, which is designed to be transported on a single permanent chassis and to be installed on a site with or without a permanent foundation when connected to utilities. This definition does not include a recreation vehicle that may be registered by a Department of Motor Vehicle.

NOTICE OF COMPLIANCE - A notice issued by the CEO upon completion of construction, alteration or change in occupancy classification pursuant to the NYS Uniform Fire Prevention and Building Code of a building and/ or lot. The Notice shall acknowledge satisfactory compliance with the requirements of this Law, any conditions of approval attached to such use by an authorized Board of the Village, and any adjustments thereto granted by the Zoning Board of Appeals. This notice is a permit to use the structure and/ or lot in accordance with the approval.

NURSERY SCHOOL/PRE-KINDERGARTEN - A Private School organized for the purpose of educating three (3) or more children less than seven (7) years of age for less

than three (3) hours per day (although two (2) sessions may be held daily), and shall be registered and certified by the NYS Education Department. (See also Day Care Center)

NURSING HOME - A facility with a Principal Use of nursing care as defined and regulated by the State of New York. (See Also Convalescent Home).

OFFICE, GENERAL BUSINESS - A business, office or agency providing service to the general public or other offices and agencies, such as insurance brokers, real estate agents, computer programming, consulting organizations, or similar service businesses.

OFFICE, PROFESSIONAL - An office principally occupied by a professional licensed by the State of New York such as a lawyer, engineer, architect, accountant, physician, chiropractor, therapist, dentist or similar occupation.

OUTDOOR LIGHTING - Outdoor electrically powered illuminating device, lamps, light or reflective surface, used or designed to be used for illumination of a structure, sign, improvement and/ or lot.

PARCEL - See lot.

PARKING AREA - An area for the parking and/or storage of motor vehicles.

PARKING LOT - Any lot where principal or accessory use is a parking area.

PERMIT, BUILDING - A permit issued by the Village of Watkins Glen CEO in conformance with this Law, the New York State Uniform Fire Prevention and Building Code and/or any other building code requirements adopted by the Village.

PERSONAL SERVICE ESTABLISHMENT - A non-retail use providing service related to an individual's care and upkeep needs, such as a manicurist, barber shop or beauty parlor, and the upkeep of personal attire, such as a tailor, seamstress, or shoe repair. This definition shall not include facilities used for appliance, vehicle, small engine repair or similar use.

PLACE OF WORSHIP - A building or lot used predominantly for public worship by members or representatives of a religious sect, group, or organization as recognized by State statute and any other use must be de minim us thereof.

PLAZA - See Mall.

RECREATIONAL VEHICLE (RV) - A motorized vehicle or trailer that can be registered by the NYS Department of Motor Vehicles, which is designed to be primarily used for temporary living or sleeping purposes while traveling and which is customarily standing on wheels or removable rigid supports.

RESTAURANT, FAST FOOD - An establishment where food and/or beverages are sold in a form ready for consumption and where, by design, packaging and sales techniques, significant revenue is derived from food sales for consumption which takes place off lot.

RESTAURANT, STANDARD - Any establishment whose Principal Use is preparation and sale of food for consumption by patrons on the lot. This term does not include a public park snack bar.

RETAIL - A business or commercial use or activity involving primarily the sale or exchange of goods, wares and merchandise or stock-in-trade to the public which may include some fabrication on-site of the goods or merchandise which are sold on the lot containing such use or activity.

RETAIL, MODERATE - A Retail business or commercial use for which the floor area does not exceed 2,500 gross square feet.

RIGHT-OF-WAY - Property under public control, ownership, or easement, by deed or by operation of Law, and used or intended to be used for travel by persons and/or vehicles.

ROAD - An existing public or private way which has been improved to afford vehicular access to a lot.

ROAD, LOCAL - A road designed primarily to provide vehicular access only to a lot which abuts it.

ROAD, MARGINAL ACCESS - A local road that is parallel and adjacent to a primary road that is connected to the primary road by another short local road.

ROAD, PRIMARY - A State, County or Village road which serves, or is designed to serve, heavy flows of vehicular traffic and which is used primarily as a route for vehicular traffic between communities and/or other heavy traffic areas.

ROAD, PRIVATE - An improved way that is used or designed to be used to provide access to the lots which adjoin it, that is built to Village specifications, and remains in the ownership of and is maintained by the developer or development association, and is not dedicated to the Village.

ROAD, SECONDARY - A Village road which, serves or is designed to serve, as a vehicular traffic way within a neighborhood or as a feeder to a primary road.

ROAD, VILLAGE - A road that is controlled, maintained, and or owned by the Village.

ROADSIDE STAND - A light weight structure with or without a roof, whether attached to the ground or movable that is an accessory use, not for year-round use and where agricultural produce grown on the lot is offered for sale to the public.

SALVAGE YARD - A lot with or without a building used or occupied for the storage, sale, or salvage of junk material, including processing such as sorting, bailing, packing, disassembly, exchange, purchase and/or sale of materials, and including scrap metals or other scrap, used or salvaged building materials, or the dismantling or demolition of automobiles or other vehicles, tires, machinery or parts thereof. This term shall not include the storage, uses or salvage of agricultural machinery on an operating agricultural or agribusiness use.

SCHOOL, PRIVATE - An elementary or secondary school facility operated by a person, firm, corporation, or organization (other than a public school district), giving academic instruction in the ten (10) common learning areas of arithmetic, reading, spelling, writing, the English language, geography, history, civics, hygiene and physical training, registered and/or certified under the requirements of the Commissioner of the NYS Department of

Education or chartered by the Regents of the University of the State of New York.

SETBACK - A line generally parallel to a lot line and spaced equidistant there from by a distance specified in Section 5.1, or a line generally parallel to an edge of a drive or internal drive and spaced equidistant there from by a distance specified in Article 9.

SHORT-TERM RENTAL – Any short-term rental/one-unit, short-term rental/two units, short-term rental/multi-units, or short-term rental/multi-use.

SHORT-TERM RENTAL / ONE UNIT – A residential unit with one dwelling unit that is rented, in whole or part, to any person, group, or entity for a period of not more than 30 consecutive nights, in which at least one (1), but not more than five (5), sleeping rooms are provided by the owner for compensation, and not to exceed more than 10 people per residential dwelling unit.

SHORT-TERM RENTAL / TWO UNITS – A residential unit with two dwelling units that are rented, in whole or part, to any person, group, or entity for a period of not more than 30 consecutive nights, in which at least one (1), but not more than five (5), sleeping rooms are provided by the owner for compensation, and not to exceed more than 10 people per residential dwelling unit.

SHORT-TERM RENTAL / MULTI-UNITS – A residential unit with three or more dwellings that are rented, in whole or part, to any person, group, or entity for a period of not more than 30 consecutive nights, in which at least one (1), but not more than five (5), sleeping rooms are provided by the owner for compensation, and not to exceed more than 10 people per residential dwelling unit.

SHORT-TERM RENTAL / MULTI-USE – A residential unit that is above a commercial / business dwelling that is rented, in whole or part, to any person, group, or entity for a period of not more than 30 consecutive nights, in which at least one (1), but not more than five (5), sleeping rooms are provided by the owner for compensation, and not to exceed more than 10 people per residential dwelling unit.

SHORT-TERM RENTAL ENFORCEMENT OFFICER – The Village of Watkins Glen Code Enforcement Officer, or such other officer appointed by the Village of Watkins Glen Board of Trustees to enforce the provisions of this chapter.

SIGN - Any letter, number, mark, symbol, figure, picture, exemplary device and/or banner (each and/or all hereafter referred to as “symbol”) used or designed to be used to express, advertise or display an idea, instruction, product, commodity, business, service and/or entertainment. The term includes any structural or surface area where the symbol is displayed or attached. The term does not include religious symbols, flags of a government, or military insignia.

SIGN AREA - The area within the fewest and shortest straight lines that can be drawn around the outside perimeter of a sign including all decorations and lights but excluding the supports if they are not used for advertising purposes. Each separate face of a sign shall be counted as part of the sign area, except that any neon tube, string of lights, or similar device shall be considered as a two (2) dimension structure and deemed to have

minimum width dimension of six (6) inches.

SIGN, ACCESSORY - A Sign, other than a principal business sign, that advertises goods or services.

SIGN, COMMUNITY LANDMARK - An off lot sign that is considered to conform to the requirements of this Law based in the Village Board's determination that such sign has significant historic value and is integral to the character of the community

SIGN, FLASHING - An illuminated sign which is not stationary or constant in intensity and/or color and which rotates or oscillates or varies faster than five (5) cycles per minute.

SIGN, FREE-STANDING - A sign supported by a structure independent of a building and installed on a lot.

SIGN, ILLUMINATED - A sign that incorporates any artificial lighting produced by electrical, mechanical, thermal or chemical means or uses light reflective materials to draw attention to or light the sign.

SIGN, ILLUMINATED, DIRECTLY - A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs.

SIGN, ILLUMINATED, INDIRECTLY - A sign that incorporates any artificial lighting produced by electrical, mechanical, thermal or chemical means or uses light reflective materials to draw attention to or light the sign as a separate and distinct element from the sign.

SIGN, OFF-LOT - A sign which directs attention to, advertises or expresses an idea, product, business activity, service, or entertainment which is not conducted, sold, or offered upon the lot where such sign is located.

SIGN, PORTABLE - Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels may be removed, and the remaining chassis or support constructed without wheels is converted to an "A" or "T" frame sign or attached temporarily or permanently to the ground.

SIGN, PRINCIPAL USE - A sign containing the name of and/or directing attention to a particular business, profession or other Principal Use on a lot. A "For Sale" sign or "Lease" sign relating to the lot on which it is displayed shall be deemed a Principal Use Sign when a building and/ or lot is unoccupied or vacant and offered for sale or lease.

SIGN, SERVICE TOURISM RELATED - A non-illuminated sign that directs travelers to tourism-related uses installed within a public right-of-way by the Village in accordance with specifications established by the Village Board and may be subject to a fee as set by the Village Board.

SINGLE OWNERSHIP - Possession of a lot under single or unified control, whether by sole, joint, common or other ownership or by a lease having a term of not less than ten years, regardless of any division of such land into separate parcels for the purpose of financing or tax purposes.

SITE PLAN - Map, plan and supporting information required pursuant to Article 8 for use specified in Section 4.11 -Use Regulation Table.

SOLAR COLLECTOR - A structure, device, or combination of devices or structures, including supports, which transform direct solar energy into thermal, chemical or electrical energy, and that contribute to a structure's on-site energy supply.

SOLAR COLLECTOR, DETACHED - A solar collector, as defined herein which is physically detached from the structure for which solar energy is to be supplied.

SOLAR ENERGY SYSTEM - A complete design or assembly consisting of a solar collector, an energy storage facility (where used) and components for the distribution of transformed energy provided that the system is independent of any conventional energy system. Passive solar energy systems may be included in this definition except when they function primarily as a structural and recreational feature.

SOLAR REFLECTOR - A device used, or designed to be used, to increase the solar radiation received by the solar collector.

SOLID WASTE DISPOSAL FACILITY - Any facility as defined, permitted and regulated by the New York State Department of Environmental Conservation (NYSDEC).

SPA - Entities devoted to enhancing overall well-being through a variety of professional services that encourage the renewal of mind, body and spirit. These services may include, but are not necessarily limited to, massages, body treatments, facials, hair care and cosmetic applications.

SPECIALIZED REPAIR - A building or lot used primarily for the indoor repair of highly technical specialized equipment, such as: electronic equipment, electrical systems, computer systems and circuits and other similar operating and support systems. This definition does not include principal or accessory uses that involve mechanical and body repair, painting or refinishing of motor vehicles, small engines, appliances or similar products.

STABLE, PRIVATE - An accessory structure-to a residential use in which horses, mules or donkeys are kept for private uses and not for remuneration.

STEEP SLOPE - Any geographic area of the Village of Watkins Glen having natural topography with slopes of a ratio of 15%, 1.5 feet rise in ten feet horizontal distance, or greater.

STORAGE FACILITY - A building or building group designed and constructed for the common, long-term and/or seasonal interior storage of individual or business property. This definition does not include a Warehouse/Distribution Center, Truck Terminal or other transfer facility for goods, wares or merchandise.

STORY - A portion of a building which is between one floor and the next higher floor level or roof.

STRUCTURE - A static construction of building materials, composed of one or more parts for use including, but not limited to, a building, stadium, platform, tower, shed, display

stand, storage bin, sign, fence, reviewing stand and gasoline/fuel pump.

STRUCTURE, ACCESSORY - A structure detached from, on the same lot with and subordinate to a principal structure and used for purposes customarily incidental to those of the principal structure. Accessory structure includes, but is not limited to, a portable, removable or permanent enclosure; shade structure, carport, garage or storage shed.

STRUCTURE, PRINCIPAL - A structure where the Principal Use of a lot is conducted. Such structure includes any open or enclosed porch, carport, garage or similar structure attached to such structure.

TATTOO PARLOR OR SPECIALIST - See body piercing and/or tattoo parlor or specialist.

TEMPORARY - A type of period of time allowed by law or determined to be appropriate by virtue of the facts and circumstances relating to a condition or situation under consideration for a permit or approval by a Village official or an authorized Board of the Village.

TOURIST-RELATED USE - Any use that specifically supports and/or promotes tourism in the Village, such as, restaurants, hotels, and retail related to the area and/or its attractions, attractions, marina, etc.

TOWNHOUSE - A building consisting of three (3) or more attached one-unit dwellings each having separate entrances and common vertical party walls. (See also building, semi-detached)

TRANSIENT GUEST - Any person who shares a dwelling unit on a non-permanent basis for not more than thirty (30) days. (See Section 10 of the New York State Sanitary Code.)

TRAVEL TRAILER - See Recreational Vehicle.

TRUCK TERMINAL - A building or part of a building or lot used for the short-term storage, transfer and/or transit of goods, wares and merchandise by the owner or others by truck or rail transport.

USE - An activity on a lot.

USE, ACCESSORY - A use which is controlled by the person exercising a Principal Use, incidental to and customarily associated with the Principal Use and located on the same lot as the Principal Use.

USE, EXTRACTIVE - The removal and sale of any soil gravel or earth product from a property. Grading in preparation for site construction under approved plans, where earth material is moved on-site or removed off-site incidental to construction activities shall not be deemed an extractive use.

USE, NON-CONFORMING - The use of a structure or lot, legally existing at the time of enactment of this Law, which does not conform to the Zoning requirements of the District in which it is situated.

USE, PRINCIPAL - A main or primary use of a lot or structure.

USES, ADULT ENTERTAINMENT - See Section 9.29

VEHICLE FILLING STATION - A lot, including any structure thereon or any part thereof, that is used primarily for the sale of fuel, oil and other petroleum products for motor vehicles on-site, and may include accessory uses for the sale of motor vehicle accessories, facilities for lubricating, washing, and motor vehicle repair, but shall not include auto body work, welding or painting.

VEHICLE REPAIR - A lot including any structure thereon or any part thereof that may have as a Principal Use a Vehicle Filling Station, and may also include welding, painting, and vehicular body and/or engine work and the accessory sale of related vehicle parts, maintenance products, and accessories. A Salvage Yard shall not be considered as meeting this definition.

VEHICLE SALES - A lot and/or a structure or any part thereof, used for the display, sale, or lease of new or used automobiles, trucks (five tons or less) or trailers (18 feet in length or less), motorcycles, recreational vehicles, snowmobiles, boats, lawn and garden vehicles, and light industrial vehicles.

VEHICLE SALES AND/OR REPAIR, HEAVY EQUIPMENT - Lots, including any structure thereon, or any part thereof used for the display, sale, lease or repair of new or used tractor trailers, heavy construction equipment, and large scale agricultural equipment.

VETERINARY HOSPITAL - A lot, including structures thereon or any part thereof, used for the treatment and/or examination of animal illnesses including facilities for boarding animals receiving examination or treatment. This definition is deemed to include an animal hospital or clinic.

WAREHOUSE/DISTRIBUTION CENTER - A lot, including any structure thereon or any part thereof, used for storing of goods, wares, and merchandise, whether for the owner or for others, prior to shipment to final retail sale operation, whether it is in public or private ownership.

WATERCOURSE - Any river, stream or naturally occurring channel of water or any man-made culvert which flows directly into one of the aforementioned.

WHOLESALE BUSINESS - A business or establishment, which is engaged in selling primarily to retailers or jobbers rather than directly to the public.

WIRELESS TELECOMMUNICATION FACILITIES - See Section 9.21

YARD, FRONT - An open area bounded by: (1) a Front Lot Line, (2) a Front Yard Setback, and (3) either (a) two (2) Side Lot Lines, or (b) a Side Lot Line and another Front Lot Line, or (c) two other Front Lot Lines.

YARD, REAR - An open area bounded by: (1) a Rear Lot Line, (2) a rear Yard Setback related to the Rear Lot Line, and (3) two Side Yard Setbacks.

YARD, SIDE - An open area bounded by : (1) a Side Lot Line, (2) a side Yard Setback related to the Side Lot Line, (3) a Front Yard Setback, and (4) either (a) Rear Lot Line, or (b) another Side Lot Line, or (c) another Front Yard Setback.

ARTICLE 3 ESTABLISHMENT OF DISTRICTS

3.0 Application of Requirements

No building or lot shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, altered, demolished or reconstructed unless in conformity with the requirements herein specified for the District in which it is located, except as hereinafter provided.

3.1 General Requirements

- A. No structure shall hereafter be erected, constructed, altered, demolished or reconstructed except in conformance with the requirements and procedures and requirement of this Law.
- B. No part of a required yard, or other open space around any structure required for the purpose of complying with the provisions of this Law, shall be included as part of a yard or other open space required for another structure.
- C. No lot shall be reduced in size so that its area or any of its dimensions or open spaces would be smaller than required by this Law.
- D. No structure or lot shall be used for any uses other than those uses permitted for the Zoning District as set forth in Section 4.11, use Regulation Table.
- E. This Law shall be interpreted and applied so that it provides the minimum requirements for the promotion of the public health, safety and general welfare.
- F. A use not specifically listed as permitted shall be deemed to be prohibited.
- G. Regardless of any other provisions of this Law, any use that is noxious or offensive and constitutes a public nuisance by reason of the emission of odor, dust, noise, vibration, smoke, gas, fumes or radiation, or which presents a hazard to public health or safety, is prohibited.
- H. Approval of a use under this Law shall not abrogate an applicant's responsibility to obtain all other required Local, County, State or Federal permits or approvals as appropriate.

3.2 Zoning Districts

In order to fulfill the purpose of this Zoning Law, the following Districts are hereby established:

- R1 - Residential - Low Density
- R2 - Residential - Moderate Density
- R3 - Residential - High Density
- RT - Residential Transition
- BT - Business Transition
- CB - Central Business
- LD - Lakefront Development
- CD - Canal District
- CL - Commercial/Light Industrial
- C-I - Conservation - I
- C-II - Conservation - II

3.3 Zoning Map

The location and boundaries of said zoning Districts are hereby established on a map designated "Zoning Map of the Village of Watkins Glen" which map shall be kept on file and will be available for public viewing in the office of the Village Clerk, and such map is hereby declared to be part of this Zoning Law.

3.4 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundary of any of the aforesaid Districts as shown on the Zoning Map, the following rules shall apply:

- A. Centerline and Right-Of-Way Lines: Where District boundaries are indicated as approximately following the centerline or right-of-way lines of a road, public utility easement, or watercourse; said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way of such road, public utility easement or watercourse is moved not more than twenty (20) feet.
- B. Lot or Boundary Lines: Where District boundaries are indicated as approximately following the Village boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
- C. Where District boundaries are so indicated that they are approximately parallel to the Village boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the Zoning Map or as shall be determined by use of the scale shown on the Zoning Map.
- D. In the event of a questionable District boundary, the questionable boundary shall be referred to the Zoning Board of Appeals, and they shall, to the best of their ability, establish the exact boundary.
- E. Precise District boundary determinations made by the Zoning Board of Appeals in accordance with the above rules shall be considered final and conclusive, and may only be altered by amendment of the Zoning Map by the Village Board.
- F. Lots divided by Zoning District Lines:
Where a lot is divided by a District boundary line, the requirement for each respective district shall apply except:
 - 1. In all cases where a lot in one ownership, other than a through lot, is divided by a District boundary so that 50 percent or more of such lot lies in the less restricted District, the requirement prescribed for such less restricted District shall apply to the more restricted portion of said lot for a distance of 30 feet from the zoning District boundary. For purposes of this Law, the more restricted District shall be deemed that District that prohibits a particular intended use of a lot or that sets a higher standard with respect to setback, coverage, yards, screening, landscaping and/or similar requirements.
 - 2. In all cases where a District boundary line is located not farther than 15 feet away from a lot line of record, the requirement applicable to the greater part of the lot shall apply to the entire lot.

- G. Buildings Divided by Zoning District Lines: Where a District boundary line divides a building existing on the effective date of this Law, so that 50 percent or more of such building lies within the less restricted District, the requirements prescribed by this Law for such less restricted District (as defined in F above) shall apply to the entire building. Such provisions shall apply only if, and as long as, the building is in single ownership and its structural characteristics prevent its use in conformity with the requirements of each District.

ARTICLE 4 USE DISTRICTS

4.0 Residential Low Density (R1) Intent

This District delineates those areas where predominantly single-unit dwelling, low density residential development has occurred, or is likely to occur, and those areas that exhibit serious limitations to development such as, steep slopes, poor soils, and other natural features, and to conserve these areas for less intensive, low density residential uses in conformance with the natural and man-made limitations.

4.1 Residential Moderate Density (R2) Intent

This District delineates those areas where predominantly single-unit dwelling, moderate density residential development has occurred, or is likely to occur, and to protect the integrity of these residential areas by prohibiting the intrusion of any use that is not compatible with this predominant type and intensity of use.

4.2 Residential High Density (R3) Intent

This District delineates those developed residential areas where single-unit dwelling, moderate to high density residential development has occurred with a mixture of two-unit and multi-unit residential development and other nonresidential uses, uses, and to allow similar additional in-fill development to occur at the same density and type of uses, while protecting the integrity of the existing residential uses by prohibiting the intrusion of any use that is not compatible with this predominant type and intensity of use.

4.3 Residential Transition (RT) Intent

This District delineates two (2) areas in the Village. Both of these areas are older, developed areas that are immediately adjacent to the Central Business District, and act as buffers between this District and residential Districts. The first area has serious site development constraints related to steep slopes and narrow, one-way roadways and is established to promote and preserve this area as a small community center. The second area is sandwiched between the Central Business District and an R3 District and is intended to act as a buffer between the more intensive uses allowed in the CB District. It is the Village's intent that residential and other permitted uses co-exist in this District through the use of development guidelines and requirements to ensure their compatibility. This District also seeks to preserve the unique character of these areas, while accommodating a greater degree of flexibility in the types of uses to be permitted within the Zoning District and protecting and enhancing property values. This District is also established to ensure that all development is sensitive to, and takes into consideration, the overriding residential

character and site constraints while also ensuring that adequate off-street parking and traffic circulation are accommodated in a safe and efficient manner.

4.4 Business Transition (BT) Intent

This District delineates those areas situated along primary streets in the Village that primarily contain business uses with residential uses interspersed. This District is established to protect and preserve the residential character of this area while facilitating the desire of business uses to locate along a primary street. This area is not well suited to low density, single-unit dwelling residential development, but rather may support certain higher density residential use where public water and sewer service can be provided.

To this end the Village establishes that all new permitted business and high-density residential development will be designed, developed and operated in a manner that is compatible, with and protective of, the existing residential uses. All new development shall be of a scale and bulk that is consistent with that of the existing residential uses.

Appurtenances to the new development, such as off-street parking and signs, shall not adversely impact adjoining existing residential uses, as determined by application of the following guidelines:

- A. With the exception of regulated signs and parking areas, there shall be no major exterior accessory use or appurtenance.
- B. A building shall be designed to be at a scale consistent with the adjacent residential use; no more than thirty-five (35) feet and of an individual size and mass that is consistent with the adjacent residential areas.
- C. The development shall not create noise, dust, or other such conditions that would adversely impact on the adjacent residential use.
- D. The development shall be designed to serve the needs of the community.
- E. The introduction of numerous drive access points on the primary street will be limited to ensure that there are no conflicts with the safe and efficient movement of traffic.

4.5 Central Business (CB) Intent

This District delineates the area in the Village that comprises the older, central business district. This area has several features that are unique to business development in the Village, including an older urban style of development that is characterized by buildings extending to the street line, with parking and/or services being provided in and along alleys to the rear of the structures. Given the type of development, off-street parking typically cannot be accommodated on individual lots and has been addressed by the development of public parking facilities on side streets as well as on-street parking. In establishing this District, it is the Village's intent to protect and preserve the unique business and architectural character within this area of the Village; to ensure that all new development is consistent with and enhances this important existing character, in part by requiring new development to provide an urban edge similar to what is presently existing and to prohibit, to the greatest extent possible, the demolition of existing structures that

would create a “gap” in the existing urban edge.

4.6 Lakefront Development (LD) Intent

The Village of Watkins Glen recognizes the importance of the Seneca Lake waterfront to past and future development and character in this area. The Village therefore establishes this District, which encompasses all of those lands that immediately adjoin Seneca Lake and/or are visually connected to the lake to promote uses that are water-dependent and/or enhanced by their location along the waterfront. The Village also recognizes the importance of the lands in this District to provide employment opportunities and enhance the tax base, therefore, a mix of certain business, commercial, service sector and residential development may be permitted. All uses and development shall be sensitive to the natural environment of the lakefront and the value that the lakefront provides to the Village as a whole. No new uses shall unduly restrict visual and/or direct access to the waterfront, or diminish the enjoyment of the waterfront by residents, employees, and/or visitors.

4.7 Canal District (CD) Intent

This District delineates the area in the Village which adjoins the canal to Seneca Lake. Given the District boundaries and delineation of areas located along a waterway, the Village intends to permit a variety of uses many of which are enhanced by, or dependent on, a waterfront location. The intent is also to promote and encourage greater flexibility in development to accommodate a variety of uses in a planned, controlled environment that blends functionally with the natural environment. The Village also recognizes the very sensitive nature of the natural environment in the District and the value of the waterfront for visual and direct access by residents, employees and visitors alike, and, therefore, establishes that all development must effectively protect and conserve:

- A. important fish spawning grounds;
- B. aquatic life, bird and other wildlife habitats;
- C. buildings and lands from flooding and accelerated erosion;
- D. archaeological resources;
- E. functions of the freshwater wetlands;
- F. natural beauty and open space; and
- G. provide for public access to waterfront areas.

4.8 Commercial Light Industrial (CL) Intent

This District delineates those areas of the Village that, by their location along and adjoining major primary roads and the existing types of uses, can support a range of regional business uses and certain compatible Industrial Uses that, by their nature, require direct access to and support of such road network and/or that may require essential services compatible with such uses. It is the Village's intent that all major regional business uses locate within this District.

4.9 Conservation-I (C-I) Intent

This District delineates those open, publicly-owned and/or environmentally sensitive land and water areas of the Village that because of their current use, critical relationship to the Canal and Queen Catherine Wetland, or extreme environmental sensitivity, should be preserved and utilized only for less intensive and carefully considered development that is compatible with the sensitive nature of such lands, and thereby ensuring that the existing character, nature and benefits derived from such lands are preserved and retained.

4.10 Conservation-II (C-II) Intent

This District delineates those open, State-owned parklands and/or environmentally sensitive/steep slope areas of the Village that because of the current use and environmental constraints are not appropriate for intensive private development. It is the Village's intent to protect the existing public use of these lands, as well as to ensure that any new development is compatible with these existing uses and/or the environmental limitations of the land.

4.11 Use Regulation Table (see page 33 for a Legend)

The Use Regulation Table for Uses permitted in each Zoning District is as follows:

USE	DISTRICT											
	R1	R2	R3	RT	BT	CB	LD	CD	CL	C-I	C-II	
RESIDENTIAL												
ONE UNIT DWELLING	P	P	P	P	P		X1					P
TWO UNIT DWELLING		S	S	S	S							
MULTI-UNIT DWELLING		S	S	S	S		S	S				
BED & BREAKFAST	S	S	S	S	S		S	S				
BOARDING HOUSE					S							
INN					S		S	S				
DWELLING WITH A BUSINESS					S		S	S				
DWELLING ABOVE A FIRST FLOOR BUSINESS					S	X	S	S				
SHORT-TERM RENTAL / ONE UNIT	S	S	S	S	S							S
SHORT-TERM RENTAL / TWO UNITS		S	S	S	S							
SHORT-TERM RENTAL / MULTI UNITS				S	S							
SHORT-TERM RENTALS / MULTI USE						S	S	S				
ACCESSORY USES	R1	R2	R3	RT	BT	CB	LD	CD	CL	C-I	C-II	
ACCESSORY USE/STRUCTURE	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
DAY CARE — FAMILY HOME	P	P	P	P	P							P
DAY CARE- GROUP FAMILY HOME	P	P	P	P	P							P
HOME OCCUPATION	P	P	P	P	P		S	P				P
COTTAGE INDUSTRY			S	S	S							S
GENERAL USES	R1	R2	R3	RT	BT	CB	LD	CD	CL	C-I	C-II	
AGRICULTURE								P		P		
AGRI-BUSINESS								S		S		
ANTENNA (WTF), TOWER									S	S	S	
CEMETERY		S	S									
CHURCHES		P	P	P	P							
CLUB-ROD & GUN										S		
CLUB, MEMBERSHIP					S							

USE	DISTRICT										
	R1	R2	R3	RT	BT	CB	LD	CD	CL	C-I	C-II
GENERAL USES											
DAY CARE CENTER/NURSERY SCHOOL			S		S				S		
GOLF COURSE, DRIVING RANGE								S		S	
KENNEL								S			S
NURSING, CONVALESCENT HOME					S						
PRIVATE SCHOOL			S		S	S		S			
PUBLIC/GOV'T USE	P	P	P	P	P	P	P	P	P	P	P
PUBLIC RECREATION/PARK	P	P	P	P	P	P	P	P	P	P	P
PUBLIC UTILITY	P	P	P	P	P	P	P	P	P	P	P
ROADSIDE STAND								S		S	
SPA				S/X	S/X	S/X	S/X	S/X	S/X		
STABLE, COMMERCIAL											
STABLE, PRIVATE											
WIND ENERGY CONSERVATION SYSTEM										S	
WIRELESS TELECOMMUNICATION FACILITY, ON EXISTING STRUCTURE				S	S		S	S	S	S	S
TOURISM RELATED USES	R1	R2	R3	RT	BT	CB	LD	CD	CL	C-I	C-II
ART GALLERIES	P	P	P	P	P	P	P	P	P	P	P
BOAT DOCKS, LAUNCHES							S	S		S	
CAMPGROUND								S		S	S
CULTURAL USES				S	S	S	S	S		S	
HOSTEL					S	S		S			
HOTEL/MOTEL					S	S	S	S			
MARINA							S	S		S	
MICRO-BREWERY					S	S	S	S	S		

USE	DISTRICT										
	R1	R2	R3	RT	BT	CB	LD	CD	CL	C-I	C-II
TOURISM RELATED USES											
OUTDOOR COMMERCIAL RECREATION							S	S	S	S	S
RESTAURANT, FAST FOOD					S/X	S*/X	S*/X	S*/X	S/X		
RESTAURANT, STANDARD					S/X	S/X	S/X	S/X	S/X		
WINERY				S	S	S	S	S			
*MAXIMUM GROSS FOOTAGE NOT TO EXCEED 1,800											
BUSINESS USES	R1	R2	R3	RT	BT	CB	LD	CD	CL	C-I	C-II
AMUSEMENT GAME CENTER					S	S	S	S	S		
ANTIQUe & CRAFT SHOP				S	S	S/X	S	S	S		
BANK, FINANCIAL INSTITUTIONS					S	S/X			S		
BAR & NIGHT CLUB						S	S	S	S		
CAR WASH									S		
CONVENIENCE FOOD MART									S		
CREMATORY					X1	X1					
DRIVE-THROUGH USES					X1	X1			S		
FITNESS CENTER/HEALTH CLUB					S	S	S	S	S		
FLEA MARKET											
FUNERAL HOME					S						
GENERAL BUSINESS OFFICE				S	S	S	S		S		
MEDICAL CLINIC					S	S			S		
MINI-STORAGE					S				S		
MODERATE RETAIL					S	S/X	S	S		S	S
MOTOR VEHICLE FILLING STATION									S		
NEWSPAPER PUBLISHING USE						S/X			S		
NURSERY, PLANTS					S					S	
PERSONAL SERVICE AND/OR REPAIR				S	S	S/X			S		
PHOTOGRAPHIC STUDIO				S	S	X			S		

USE	DISTRICT											
	R1	R2	R3	RT	BT	CB	LD	CD	CL	C-I	C-II	
BUSINESS USES												
PROFESSIONAL OFFICE				S	S	S	S	S	S			
RETAIL OTHER THAN LISTED					S	S	S	S	S			S
SELF-SERVICE LAUNDRY						X1			S			
SPECIALIZED REPAIR					S	S			S			
TATOO PARLOR									S			
THEATER — SINGLE & MULTIPLEX						S/X			S			
USES, ADULT ENTERTAINMENT									S			
VEHICLE REPAIR						X1			S			
VEHICLE SALES						X1			S			
VEHICLE SALES & REPAIR— HEAVY EQUIPMENT									S			
VETERINARY HOSPITAL					S							
INDUSTRIAL USES	R1	R2	R3	RT	BT	CB	LD	CD	CL	C-I	C-II	
CONTRATORS EQUIPMENT STORAGE/MAINTENANCE									S			
EXTRACTION, SOIL MINING												
FUEL STORAGE TERMINAL												
MANUFACTURE, FABRICATION, ASSEMBLY, AND OTHER MATERIALS HANDLING, INCLUDING OFFICES AND SHOW ROOMS							X1		S			
RESEARCH FACILITIES									S			
TRUCKING TERMINALS												
WAREHOUSING, WHOLESALE AND RETAIL DISTRIBUTION CENTERS, INCLUDING OFFICES									S			

Legend

R1 - Residential Low Density
R2 - Residential Moderate Density
R3 - Residential High Density
RT - Residential Transition
BT - Business Transition
CB - Central Business District

LD - Lakefront Development
CD - Canal District
CL - Commercial Light Industrial
C-I - Conservation I
C-II - Conservation II

P - Permitted As Of Right

S - Permitted Under Site Plan Approval by Planning Board

X - Permitted in Existing Structure, Site Plan for Demolition/Expansion of Existing Structure, or change to the façade of a the building.

X1 - Permitted In Structure Existing at the Time of Enactment of This Zoning Law. No New Construction Will Be, Permitted unless it is Compliant with Provisions of Article 10. Non-Conforming Structure, Use and Lot

P/S - Permitted if Principal Use is Permitted, Site Plan if Principal Use Requires Site Plan Approval

BLANK NOT PERMITTED IN THAT DISTRICT

4.12 Activities Prohibited in All Districts

- A. No effluent or matter of any kind shall be discharged into any stream or body of surface water which:
 - 1. Violates established stream requirements of the NYS Department of Environmental Conservation or otherwise causes odors or fumes or which is poisonous or injurious to human, plant or animal life; or
 - 2. Causes an increase in projected flood heights.
- B. The practice of soil stripping shall be limited to incidental filling of areas within the Village to bring them up to grade, except insofar as is necessary for typical agricultural practices or incidental to excavation for basement and other structures.
- C. Unless conducted under proper and adequate requirements, no use shall be permitted which will produce corrosive, toxic or noxious fumes, gas, materials, glare, fire, explosion, electromagnetic disturbance, radiation, smoke, odors, dust, waste, noise or vibration, or other objectionable features so as to be detrimental to the public health, public safety, or general welfare.
- D. Dumping or storage of material in a manner that facilitates the breeding of vermin or endangers health in any way shall be prohibited.
- E. All mining and excavation for commercial gain shall be prohibited.

4.13 Exceptions in All Districts

- A. Public Properties: Nothing in this law shall restrict construction or use in the exercise of Governmental Use of a Governmental Building or Lot.
- B. Public Utilities: Nothing in this law shall restrict the construction or use of underground or overhead distribution facilities of public utilities operating under the laws of the State of New York. Other facilities may be constructed subject to a Site Plan Approval.

ARTICLE 5 BULK AND DENSITY CONTROL REQUIREMENTS

5.0 Intent

This Article is established in the interest of promoting public health, safety and welfare by providing open space for: the access of light and air circulation, preventing conflagration, facilitating firefighting, meeting current and future septic disposal needs, protecting water supplies and environmentally sensitive areas, providing non-congested traffic movements, and protecting views.

5.1 Bulk and Density Control Schedule

The Bulk and Density Control Schedule of requirements for each Zoning District is as follows:

DENSITY / BULK CONTROL SCHEDULE									
DISTRICT USE	MINIMUM LOT AREA PER PRINCIPAL USE SQFT		MIN. LOT WIDTH	MINIMUM YARD REQUIREMENTS (SETBACKS)			MAXIMUM LOT COVERAGE	MAXIMUM BUILDING HEIGHT	MINIMUM HABITABLE DWELLING
	RESIDENTIAL	OTHER USE	(FT.)	FRONT (FT.)	SIDE (FT.)	REAR (FT.)	(%)	FEET	AREA PER UNIT (SQ.FT.)
R1									
SINGLE UNIT DWELLING	20,000		100	75	20	50	30	35	1,200
BED & BREAKFAST	30,000		125	75	20	50	30	35	2,000
GENERAL USE		35,000	150	75	25	65	30	35	
R2									
SINGLE UNIT DWELLING	5,000		50	25	6	30	60	35	1,200
TWO UNIT DWELLING	7,500		75	25	6	30	60	35	1,200
BED & BREAKFAST	7,500		75	25	10	30	60	35	1,200
INN	10,000		75	25	10	30	60	35	1,200
GENERAL USE		20,000	100	25	25	40	60	35	
R3									
SINGLE UNIT DWELLING	5,000		50	10	6	30	60	35	1,200
TWO UNIT DWELLING	7,500		75	10	6	30	60	35	1,200
MULTI-UNIT DWELLING	12,000		100	10	6	40	50	35	2,000
BED & BREAKFAST	7,500		75	10	6	30	60	35	1,200
INN	10,000		75	10	6	30	60	35	1,200
GENERAL USE	7,500 SF/DU	20,000	100	25	25	40	50	35	
* AS ESTABLISHED IN THE SITE PLAN PROCESS									
** AS REQUIRED IN NYS UNIFORM FIRE PREVENTION BUILDING CODE									

DENSITY / BULK CONTROL SCHEDULE

DISTRICT USE	MINIMUM LOT AREA PER PRINCIPAL USE SQFT		MIN. LOT WIDTH (FT.)	MINIMUM YARD REQUIREMENTS (SETBACKS)			MAXIMUM LOT COVERAGE (%)	MAXIMUM BUILDING HEIGHT FEET	MINIMUM HABITABLE DWELLING AREA PER UNIT (SQ.FT.)
	RESIDENTIAL	OTHER USE		FRONT (FT.)	SIDE (FT.)	REAR (FT.)			
RT									
SINGLE DWELLING UNIT	5,000		50	10	6	20	60	35	1,200
TWO DWELLING UNIT	7,500		75	10	10	20	60	35	1,200
TOURISM RELATED USE		7,500	100	10	10	30	60	35	
MIXED USE	7,500	2,500	100	10	25	30	60	35	1,500
BT									
SINGLE UNIT DWELLING	5,000		50	25	10	30	60	35	1,200
TWO UNIT DWELLING	7,500		75	25	10	30	60	35	1,200
MULTI-UNIT DWELLING	12,000		100	25	25	40	60	35	1,500
BED & BREAKFAST INN/ BOARDING HOUSE	7,500		75	25	10	30	60	35	1,200
INDIVIDUAL GENERAL AND BUSINESS USE		15,000	100	10	10	40	60	35	
MIXED USE	20,000	10,000	100	10	10	40	60	35	1,500

* AS ESTABLISHED IN THE SITE PLAN PROCESS
 ** AS REQUIRED IN NYS UNIFORM FIRE PREVENTION BUILDING CODE

DENSITY / BULK CONTROL SCHEDULE

DISTRICT USE	MINIMUM LOT AREA PER PRINCIPAL USE SQFT		MIN. LOT WIDTH	MINIMUM YARD REQUIREMENTS (SETBACKS)			MAXIMUM LOT COVERAGE	MAXIMUM BUILDING HEIGHT	MINIMUM HABITABLE DWELLING
	RESIDENTIAL	OTHER USE	(FT.)	FRONT (FT.)	SIDE (FT.)	REAR (FT.)	(%)	FEET	AREA PER UNIT (SQ.FT.)
CB									
ALL PERMITTED USES	*	*	*	*	*	*	*	*	*
INDIVIDUAL GENERAL, BUSINESS AND INDUSTRIAL USE	15,000	100	30	*	*	70	*	*	15,000
CD/LD									
MULTI-UNIT DWELLING	20,000		150	30	20	40	60	*	1,200
INDIVIDUAL GENERAL, BUSINESS AND INDUSTRIAL USE		20,000	100	30	*	*	70	*	
COMBINATION OF GENERAL, BUSINESS AND INDUSTRIAL USE		30,000	150	30	*	*	70	*	
SINGLE UNIT DWELLING		5,000							
CL									
INDIVIDUAL GENERAL, BUSINESS AND INDUSTRIAL USE		16,000	100	30	*	*	70	*	
COMBINATION OF GENERAL, BUSINESS AND INDUSTRIAL USE		20,000	150	30	*	*	70	*	
C-I/ C-II									
ALL PERMITTED USES		40,000	*	*	*	*	40	35	
SINGLE-UNIT DWELLING	20,000		100	75	20	60	30	35	1,200
ALL OTHER PERMITTED USES		40,000	*	*	*	*	40	35	

* AS ESTABLISHED IN THE SITE PLAN PROCESS
 ** AS REQUIRED IN NYS UNIFORM FIRE PREVENTION BUILDING CODE

5.2 Yard Requirements

Except as herein provided, no structure shall be erected or altered, or lots used, except in accordance with the requirements set forth in this Article and the Bulk and Density Control Schedule. No principal building shall be erected or altered in a setback.

5.2.1 Special Requirement Relating to Front Yard:

- A. No part of any lot that which has two (2) or more front yards shall be deemed to be a rear yard.
- B. On any lot with more than one front yard, all yards, other than the front yard, shall be deemed to be a side yard.
- C. The minimum front yard setback on an undeveloped lot may be reduced under the following conditions:
 1. Lots adjoining the two (2) sides of the undeveloped lot have principal buildings located within less than the minimum front yard setback established for the District; and
 2. The lot width of the undeveloped lot is 100' or less; and
 3. The reduced front yard setback on the undeveloped lot shall be no less than a distance equal to the average distance between the front lot line and the building line on the adjoining lots.

5.2.2 Special Requirement Relating to Side Yard:

- A. A structure having a semi-detached, townhouse or multi-unit dwelling shall meet the side yard setback only at the end of the structure facing the side yard.
- B. Where the sidewall of a building is not parallel to the side lot line or the side lot line is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, that such yard shall not be narrower at any one point than one-half (1/2) the otherwise required minimum width setback.

5.3 Projection into Yard

Only the following shall be permitted to project into a minimum yard setback:

- A. Awnings and canopies may project a maximum of six (6) feet.
- B. Cornices, eaves, passive solar devices, other such architectural features, and roof-mounted antennas may project a maximum of two (2) feet.
- C. Exterior uncovered and unenclosed handicap access facilities may project up to the lot line if required to meet the access requirements of the Americans with Disabilities Act (ADA).
- D. Except as provided in Article 10, unroofed and unenclosed paved surfaces may project up to the lot line.

5.4 Compliance with Density

- A. No subdivision of a lot shall create a lot that is not in compliance with any provision of the bulk and density control schedule.
- B. There shall be no more than one (1) principal structure containing any dwelling unit on a lot except as may be approved under Site Plan Review and Approval.

5.5 Distance between Principal Structures on Same Lot

Where there are two (2) or more principal structures on a lot in any district, the space between such structures shall be at least equal to the height of the taller structure.

5.6 General Exception to Height Requirements

The limitations of the height of a building shall not apply to parts of a structure which are non-habitable, including; silo, chimney, heating, ventilating and air conditioning (HVAC) equipment, skylight, tank, bulkhead, spire, or antennas in accordance with Section 9.21.

5.7 Through Lot

In the case of a lot running through from one street to another street, the front of such lot shall, for the purposes of this law, be considered the frontage upon which the majority of the buildings within the same block front in the case there has been no clearly defined frontage established, the owner may, when applying for a building permit, specify on the permit application which lot line shall be considered the front lot line. The rear portion of such a lot shall, however, be a front yard for the purposes of determining required setback and locations of permitted structure and use.

ARTICLE 6 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD)

6.0 Intent

It is the intent of this Article to provide flexible land use and design requirements through the use of performance criteria so that small-to-large neighborhoods or portions thereof may be developed to incorporate a variety of residential density and building types. This PMRD may contain both individual dwelling unit building sites and common property which is planned and developed as a unit. In order to carry out the purpose of this PMRD, A PMRD development shall achieve the following objectives:

- A. A maximum choice at all economic levels in the types of environment, occupancy, housing, lot sizes and community facilities available to existing and potential Village residents.
- B. Create more usable open space and recreation areas.
- C. The preservation of large trees and outstanding natural features.
- D. Creative use of land and related physical development.
- E. An efficient use of land resulting in smaller networks of utilities and roads, thereby lowering costs.
- F. A development pattern in harmony with the objectives of the Comprehensive Plan for the Village.
- G. Compatibility with all applicable guidelines and requirements set forth in Article 9.
- H. Maintenance or creation of acceptable traffic patterns and levels of service on the existing road network, especially in established residential areas.

6.1 Floating Zone

The PMRD is a floating zone that shall be subject to Site Plan approval and zoning amendment.

6.2 Applicable Zoning Districts

A PMRD may be permitted in the R2, R3, BT and CD Zoning Districts in accordance with the procedures for establishing a PMRD hereafter set forth in Subsection 6.7. A Senior Housing PMRD (SHPMRD) may be permitted in the R2, R3, BT and CD District in accordance with the procedures for establishing a PMRD hereafter set forth in Section 6.8.

6.3 Permitted uses

All One-Unit, Two-Unit and Multi-Unit Dwellings and their accessory uses are permitted subject to Site Plan Review and Approval. Such dwelling units may be in the form of fee simple sales, condominiums or rental units.

6.4 General Requirements Governing Non-Senior Housing PMRD

Any development proposal to be considered as a PMRD allowing such density increases as outlined in this Article shall conform to the following requirements, which are regarded as minimum requirements, in addition to applicable requirements in other Sub-Sections of this Law:

- A. Lot Area: The minimum lot area required to qualify for a PMRD designation shall be:
 1. R2 and R3 Districts: 80,000 sq. ft.
 2. BT and CD Districts: 100,000 sq. ft.
- B. Access: A minimum of two (2) vehicular drives, approved and constructed in accordance with Section 9.8 shall be required
- C. Buffer Yard Requirement - A PMRD development shall have a buffer yard area along the entire perimeter of the parcel that shall meet the following minimum requirement:
 1. A Buffer Yard shall be at least equal to twice the minimum front, side and rear yard setback, as appropriate for the underlying District, except that in no instance shall the buffer yard be less than thirty (30) feet. The buffer yard shall be designed to form a minimum ten (10) foot visual barrier through the use of man-made materials and/or natural plants. No man-made barrier shall exceed six (6) feet in height.
 2. No principal or accessory structure, parking area, or other accessory use shall be located within the minimum buffer yard.
 3. The Planning Board may, during the Site Plan Review process, require a greater buffer yard and/or building setback than the minimum provided in this Law.
- D. Water and Sewer Service: A PMRD shall be serviced by public water and public sanitary sewer systems.
- E. Density: The Planning Board shall determine in each case the appropriate dwelling unit density and location. The gross density shall be calculated using the total acreage of the proposed development. Such gross density shall, in no instance, exceed seventeen (17) dwelling units per acre.
- F. Minimum Habitable Space: shall be as established in Section 5.1 Bulk and Density Control Schedule.

- G. Recreation Requirements: All development proposals shall have a minimum of their total land area set aside and developed, as appropriate, for private and/or public recreational use in accordance with the following schedule:
1. Five percent (5%) of gross land area for the first twenty (20) dwelling units
 2. Seven and one-half percent (7.5%) of gross land area for 20-40 dwelling units
 3. Ten percent (10%) of gross land area for 40 or more dwelling units.
 4. Twenty percent (20%) of gross land area for all development with frontage on Seneca Lake and/or the Canal. The Planning Board shall determine what percent, if any, of these lands shall be set aside for public access.

6.5 Special Requirements Governing Non-Senior Housing PMRD

In addition to compliance with the General Requirements set forth in Section 6.4, the following special requirements shall be applied to all Non-Senior Housing PMRD and shall be regarded as minimum requirements:

- A. One-Unit and Two-Unit Dwelling: The dimensional requirements for one-unit and two-unit dwelling shall be as established by the Planning Board in the Site Plan Review and Approval process except that, in no instance, shall they be less than the following specific requirements:
1. Maximum number of units: The maximum number of one-unit and two-unit dwellings in a PMRD shall be no more than thirty (30) of the total allowable dwelling units per the density calculation for the development.
 2. Lot Requirements for each Dwelling Unit:
 - (a) Maximum Lot Coverage: 70%
 - (b) Minimum Lot Size: 3,500 square feet
 - (c) Minimum Lot Width: 45 feet
 - (d) Minimum Setback Requirements:
 - (1) Front Yard as measured from pavement edge of drive and interior drive: 10 feet
 - (2) Side Yard: 6 feet
 - (3) Rear Yard: 5 feet
 3. Parking: Shall be in conformance with Section 9.4.
 4. An accessory building, including detached garage, shall be located no less than ten (10) feet from any rear or side lot line and shall not be located in any required front yard, and shall be located at least twelve (12) feet from the principal building.
- B. Townhouse: The requirements for townhouse shall be as established by the Planning Board in the Site Plan Review and Approval process except, that in no instance, shall they be less than the following specific requirements:
1. Maximum Lot Coverage: 80%
 2. Minimum Lot Setback Requirements:
 - (a) Front Yard as measured from pavement edge of drive and interior drive: 10 feet
 - (b) Rear Yard: 15 feet
 - (c) Side Yard: 10 feet (at ends of townhouse)
 3. Maximum building height shall be three (3) stories or forty (40) feet whichever is the lesser.

4. Parking: Shall be in conformance with Section 9.4.
 5. An accessory building, including detached garage, shall be located no less than ten (10) feet from any rear or side yard and shall not be located in front yard setback, and shall be located at least twelve (12) feet from the principal building.
- C. Multi-Unit Dwelling: The dimensional requirements for multi-unit dwellings shall be as established by the Planning Board in the Site Plan Review and Approval process, except that, in no instance, shall they be less than the following specific requirements:
1. Maximum Lot Coverage: 60%
 2. Minimum Lot Setback Requirement:
 - (a) Front Yard as measured from pavement edge of drive and interior drive: 10 feet
 - (b) Principal Building setback from any road: 20 feet
 - (c) Rear Yard: 15 feet
 - (d) Side Yard (at ends of buildings): 10 feet
 - (e) No Principal Building shall be located less than thirty (30) feet from any interior lot line.
 3. Maximum building height shall be as allowed under the Uniform Fire Prevention Building Code.
 4. Parking: Shall be in conformance with Section 9.4.
 5. Accessory buildings, including detached garages, shall be located no less than ten (10) feet from any rear or side yard and shall not be located in a front yard setback, and shall be located at least twelve (12) feet from the principal building.

6.6 General Requirements Governing Senior Housing PMRD (SHPMRD)

Any development proposal to be considered as a SHPMRD allowing such density increases as outlined in this Article shall conform to the following requirements, which are regarded as minimum requirements, in addition to applicable requirements in other Sub-Sections of this Law, as well as the requirements of the Federal Fair Housing Act.

- A. Lot Area: The minimum lot area required to qualify for a SHPMRD designation shall be:
 1. R2 and R3 Districts: 80,000 sq. ft.
 2. BT and CD Districts: 100,000 sq. ft.
- B. Access: A minimum of two (2) drives, approved and constructed in accordance with Section 9.4 shall be required.
- C. Buffer Yard Requirements: All SHPMRD development shall have a buffer yard along the entire perimeter of the parcel that shall meet the following minimum requirements:
 1. A buffer yard shall be at least equal to twice the minimum front, side and rear yard setback for a one-unit dwelling, as appropriate for the underlying district, except that in no instance shall the buffer yard be less than thirty (30) feet. The buffer yard shall be designed to form a six (6) foot high visual barrier through the use of man-made materials and/or natural plants. No man-made barrier shall exceed six (6) feet in height.
 2. No principal or accessory structure, parking area, or other accessory use shall be located within the minimum buffer yard.
 3. The Planning Board may, during the Site Plan Review and Approval process

require a greater buffer yard and/or building setback than the minimum provided in this Law.

- D. Water and Sewer Service: Each SHPMRD shall be serviced by public water and public sanitary sewer systems.
- E. Density: The Planning Board shall determine in each case the appropriate dwelling unit density and location. The gross density shall be calculated using the total acreage of the proposed development. Such gross density shall not exceed the following requirements:
 - 1. Multi-Unit Dwellings shall be permitted at a density of twenty (20) dwelling units per acre.
 - 2. One-Unit and Two-Unit Dwellings shall be permitted at a density of ten (10) dwelling units per acre.
 - 3. No dwelling unit in a SHPMRD shall have more than two (2) bedrooms, with the exception of a caretaker's or manager's dwelling unit which may have up to four (4) bedrooms.
- F. Minimum Habitable Space shall be as established in Section 5.1, Bulk and Density Control Schedule.
- G. Recreation Requirement: All development proposals shall have a minimum of five percent (5%) of all lands set aside and developed in accordance with Section 9.13 for the private recreational use of the SHPMRD residents.
- H. Other Permitted uses: To further the objectives of the SHPMRD the Village of Watkins Glen herein establishes and permits the following additional principal and accessory uses:
 - 1. Principal Uses: The following Principal Uses shall also be permitted in a SHPMRD. Each such use shall be required to have a Minimum Lot Area of 20,000 sq. ft. The Planning Board shall determine, at the time of Site Plan Review, if a larger lot area is required to support the use.
 - (a) Assisted care living units, which for the purposes of this Law, shall be living units that do not constitute the definition of a dwelling unit, but may contain separate living and sleeping space, and includes central eating facilities at which residents take meals.
 - (b) Nursing Home/Convalescent Home, health care services facility, home for the aged and other health care related facilities in combination with assisted care living units with central facilities duplicating those centrally provided for congregate care units and assistance with daily living services including, but not limited to, bathing, dressing, mobility and medication supervision.
 - (c) Any combination of a. or b above.
 - 2. Accessory Uses: Certain related ancillary facilities shall be permitted; either in a separate building or in combination with assisted and/or congregate care units. Such ancillary facilities are deemed to be, and shall function as, an accessory use and shall be compatible with the residential character of the development and are as follows:
 - (a) Cafeteria
 - (b) Laundry
 - (c) Lounge

- (d) Game room
- (e) Recreation room
- (f) Exercise or multipurpose room
- (g) Workshop
- (h) Library
- (i) Sauna/spa, exercise rooms, whirlpool
- (j) Medical and/or Emergency Medical Center, physical and speech therapy areas, first aid station, principally for the benefit of residents of the development
- (k) Community and smaller private dining rooms, cocktail lounge, restaurant, coffee shop, and/or lounge areas
- (l) Small retail stores, convenience store, beauty parlor, barber shop, bank, post office, areas for crafts, games and other activities
- (m) Chapel
- (n) Rental units and/or guest rooms for visitors
- (o) Social Services office. Such office shall be for use by social service providers or others offering direct assistance to residents of the development.
- (p) Playground (outdoor and/or indoor)
- (q) Adult Day Care Facilities
- (r) Twenty-four (24) hour security office
- (s) Maintenance facilities

6.7 Special Requirements Governing SHPMRD

In addition to compliance with the General Requirements set forth in Section 6.6, the following special requirements shall be applied to all SHPMRD and shall be regarded as minimum requirements:

- A. One-Unit and Two-Unit Dwelling Requirements: The dimensional requirements for one-unit and two-unit dwellings shall be as established by the Planning Board in the Site Plan Review and Approval process, except that, in no instance, shall they be less than the following requirements:
 - 1. Maximum Lot Coverage: 60%
 - 2. Maximum Density: 10 dwelling units per acre
 - 3. Minimum Lot Size: 3,000 square feet per dwelling unit
 - 4. Minimum Lot Width: 40 feet
 - 5. Minimum Setback Requirements:
 - (a) Front Yard as measured from the pavement edge of drive and interior drive: 10 feet
 - (b) Maximum Side Yard: 6 feet (at the ends of buildings)
 - (c) Rear Yard: 15 feet
 - 6. Minimum Parking: 1.5 spaces per dwelling unit and in accordance with all other requirements of Section 9.4
 - 7. An accessory building, including detached garage, shall be no more than 200 square feet in size and shall be located no less than ten (10) feet from any rear or side lot line, shall not be located in a front yard setback, and shall be located at least twelve (12) feet from the principal building.

- B. Townhouse Dwelling: The requirements for a townhouse shall be as established by the Planning Board in the Site Plan Review and Approval process, except that, in no instance, shall they be less than the following specific requirements:
1. Maximum Lot Coverage:70%
 2. Minimum Setback Requirement:
 - (a) Front Yard as measured from the pavement edge of drive and interior drives: 10 feet
 - (b) Rear Yard:15 feet
 - (c) Side Yard: 6 feet (at ends of buildings)
 3. Maximum building height shall be three (3) stories or forty (40) feet whichever is the lesser.
 4. Parking: 1.5 spaces per dwelling unit and in accordance with the requirements of Section 9.4.
 5. Any accessory building, including a detached garage, shall be no more than 200 square feet in size and shall be located no less than ten (10) feet from any rear or side yard, shall not be located in a front yard setback, and shall be located at least twelve (12) feet from the principal building.
- C. Multi-Unit Dwelling development: The dimensional requirements for multi-unit dwellings shall be as established by the Planning Board in the Site Plan Review and Approval process, except that, in no instance, shall they be less than the following specific requirements:
1. Maximum Lot Coverage: 80%
 2. Minimum Setback Requirement:
 - (a) Front Yard as measured from the pavement edge of drive and interior drive: 10 feet
 - (b) Rear Yard: 15 feet
 - (c) Side Yard: 6 feet (at ends of building)
 - (d) No principal building shall be located less than ten (10) feet from any interior lot line.
 - (e) Principal building setback from any road shall be a minimum of thirty (30) feet.
 3. Maximum building height shall be three (3) stories or forty (40) feet whichever is the lesser.
 4. Parking: 1.5 spaces per dwelling unit an in accordance with all other requirements of Section 9.4.
 5. An accessory building, including detached garage, shall be located no less than ten (10) feet from any rear or side yard and shall not be located in a front yard setback, and shall be located at least twelve (12) feet from the principal building.

6.8 Procedures for Establishing a PMRD or SHPMRD

6.8.1 Application Requirements

A request for establishing a PMRD or SHPMRD shall sequentially comprise: (1) a Concept Plan pursuant to Article 8, and (2) a Site Plan application pursuant to Article 8 and a proposed Zoning Amendment pursuant to Article 13.

6.8.2 Concept Plan Requirement

A Concept Plan for a proposed PMRD or SHPMRD, prepared in accordance with Article 8, shall be submitted to the Village Board and to the Planning Board.

6.8.2.1 Action on the Concept Plan

- A. The Planning Board shall evaluate the Concept Plan and make a recommendation to the Village Board. The recommendation shall be either conditional acceptance of the Concept Plan or disapproval of the request and shall include findings for such recommendation.
- B. Thereafter the Village Board shall evaluate the Concept Plan and the recommendation by the Planning Board. The Village Board shall make a decision of either conditional acceptance of the Concept Plan or disapproval of the request and shall include findings for such decision.

6.8.3 Application for Site Plan and Zoning Amendment

Upon conditional acceptance of the Concept Plan by the Village Board, the applicant may file a Site Plan application in accordance with Article 8 for a PMRD or SHPMRD by submitting to the Planning Board a Preliminary Plan, together with a proposed Zoning Amendment.

6.8.3.1 Action on Preliminary Site Plan Application and Zoning Amendment

The Planning Board shall act on the proposed Preliminary Plan Site Plan application and proposed Zoning Amendment as follows:

- A. Evaluate potential environmental impact, compliance with this Law and any other applicable Law, Rule or Regulation, and any other significant concern.
- B. Make Findings based on the evaluation according to Sub-Section 6.8.3.1A.
- C. Make a decision based on the Findings according to Sub-Section 6.8.3.1 B to either:
 - A. Accept the Preliminary Site Plan and proposed Zoning Amendment for consideration by the Village Board, and make a recommendation to the Village Board that the Village Board:
 - (a) make a determination of no significant environmental impact by the proposed PMRD or SHPMRD, and
 - (b) enact the proposed Zoning Amendment; or
 - B. Refuse to accept the Preliminary Site Plan and proposed Zoning Amendment and make a recommendation to the Village Board that the Village Board disapprove or modify the proposed Zoning Amendment.

6.8.3.2 Action on Zoning Amendment

- A. After the receipt of the Planning Board's recommendation to accept the Preliminary Site Plan and proposed Zoning Amendment, the Village Board shall, in accordance with Article 13, schedule and hold a Public Hearing on the proposed Zoning Amendment for the PMRD or SHPMRD.
- B. After the Public Hearing pursuant to Sub-Section 6.8.3.2A and in accordance with Article 13, the Village Board shall enact, with or without modification, or

disapprove, the proposed Zoning Amendment and record the reasons for the action.

6.8.3.3 Action on Site Plan Application

After enactment of the Zoning Amendment pursuant to Sub-Section 6.8.3.2B the Planning Board shall process and make its decision on the Site Plan Application for the PMRD or SHPMRD in accordance with Article 8.

6.8.4 Subdivision Approval Requirement

If the PMRD or SHPMRD proposal involves a Subdivision of land:

- A. Any Subdivision of land shall be included in the Concept Plan specified in Subsections 6.8.1 and 6.8.2.
- B. An application for Subdivision approval shall, concurrent with the Site Plan Application, be initiated by the applicant and processed with decisions thereon by the Planning Board.

6.8.5 Modification or Amendment of Approved PMRD or SHPMRD

Any proposed modification or change to an approved Site Plan for a PMRD or SHPMRD requires submission, processing and decision on an amendment to the approved Site Plan in accordance with Article 8.

ARTICLE 7 FLOOD DAMAGE PREVENTION OVERLAY DISTRICT

7.0 Intent

The Village of Watkins Glen has determined and found that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village and that such damage may include: destruction or loss of private and public housing, damage to public facilities and injury to and/or loss of human life. In order to minimize the threat of such damage and achieve the purposes and objectives set forth in the *Flood Damage Prevention Local Law* this overlay district is established.

7.1 Applicable Area

The provisions of this Article shall be applicable to all areas of Special Flood Hazard Areas as identified by the Federal Emergency Management Agency in the *Flood Insurance Rate Map and Flood Boundary-Flood Way Map*, all panels dated or the most recent updated version.

7.2 Special Requirements

The specific provisions as set forth in the *Flood Damage Prevention Local Law* of the Village of Watkins Glen shall be applicable to all areas in this overlay district.

ARTICLE 8 SITE PLAN REVIEW AND APPROVAL

8.0 Intent

The intent of Site Plan Review and Approval is to determine compliance with the purpose and provisions of this Law. The further intent of this Section is to evaluate conditions and environmental impact that may cause conflict between existing and proposed uses or be in conflict with natural site conditions. The evaluation is intended to minimize the adverse effects concerning the health, safety, and overall welfare of the residents of the community.

8.1 Authorization

The power to approve, approve with modification and/or conditions, or disapprove a Site Plan for a use is vested in the Planning Board pursuant to Section 7-725-a of Village General Municipal Law. Where a Site Plan approval is required, no building permit shall be issued and/or alterations made to a building or use in accordance with Section 4.11, Use Regulation Table until Site Plan approval is granted. The Planning Board may impose conditions on a Site Plan approval. The provisions set forth in this Article, and elsewhere in this Law, shall guide the Planning Board in their review of any Site Plan. The Planning Board may require that the applicant, at his expense, have a design engineer prepare the Site Plan. Such requirement shall be based on the complexity of the site features and of the proposed structure or land use as related to same.

8.2 Application for Area Variance

Notwithstanding any provision of the Law to the contrary, where a proposed Site Plan contains one or more features that do not comply with the bulk and density requirements of this Law, application may be made to the Zoning Board of Appeals for an Area Variance pursuant to Section 7-725-a sub 3 of the Village General Municipal Law.

8.3 Conditions of Site Plan Approval

The developer is required to comply with all conditions of Site Plan Approval. Any failure to do so shall be considered a violation of this Law.

8.4 Waiver of Requirements

The Planning Board, in its discretion, when reasonable, may waive any requirements of this Article deemed not necessary for review of an application for Site Plan Review and Approval.

8.5 Concept Plan

An applicant may submit a Concept Plan for discussion and comment by the Planning Board. The purpose of the Concept Plan is to facilitate the preparation of an adequate Preliminary Site Plan. The Concept Plan shall be submitted in accordance with the sub-section 8.5.1.

8.5.1 Concept Plan Contents

The Concept Plan shall comprise the following data which shall be clearly labeled with the name of the proposed development, name of the applicant, and Tax Parcel Number of the lot proposed for development:

- A. An area map showing:
 1. All lots proposed for development by the applicant,
 2. All of the following data within five hundred (500) feet of the boundary line of the lot specified in Sub-Section 8.5.1:
 - (a) existing and proposed lots and their ownership,
 - (b) existing and proposed uses,
 - (c) existing and proposed Zoning Districts,
 - (d) existing and proposed Roads,
 - (e) existing and proposed Subdivisions,
 - (f) existing and proposed Easements,
 - (g) existing and proposed Structures,
 - (h) all existing natural features such as water bodies, watercourses, wetlands, wooded areas, special flood hazard areas and individual large trees,
 - (i) district boundaries, including Zoning, fire, school, sewer and water, and
 - (j) all soil classifications.
- B. An Area Map of the site topography, at a scale of not less than 1":2000', showing the entire proposed site area and the location of the lots for the proposed development.
- C. A scaled Site Development Map of the Concept Plan showing existing and proposed:
 1. Structures,
 2. Public and Private Improvements.
- D. Additional Data:
 1. Name, address and telephone number of applicant,
 2. Tax parcel number(s) for all Lots proposed for development,
 3. Concise written description of the proposed development, including:
 - (a) purpose, nature and magnitude of the use,
 - (b) projected time frame for the proposed development,
 - (c) notation of the acreage of the lot proposed for development
 - (d) square footage of each proposed structure,
 - (e) proposal for the source of water supply and method for sewage disposal.

8.5.2 Action on the Concept Plan

The Planning Board or its designated committee shall review the concept plan with the applicant, and reasonably thereafter give its written comments thereon to the applicant.

8.6 Site Plan Application

A. A Site Plan Application shall be comprised of the following:

1. Completed forms of the Planning Board required to be submitted by the applicant,
2. Preliminary Site Plan in accordance with Sub-Section 8.7,
3. Final Site Plan in accordance with Sub-Section 8.8,
4. Appropriate SEQR Environmental Assessment Form,
5. Supplemental engineering and technical reports as appropriate to the contents of the Preliminary and Final Site Plans and required by the Planning Board, and
6. Other information required by the Planning Board.

B. A Site Plan Application shall be submitted to the Planning Board.

8.7 Preliminary Site Plan Requirements

The Preliminary Site Plan shall be comprised of the following:

- A. the documents required in Sub-Section 8.5,
- B. a report and plan regarding any potential environmental impact associated with the proposed development,
- C. the mitigation offered or proposed for any adverse environmental impact,
- D. Preliminary Site Plan drawing that includes the following information:
 - (a) title drawing, including name, address and telephone number of applicant and the tax parcel number of the lot proposed for development,
 - (b) north point, scale and date, all revision dates (include month, day, year),
 - (c) boundaries of the development plotted to scale of not more than one hundred
 - (d) 1":100' on a survey map prepared by a design engineer,
 - (e) existing natural features such as watercourse, water body, wetland, wooded area and individual large trees and a notation of features to be retained,
 - (f) existing and proposed contours at intervals of not more than five (5) feet of elevation.
 - (g) location of proposed use and the location, area and the height of all structures,
 - (h) location of all existing or proposed improvements, whether public or private, including roads, drives, internal drives, driveways, storm water management system, culverts, retaining walls, fences and easements,
 - (i) preliminary design of sewage disposal and water supply systems and location of such systems,
 - (j) Location and layout of all proposed and existing outdoor storage areas including storage of waste materials, trash receptacles and dumpsters
 - (k) location and design of all energy distribution facilities, including electrical, gas, wind and Solar Energy Systems,
 - (l) location of any proposed buffer, barrier and landscaping.
 - (m) delineation of the extent of each residential area, description of dwelling unit types, and a calculation of the residential density in dwelling units, per square foot for each such area,
 - (n) location of each parking area and vehicle loading area, with access and egress to a drive, internal drive or driveway,
 - (o) location, design and size of all signs and outdoor lighting,

- (p) the approximate location and dimension of the area proposed for a neighborhood park or playground, or other recreational open space,
 - (q) building orientation and site design for energy efficiency,
 - (r) grading plan and Erosion Control Plan, including the description and location of control measures,
 - (s) location and design of a Storm Water Management System, and
 - (t) the lines and dimensions of any lot which is offered, or is to be offered, for dedication to a government for public use, with the purpose indicated thereon, and of any lot proposed to be reserved for the common use of the occupants of the proposed development.
- E. A Storm Water Management Analysis and Plan consistent with the requirements of The Standards for Storm Water Management in the Village of Watkins Glen, including all design data and computations used as a basis for the design capacities and the performance of the Storm Water Management System and the Erosion Control Plan.
- F. The Planning Board may require such additional information that appears necessary for a complete assessment of the development under this Law and the State Environmental Quality Review Act (SEQRA).

8.7.1 Action on Preliminary Plan

The Planning Board:

- A. Shall review and evaluate potential environmental impact, compliance with this Law and any other Applicable Law, Rule or Regulation, and any other significant concern,
- B. in its review of the Preliminary Plan, may confer with any consulted agency,
- C. in review of the Preliminary Plan, shall consider:
 1. adequacy and arrangement of vehicular traffic, including public transportation and bicycle access and circulation, including on-site circulation,
 2. location, arrangement, appearance and sufficiency of off-road vehicular parking and loading,
 3. adequacy of pedestrian access, circulation, convenience and safety,
 4. location, arrangement, size and design of building, outdoor lighting and signs,
 5. relationship of the various uses on the project site to one another and their scale,
 6. adequacy of a buffer and barrier between adjacent uses and adjoining Lots,
 7. adequacy of any Storm Water Management System,
 8. adequacy of structures, roads, drives, internal drives, driveways and buffers in areas susceptible to flooding, ponding and/or erosion,
 9. adequacy of flood damage prevention measures consistent with Article 7,
 10. compatibility of development with natural features of the site and with surrounding land uses,
 11. adequacy of open space for play area, recreation, and natural areas such as wildlife habitat, wetland and wooded areas,
 12. adequacy of orientation of structures and the site design for energy efficiency, the extent to which the proposed plan conserves energy and energy resources

in the community, and the protection of adequate sunlight for a Solar Energy System,

13. adequacy of fire protection water supply and site design to accommodate emergency vehicle access,
14. consistency of building design, scale, mass, and site location with surrounding development and District Intent, and
15. any other relevant matter.

- D. Shall determine if the Preliminary Site Plan is complete and sufficient enough to make findings pursuant to Sub Section 8.7.2, and if not, require additional information to make the Preliminary Site Plan complete and sufficient. A Site Plan shall not be considered complete and sufficient until a Negative Declaration is made or a Draft Environmental Impact Statement is accepted pursuant to SEQR.
- E. When it finds the Preliminary Site Plan is complete and sufficient pursuant to Sub-Section 8.7.1C, shall accept the completed Preliminary Site Plan.

8.7.2 Public Hearing:

Upon acceptance of the Preliminary Site Plan pursuant to 8.7.1D, a Public Hearing shall be scheduled within sixty-two (62) days from the date of such acceptance. The Public Hearing shall be advertised at least five (5) days prior to the hearing date in a newspaper of general circulation and in such other manner as may be prescribed by the Planning Board; and at least fourteen (14) days if a Draft Environmental Impact Statement has been accepted and in a manner as prescribed by SEQR.

8.7.3 Findings and Decision on Preliminary Plan

The Planning Board:

- A. Shall make Findings based on the evaluation according to Sub-Section 8.7.1.A.
- B. Shall make a decision based on Findings according to Sub-Section 8.7.1.A to approve, with or without conditions, or disapprove the Preliminary Site Plan, and
- C. Shall provide the applicant with a copy of the Findings and decision pursuant to Sub-Sections 8.7.3A and B:

8.8 Final Plan Requirements

The Final Site Plan shall be comprised of the following:

- A. the approved Preliminary Site Plan with any modifications thereof and/or additions thereto required by the Planning Board, and
- B. all necessary permits from a governmental authority relating to the development pursuant to the Site Plan or a written assurance from such governmental authority that it is willing to issue such permit upon the performance by the developer of an action that is, or will be, required of the developer.

8.8.1 Action on the Final Site Plan

When the Planning Board finds the Final Site Plan is complete pursuant to Section 8.8 it shall approve, with or without conditions, or disapprove, the Final Site Plan, and record the reason for disapproval. A copy of the decision and reasons therefore shall be given to the applicant.

8.9 Approval of Site Plan

- A. Approval of a Final Site Plan, with or without conditions, constitutes approval of the Site Plan subject to any and all conditions of the approved Final Plan.
- B. An approval endorsement shall be affixed by the Chairman of the Planning Board on a copy of the title drawing of the approved Final Site Plan. A copy of the endorsed title drawing shall be given to the applicant.

8.10 Re-Submittal of a Concept or Preliminary Plan

- A. The Planning Board may require the re-submittal of a Concept Plan for a proposed development if:
 - 1. More than six (6) months have lapsed since the date of giving the Planning Board's written comments on the Concept Plan for the proposed development pursuant to Sub-Section 8.5.2, or
 - 2. A submitted Preliminary Site Plan contains substantial changes in the scope of the proposed development in comparison with the Concept Plan commented on, or
 - 3. An applicant who submitted a Preliminary Site Plan is different than the applicant who submitted the Concept Plan commented on for the proposed development.
- B. The Planning Board may require re-submittal of a Preliminary Site Plan if:
 - 1. More than one (1) year have lapsed since the date of approval of a Preliminary Site Plan for a proposed development pursuant to Sub-Section 8.7.2, or
 - 2. A submitted Final Plan contains substantial changes in the scope of the proposed development in comparison with the Preliminary Site Plan approved for a proposed development, or
 - 3. An applicant who submitted a Final Site Plan is different than the applicant who submitted the Preliminary Site Plan approved for a proposed development.

8.11 Appeal

The applicant or any interested person may appeal a decision of the Planning Board on a Site Plan. The appeal shall be made to the Supreme Court of New York State for review by a proceeding under Article 78 of the Civil Practice Law and Rules of New York State.

8.12 Expiration and Termination of Site Plan Approval

- A. Approval of a Site Plan for a development shall be valid for a period of one (1) year from the date of the endorsement on the drawing of the approved Final Plan.
- B. Failure to secure a building permit or to begin construction or installation of required improvements during the one (1) year period shall cause a Site Plan approval to become null and void.
- C. Failure of an applicant or developer to comply with any conditions of approval for an approved Site Plan shall make the approval null and void.

8.12.1 Extension of Expiration or Termination of Site Plan Approval

Upon written application to the Planning Board, the Board may extend the time of validity of the Site Plan approval for a period of not more than three (3) years from the date of approval endorsement pursuant to Sub-Section 8.9B.

8.13 Deviation from Approved Site Plan

Any deviation from an approved Site Plan granted pursuant to Section 8.14 shall be noted on a record drawing submitted to the Village Planning Board for inclusion in the Site Plan approval record. The record drawing shall be received by the Village prior to the issuance of any Certificate of Compliance or Occupancy by the Village CEO.

8.14 Amendment of an Approved Site Plan

- A. No proposed change of and/or addition to an approved Site Plan shall be executed without approval thereof by an approved Site Plan containing such Site Plan Amendment.
- B. Any proposed change of and/or addition to an approved Site Plan shall require a Site Plan application addressing such Site Plan Amendment and decision on that application by the Planning Board pursuant to this Article.

ARTICLE 9 DEVELOPMENT REQUIREMENTS

9.0 Intent

The intent of this Article is to establish requirements for all development to assure compliance with the articles of this law and the Village Comprehensive Plan.

9.1 General Requirement

Every development shall comply with the applicable provisions of this Article.

9.2 Lot Requirements

A lot shall be sized and arranged so as not to create any degree of non-conformance with this Local Law.

9.2.1 Lot Access

- A. Insofar as possible, a lot shall not have direct access with a primary street. Access shall be from a marginal access street or a street other than a primary street.
- B. Where a watercourse separates the buildable area of a lot from a street with which the lot has vehicle access, installation of a bridge or other structure, spanning the watercourse, shall be subject to the same design criteria and review as all other storm water drainage facilities in a development.

9.3 Street Arrangement and Access Design Requirements

9.3.1 Intent

It is the intent of this Section to assure that all development provide for safe and adequate access to a lot proposed for development. This intent is furthered by the requirement that all development that proposes to contain a new Village street, private street and/or internal drive be designed to:

- A. provide for:
 - 1. convenient traffic access and circulation,
 - 2. traffic control and safety,
 - 3. access for firefighting, snow removal, and street maintenance equipment,
 - 4. stormwater drainage, and
 - 5. utility location.
- B. arrange:
 - 1. separate through traffic from neighborhood traffic insofar as practical,
 - 2. be coordinated to compose a connected system,
 - 3. be laid out to provide suitable future street connection with an adjoining lot, and
 - 4. conform to the requirements of the Americans with Disabilities Act (ADA).

9.3.2 Street and Drive Requirements

- A. A development proposal, subject to Site Plan Review as provided in Section 4.11, shall show and detail all design features for a Village street, private street and/or internal drive sufficient to document compliance with the intent of this section and The Standards for Street Construction in the Village of Watkins Glen.
- B. A Traffic Study or Analysis may be required to support design considerations and/or to validate the mitigation of any traffic impacts associated with a development.

9.4 Off-Street Parking Requirements

All development shall provide for off-street parking, except as provided in Section 9.4.6.C.

9.4.1 General

- A. It shall be the responsibility of the owner of a lot to provide off-street parking spaces for any use, which is created, enlarged, or altered after the effective date of this Law.
- B. A parking space shall be a minimum dimension of nine (9) feet by eighteen (18) feet, exclusive of pedestrian access, drive or internal drive, and have access from a drive or internal drive.
- C. Each parking area shall conform to the requirements of the Americans with Disabilities Act (ADA)
- D. The lighting of off-street parking areas shall comply with the requirements set forth in Section 9.26.
- E. For the purpose of calculating required parking spaces for any use in which patrons and/or spectators occupy benches, pews, or other similar seating facility,

each eighteen (18) inches of linear dimension of such seating shall be counted as one seat.

- F. Off-street parking areas for a residential use shall be restricted to non-commercial vehicles only.
- G. If a use on a lot and the lot are under separate ownership, the right to joint use of the parking lot must be evidenced by a deed, lease, contract or other appropriate document. Such document shall be provided to the Planning Board for inclusion in the site plan record, and if required by the Planning Board, it shall be recorded by the applicant in the office of the Schuyler County Clerk.
- H. A required parking area, drive and internal drive on a lot shall not be used for the display of merchandise, goods or wares offered for sale or connected with the use of a lot.

9.4.2 Required Off-Street Parking Spaces

The minimum number of parking spaces in a parking area for each use shall be as follows:

- A. One-Unit Dwelling: Two (2) spaces for up to the first four (4) bedrooms, plus one-half (5) space for each additional bedroom.
- B. Two-Unit Dwelling: Two (2) spaces per dwelling unit for up to first four (4) bedrooms, plus one-half (5) space for each additional bedroom.
- C. Multi-Unit Dwelling: Two (2) spaces per dwelling unit for up to first four (4) bedrooms, plus one-half (5) space for each additional bedroom.
- D. Hospital, Convalescent or Nursing Home: One (1) space for each employee on the major shift plus .25 spaces per bed.
- E. Bed and Breakfast or Inn: One (1) additional space for each bedroom that is available for rent within the dwelling.
- F. Hotel/Motel or Boarding House: One (1) space for each room offered for rent or lease, plus one space for every 4 employees, plus one space per 150 sq. ft. net area of restaurants and assembly rooms.
- G. Office, General Business or Professional: Two and one half (2.5) spaces for each additional 1,000 square feet of gross floor dedicated to the use beyond the first 1,000 square feet of gross floor area.
- H. Retail: Three and one-half (3.5) spaces for each 1,000 square feet of gross floor area.
- I. Funeral Home, Veterinary Hospital, Bank, or Personal Service use: Three (3) spaces for each 1,000 square feet of gross floor area dedicated to the use.
- J. Restaurant, Standard or Fast Food: One (1) space for each 60 square feet of customer floor area.
- K. Membership Club, Conference or Convention Center, Commercial Recreation: One space for every 150 square feet of assembly space.
- L. Streetside Stand: One (1) space for every 50 square feet of area devoted to sales or display.
- M. Nursery or Elementary School: One (1) space per employee, plus two (2) additional spaces per classroom.

- N. High School or College: One (1) space per employee plus five (5) spaces for each classroom.
- O. Place of Worship, Auditorium, Theater, and Stadium: One (1) space for every four (4) seats as defined in the NYS Uniform Fire Prevention and Building Code.
- P. Vehicle Filling Station, Vehicle Sales and /or Repair and /or Heavy Equipment Sales, Contractor's Equipment Yard, Outdoor Sales and/or Rental: One (1) space for each 3,000 square feet of area devoted to the use, including outside display areas, equipment and/or sale yards.
- Q. Cottage Industry: One (1) space per employee, plus one (1) space per 500 square feet of area devoted to the use.
- R. Industrial Use:
 - 1. One (1) space for each 1,000 square feet of floor area devoted to manufacture including printing, publishing, laundry and dry cleaning plant, and /or
 - 2. One (1) space for each 2,000 square feet of floor area devoted to storage or stationary operating equipment, and/or
 - 3. One (1) space for each 3,000 square feet of area devoted to storage, including outside storage yards, and/ or
 - 4. For any utility or Industrial Use, one (1) additional space for each fleet or company vehicle.
- S. Warehouse/Distribution Center, Truck Terminal: One (1) space per 3,000 square feet devoted to storage/warehousing.
- T. Any other use not specified above: The number of parking spaces shall be determined by the Planning Board in the Site Plan Review process after considering the area of use, the number of employees, customers and suppliers of goods and services for the use.

9.4.3 Maximum Number of Parking Spaces

In the interest of protecting and preserving the groundwater quality and quantity, no use in the Village shall be permitted to have more than 5 parking spaces per 1,000 square feet of gross floor area unless such development plans document the need for such additional parking and that, with quantifying analysis, such parking is determined not to create adverse environmental impacts. The Planning Board must specifically approve such additional parking.

9.4.4 Calculation of Required Parking Spaces

- A. In the case of a combination of uses, the total requirement for off-street parking spaces shall be the sum of the requirements for all uses; unless it can be proven by substantive documentation that staggered hours or other operational activities of such uses would permit modification.
- B. Whenever a fraction of a space is required, a full space shall be provided.

9.4.5 Dimensions for Drives and Internal Drives within a Parking Area

- A. Parallel Curb Parking: 12 foot aisle width for a one directional flow and a 22 foot aisle width for a two directional flow.
- B. 30 Degree Parking: 13 foot aisle width for a one directional flow and a 22 foot

- aisle width for a two directional flow.
- C. 45 Degree Parking: 16 foot aisle width for a one directional flow and a 22 foot aisle width for a two directional flow.
- D. 90 Degree Parking: 22 foot aisle width.

9.4.6 Location of Required Parking Spaces in a Parking Area

- A. R1, R2, R3 and RT Districts: Required vehicle parking spaces shall be provided either in a garage, in a drive, or in a parking area which is located on the same lot and is readily accessible to a street or drive.
 - 1. Such parking area shall be constructed of a dust-free surface; and
 - 2. No open or enclosed parking area shall encroach on a required front yard. Open parking areas may encroach on a side or rear yard to within three (3) feet of the property line.
- B. BT, LD, CD, CL, C-I and C-II Districts:
 - 1. Required spaces shall be provided on the same lot, or not more than 400 feet therefrom provided that the criteria in Sub-Section 9.4.1 are met.
 - 2. Vehicles and equipment for display, or for sale, shall not be parked or stored within twenty-five (25) feet of a street right-of-way.
 - 3. Where such non-residential parking is situated adjacent to a residential use, it shall be set back a minimum of ten (10) feet from the residential lot line, and an adequate landscape buffer, in conformance with Section 9.23, shall be provided within such setback area.
- C. CB District: No Off-Street parking shall be required for those buildings existing at the time of the enactment of this Local Law. On-street and municipal parking shall be considered to meet all off-street parking requirements as set forth in this Section. New construction, other than that completed under Sub-Section 10.5.1, shall be subject to Site Plan review and approval and shall meet all of the applicable provisions of Section 9.4.

9.4.7 Special Requirement for BT, LD, CD, CL, C-I and C-II Zoning Districts

The Planning Board shall, in the review of all Site Plans, consider the potential for synergism to exist between adjoining uses and may require that parking areas be designed to accommodate traffic movement between lots without re-entering the street system in order to lessen traffic volumes and turning movement conflicts and provide proper sight distances.

9.4.8 Off-Street Parking Waiver

off-street parking requirements may be waived, in whole or in part, upon the Planning Board's findings:

- A. That satisfactory municipal off-street parking facilities are available within 400 feet of the lot containing the subject use and with proper pedestrian access in accordance with Section 9.4.1G,
- B. That satisfactory off-site parking arrangements are proposed in compliance with Sub-Section 9.4.1G, or

- C. That the applicant has documented that the specific use routinely requires less parking spaces than those required under this Article.
- D. If the site is within reasonable distance of a formal bicycle lane, the Planning Board may grant a waiver allowing the boundary for available municipal off-street parking facilities to be extended to 500 feet of the lot.

9.4.9 Construction of Off-Street Parking Area

All Off-Street parking, with the exception of the Parking Area for a one or two-unit dwelling, shall be provided with a suitable all-weather, dust-free surface and all individual parking spaces shall be visibly marked with paint or other durable and suitable material.

9.4.10 Landscaping

A minimum of eight (8) percent of the area devoted to off-street parking shall be landscaped islands, or other landscaped areas, with lawn, trees, shrubs or other plant materials.

9.5 Off-Street Loading and Unloading Berth Requirements

In all Districts, except the CB District, any lot or structure thereon which is to be occupied by industrial, commercial, business or similar uses requiring the receipt and/or distribution by vehicles, of materials or merchandise, there shall be provided and maintained, on said lot, off-street loading berths.

9.5.1 Required Berths

USE	GROSS SQUARE FEET OF FLOOR AREA	VEHICLE LOADING BERTH REQUIREMENTS*
Retail	3,000-15,000	1
Wholesale, Storage and Other similar Business use	15,001 - 40,000	2
	Each 25,000 additional	1
Motels, Hotels, Restaurants, Office Building	90,000 or less	1
	90,001 - 300,000	2
	Each 200,000 additional	1
Industrial Use	15,000 or less	1
	15,001 – 40,000	2
	40,001 – 90,000	3
	Each 40,000 additional	1

* These are considered minimum requirements; however, the Planning Board may modify the above requirements in the Site Plan approval process based on scale of business operation and supporting documentation analyzing the necessity for modification of these requirements.

9.5.2 Dimensions of Berths

Each loading berth, either open or enclosed, shall be a minimum of 55 feet long, 12 feet wide and 14 feet high, except that business uses, utilizing vehicles not larger than panel trucks, may have berths which are a minimum of 20 feet long, 10 feet wide and 9 feet high.

9.5.3 Location of Berths

Loading berths shall be located in such a way that vehicles occupying berths shall not interfere with the movement of people and vehicles on public ways and within on-site parking areas. Whenever possible loading berths shall be located to the rear of a building.

9.5.4 Construction of Berths

All berths shall be constructed with a dust free surface.

9.5.5 Landscaping

Areas around loading berths shall be provided with a buffer as required in Section 9.23.

9.6 Accessory Structure and Use Requirements

9.6.1 Intent

An accessory structure or use shall not create any impact on the environment that is more significant than that of the principal use. The requirements established in this Section are intended to provide for fire safety, open space, accessibility to sunlight and views.

9.6.2 Accessory Structure and Accessory Use General Requirements

9.6.2.1 General Requirements

- A. When a principal use is permitted as of right in accordance with Section 4.11, an accessory structure and use associated with the principal use, constructed in accordance with that Section, shall also be permitted as-of-right.
- B. When a principal use is permitted under site plan approval in accordance with Section 4.11, an accessory structure and use associated with the principal use shall also require site plan approval and shall be constructed in accordance with this section.
- C. The construction or placement, on a lot in residential use, of an accessory structure in excess of 144 square feet in area shall require a Building Permit issued by the Code Enforcement Officer.
- D. The construction or placement, on a lot in non-residential use, of any accessory structure shall require a Building Permit issued by the Code Enforcement Office and shall require a Site Plan Review as stipulated in sub-sections 9.6.2.1A. and B.

9.6.2.2 Size and Number of Accessory buildings

A. An accessory structure associated with the following specified Principal Uses shall comply with the following maximum requirements:

ZONING DISTRICT	SPECIFIC PRINCIPAL USE LISTED IN SECTION 4..11	MAXIMUM FLOOR AREA OF AN INDIVIDUAL ACCESSORY BUILDING	MAXIMUM ACCESSORY BUILDING HEIGHT	MAXIMUM NUMBER OF ACCESSORY BUILDINGS ASSOCIATED WITH A PRINCIPAL USE	MAXIMUM PERMITTED CUMULATIVE SQUARE FEET OF ALL ACCESSORY BUILDINGS ASSOCIATED WITH A PRINCIPAL USE
R1, R2, R3, & RT	Residential Use	750 Sq. Ft.	15 Feet	Two (2)	1,000 Sq. Ft.
R1, R2 & R3	General Use	750 Sq. Ft.	15 Feet	One (1)	1,000 Sq. Ft.
C-I & C-II	Any Use	1,500 Sq. Ft.	24 Feet	Two (2)	3,000 Sq. Ft.
BT, LD, CD & CL	General Use	10% of the floor area of principal building	30 Feet	One (1)	10% of the floor area Sq. Ft. principal building or maximum of 3,000
CB	General or Business Use	10% of the floor area of principal building	30 Feet	One (1)	10% of the floor area Sq. Ft. principal building or maximum of 3,000
BT, LD, CD & CL	All other uses	15% of the floor area of principal building	35 Feet	As permitted in an approved site plan	5,000 Sq. Ft.
LD & CL	Industrial Use	20% of the floor area of principal building	35 Feet	As permitted in an approved site plan	10,000 Sq. Ft.

9.6.2.3 Accessory Structure Location

- A. An accessory structure shall not be located in a front yard.
- B. An accessory structure shall not be located in a buffer.
- C. An accessory structure associated with a non-conforming Residential use located in any Zoning District shall be located in accordance with the requirements for a Residential use in an R2 Zoning District as set forth in Sub Section 9.6.2.3.1.

9.6.2.3.1 Accessory Structure Setback

An accessory structure shall have a minimum setback distance from a lot line as specified below:

ACCESSORY STRUCTURE SETBACK REQUIREMENTS				
ZONING DISTRICT PRINCIPAL USE	AN ACCESSORY BUILDING 120 SQ. FEET OR LESS IN AREA		AN ACCESSORY BUILDING MORE THAN 120 S Q. FEET IN AREA	
	SIDE YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK
R1				
For a Residential use listed in Section 4.11	10 feet	10 feet	20 feet	15 feet
For a General use listed in Section 4.11	10 feet	15 feet	Not Permitted	20 feet
R2, R3, RT, BT				
For a Residential use listed in Section 4.11	3 feet	5 feet	6 feet	5 feet
For a General use listed in Section 4.11	10 feet	10 feet	20 feet	15 feet
BT, CB LD, CD CL, C-I & C-II				
For a General use listed in Section 4.11	10 feet	15 feet	Not Permitted	20 feet
For a Business use listed in Section 4.11	Per Site Plan	Per Site Plan	Per Site Plan	Per Site Plan
LD & CL				
For an Industrial Use listed in Section 4.11	Per Site Plan	Per Site Plan	Per Site Plan	Per Site Plan

9.6.2.3.2 Accessory Structure Setback from Principal Building

An accessory structure shall not be constructed closer to a principal building than either a distance of six (6) feet or a distance equal to the height of the accessory building, whichever is greater.

9.6.2.3.3 Location of Certain Accessory Structures other than Buildings

In any Zoning District an accessory structure associated with a Residential use listed in Section 4.11, other than a building, and in the form of, or similar to, the following accessory structures shall be prohibited in a front yard:

- A. swimming pool,
- B. sauna or hot tub,
- C. solid fuel burning stove or appliance,
- D. court for tennis, racquetball or other sport,
- E. animal pen or enclosure, and
- F. above ground storage of solid or liquid fuel including wood, propane and fuel oil.

9.6.2.4 Exceptions to Accessory Structure Locations

9.6.2.4.1 Exception to accessory structure setback requirements with respect to a lot and adjoining lot having a common lot line is as follows:

- A. The minimum accessory structure setback requirements as set forth in Sub-Section 9.6.2.3.1 may be reduced under the following circumstances:
 - 1. when the adjoining lot has an existing accessory structure located adjacent to the common lot line and within less than the minimum accessory building setback as set forth in Sub-Section 9.6.2.3.1; and
 - 2. when a lot proposed to contain an accessory structure adjacent to the common lot line is 50 feet or less in lot width.
- B. The minimum accessory structure setback requirements as set forth in Sub-Section 9.6.2.3.1 for the proposed accessory structure may be reduced to a minimum distance that is the average of:
 - 1. the required accessory structure setback set forth in Sub-Section 9.6.2.3.1, and
 - 2. the actual distance between the common lot line and the existing accessory building located on the adjoining lot.

9.6.2.4.2 Accessory structures other than buildings located on a lot in accordance with an approved Site Plan, are not subject to the requirements set forth in sub-section 9.6.2.3.3.

9.6.3 Accessory Use Requirements

9.6.3.1 General Restrictions:

An accessory use not involving a structure is prohibited in a front yard except as provided in an approved site plan.

9.6.4 Special Design

A detached garage or carport as part of a building group may be permitted in a front yard on a lot containing the building group in accordance with an approved site plan.

9.7 Sign Requirements

A. No sign of any kind shall be altered, erected or established in the Village except in conformance with the requirements set forth in this Section.

B. The only signs permitted shall be those listed in Sub-Section 9.7.1.

9.7.1 Permitted Sign Description

A. Principal Use Signs

- 1. Awning: A Sign painted, printed, affixed or displayed on an awning attached to an exterior surface of a building containing a General, Business or Industrial Use listed in Section 4.11.

2. Banner Sign: A temporary sign intended to be hung without frames made of paper, plastic, fabric or any non-rigid material of any kind which may possess colors, characters, letters, illustrations, or ornamentations. Flags of governmental jurisdiction and flags carrying the emblem of a business or institution are not to be considered a banner for the purpose of this law.
3. Directory: A sign that contains the names of Principal Uses in a Mall.
4. Facade: A sign painted on, inscribed on, or attached to an exterior surface of a building containing a General, Business or Industrial Use or an accessory use associated with the General, Business or Industrial Use listed in Section 4.11 and without having any portion thereof extending more than eight (8) inches from the building's surface.
5. Freestanding: A sign supported by a structure independent of a building and installed on a lot containing a General, Business or Industrial Use listed in Section 4.11.
6. Mall: A sign installed on a lot or building in a Mall and used to identify or landmark the name of the Mall. Such sign shall be a Facade, Free Standing or Awning Sign.
7. Monument: A Sign that is permanently attached to or supported by the ground and where the base of the sign is only slightly above grade. Characteristics of the monument sign would be a supporting base composed of brick, architecturally treated wood or other similar materials generally complimented by landscaping.
8. Projecting: A Sign attached to and having any portion thereof extending more than eight (8) inches from the surface of a building containing a General, Business or Industrial Use listed in Section 4.11.
9. Reader Board/Changeable Copy: Any Sign on which the message, letters, characters, illustrations or other symbols can be changed, replaced or rearranged on the surface of the sign and may be integrated into any permitted sign up to 40% of the face.
10. Real Estate: A temporary sign, not illuminated, used to offer or advertise a lot or real property for sale or lease.
11. Representational: Any three-dimensional Principal Use Sign, which is either a Projecting or Free Standing Sign which is constructed to physically represent the object advertised.
12. Residential: A non-illuminated sign that identifies the name of the owner or occupant of, or fanciful name, of a residential lot or property.
13. Sandwich Board/ A-Frame or Sidewalk: A moveable sign not secured or attached to the ground or surface upon which it is located.
14. Tourism-Related Service Sign: A sign that is not illuminated that directs travelers to tourism-related uses installed in the right-of-way by the governmental entity having jurisdiction over the right-of-way. This sign shall be installed by the Village and/or NYSDOT in accordance with established specifications and which is subject to fees set by the Village and/or NYSDOT.

B. Accessory Signs

1. Awning: A sign painted, printed, affixed or displayed on an awning attached to an exterior surface of a building containing a General, Business or Industrial Use listed in Section 4.11.
2. Facade: A sign painted on, inscribed on, or attached to an exterior surface of a building containing a General, Business or Industrial Use listed in Section 4.11 and without having any portion thereof extending more than eight (8) inches from the building's surface.
3. Mandated: Any sign, not illuminated, required by a Federal, New York State, Schuyler County or Local Law or Rule.
4. Mural: A picture or representation of the community that is not specific to a product, commodity or service.
5. Occupation: A Sign, not directly illuminated, used to identify an approved home occupation, or cottage industry
6. Portable: A sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels may be removed, and the remaining chassis or support constructed without wheels is converted to an "A" or "T" frame sign or attached temporarily or permanently to the ground.
7. Streetside Stand: A temporary sign, not illuminated, used to identify a streetside stand.
8. Window: A sign, or group of signs, painted, printed, or otherwise displayed on a window of a building containing a General, Business or Industrial Use listed in Section 4.11.

C. General Signs

1. Civic: A sign, not directly illuminated, used to identify a civic or religious organization, place of worship, social or membership club or an educational institution.
2. Community Promotion: A sign, not illuminated, designed to promote the Village of Watkins Glen and welcome and direct visitors, which is installed by the Village.
3. Construction: A temporary sign, not illuminated, used on property under construction to denote a contractor, design engineer and/or developer or development.
4. Directional: A sign only indicating direction, or calling attention to vehicular or pedestrian traffic entrances, by displaying arrows or directional words.
5. Memorial: A Sign, not illuminated, authorized by the Village Board, the Schuyler County Legislature, or the Governor or Legislature of the State of New York, to honor or identify a person, organization or place of local or regional historic interest or importance.
6. Poster: A temporary sign, not illuminated, used to advertise a not-for-profit community event or show, political candidate or issue, an election, and/or a for-profit sale or event.
7. Real Estate: A temporary sign, not illuminated, used to offer or advertise a lot or real property for sale, or lease.
8. Service: A sign, not illuminated, that directs travelers to essential services such as gas, food and lodging or a hospital, which is installed in a right-of-way, under

the jurisdiction of a governmental authority.

9. Temporary Sign: A non-permanent sign that is displayed for a fixed period of time for a specific event.

9.7.2. General Requirements

All Signs shall comply with the following Requirements:

- A. The installation of a principal business use sign, a freestanding sign, an awning sign, and projecting sign shall require a building permit.
- B. All signs shall be constructed and installed in compliance with the applicable provisions of the NYS Uniform Fire Prevention and Building Code.
- C. No sign shall be located at, or near, an intersection in violation of Section 9.10, clear vision zone, nor in any manner, which may cause a traffic hazard at the intersection. A sign shall not be located where, by reason of the position, shape, or color of the Sign, it may interfere with, or obstruct, the view of, or be confused with, any authorized traffic sign, signal or device, nor shall any sign make use of the words "Stop", "Look", "Drive-In", "Left", or "Right", or any other word, phrase, symbol, or character in such a manner as to distract, mislead or confuse traffic.
- D. No sign shall be placed on a roof above the ridge, or on a cupola or similar roof mounted structure, or on top of a parapet or similar architectural element of a building.
- E. No free-standing sign shall be more than twelve (12) feet in height above the finished grade or the grade shown on a grading plan of a Site Plan approved by the Planning Board. Grading of a site for the purpose of raising the elevation of a Sign contrary to this Sub-Section is prohibited, except as shown in an approved Site Plan.
- F. No Monument Sign shall be more than four (4) feet above the finished grade or the grade shown on a grading plan of a Site Plan approved by the Planning Board. Grading of a site for the purpose of raising the elevation of a Sign contrary to this Sub-Section is prohibited, except as shown in an approved Site Plan.
- G. Each Freestanding or Monument Sign on a lot shall be set back a minimum of three (3) feet from any lot line or right-of-way. No part of any such sign shall project into the right-of-way.
- H. Any flashing sign is prohibited.
- I. Any off-lot sign is prohibited.
- J. Poster Signs shall only be displayed for a maximum of thirty (30) days prior to an event, show or election and shall be removed within five (5) days after the last day of the event, show or election.
- K. A sign for any residential use, either as listed in Section 4.11 or as non-conforming pursuant to Article 10, located in a LD, CD, CL or C-I Zoning District shall comply with the provisions of Sub-Section 9.7.4.
- L. NYSDOT Right-Of-Way: All signs proposed to be located within NYSDOT right-of-way shall be approved by the regional office of NYSDOT prior to approval by the Village.

- M. The following additional requirements apply to a Principal Use Sign:
1. A Projecting or Freestanding sign projecting over a pedestrian way shall have a clearance of no less than ten (10) feet above the way or finished grade. A Projecting or Freestanding sign shall not project over a street. No Projecting or Freestanding sign shall project over a drive, internal drive or parking area unless the sign has a clearance from finished grade of at least fifteen (15) feet.
 2. In the CL Zoning District a Principal Use sign on a lot containing a General, Business or Industrial Use listed in Section 4.11, may be a directly illuminated sign.
 3. In the BT, LD, CD C-I and C-II Zoning Districts a Principal Use sign on a lot containing a General, Business or Industrial Use listed in Section 4.11, may only be an indirectly illuminated sign
 4. In the CL Zoning District a free-standing principal use sign on a lot containing a General, Business or Industrial Use listed in Section 4.11 may be directly illuminated all other signs shall be indirectly illuminated.
 5. In the CB Zoning District all signs on a lot containing a General, Business or Industrial Use listed in Section 4.11 shall be indirectly illuminated.
- N. The following additional requirements apply to temporary and accessory signs:
1. A Portable Sign only may be allowed for any use and lot for a cumulative time period not to exceed six (6) weeks in any consecutive twelve (12) month period. Whenever a fraction of a week is used, that time shall be construed to be one (1) full week.
 2. A Construction Sign shall be removed within fifteen (15) days of the completion of construction, or the issuance of any Certificate of Occupancy or Compliance, whichever occurs first.
 3. No Directional Sign shall project more than six (6) feet above the finished grade and shall not be located in such a manner as to violate any provisions of Section 9.10.
 4. When computing time restrictions for each temporary sign any fraction of a week used shall be construed to be one full week.
- O. Wherever Service and Community Promotion Signs are installed its sign area shall not exceed the permitted sign area for a free standing sign in the underlying Zoning District in which it is located.

9.7.3 Signs Permitted in any District

No building permit shall be required for any sign listed below provided they are displayed and located as follows:

Permitted Sign from Sub-Section 9.7.1	Maximum Sign Area in Square Feet	Location Permitted	Number of Signs Permitted	Temporary Sign Time Restriction
Memorial	12 Sq. Ft.	On a lot and installed no higher than ten (10) feet from finished grade or in a right-of-way as permitted by the authority having jurisdiction.	One (1) for any lot or in the right-of way as permitted by the authority having jurisdiction.	Not applicable
Construction	12 Sq. Ft.	On a lot and no higher than eight (8) feet above finished grade and located in accordance with Sub Section 9.7.2F.	One (1) for any single construction site or development.	As prescribed in Sub Section 9.7.2.N2
Mandated	As permitted by the authority having jurisdiction.	As prescribed by the authority having jurisdiction.	As permitted by the authority having jurisdiction.	Not Applicable
Service/Tourism related Service	As permitted by the authority having jurisdiction.	In a right-of-way as permitted by the authority having jurisdiction.	As permitted by the authority having jurisdiction.	Not applicable
Civic	12 Sq. Ft.	In a right-of-way as permitted by the authority having jurisdiction.	As permitted by the authority having jurisdiction.	Not Applicable
Community Landmark	To be determined by Village Board	To be determined by Village Board	To be determined by Village Board	To be determined by Village Board
Poster	6 Sq. Ft.	On a lot	N/A	As prescribed in Sub-Section 9.7.2.J.
Community Promotion	As permitted by Village Board	On a lot	One (1)	N/ A
Streetside Stand	16 Sq. Ft.	On a lot.	One (1)	To be displayed only during the time the streetside stand is open to the public.

9.7.4 Signs Requirements by Use and Zoning District

9.7.4.1 Sign Requirements for a Residential Use and an accessory use associated with the Residential use, listed in Section 4.11 and located in an R1, R2, R3, RT or BT Zoning District are as follows: 9.7.4.2 Sign Requirements for General Use listed in Section 4.11 and located in any Zoning District are as follows:

Permitted Sign from Sub-Section 9.7.1	Maximum Sign Area per face in Square Feet	Maximum Cumulative Square Feet	Location Permitted	Number of Signs Permitted	Temporary Sign Time Restriction
Real Estate	4 Sq. Ft.	8 Sq. Ft.	On a lot offered for sale or lease and/or in the right-of-way in proximity to the lot.	One (1)	Sign shall be removed ten (10) days after the date of closing for the sale of the property.
Real Estate Directional	4 Sq. Ft.	8 Sq. Ft.	As approved by Village Board	One (1)	Sign shall be removed ten (10) days after the date of closing for the sale of the property.
Occupation	2 Sq. Ft.	4 Sq. Ft.	R1 Affixed to a dwelling unit R2 & R3 Affixed to a dwelling unit post and no higher than eight (8) feet above finished grade and located in accordance with Sub-Section 9.7.2.F.	One (1)	Not Applicable
Residential R1, R2, R3 BT	2 Sq. Ft. 8 Sq. Ft.	4 Sq. Ft. 12 Sq. Ft.	R1 Affixed to a dwelling unit R2 & R3 Affixed to a dwelling unit post and no higher than eight (8) feet above finished grade and located in accordance with Sub-Section 9.7.2.F.	One (1)	Not applicable
Poster	5 Sq. Ft.	6 Sq. Ft.	On a lot with the authorization of such owner and in accordance with Sub-Section 9.7.2.F.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub-Section 9.7.2.J.
Monument	20 Sq. Ft.	40 Sq. Ft.	On a lot in an approved subdivision, park or development.	Two (2) but each one (1) of two (2) in a subdivision being on a different lot therein.	Not Applicable

9.7.4.2 Sign Requirements for General Use listed in Section 4.11 and located in any Zoning District are as follows:

Permitted Sign from Sub-Section 9.7.1	Maximum Sign Area in Square Feet	Location Permitted	Number of Signs Permitted	Temporary Sign Time Restriction
Real Estate	20 Sq Ft 40 Sq. Ft all Faces	On a lot offered for sale or lease.	One (1)	Sign shall be removed ten (10) days after the date of closing for the sale of the property.
Façade	The lesser of ten (10) percent of the area of the side of the building the sign is installed on or 160 Sq. Ft.	On a building containing the Principal Use.	One (1)	Not Applicable
Projecting	12 Sq. Ft.	On a building containing the Principal Use.	One (1)	Not Applicable
Monument	40 Sq. Ft.	On a lot.	One (1)	Not Applicable
Directional	6 Sq. Ft.	Near a drive entrance and located in accordance with Sub-Section 9.7.2.N.4.	One (1) for each drive.	Not Applicable
Portable	40 Sq. Ft.	On a lot of the Principal Use and located in accordance with Sub-Section 9.7.2.C and F.	One (1)	As Prescribed in Sub Section 9.7.2N.1,
Community Promotion	24 Sq. Ft.	On a lot with the authorization of such owner and in accordance with Sub Section 9.7.2.O.	One (1)	Not Applicable
Banner	60 Sq. Ft.	On a lot with the Authorization of such Owner and in Accordance with Sub Section 9.7.2	2 per building facade	2 weeks prior and 5 days after the event
Sandwich Board A-Frame or Sidewalk Sign	10 Sq. Ft. per side	On a lot with the Authorization of such Owner and in Accordance with Sub-Section 9.7.2	One (1)	Only during hours The use is open To the public

9.7.4.3 Sign requirements for a Business and Tourism Related use, except in a Mall, and an accessory use associated with the Business use, listed in Section 4.11 and located in a BT, LD, CD, C-1 or C-II Zoning District are as follows:

Permitted Sign from Sub-Section 9.7.1	Maximum Sign Area in Square Feet	Location Permitted	Number of Signs Permitted	Temporary Sign Time Restriction
Real Estate	20 Sq. Ft.	On a lot offered for sale.	One (1)	Sign shall be removed ten (10) days after the date of closing for the sale of the property.
Poster	20 Sq. Ft.	On a lot with the authorization of such owner and in accordance with Sub-Section 9.7.2.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub Section 9.7.2.J.
Façade	The lesser of ten (10) percent of the area of the side of the building the sign is installed on or 100 Sq. Ft.	On each side of the principal building that faces a public street.	One (1) for each Principal Use.	Not Applicable
Projecting	20 Sq. Ft.	On the side of the principal building that faces a street.	One (1) for each Principal Use.	Not Applicable
Monument	60 Sq. Ft.	On a lot of the Principal Use in accordance with Sub Sections 9.7.2.C. and F.	One (1) for each Principal Use.	Not Applicable
Freestanding Not permitted in the BT, LD & CD	60 Sq. Ft.	On a lot of the Principal Use in accordance with Sub Sections 9.7.2.C. and F.	One (1) for each Principal Use.	Not Applicable
Directional	6 Sq. Ft.	Near a drive entrance and in accordance with Sub-Section 9.7.2 C, and L.3.	One (1) for each drive.	Not Applicable
Portable	40 Sq. Ft.	On a lot of the Principal Use and located in accordance with Sub-Section 9.7.2.C and F.	One (1)	As prescribed in Sub Section 9.7.2N.1.
Community Promotion	24 Sq. Ft.	On a lot with the authorization of such owner and in accordance with Sub-Section 9.7.2.C and F.	One (1)	Not Applicable
Awning	The lesser of ten (10) percent of the area of awning or 100 Sq. Ft.	On the side of the Principal building that faces a street.	One (1) for each Principal Use.	Not Applicable
Window	The lesser of twenty-five (25%) of each window area or 100 Sq. Ft. of Aggregate area of all windows of the use.	On a window in a principal building.	Not Applicable	Not Applicable

9.7.4.4 Sign Requirements for a Business and Tourism Related use and an accessory use associated with the Business use, listed in Section 4.11 and located in a CB Zoning District are as follows:

Permitted Sign from Sub-Section 9.7.1	Maximum Sign Area in Square Feet	Location Permitted	Number of Signs Permitted	Temporary Sign Time Restriction
Real Estate	64 Sq. Ft.	On a lot offered for sale or lease	One (1)	Sign shall be removed ten (10) days after the date of closing
Poster	20 Sq. Ft.	On a lot with the authorization of such owner and in accordance with Sub-Section 9.7.2 C and F	One (1) for each individual event or show, political candidate or issue and/or election	As prescribed in Sub Section 9.7.2.J
Façade – where more than one (1) business occupies a building the maximum sign area allowed herein shall be shared between the Principal Uses	The lesser of ten (10) percent of the area of the side of the building the sign is installed on or 100 Sq. Ft.	On the side of the principal building that faces a street.	One (1) for each Principal Use and one (1) for each accessory use, plus one (1) per principal use for a building façade facing a public parking lot.	Not Applicable
Projecting	24 Sq. Ft.	On the side of the principal building that faces a street.	One (1) for each principal use and one (1) for each accessory use	Not Applicable
Freestanding and Monument	60 Sq. Ft.	On a lot of the Principal Use in accordance with Sub Sections 9.7.2 C and F.	One (1) for each principal use.	Not Applicable
Directional	6 Sq. Ft.	Near a drive entrance and located in accordance with Sub-Section 9.7.2.C and F.	One (1) for each approved drive	Not Applicable
Portable	40 Sq. Ft.	On a lot of the principal use in accordance with Sub Sections 9.7.2 C and F.	One (1)	As prescribed in Sub Section 9.7.2N.1
Community Promotion	24 Sq. Ft.	On a lot with the authorization of such owner and in accordance with Sub Section 9.7.2 C and F.	One (1)	Not Applicable
Awning	The lesser of ten (10) percent of the area of awning or 100 Sq. Ft.	One each side of the principal building that faces a public street.	One (1) for each principal use and one (1) for each accessory use.	Not Applicable
Window	The lesser of twenty – each window area or 100 Sq. Ft. of Aggregate area of all windows of the use.	On any window of a principal building	Not Applicable	Not Applicable

9.7.4.5 Sign Requirements for a Business or Tourism Related use, except in a Mall, and an accessory use associated with the Business Use, listed in Section 4.11 and located in a CL Zoning District are as follows and as specified in sub-section 9.7.1:

Permitted Sign from Sub-Section 9.7.1	Maximum Sign Area in Square Feet	Location Permitted	Number of Signs Permitted	Temporary Sign Time Restriction
Real Estate	64 Sq. Ft.	On a lot offered for sale or tease.	One (1)	Sign shall be removed ten (10) days after the date of closing.
Poster	20 Sq. Ft.	On a lot with the authorization of such owner and in accordance with Sub-Section 9.7.2 C and F.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub Section 9.7.2.J.
Facade	The lesser of ten (10) percent of the area of the side of the building the sign is installed on or 300 Sq. Ft.	On the side of the principal building that faces a street.	One (1) for each principal use and one (1) for each accessory use.	Not Applicable
Projecting	24 Sq. Ft.	On the side of the principal building that faces a street.	One (1) for each principal use and one (1) for each accessory use.	Not Applicable
Freestanding or Monument	60 Sq. Ft.	On a lot of the principal use and located in accordance with Sub-Section 9.7.2C and F.	One (1) for each principal use and one (1) for each accessory use.	Not Applicable
Directional	6 Sq. Ft.	Near a drive entrance and located in accordance with Sub-Section 9.7.2C and F.	One (1) for each approved drive	Not Applicable
Portable	40 Sq. Ft.	On the lot of the principal use and located in accordance with Sub-Section 9.7.2.C and F.	One (1)	As prescribed in Sub Section 9.7.2.L.1.
Community Promotion	24 Sq. Ft.	On a lot with the authorization of such owner and in accordance with Sub Section 9.7.2.C and F.	One (1)	Not Applicable
Awning	The lesser of ten percent (10%) of the area of the side of the building the sign is installed on or 100 Sq. Ft. of the side.	On the side of the principal building that faces a street.	One (1) for each principal use and one (1) for each accessory use.	Not Applicable
Window	The lesser of twenty-five per cent (25%) of each window area or 100 Sq. Ft. of aggregate area of all windows of the use.	On any window of a principal building.	Not Applicable	Not Applicable

9.7.4.6 Sign Requirements for a Mall identifier signs located in a LD, CD, BT, and CL Zoning District are as follows:

Permitted Sign from Sub-Section 9.7.1	Maximum Sign Area in Square Feet	Location Permitted	Number of Signs Permitted	Temporary Sign Time Restriction
Real Estate	64 Sq. Ft.	On a lot or building of a mall offered for sale or lease.	One (1) for each 10,000 Sq. Ft. of floor area.*	Sign shall be removed ten (10) days after the date of closing.
Poster	20 Sq. Ft.	On a Mall lot with the authorization of such owner and in accordance with Sub-Section 9.7.2 C and F.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub Section 9.7.2.J.
Freestanding or Monument	60 Sq. Ft.	On a lot or building of a Mall.	One (1)	Not Applicable
Directional	10 Sq. Ft.	Near a Mall drive entrance and located in accordance with Sub-Section 9.7.2.C and F.	One (1) for each drive.	Not Applicable
Portable	60 Sq. Ft.	On a Mall lot and located in accordance with Sub-Section 9.7.2.C and F.	One (1)	As prescribed in Sub Section 9.7.2.N.1.
Community Promotion	24 Sq. Ft.	On a Mall lot with the authorization of such owner and in accordance with Sub Section 9.7.2.C and F.	One (1)	Not Applicable
Directory	30 Sq. Ft.	On a Mall lot.	One (1)	Not Applicable

9.7.4.7 Sign Requirements for each tenant Principal Use and an Accessory Use associated with a tenant's Principal Use, listed in Section 4.11, within a Mall:

Permitted Sign from Sub-Section 9.7.1	Maximum Sign Area in Square Feet	Location Permitted	Number of Signs Permitted	Temporary Sign Time Restriction
Real Estate	20 Sq. Ft.	On a Mall building offered for sale or lease	One (1) for each 10,000 Sq. Ft. of Floor Area.	Sign shall be removed ten (10) days after the date of closing.
Poster	20 Sq. Ft.	On a Mall lot with the authorization of such owner and in accordance with Sub-Section 9.7.2 C and F.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub Section 9.7.2J.
Façade	The lesser of ten (10) percent of the area of the side of the building the sign is installed on or 100 Sq. Ft. of the side.	On the side of a Mall building that faces a street or parking area and which the business has an exterior facade.	One (1) for each Principal Use and one (1) for each Accessory use.	Not Applicable
Projecting	24 Sq. Ft.	On the side of a Mall building that faces a street or Parking Area and which the business has an exterior facade.	One (1) for each Principal Use.	Not Applicable
Directional	6 Sq. Ft.	Near a Mall Internal Drive entrance and located in accordance with Sub-Section 9.7.2,C and F.	As permitted under Site Plan approval	Not Applicable
Awning	The lesser of ten (10) percent of the area of the side of the Mall building the sign is installed an/or 100 Sq. Ft. of the side.	On a facade of a Mall building that faces a street or parking area and which the business has an exterior facade.	One (1) for each Principal and one (1) for each Accessory use. **	Not Applicable
Window	The lesser of twenty-five percent (25%) of each window area or 100 Sq. Ft. of aggregate area of all windows of the use.	On any window of a Mall building.	Not Applicable	Not Applicable
Sandwich Board	20 Sq. Ft.	On a Mall lot.	One (1)	Only during hours the use is open to the public.

9.7.4.8 Sign Requirements for a Business or Industrial Use, except in a Mall, and an Accessory Use associated with the Business or Industrial Use, as listed in Section 4.11 and located in the LD or CL Zoning District are as follows:

Permitted Sign from Sub-Section 9.7.1	Maximum Sign Area in Square Feet	Location Permitted	Number of Signs Permitted	Temporary Sign Time Restriction
Façade	1.5 Sq. Ft. per Lineal foot of building frontage on a public street or 100 Sq. Ft. of the side.	On the side of the principal building that faces a street.	One (1) for each Principal Use and one (1) for each accessory use.	Not Applicable
Freestanding in CL Monument in LD	60 Sq. Ft.	On the lot of the Principal Use.	One (1) for each any Principal Use.	Not Applicable
Awning	The lesser of ten (10) percent of the area of the side of the building the sign is installed on or 200 Sq. Ft. of the side.	On the side of the principal building that faces a street.	One (1) sign for each Principal Use and one (1) for each accessory use.	Not applicable
Projecting	36 Sq. Ft.	On the side of the principal building that faces a street.	One (1) for each Principal Use.	Not applicable
Poster	20 Sq. Ft.	On a lot with the authorization of such owner and in accordance with Sub-Section 9.7.2.C and F.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub Section 9.7.2.N.3.
Real Estate	64 Sq. Ft.	On a lot offered for sale or lease.	One (1) for each block of lot area or building floor area.	Sign shall be removed ten (10) days after the date of closing for the sale of the property.
Directional	10 Sq. Ft.		As permitted under Site Plan Approval	

9.7.5 Aggregate Sign Area Requirement

The Aggregate Sign Area is the sum of all Sign Areas on a lot, except those of signs listed in Sub-Section 9.7.3. At no time shall signs be displayed that will cause an Aggregate Sign Area to exceed the limits set forth as follows:

USE	ZONING DISTRICT(S)	MAXIMUM SQUARE FOOTAGE ALL SIGNS
Residential Use & Accessory Use	R1, R2, R3, MR, RT, BT	12
General Use	ALL	160
Business Use, Except Mall	RT, BT & CB	350
Business Use, Except Mall	LD, CD & CL	450
Mall Identifier Signs	LD, CD & CL	400
Each Principal Use In A Mall	LD, CD & CL	350
Industrial Use	LD & CL	400

9.7.6 Removal of Certain Signs

Any Sign, now or hereafter existing, which relates to a use no longer conducted on a lot shall be removed by the owner, agent, or person having the beneficial use of the lot upon which such sign is located, within sixty (60) days of cessation of the use, except as provided to the contrary elsewhere in this Sub-Section.

9.7.7 Off-Lot Non-Conforming Signs

Off-Lot Signs shall conform to the requirements of Section 10.0

9.8 Drive, Internal Drive and Driveway Requirements

9.8.1 Intent

It is the intent of this Section to assure that all development provides for safe and adequate access to a lot proposed for development. This intent is furthered by requiring that all development that proposes to contain a new internal drive and/or driveway shall be designed to comply with the requirements of a Highway Work Permit for all work conducted in a right-of-way.

9.8.2 General Requirement

No person, firm or corporation shall construct or locate any driveway entrance into or exit from a road in the Village of Watkins Glen without having first met the provisions of this Section.

- A. The developer shall furnish all materials and bear the costs of all construction, and shall pay the cost of all work done and materials furnished as required to meet the conditions set by the Superintendent of Public Works, and the County and State Highway Departments.
- B. No new driveway, or alteration, or relocation made to an existing driveway, shall be

- made without first securing permission from the Superintendent of Public Works.
- C. No driveway shall have an average grade that exceeds ten percent (10%).
 - D. The slope of the driveway shall not exceed two percent (2%) within twenty-five (25) feet of the intersecting public street
 - E. No more than two (2) driveways shall be permitted to a single lot entering/exiting on one (1) street.
 - F. No commercial driveway shall be located within forty (40) feet of any street intersection.
 - G. Maximum Width:
 - (1) Residential Use: single entrance or exit shall not be more than twenty (20) feet.
 - (2) Non-Residential Use: entrance or exit shall not be more than thirty (30) feet for a one-way, single entrance, nor fifty (50) feet for a two-way, double entrance commercial use.
 - (3) The width shall be measured at the right-of-way line.
 - H. Minimum Width:
 - (1) Residential Use: single entrance or exit shall not be less than ten (10) feet
 - (2) Non-Residential Use: entrance or exit shall not be less than sixteen (16) feet for a one-way, single entrance, nor thirty (30) feet for a two-way, double entrance commercial use.
 - I. No driveway shall be approved with a sight distance of less than one hundred and fifty (150) feet in any direction.
 - J. The driveway shall be constructed with a suitable crown so as to lessen the erosion effect of surface runoff. In addition, as specified by the appropriate Superintendent of Public Works, a catch basin at a point near the intersection of the driveway and the street may be required. This will prevent surface water and debris from being discharged onto the street.
 - K. The property owner shall be responsible for the maintenance of the portion of the driveway that is located within the right-of-way. This maintenance shall include all drainage structures, pipes, ditches and other appurtenances, constructed in connection with the driveway.
 - L. All driveways shall be located so as to provide:
 - (1) The most favorable grade and alignment conditions for the motorists using the driveway and street.
 - (2) No undue interference with the free and safe movement of traffic on the street.
 - (3) Maximum safety and convenience for pedestrians and users of the street right-of-way.
 - M. Non-residential drives and driveways may be required to be constructed to meet village specifications for a public street, depending on the type and proposed volume of use.
 - N. All drives shall be constructed in accordance with the Village of Watkins Glen Sidewalk Law; Local Law # 1, of 2006 as may be amended.

9.9 Fence Requirements

9.9.1 General Requirement

Grading of a site for the purpose of raising the elevation of a fence contrary to this section is prohibited, except as shown in an approved Site Plan.

9.9.2 A fence on any lot shall comply with the following requirements:

A. Height Restrictions:

1. R1, R2, R3, RT, BT, C-I and C-II Zoning Districts:

- (a) Maximum height of forty-two (42) inches above finished grade shall be permitted for a fence located in a front yard. A fence located in a front yard, near a right-of-way, shall be established and maintained in accordance with the provisions of Section 9.10.
- (b) Maximum height of forty-two (42) inches above finished grade shall be permitted for a fence located at the building line in a front and Side yard. A fence located in a front yard, near a right-of-way, shall be established and maintained in accordance with the provisions of Section 9.10.
- (c) Maximum height of six (6) feet above finished grade shall be permitted for a fence located in a side or rear yard.

B. BT, CB, LD, CD, and CL Districts: The height and location of a fence shall be approved in a Site Plan.

C. Location: Fence shall be constructed entirely within the boundaries of a lot.

9.10 Clear Vision Zone Requirements

9.10.1 Intent

It is the intent of this section to ensure that all development provides for safe and adequate access to and from a lot proposed for development. This intent is furthered by requiring that all development that proposes to contain a new street, drive, internal drive or driveway be designed to provide a clear vision zone.

9.10.2 Definition

Clear Vision Zone is an open area clear of all visual obstructions from three (3) feet to ten (10) feet above the average finished grade, in a minimum forty (40) foot radius circle measured from the center of an intersection.

9.10.3 General Requirement

- A.** A development plan shall show and detail design features for a drive, internal drive and driveway sufficient to document compliance with the intent of this section.
- B.** A plan for a street, drive, internal drive or driveway prepared by a design engineer may be required to fully support design considerations and/or to validate the mitigation of any traffic impacts associated with a development.

9.11 Steep Slope Requirements

9.11.1 Steep Slope Requirements

The topography of the Village of Watkins Glen includes many Steep Slopes that benefit the community by providing scenic views, aquifer recharge areas, and wooded areas which provide substantial protection against flooding and erosion. If these areas are not carefully protected, their benefits will be irreparably lost and extensive erosion and flooding is likely to occur. Street construction, building site development, and other construction activity proposed for these areas require special design consideration to prevent erosion, minimize storm water runoff, and preserve large trees, natural terrain and scenic views.

9.11.1.2 General Requirements

- A. Each development proposal shall, in a plan, show all site work, cut and fill, erosion and drainage control measures and any proposed street, drive, internal drive and/or driveway cross-sub-sections. The detail of the plan shall be sufficient to determine if steep slopes exist on the proposed development site and the extent to which such steep slopes affect the proposed site work. The preparation of these plans by a design engineer may be required.
- B. Constructing or the grading of development sites so as to be level, otherwise known as padding, shall be permitted only when it can be clearly demonstrated, by exhibits presented in a Site Plan, and that the final treatment of the site meets the requirements of this Sub-Section.

9.11.1.3 Design Requirements

Design principles and criteria used in the review of a Site Plan application shall include, but are not limited to, the following:

- A. Landscaping of areas around a structure making such areas compatible with the natural terrain.
- B. Shaping, grouping and placement of man-made structures to complement the natural landscape.
- C. Arrangement of structures so they complement one another, thereby promoting visual interest.
- D. Shaping of essential grades to conform to the existing contours and prohibit the appearance of successive padding, terracing or other similar form of grading for a building site in a steep slope area.
- E. Encouragement of split-level development sites.
- F. Use of one-way streets when consistent with traffic safety, circulation needs, and natural topography. This guideline may allow for a smaller street right-of-way, less cut and fill within a given area and a street network consistent with the natural terrain. A street shall be parallel with the hillside wherever possible and may require variable width of right-of-way. Such alignment shall not only provide the most economical routing, but shall also minimize the amount of grading required.

9.11.2 Slopes Greater Than Twenty Five (25%) Percent

A slope greater than twenty-five (25%) percent (2.5 feet of vertical rise in a ten (10) feet horizontal distance) shall not be developed except as approved in a Site Plan. When an application is received by the Code Enforcement Officer for a development that proposes to affect, in any way, a slope greater than twenty-five percent (25%), the application shall be referred to the Planning Board as a Site Plan application under Article 8.

9.12 Storm Water Management and Erosion Control Requirements

9.12.1 Intent

It is the intent of this Section to assure that all development provides for adequate protection against the impacts associated with storm water and that no development creates added storm water runoff from a development site. This intent is furthered by requiring that all development plans include provisions for Storm Water Management and that such plans comply with *NYSDEC, "Stormwater Management Design Manual"*; as may be amended from time-to-time.

- A. Drainage systems shall be designed to have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed upland therefrom.
- B. There shall be no net increase in the post-development rate of storm water run-off
- C. Interior drainage systems shall be designed to accommodate a minimum ten (10) year storm.
- D. The design of drainage systems shall be approved by the appropriate Village officials and/or a Village consultant.
- E. Utilizing the drainage guidelines outlined above, the Planning Board may require the developer to submit the following:
- F. A Site Plan shall show and detail design features for a Storm Water Management System sufficient to document compliance with the *NYSDEC Storm Water Management Design Manual*, which may include plan profiles, and typical and special cross-sections of proposed storm water drainage facilities;
 1. Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.
 2. A grading plan developed to a two (2) foot contour interval and grading details to indicate proposed road grades and elevations and building site grades and elevations.
 3. If the development is within, or adjacent to, any designated floodplain, a detailed analysis of the area with respect to the management of the floodplain shall be included in the drainage report.
- G. Design criteria for storm water management in the Village shall be as generally specified in the *NYSDEC, "Stormwater Management Design Manual"* as may be amended from time-to-time.
- H. All structures shall be set back a minimum of one hundred (100) feet from a stream bank, or more, as required by a floodway.
- I. Maintain and incorporate existing drainage patterns and watercourses in the overall storm water management design.

9.12.2 Special Site Plan Requirement

When an application for a building permit, a Highway Work Permit, and/or a Variance, includes a lot where, in the determination of the Code Enforcement Officer, a significant impact associated with storm water management and/or erosion is likely to occur as a result of a development, the application shall be referred to the Planning Board as a Site Plan application under Article 8.

9.12.3 Erosion Control. In order to insure that the subdivision will be developed with a minimum amount of soil erosion, the Planning Board shall require the developer to follow certain erosion control practices. These practices shall generally be as described in the Empire State Chapter Soil & Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control, March, 1988, or its most recent revisions, and shall include the following general practices:

- A. Exposing the smallest practical area of land at any one time during the development.
- B. Provision of temporary vegetation and/or mulching to protect critical areas
- C. Provision of adequate drainage facilities to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development. The design engineer shall show, as part of the submitted plans, the interceptor swales and sedimentation basins along the lower edges of all developments. Topographic data and design grades for the swales shall be shown on the plans.
- D. Fitting the development to the topography and soils so as to minimize the erosion potential.
- E. Retention and protection of natural vegetation wherever possible.
- F. Installation of permanent final vegetation and structures as soon as practicable.
- G. Provision of adequate protective measures when slopes in excess of 15% are graded, and minimizing such steep grading.
- H. Installation and maintenance of temporary sedimentation basins shall be in conformance with the Empire State Chapter Soil & Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control, March, 1988, or its most recent revisions.

9.13 Recreation Parks, Playgrounds and Open Space Requirements

9.13.1 PMRD development

- A. Consistent with the Village Comprehensive Plan a park, playground and/or open space is required for a PMRD. The required park, playground and/or open space shall meet the following minimum requirements:
 - 1. Such land shall be either held in private or corporate ownership and maintained in perpetuity by an established organization or else deeded to the Village.
 - 2. The location of such land on a lot shall be determined with the following considerations:
 - (a) Maximizing the safety for children and adults walking between such facilities and their homes.
 - (b) Providing for safe vehicular traffic circulation and parking at the park, playground and/or open space site.

- (c) Minimizing the interaction between vehicular traffic to and from the Principal Use of the lot and the vehicular traffic to and from the park, playground and/or open space site on the lot.
- (d) The suitability of the park, playground and/or open space site and its location for the intended recreational purposes.

9.13.2 Open Space in All development

- A. Areas, on a lot proposed for a development, which requires a Site Plan in accordance with Section 4.11, that are determined to be of importance to the community based on their environmental setting, scenic view, historical or archeological significance, may be set aside and not be developed as a condition of Site Plan approval. Such a determination shall depend upon the magnitude and character of the development and the potential that the environmental setting, scenic view, historical or archeological site would be irreparably lost if not preserved.
- B. Land proposed for open space purposes shall be either held in private or corporate ownership and maintained in perpetuity by an established organization or else shall be deeded to the Village. The ownership of such land shall be determined in consideration of the following:
 - 1. The severity of the constraints and the impact these constraints have on the potential for further development of a lot.
 - 2. The importance of the land area to the Village and to the persons using the development.
 - 3. The land's scenic quality, potential for wildlife habitat and the potential for protecting adjacent properties from any potential adverse impact that may result from development of that area of an open space.
 - 4. The likelihood that residents in the development and/or the Village would utilize and/or benefit from the set aside of such land.
- C. When it is determined by the Planning Board that open space is required, a detailed plan shall be provided with a Preliminary Site Plan for the open space and at minimum shall include:
 - 1. A dimensional drawing showing boundaries of the open space.
 - 2. A maintenance plan for the open space area.
 - 3. Either a detailed description of future ownership of the land or a proposed deed offering dedication of such land to the Village.
 - 4. A description of any improvements proposed for the land.

9.14 Utility Requirements

9.14.1 Electric, Telephone and Cable

With the exception of individual service to one-unit and two-unit residential developments, the telephone and television cable, electric and gas lines or similar utility services, shall be installed underground, unless full documentation supporting alternate methods as the most feasible approach is provided to, and accepted by, the Planning Board.

9.14.2 Water Supply and Sewage Disposal

The installation of, and specifications for, public water and sewer lines shall comply with the rules, regulations and requirements of the Village Superintendent of Public Works, the Schuyler County Health Department, the NYS Department of Environmental Conservation and/or the NYS Department of Health.

9.15 Damaged and Unsafe Building or Structure Requirements

9.15.1 General Requirement

- A. The owner of a structure or building that has been damaged by fire, flood or other cause shall notify the Code Enforcement Officer (CEO) of the damage within seventy-two (72) hours subsequent to the occurrence of the damage. Any damaged building or structure shall be made safe and secure in accordance with the NYS Uniform Fire Prevention and Building Code.
- B. The use of fire as a method for razing a damaged or unsafe structure or building is prohibited, unless specifically authorized in writing by the NYS Department of Environmental Conservation, the Schuyler County Emergency Services Coordinator, the Fire Chief for the jurisdictional Fire District and the Village CEO.

9.15.2 Repair, Replacement and/or Razing

- A. The owner of a building or structure which has been damaged by fire, flood or other cause to an extent exceeding fifty (50%) percent of its replacement value shall comply with the following requirements:
 1. Arrange for the damaged building or structure to be evaluated by a design engineer and/or the CEO.
 2. Shall apply for a building permit for the work recommended by the design engineer and/or CEO and which may include repair, reconstruction or razing of the damaged building or structure. The owner shall perform such work within one hundred eighty (180) days of the date of an Order to Remedy issued by the CEO.
- B. The owner of a building or structure which has been damaged by fire, flood or other cause to an extent of fifty (50%) percent or less of its replacement value shall apply for a building permit for the work required either to repair or to reconstruct or to raze the damaged building or structure and perform such work within two hundred seventy (270) days subsequent to the occurrence of the damage.

9.16 Industrial Use Requirements

9.16.1 General Requirements

No Industrial Use shall be permitted, established, maintained or conducted which is likely to cause or have:

- A. Fumes, gases, dusts, particulate, odors, or any other atmospheric pollutant beyond the boundaries of the lot whereon an Industrial Use is located.
- B. Excessive smoke or similar atmospheric pollutant beyond the boundaries of a lot on which the Industrial Use is located. Excessive smoke shall be determined according to the *Ringelmann's Scale for Grading the Density of Smoke*, published by the U.S. Bureau of Mines. When the shade or appearance of such smoke is darker than No.

- 2 on said Ringelmann Smoke Chart, it is then deemed to be excessive.
- C. Noise levels greater than fifty-five (55) decibels (db) measured at a boundary of a lot occupied by an Industrial Use.
 - D. A discharge of any industrial effluent into any watercourse, open ditch, or on a land surface unless specifically permitted by written authorization from the NYS Department of Environmental Conservation.
 - E. A discharge of any industrial effluent into the Village sanitary sewer system except in accordance with the rules, and under the control, of that system.
 - F. Open storage or stocking of any waste materials.
 - G. Glare or light levels in excess of the requirements set in Section 9.26.
 - H. Vibration perceptible beyond the lot lines whereon such Industrial Use is conducted.
 - I. Any other nuisance, activity or action that may be likely harmful to a person or property.

9.16.2 Buffer, Barrier and Landscape Requirements

- A. Buffer and Barrier shall be provided in accordance with Section 9.23.
- B. Any portions of the lot proposed for industrial development and not occupied by a structure, parking area, drive, internal drive, pedestrian ways, or storage shall be landscaped with lawn, trees, shrubs, or other plant material in accordance with Section 9.23.

9.16.3 Other Industrial Use Activity

9.16.3.1 Outdoor Storage

Materials, supplies, or products shall not be stored in a front yard and any such storage located in the side or rear yard shall be screened in conformance with Section 9.22.

9.16.3.2 Off-Street Loading and Unloading Berths

Off-Street loading and unloading berths shall be provided in accordance with Section 9.5 and the following minimum requirements:

- A. An off-street loading and unloading berth located on or along a drive shall be located a minimum of one hundred (100) feet from a street.
- B. The handling of all freight shall occur either on those sides of a building, which do not face a street or else shall be suitably landscaped and screened in accordance with Section 9.22.

9.16.3.3 Accessory Use

Accessory uses shall conform to the minimum requirements set forth in Section 9.6 and as prescribed in an approved Site Plan.

9.16.4 Design Requirement

A Site Plan for an Industrial Use shall include design elements that include sufficient documentation to determine compliance with the requirements of Section 9.16 and all other applicable Sections of this Law.

9.16.5 Access to a lot containing an Industrial Use shall:

- A. be designed by a design engineer;
- B. be designed so as not to route traffic directly through an R1, R2 or R3 Zoning District on other than a primary street;
- C. be designed to access a street other than a Village street located within an R1, R2 or R3 Zoning District; and
- D. have a design based on a Traffic Study that includes provisions for access by all vehicles expected or intended to use the site.

9.17 Solar Energy System and Solar Access Requirements

9.17.1 Plan Requirements

A Site Plan for new Residential development that includes either five (5) or more acres of site development area and/or more than twenty (20) dwelling units, shall consider designs to promote the maximum number of buildings receiving direct sunlight sufficient for using a solar energy system. Such Site Plan shall include a solar access plan that considers the following:

- A. Solar access shall be protected between the solar azimuths of -45 degrees east of due south and +45 degrees west of due south.
- B. In considering those dimensional modifications permitted in Articles 6, the Planning Board shall consider solar access design.
- C. For solar access, streets, lots and building setbacks should be designed so that the buildings are oriented with their long axes running from east to west for one-unit development and north to south for multi-unit development.
- D. In order to maximize solar access, the higher density dwelling units should be placed on a south-facing slope and the lower density dwelling units sited on a north-facing slope.
- E. Structures should be sited as close to the north lot line as possible in order to increase yard space to the south and thereby reduce the shading of the south face of a structure.
- F. A tall structure should be sited to the north of a short structure.
- G. A description of any legal mechanisms, such as deed restrictions, covenants, etc., that are to be applied to protect or provide for solar access shall be sufficiently documented in a Site Plan.

9.18 Wind Energy Conversion Systems (Windmill) Requirements

The intent of this Section is to regulate the placement of, and access to, wind for an energy conversion system, and thereby protect the health and safety of individuals on adjacent Lots.

9.18.1 General Requirements

A Site Plan approval and a building permit are required for the construction of a wind energy conversion system.

9.18.2 Dimensional Requirements

- A. The total height for a vertical axis rotor installation of a wind energy conversion system is the tower height plus one-half (1/2) the rotor diameter, and for a horizontal rotor installation of a wind energy conversion system is the distance from the base at finished grade to the top of the unit.
- B. A wind energy conversion system setback shall be a distance that is the greater of either the total height of the wind energy conversion system or the required setback, whichever is greater.
- C. A maximum allowable total height for a wind energy conversion system shall be eighty (80) feet unless otherwise restricted or prohibited by Federal, State or Local Laws, Rules, or Regulations.
- D. Minimum allowable height above finished grade at the lowest point of the arc of a rotor blade shall be fifteen (15) feet.

9.18.3 Safety Requirements

All wind energy conversion systems shall be designed, installed and maintained in accordance with the following:

- A. The foundation and supports for a wind energy conversion system shall be as designed by a design engineer.
- B. At least one (1) sign, warning of high voltage, shall be posted at the base of the wind energy conversion system.
- C. Tower climbing ladders, stairs or similar devices shall be at least twelve (12) feet above the ground area.
- D. All wind energy conversion systems shall be installed with braking systems approved by the manufacturer.

9.18.4 Sound Control Requirements

The maximum level of sound created by the wind energy conversion system, as measured, at the lot line shall be no greater than fifty-five (55) decibels (db).

9.18.5 Design Requirements

- A. All electric transmission lines serving the installation shall be installed underground.
- B. No wind energy conversion system shall be permitted to have guy wire support.

9.19 Home Occupation Requirements

9.19.1 Restrictions:

The following uses shall not be permitted as a home occupation:

- A. a business which has as its primary function of the wholesale or retail sale of goods or articles,
- B. any form of motor vehicle repair, including vehicle body work or vehicle detailing,
- C. motor vehicle sales,
- D. any small engine or appliance repair,
- E. a veterinary hospital,
- F. a kennel,
- G. a bar and/or restaurant,
- H. a greenhouse;
- I. cottage industry, and
- J. any use that is not permitted by New York State Uniform Fire Prevention and Building Code or is prohibited by any other Federal, State or Local Law, Rule or Regulation is prohibited.

9.19.2 General Requirements

A home occupation use shall comply with the following minimum requirements:

- A. In a dwelling unit the lesser of either twenty-five percent (25%) of the total floor area or five hundred (500) square feet, may be used for, or dedicated to, the use.
- B. The use shall be conducted within the enclosed walls of a dwelling unit.
- C. There shall be no external evidence of such use except for a sign installed in accordance with Section 9.7. No stock, merchandise, packaging, equipment or displays related to the use shall be visible from outside the dwelling unit.
- D. The dwelling unit wherein the use is located shall not be altered or extended in a manner not customary or typical to a residential building in order to accommodate the use.
- E. The use shall not result in nor cause vehicular traffic volumes of greater than four (4) cars per hour or otherwise create a nuisance to abutting lots.
- F. The use shall not change the residential character of the adjoining lots.

9.20 Cottage Industry Requirements

9.20.1 Restrictions

The following uses shall not be permitted as a cottage industry use:

- A. a business which has a primary function of wholesale or retail sale of goods or articles on a lot except as provided in Sub-Section 9.20.2F,
- B. any form of motor vehicle repair including vehicle body work,
- C. motor vehicle sales,
- D. a veterinary hospital,
- E. a bar and/or restaurant,
- F. any use prohibited by the New York State Uniform Fire Prevention and Building Code or any other Federal, State or Local Law, Rule or Regulation is prohibited.

9.20.2 General Requirements

A cottage industry use may be permitted when an approved Site Plan documents compliance with the following minimum requirements:

- A. In a dwelling unit the lesser of thirty percent (30%) of the total floor area or seven hundred fifty (750) square feet may be used for, or dedicated to, the use.
- B. No more than one thousand (1,000) square feet of an accessory structure shall be used for, or dedicated to, the use.
- C. No more than one thousand five hundred (1,500) square feet when combined of the dwelling unit and the accessory structure shall be devoted to the cottage industry use.
- D. The use is to be conducted within the enclosed walls of the dwelling unit and/or accessory structure.
- E. There is no external evidence of such use except for a sign installed in accordance with Section 9.7. No stock, merchandise, packaging, equipment or displays related to the use is visible from outside the dwelling unit and/or accessory structure.
- F. A dwelling unit wherein the use is located shall not be altered or extended in a manner not customary to, or typical of, a residential building in order to accommodate the use. Construction and/or modification of an accessory structure to accommodate the use may be permitted.
- G. The use shall not result in or cause vehicular traffic volumes of greater than six (6) cars per hour nor otherwise create a nuisance to abutting properties.
- H. A maximum of ten percent (10%) of any area devoted to or used by the use may be for display and/or wholesale and retail sales.
- I. The use shall, at all times, remain compliant with all conditions of the site plan approval.

9.21 Wireless Telecommunication Facilities/Towers

9.21.1 Intent

The Village anticipates receiving applications to site Wireless Telecommunication Facilities (WTF) within its municipal boundaries. It is the intent of the Village to establish an orderly process for managing the accommodation of the communication needs of the residents and businesses consistent with applicable Federal and State regulations, while protecting the health safety and general welfare of the residents of the Village of Watkins Glen by:

- A. Facilitating the provision of wireless telecommunication and other communication services to the residents and businesses of the Village, while simultaneously preserving the character, appearance and aesthetic resources of the Village;
- B. Minimizing the adverse visual effects of telecommunication towers and facilities through development of siting and approval criteria;
- C. Protecting the scenic, historic, environmental, natural and man-made resources of the Village;
- D. Preserving property values of the Village;
- E. Minimizing the undue proliferation and height of communication towers throughout the Village;
- F. Avoiding potential harm to adjacent persons and properties from tower failure, noise,

falling objects and attractive nuisances by its the establishment of appropriate siting standards;

- G. Encouraging, where reasonably possible, the shared use of existing and approved towers in order to reduce the number of towers needed to serve the community and thereby minimize and mitigate the adverse visual impacts of towers and their facilities.

These regulations are intended to be consistent with the Telecommunications Act of 1996 in that:

- H. They do not prohibit, nor have the effect of prohibiting, the provision of personal wireless services;
- I. They are not intended to be used to unreasonably discriminate among providers of functionally equivalent services;
- J. They do not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning emissions.

9.21.2 Definitions

Unless otherwise expressly stated, the following terms shall, for the purpose of this Law and Section, have the meanings herein indicated:

- A. Antenna - A device including, but not limited to, whips, dishes and panels, used in communications to transmit and/or receive electromagnetic waves
- B. Antenna Array - One or more antenna used for the transmission and/or reception of radio frequency signals
- C. Co-Location - The location of two (2) or more wireless telecommunications facilities at a common site, structure or tower
- D. Monopole Tower - A freestanding tower consisting of a single pole.
- E. Tower - An erect structure or framework, either self-supporting or tied to the ground or other surface by cables, that is designed to support including, but not limited to, the following: wireless telecommunication, wireless service transmissions, receiving and/or relaying antenna and/or equipment, or any other such equipment, devices and services. A tower includes any structure and supporting apparatus which is attached thereto.
- F. Wireless Telecommunications - Any personal wireless service, as defined in the Federal Telecommunications Act of 1996, which includes Federal Communication Commission (FCC) licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist, or that may in the future, be developed.
- G. Wireless Telecommunication Facility (WTF) - an unstaffed facility for transmission and/or reception of wireless telecommunication services, usually consisting of an antenna, antenna array, connection cables, and equipment facility, and a tower or support structure to achieve the necessary elevation.

9.21.3 Approval Procedure

9.21.3.1 Site Plan Approval - As specified in Section 4.11, all WTF and Towers shall require Site Plan Approval in accordance with the procedures and requirements of Article 8.

9.21.3.2 Additional Submittal Requirements -In addition to the standard submittal requirement for a Site Plan, as specified in Article 8, an application for a WTF and Tower shall include the following documentation. However, the Planning Board may waive the submittal of certain of the following documentation in the instance of a WTF that is to be located on an existing structure or Tower:

- A. Necessity of service - a demonstration supported by standard engineering practices that the proposed WTF is necessary in order to provide service to locations which cannot be served by existing WTF and/or Towers within and outside the Village, and/or by alternate technologies, such as repeaters.
- B. A copy of the FCC License for the applicant's service in the proposed area.
- C. A five (5) year build-out Plan for the proposed site and other sites within the Village and within adjacent Towns, clearly demonstrating the applicant's plans for other structures, proposed application and building dates.
- D. Structural Integrity Certification - a certification by a NYS Licensed Professional Engineer that the supporting structure/tower will meet the Uniform Fire Prevention and Building Code wind load requirements for the proposed facility and any additional users identified in the Co-Location Certification.
- E. Co-Location Certification - a demonstration by standard engineering practices, signed by a licensed NYS Professional Engineer, that the structure or tower can accommodate additional co-locators. Such data shall identify the maximum number of co-locators, or alternative co-location strategies, which could be supported on the structure or tower.
- F. Visual Impact Assessment - the applicant shall provide a Visual Impact Assessment, including a photo simulation that supports, with clear and convincing evidence, that the visual, aesthetic, and community character intrusion impacts have been minimized to the greatest extent possible.
- G. Height and Bulk Documentation - the applicant shall provide clear and convincing evidence that the proposed height and bulk of the WTF is the minimum necessary to provide licensed communications to the locations in the Village that the applicant is unable to serve by an existing facility and by a facility of lower height.
- H. Emission Certification - a report signed by NYS Licensed Professional Engineer with expertise in radio communication facilities and/or a health physicist with expertise in radio frequency emissions, which states that the proposed maximum equipment output at the proposed site will comply with all emission standards adopted by the FCC. Such certification may be required to be periodically updated.

- I. Non-interference Certification - a certification and supporting evidence that the proposed WTF will not cause interference with existing communication devices.

9.21.4 Standards for Wireless Telecommunications Facilities

- A. All newly proposed WTF and towers, alterations to existing WTF with towers as a Principal Use shall meet the following standards, which shall be considered the minimum requirements:
 1. Minimum Lot Size -shall be as specified in Section 5.1 or a minimum area equal to a square that is the height of the tower, whichever is greater.
 2. Setback Standards: All WTF and towers shall be setback from all property lines and above ground power lines not less than the maximum distance from the center of the monopole or tower to the perimeter of the fall zone should the structure collapse, as certified by a NYS Licensed Professional Engineer; or the setbacks established in Section 5.1 for the Zoning District, whichever is greater.
 3. All WTF and Towers shall be located so as to be:
 - (a) separated from all dwellings by a distance of not less than five hundred (500) feet
 - (b) separated from all Day Care Centers and schools by a distance of not less than five hundred (500) feet
 - (c) separated from all churches and places of worship by a distance of not less than five hundred (500) feet
 - (d) separated from a road right-of-way by a distance of not less than five hundred (500) feet.
 4. Height Limits - the height of any new tower shall be the minimum required to establish and maintain adequate service as documented in the submittal documentation. In no instance shall the tower exceed 150 feet above the ground elevation, nor a maximum of fifty (50) feet above the tree line, whichever is less, unless specific documentation is provided which substantiates that the proposed service requires a tower of greater height.
 5. Support structures - all new towers shall be a monopole, unless otherwise authorized by the Planning Board for good cause as shown in the submittal documentation.
 6. Lighting - signal lights shall be prohibited unless required by the FCC or Federal Aviation Administration.
 7. Visual Impact - a WTF and/or Tower shall be sited so as to affect the minimum adverse visual impact on the surrounding areas and roadways. Facilities and towers shall be designed and constructed of materials that are harmonious with the natural setting of their location/area.
 - (a) Clearing - The maximum area permitted to be cleared shall be no more than fifty (50) feet in extent from the tower and/or accessory structure footprint. Only the very minimum amount of vegetative clearing shall be permitted to accommodate construction.
 - (b) All equipment accessory structures shall be sited to minimize their adverse visual impact on the surrounding areas and roadways. The Planning Board may require that these facilities shall be located completely, or partially,

- underground.
- (c) All equipment not located within a structure shall be designed and/or treated with materials to blend with the surrounding natural setting and/or other accessory structures.
- 8. Signage -shall be prohibited unless required by applicable regulation or law.
- 9. Co-Location
 - (a) Co-Location is required of all new WTF and towers unless:
 - (1) the applicant has provided clear and compelling evidence in accordance with sub-section 9.21.3.2E and 9.21.4.
 - (2) Co-Location cannot achieve the minimum reasonable technical needs of the proposed facility; and/or
 - (3) The inability to secure permission of the owner(s) of existing site(s) and/or facility(ies) at a reasonable cost to allow such additional installation
 - (4) Structural and other engineering limitations, absent reasonable refurbishment, are demonstrated.
 - (b) The applicant shall document additional capacity for future shared use of the tower and shall certify that such additional capacity shall be available for future applicants providing Wireless Telecommunication Services, subject to good faith negotiations.
 - (c) The clustering of towers and WTF on the same lot shall be considered if co-location cannot be accomplished.
- 10. Security - each WTF shall be protected against unauthorized access. Security fencing shall be required. The Planning Board shall determine the aerial extent of fencing required based on the Site Plan application submittal. All security fencing shall be a minimum of twelve (12) feet in height and shall not have to conform to the requirements set forth in Section 9.9.
- B. All newly proposed WTF without towers, and alterations to existing WTF without towers, that are accessory uses, shall meet the standards for the principal building or structure on which they are to be located.

9.21.5 Exempt Facilities

The Village has determined that the following transmitting and/or receiving telecommunication facilities are exempt from regulation under this law and section:

- A. Amateur radio and satellite facilities, so long as such facilities are operated by a licensed amateur;
- B. Civil Emergency facilities and other safety towers required by Federal and/or State agencies; and
- C. Home satellite facilities where installed on residential premises solely for the use by the residents of those premises and not offered for re-sale to off-premise locations.

9.21.6 Abandonment

WTF which are not operated for the provision of wireless telecommunication services for a continuous period of twelve (12) months or more may be deemed to be abandoned. Upon receipt of a written Notice of Determination of Abandonment from the Village, the operator shall remove the WTF within ninety (90) days.

9.22 Vehicle Filling Station, Vehicle Repair, Vehicle Sales and Heavy Equipment Vehicle Sales and/or Repair, Car Wash and/or Contractor's Equipment Yard Requirements

9.22.1 Dimensional Requirements

A. Minimum Lot Size:

1. Minimum lot size for Vehicle Filling Station, Vehicle Repair, Vehicle Sales and Heavy Equipment Vehicle Sales and/or Repair, and/or Contractors' Equipment Yard uses shall be the greater of either 20,000 sq. ft. or the minimum lot area requirement prescribed in Section 5.1.
2. In those instances where a Vehicle Filling Station, Vehicle Repair, Vehicle Sales and Heavy Equipment Vehicle Sales and/or Repair, and/or Contractors' Equipment Yard Uses is proposed as part of a Mall or Plaza, there shall be dedicated for each such use a Minimum Lot Area of 20,000 sq. ft.
3. Addition to any required lot area and/or setback, a developer may be required to provide any additional space necessary, as determined by an approved Site Plan, to mitigate any potential impact on surrounding Lots or uses.

B. The Minimum Lot width shall be the greater of one hundred fifty (150) feet or the Minimum Lot width prescribed in Section 5.1.

C. Fuel dispensing devices shall be located at least thirty-five (35) feet from any front lot line and fifty (50) feet from any side or rear lot line. This distance shall be measured from the outermost edge of the fuel island structure.

9.22.2 General Requirements

A. Automobile parts, including tires, frames, hubcaps, and motors, and dismantled or unregistered motor vehicles, are to be stored within a structure or otherwise screened from view from any adjoining lot or street. Accessory products that are offered for sale may be placed outside during normal business hours provided such items are stored or displayed in a rack.

B. All major repair work shall be performed within a building. Vehicles waiting to be serviced or stored on the lot shall not be parked or stored in any required yard. Wrecked vehicles being held for insurance adjustment or other legal purpose shall be stored and screened from view from an adjoining lot or street.

C. Parking:

1. No vehicle shall be parked, stored or left standing within fifteen (15) feet of a street right-of-way unless it is in a designated on-street parking area.
2. Parking Area requirements shall be as set forth in Section 9.4. Such parking areas shall not conflict with the traffic pattern to, and from, any fuel pump. In addition to any required parking, a developer may be required to provide any additional parking areas necessary, by an approved site plan, to mitigate any potential impact on a surrounding lot or use.
3. Where parking areas abut a residential use, as set forth in Section 4.11, or a Residential Zoning District boundary they shall be screened from such use or District and include a barrier that shall;

- (a) be composed of densely-planted plant material, not less than ten (10) feet in depth and eight (8) feet in height from finished grade,
 - (b) include a fence,
 - (c) be of materials consistent with the character of adjacent residential Lots,
 - (d) be maintained in perpetuity, or to a time when the adjoining residential use no longer exists.
- D. No vehicles offered for rent or sale shall be placed, stored or parked within ten (10) feet of a street right-of-way and shall conform with the requirements of Section 9.10.
 - E. All storage and display areas shall be provided with a paved surface and shall be adequately drained.
 - F. All outdoor lighting shall conform with Section 9.26.
 - G. No twenty-four (24) hour operation use shall be permitted within one hundred (100) feet of an existing Residential Use and/or Residential District Boundary.
 - H. Fuel, oil and other materials which are environmentally hazardous, shall be stored, controlled and disposed of in accordance with the Rules and Regulations of the NYS Department of Environmental Conservation.
 - I. Notwithstanding the requirements set forth in Section 5.1, a canopy, as an accessory structure, may extend to within fifteen (15) feet of the street right-of-way.
 - J. Where such uses incorporate a drive-through use, on-site traffic circulation shall comply with Section 9.25.
 - K. Site layout shall accommodate safe delivery of fuel and other merchandise without blocking or impeding traffic on the site or on the adjoining streets.

9.23 Transition Yard, Buffer Yard, Landscaping, and Barrier Requirements

9.23.1 Intent

The Village of Watkins Glen believes that the preservation and promotion of the existing Village character and property values is a desirable and important means of protecting the public health, safety and welfare as well as ensures a healthy community, which is consistent with the Village Comprehensive Plan. The use of buffers and transition yards is a method of preserving and enhancing protection from visual intrusion by inconsistent forms of development. More specifically, this section is intended to provide requirements that will ensure greater compatibility between land uses with different characters by requiring a transition yard between residential and Non-residential Zoning Districts and a screen or buffer between certain uses in order to minimize the impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on, or created by, an adjoining or nearby use. This Section will provide consideration of those physical and visual elements of a development or use and to require treatment of the land with plant material and/or man-made features. Such plant materials and/or man-made features are to be arranged to enhance the appearance, to screen or effectively separate different types of uses, and to eliminate or minimize impacts on adjoining uses.

9.23.2 Application

9.23.2.1 Transition Yards: When a Zoning District, other than an R1, R2 or R3 District, abuts a R1, R2 or R3 District a transition yard shall be provided that is in addition to any required setback or buffer in accordance with Section 9.23.3.

9.23.2.2 Buffer Yards, Barriers and Landscaping: The buffer yard, barrier and landscaping provisions of this Section shall apply to all uses requiring Site Plan Approval in each zoning District in the Village of Watkins Glen.

9.23.2.3 Transition Requirements

A. Minimum Requirements: Where an R1, R2 or R3 Zoning District abuts any other Zoning District without a street intervening, a minimum side or rear yard setback in the other District that is measured from a lot line coincident with the boundary of the abutting Zoning District, shall be increased more than the minimum yard setback specified in Section 5.1 for the other Zoning District by a transition yard which shall have a depth equal to the number of feet as follows:

OTHER DISTRICT	RESIDENTIAL DISTRICTS	TRANSITION YARD DEPTH IN FEET
BT-1	R1, R2 & R3	15
CD	R1, R2 & R3	25
CL	R1, R2 & R3	25
LD	R1, R2 & R3	25

B. Where an R1, R2, or R3 Zoning District abuts any other Zoning District along the centerline of a road, a transition yard shall be required in the other Zoning District its depth, measured from a front lot line coincident with the right-of-way of the road, shall be a minimum of fifteen (15) feet more than the minimum front yard setback specified in Section 5.1 for the other Zoning District.

C. A transition yard shall be treated as a buffer yard for landscaping and barrier type requirements in accordance with the types of uses proposed and/or existing on the Lots in the adjoining zoning Districts.

9.23.3 Buffer Yard and Landscaping Techniques

The purpose of the buffer yard shall be to provide a physical separation of space between uses of different characters. The buffer yard shall be provided with appropriate landscaping pursuant to the requirements set forth in Sub-section 9.23.7 and the approved site plan. The Village recognizes and supports several different purposes for a buffer, and the landscaping provided therein, as described below:

- A. a visual setting, including natural ground-cover and/or other plant materials, specifically designed to stabilize a land form and provide a foreground setting consistent with natural surroundings,
- B. a barrier including earth mounding, berm and screening designed to separate, obscure, or soften, the impacts associated with an incompatible use; and

- C. a physical separation, including a combination of space, plant and man-made materials or features, designed to separate different land uses.

9.23.4 General Requirements for Buffer, Landscaping and Barrier

A Buffer, Landscaping or Barrier required by this law, as a condition of Site Plan approval, and/or as a mitigation for impacts associated with a development, shall comply with the following minimum requirements:

- A. No Principal Structure, Principal Use, Accessory Structure or Accessory Use shall be located within any required buffer yard or transition yard. Drive and parking space accessory uses may be located within the required setback in accordance with an approved Site Plan.
 - 1. No access drive shall be located within a required transition yard, as required in Section 9.23.3, if there is an adjoining lot in common ownership on which such drive may be located without being in a transition yard.
- B. A Buffer, Landscaping or Barrier shall be installed by the developer in accordance with a drawing included in an approved Site Plan.
- C. A Buffer, Landscaping or Barrier required to mitigate an impact associated with a development may be designed by a Design Professional.
- D. Buffer, Landscaping or Barrier shall be designed to provide that degree of continuous protection to a use which is commensurate with the anticipated adverse impact associated with a development.
- E. The requirements of Section 9.10 shall be considered in the design of any buffer, landscaping or barrier.
- F. A buffer, landscaping or barrier shall be maintained in perpetuity by the developer.
- G. A variety of plants may be substituted for plantings required under this Section as the buffer, landscaping or barrier is maintained. However the performance of the substitute vegetation shall be equal to that of those approved in any site plan and shall be as follows:
 - 1. In a buffer, evergreen trees may be substituted for shade trees and small trees without limitations.
 - 2. In a buffer, evergreen shrubs may be substituted for deciduous shrubs without limitation.
- H. All disturbed soil areas of the site shall be replanted or re-seeded in an appropriate fashion.

9.23.5 Buffer Requirements

Where a lot, in any District except the CB, is proposed to contain a use listed in the use categories set forth in Section 4.11 and abuts a lot containing an existing or approved use, a minimum buffer yard shall be provided, for the proposed use, as follows:

USE CATEGORY	EXISTING OR APPROVED RESIDENTIAL USE	EXISTING OR APPROVED GENERAL USE	EXISTING OR APPROVED BUSINESS USE	EXISTING OR APPROVED INDUSTRIAL USE
Proposed Residential Use	1	2	3	4
Proposed General Use	2	1	2	3
Proposed Business Use	3	2	1	2
Proposed Industrial Use	4	3	2	1

Buffer Yard Type Buffer Description

1. The buffer shall be the minimum yard requirements (setbacks) for the proposed principal use and structure, as prescribed in Section 5.1.
2. The buffer shall be the total of that area of the minimum yard requirements (setbacks) for the proposed principal use and structure, as prescribed in Section 5.1 plus a buffer yard of ten (10) feet and such buffer yard shall be landscaped in accordance with Sub-Sections 9.23.6 and 9.23.7.
3. The buffer shall be the minimum yard requirements (setbacks) for the proposed principal use and structure, as prescribed in Section 5.1, plus a buffer yard fifteen (15) feet and such buffer yard shall be landscaped in accordance with Sub-Sections 9.23.6 and 9.23.7.
4. The buffer shall be the minimum yard requirements (setbacks) for the proposed principal use and structure, as prescribed in Section 5.1, plus a buffer yard of twenty-five (25) feet and such buffer yard shall be landscaped in accordance with Sub-Sections 9.23.6 and 9.23.7.

9.23.6 Landscaping Requirements

Where a buffer yard is required by Sub-Section 9.23.5, the buffer yard shall be provided with a Landscape Type as specified in the following Table:

USE CATEGORY	EXISTING OR APPROVED RESIDENTIAL USE	EXISTING OR APPROVED GENERAL USE	EXISTING OR APPROVED BUSINESS USE	EXISTING OR APPROVED INDUSTRIAL USE
Proposed Residential Use	1	2	3	4
Proposed General Use	2	1	2	3
Proposed Business Use	3	2	1	2
Proposed Industrial Use	4	3	2	1

Landscaping Type Description

1. Buffers may be landscaped with plantings of choice. No Landscape Plan is required.
2. Planting shall include shrubbery and/or small trees that at maturity will be a minimum of 6 feet or a height that will provide intervening vegetation to the full height of the proposed use structure as viewed from an eye level elevation of five feet (5) six inches (6") at any point on the abutting use setback line.
3. Planting shall include hedges, shrubbery and/or small trees that at maturity will be a minimum of eight (8) feet or a height that will provide intervening vegetation to the full height of the proposed use structure as viewed from an eye level elevation of five (5) feet six (6") inches at any point on the abutting use setback line.
4. Planting shall include hedges, shrubbery and/or small trees that at maturity will be a minimum of ten (10) feet or a height that will provide intervening vegetation to the full height of the proposed use structure as viewed from an eye level elevation of five (5) feet six (6") inches at any point on the abutting use setback line and/or the second story of a residential use.

9.23.7 Landscaping Minimum Requirements

9.23.7.1 Minimum General Requirements: The following requirements shall apply to the preservation, installation and maintenance of all landscaping, tree cover, screening and barriers required by the provisions of this Section. Existing site vegetation may be used to meet some or all of the requirements as set forth below. The Planning Board will consider credit for preservation of existing vegetative cover in the application of these requirements:

- A. The size and character of all trees and shrubs shall be in accordance with the provisions of the American Standard For Nursery Stock, (ASNS) latest edition (currently November 6, 1996), which is adopted by reference herein.
- B. All planting will be done at an appropriate time of the year (no planting will be allowed if the ground is frozen) and will comply with good horticultural practice.
- C. Generally, planting required by this Section should fit with the character of the surroundings and be composed of native, naturalized, or disease resistant and cold hardy (USDA Plant hardiness Zone 5) ornamental species capable of survival without extraordinary measures.
- D. Plants for Planting Plans adjacent to roads and/or within parking areas shall be those recommended in the handbook Urban Trees Site Assessment Selection for Stress Tolerance Planting, published by Urban Horticulture Institute, Cornell University, Ithaca, NY. (607)255-4586.
- E. Invasive Or Rampant Plants: Invasive or rampant plants are prohibited. Examples include Purple Loosestrife, Oriental Bittersweet, Kudzu, Exotic Wisterias, Mile-A-Minute Weed, Russian Olive, Multiflora Rose, White Poplar, and Black Locust. A listing of invasive plants can be found at www.nps.gov/plants/aiienindex.htm.
- F. Planting in an irregular line with random spacing is generally preferred, although more formal plantings may be used if they are a part of an overall planting scheme or site design.

- G. Credit for Existing Vegetation: Existing vegetation shall be saved to the extent possible during construction and thereafter, and can and should be used as part of the required landscaping. Existing vegetation will be considered on a one to one basis with required planting. New plantings, where existing vegetation is used as part of the required landscaping, shall be compatible with the existing landscape in character and type.

9.23.7.2 Landscape Plan and Planting Requirements

- A. Landscape Plan: Whenever landscaping is required to be provided, a Landscape Plan shall be submitted. The Planning Board may require that the Landscape Plan shall be prepared and stamped by a New York State Licensed Landscape Architect, authorized to practice landscape architecture in accordance with New York State Law. Depending on the complexity and the readability, the Landscape Plan can be included as part of the Site Plan. The Landscape Plan must be readable but may be required to be a separate plan document.
- B. Landscape Plan Requirements:
 - 1. Shall be drawn to an appropriate scale so as to be easily read - no smaller than a 1" = 40' scale.
 - 2. Shall include the following information:
 - (a) All drives, parking areas, structures, existing facilities, grading, and existing and proposed plants shall be shown.
 - (b) A plant list, keyed to the location of each proposed plant, also which will indicate the planted size, genus, species, and common name, and indicate street tree branching for any shade trees placed within street ROW's, parking lots, or within fifteen (15') feet of a publicly maintained roadway, parking area or walkway.
 - (c) No shade or evergreen trees shall be planted closer than five (5) feet to a property line.
 - (d) The name of the project, the address of the property, the owner and the developer of the property, and bearing the plan preparer's appropriate professional stamp and signature.
 - 3. Planting specifications shall be placed on the plan or submitted as a separate document.
 - (a) Buffer/Landscape/Barrier requirements shall be indicated on the Landscape Plan. No plants will be placed that would block sight lines at roadway corners or entry/exits to and from parking areas, or at driveway access area. All plans will conform to Section 9.10 of these regulations.
- C. Plant Requirements: Plant branching, root size, and proportions at time of planting shall be as described in the ASNS Standards according to the specified plant size. Minimum required planted size shall be as follows:

PLANT TYPE (PER ASNS)	MIN. SIZE PLANTED	APPROXIMATE MATURE SIZE
SHADE TREE		
Type 1 & 2	1.5" caliper	30'-80' ht.
SMALL TREE		
Small Upright Tree, Type 3	6' height	20'-35' ht.
Small Spreading Tree, Type 4	5' height*	20'-30' ht.
Multi-stem Tree	6' height	20'-30' ht.
EVERGREEN TREE		
Coniferous Evergreen -Cone, Type 4	5' height**	35'-75' ht.
DECIDUOUS SHRUB		
EVERGREEN SHRUB		
Coniferous Evergreen (CE)		
Broad, Globe, & Upright, Type 3	18" height	4'-15' ht.
CE -Broad Upright, Type 5	18" height	15'-20' ht.
CE -Columnar, Type 6	36" height	15'-20' ht.
Broadleaf Evergreens (BE)		
Semi-spreading, Type 2	15" height	4'-6' ht.
BE -Broad Upright, Type 4 & 5	18" height	6'-15' ht.

Bare root stock may be allowed as a portion of the required planting upon review of the Planting Plan and a determination that the landscaping meets the intent of this section.

Dwarf plants, vines, and ground covers may be used as part of an overall planting plan but will not be counted as part of the Buffer Yard planting requirements.

* *Pyrus Calleryana* shall be sized as per Shade Tree, Type 1 and 2.

** *Taxus cuspidata* shall be sized as per CE, Type 3.

9.23.7.3 Maintenance Requirements

- A. The owner, or his agent, shall be responsible, in perpetuity, for the maintenance, repair and replacement of all landscaping materials and barriers following their installation. The area shall be kept free of refuse and debris. Fences and walls shall, at all times, be maintained in good repair.
- B. Plantings required pursuant to this Section shall not be removed without the approval of a site plan amendment by the Planning Board.

9.23.7.4 Alternative Designs

When required, a Landscape Plan (if acceptable by both the developer and the Planning Board) may be provided in lieu of the specific requirements stated herein.

Alternative designs may include, but are not specifically limited to:

- A. Earthen Berm or combinations of berm and shrubs meeting the specified minimum height requirements. The amount of vegetation may be reduced by up to fifty (50) percent if an earthen berm is provided.
- B. Natural Buffers of a width and density that, during all seasons, insure the intent of the buffer screening as required herein.
- C. Drainage Corridors with vegetated banks and adjacent areas, which meet the screening intents herein.

- D. Substitution of Trees for Shrubs: As long as the intent of the screening is met, one (1) small tree may be substituted for four (4) shrubs; or if more than eight feet (8) is available, then one large tree may be substituted for four (4) shrubs.
- E. Other Alternative Designs which, in the opinion of the Planning Board, meet the buffer screening intent of these requirements.

9.23.9 Barrier Requirements

Where a lot is proposed to contain a use listed in the use categories set forth in Section 4.11, and abuts a lot containing an existing or approved use, a barrier meeting the following minimum requirements may be required, based upon the Planning Board's review of the overall proposed buffer yard and Landscaping Plan for the proposed use. Such barrier shall be placed in the buffer yard in accordance with the provisions of Appendix C, "Landscaping Density".

9.24 Fast Food Restaurant Requirements

9.24.1 Intent

A Fast Food Restaurant Use has operational characteristics that may include a significantly higher number of customers per day than those of surrounding uses. This use is also likely to have an accessory drive-through use. These characteristics have the potential for creating serious traffic conflicts, hazards to pedestrians and congestion. The intent of this Section is to provide reasonable controls to avoid, to the greatest extent possible, the consequences of this congestion and these vehicular and pedestrian traffic hazards.

9.24.2 Dimensional requirements

A. Minimum Lot Size:

1. The minimum lot size for all uses shall be as defined in the Bulk Density Requirement, Section 5.1 of this Law.
2. In those instances where a use regulated herein is proposed as part of a mall, there shall be dedicated for such use an area of the lot equal to twenty thousand (20,000) square feet.
3. To mitigate impacts on adjoining lots and/or street infrastructure, additional lot area, setbacks and/or right-of-way reserve strips may be required in an approved Site Plan.

B. Minimum Lot Width

The greater of one hundred (100) feet or the minimum lot width established in the Bulk Density Requirement, Section 5.1.

9.24.3 Access and Parking

A. Access shall be designed in accordance with Sections 9.8 and 9.10.

B. Parking:

USE CATEGORY	EXISTING OR APPROVED RESIDENTIAL USE	EXISTING OR APPROVED GENERAL USE	EXISTING OR APPROVED BUSINESS USE	EXISTING OR APPROVED INDUSTRIAL USE
Proposed Residential Use	NONE	6 ft.	8 ft.	12 ft.
Proposed General Use	6 ft.	NONE	6 ft.	10 ft.
Proposed Business Use	8 ft.	8 ft.	NONE	6 ft.
Proposed Industrial Use	12 ft.	10 ft.	6 ft.	NONE

1. The number of parking spaces shall be as specified in Section 9.4.
2. Parking Areas or Parking Lots shall be designed to provide for pedestrian safety. To the greatest extent possible, pedestrian access to the principal structure shall not cross primary vehicular circulation lanes.
3. All drive through uses shall conform to the requirements set forth in Section 9.25.

9.24.4 Buffer, Landscaping and Barrier Requirements

A. Buffers, Landscaping and barriers shall be provided in accordance with Section 9.23.

B. Adjoining streets and Lots shall have additional barrier provided for areas used for parking, dumpsters, utilities, and accessory.

9.25 Drive-Through Use Requirements

9.25.1 Intent

A drive through use has many points of traffic conflict and the potential for creating congestion on streets, drives and internal drives. This section prescribes requirements to prevent and improve such congestion and traffic conflicts.

9.25.2 General Vehicular Traffic Requirements

- A. A principal or accessory use, which contains a drive-through use, shall provide a drive or internal drive dedicated to the drive-through use and which complies with the requirements of Sections 9.8 and 9.10 as well as the following minimum requirements:
 1. A drive or internal drive for a drive-through use shall be distinctly marked and shall be separate from other internal traffic circulation drive lanes and pedestrian ways.
 2. Drive or internal drive for a drive-through use shall not cross any principal pedestrian access to the principal building.
- B. All uses shall maintain a minimum distance of twenty (20) feet from the service window to a sidewalk or right-of-way or any other drive or internal drive.
- C. All uses shall provide an escape lane for the drive through lanes.

9.25.2.2 Vehicular Traffic Stacking or Queuing Requirements

A drive through use, for the following specific principal or accessory uses shall provide the following minimum vehicular traffic queuing or stacking distances:

- A. For a Fast Food Restaurant the minimum distance shall be one hundred, twenty (120) feet between start of lane to service window, sixty (60) feet from start of lane to order station and sixty (60) feet from order station to service window.
- B. For a bank and other business not using order stations the minimum distance shall be sixty (60) feet from start of lane to service window.

9.25.2.3 Multiple Drive-through Vehicular Traffic Lanes

The Planning Board may allow lesser distances than those specified in Sub-Section 9.25.2.2 for businesses with multiple drive-through lanes when substantial documentation supporting such reduction is provided in an approved Site Plan.

9.26 Outdoor Lighting Requirements

9.26.1 Intent

It is the intent of this section to require that outdoor lighting conserves energy, provide security and utility, and not adversely impact the night-time environment. Proposed outdoor lighting plans shall to the maximum degree possible show that they do not adversely impact the character of the community or cause excessive glare to traffic or pedestrians.

9.26.2 General Requirement

- A. A development plan shall show and detail design features for outdoor lighting sufficient to document compliance the intent of this Section.
- B. A plan for outdoor lighting prepared by a design engineer may be required to fully support design considerations and/or to validate the mitigation of any lighting impacts associated with a development.

9.26.3 Special Site Plan Requirement

When an application for Building Permit, Variance and/or Special Permit, includes a lot where, in the determination of the Code Enforcement Officer, a significant impact associated with outdoor lighting is likely to occur as a result of a development the application shall be referred to the Planning Board as a Site Plan application under Article 8.

9.26.4 Restrictions

Other than for in an approved Site Plan, the following types of lighting are prohibited as outdoor lighting:

- A. Mercury Vapor lights.
- B. Any light source created by a laser or any similar high intensity light is prohibited for outdoor lighting, unless approved by the Planning Board as a tourist related use.
- C. Searchlights.

9.27 Outdoor Recreational Use Requirements

9.27.1 The intent of this Section is to control and regulate the impacts associated with an Outdoor Recreational Use so as to assure minimum adverse impact on surrounding uses. Outdoor Recreational Use includes: a golf course; a football, polo, soccer, baseball or softball field; a tennis court; a race track; any outdoor show area; and any other similar use.

9.27.2 General requirements

- A. Outdoor Lighting shall comply with Sub-Section 9.26.
- B. An Outdoor Recreational Use located within five hundred (500) feet of a lot line of any existing Residential Use shall schedule all events to end prior to 11:00 PM local time.
- C. The use of an outdoor public address system shall comply with Section 9.28.
- D. Where an Outdoor Recreational Use abuts an existing Residential Use and is designed or intended to be operated or open for business any time after 9:00 PM local time, a buffer, in accordance with Section 9.23, equal to the requirements for an Industrial Use, shall be provided on the lot of the Outdoor Recreational Use.

9.27.3 Sanitary Requirements

- A. An Outdoor Recreational use shall provide for adequate and safe public rest room and/or toilet facilities in accordance with the requirements of the NYS Department of Health and the NYS Uniform Fire Prevention and Building Code.
- B. When temporary and/or portable restrooms are to be used to comply with this subsection, not less than four (4) shall be provided.

9.28 Sound Control Requirements

9.28.1 Intent

This section is intended to establish sound level requirements sufficient to permit the enjoyment and use of adjoining Lots without the adverse impacts associated with unnecessary or unusually high levels of sound. The sound level requirements established in this section are considered to be minimum requirements and more restrictive requirements may be imposed to mitigate any measurable adverse sound impact associated with a development.

9.28.2 General Requirements

- A. Unless specifically authorized in an approved Site Plan a use on a lot shall not produce a sound level that exceeds an average of 70 Decibels (db) over any twenty (20) minute period between 8:00 AM to 10:00 PM and of fifty-five (55) Decibels (db) at all other times and measured at a lot line of the lot.
- B. A sound level, deemed by a Public Health authority to be dangerous to the public at large, in the vicinity of a use creating such sound, shall be prohibited.
- C. All construction equipment in use on a construction site shall be equipped with mufflers and used in such a manner as to control the creation of excessive noise.
- D. An Outdoor Sound System located in either an R1, R2, R3 or RT Zoning District or in another Zoning District within one thousand (1000) feet of an R1, R2, R3 or RT

Zoning District boundary shall not be operated at any time after 11:00 PM or earlier than 8:00 AM local time.

9.28.3 Exceptions

- A. Sound levels of construction activities for a development pursuant to an approved Site Plan or building permit may exceed the limits established in sub-section 9.28.2A, provided such sound does not occur in any of the following circumstances:
 - 1. after 10:00 PM, local time,
 - 2. after construction activity has been completed,
 - 3. after a Certificate of Compliance or Occupancy for the development has been issued, or
 - 4. in violation of Sub-Section 9.28.2B.
- B. Specific sound levels in excess of the requirements of sub-section 9.28.2 may be approved in a Site Plan.
- C. A Governmental Use is not restricted by the requirements of this section.

9.29 Uses, Adult Entertainment Development Requirements

9.29.1 Legislative Findings, Intent and Determinations

- A. It is recognized that there are some uses, which, because of their very nature have serious objectionable operational characteristics under certain circumstances, thereby producing a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that the adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The Village of Watkins Glen finds it in the public interest to enact these regulations.
- B. The unrestrained proliferation and inappropriate location of such businesses is inconsistent with existing development and future plans for the Village of Watkins Glen because quite often they result in influences on the community which increase the crime rate and undermine the economic and social welfare of the community. The deleterious effects of these businesses change the economic and social character of the existing community and adversely affect existing businesses and community and family life.
- C. Accordingly the Village of Watkins Glen declares that the purpose of these regulations is to prevent or lessen the negative effects of adult entertainment uses, and not to inhibit the right of free expression guaranteed by the United States and New York State Constitutions as they may be expressed and presented in the form of goods and services offered by adult-oriented businesses.
- D. Therefore the Village of Watkins Glen hereby concludes that the health, safety and general welfare of the Village would be protected and promoted, and the overall public interest would best be served by its enactment of these regulations.

9.29.2 Definitions

9.29.2.1 Adult Entertainment Uses

- A. Adult Book and/or Video Store - An establishment having a substantial or significant portion of its stock in trade, books, magazines, periodicals, or other printed matter or photographs, films, videos, slides or other visual

representations, which are characterized by the exposure or emphasis of “specified sexual activities”, or “specified anatomical areas”, or instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities” and which are for sale, rental or viewing on or off the premises.

- B. Adult Entertainment Cabaret - A public or private establishment which regularly presents topless and/or bottomless dancers, strippers, waiters, waitresses, male or female impersonators, lingerie models or exotic dancers, or other similar entertainment or films, motion pictures, videos, slides or other photographic material or which utilizes employees, who, as part of their employment, regularly expose patrons to “specified sexual activities” or “specified anatomical areas” and which has a prevailing practice of excluding minors by virtue of their age.
- C. Adult Theater - A theater, concert hall, auditorium or similar establishment which, for any type of consideration, regularly features live performances characterized by the exposure of “specified sexual activities” or “specified anatomical areas”.
- D. Adult Motion Picture Theater - Any motion picture theater where, for any type of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to showing material characterized by emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- E. Massage Establishment - Any establishment having a fixed place of business where massages are administered for pay, including, but not limited to, massage parlors, sauna baths or steam baths. this definition shall not be construed include a hospital, nursing home or medical clinic or office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, or duly licensed massage therapist or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.
- F. Adult Model Studio - Any place where a person appearing in a state of nudity or displaying "specified anatomical areas" is made available for observation, or to be sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any other type of consideration therefore.
- G. Peep Shows - A theater which presents materials distinguished or characterized by primary emphasis on matters depicting, describing or relating to “specified anatomical areas” or “specified anatomical areas”, in the form of five shows, films, videotapes or similar reproductions, viewed from an individual enclosure, for which a fee is charged.

9.29.2.2 Specified Sexual Activities

- A. Human genitals in the state of sexual stimulation or arousal; or
- B. Acts of human masturbation, sexual intercourse or sodomy; or
- C. Fondling or other erotic touching of, human genitals, pubic region, buttocks or breasts.

9.29.2.3 Specified Anatomical Areas

- A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; or
- B. Human male genitals in a discernible turgid state even if completely and opaquely covered.

9.29.3 Locational Restrictions

- A. Adult Entertainment uses shall be permitted only in the Commercial Light Industrial Zoning District, as set forth in this local law, subject to the following restrictions:
 - 1. Adult Entertainment Uses are prohibited within:
 - (a) Five hundred feet (500') of any Zoning District that is zoned to allow a residential use.
 - (b) Five hundred feet (500') of any one-unit, two-unit, or multi-unit dwelling unit including structures devoted to both residential and business or commercial uses.
 - (c) Five hundred feet (500') of any public or private school.
 - (d) Five hundred feet (500') of any church or other religious facility or institution.
 - (e) Five hundred feet (500') of any public park, public bike path, playground or playing field, cemetery, civic or recreational facility.
 - 2. No adult entertainment use shall be allowed within five hundred feet (500') of another adult entertainment use.
 - 3. No more than one (1) adult entertainment use shall be located on any lot.
 - 4. The distances provided hereinabove shall be measured by following a straight line without regard to intervening buildings, from the nearest point of the property parcel upon which the adult entertainment use is to be located to the nearest point of the parcel of property or the Zoning District boundary line from which the adult entertainment use is to be separated.

9.29.4 Other Restrictions

- A. No adult entertainment use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to “specified anatomical areas” or “specified anatomical areas”, from any public way or from any property not containing an adult entertainment use. This provision shall apply to any display, decoration, sign, show window or other opening.
- B. There shall be no outdoor sign, display, or advertising of any kind other than one (1) business identification sign limited to only the name of the establishment.
- C. Adult Entertainment uses shall be required to obtain Site Plan approval in accordance with Article 8 of this Local Law.
- D. Adult Entertainment uses shall meet all other regulations as set forth in this Local law, including, but not limited to, District lot and bulk regulations, parking regulations and signage.
- E. It shall be unlawful to operate any adult entertainment use between the hours of 12:00AM and 8:00AM.

9.30 Outside Storage of Recreational Vehicles, Boats, or other Utility or Service Vehicles

- A. One recreational vehicle or living unit, boat, or other utility or service vehicle or equipment less than nine (9) feet in height and less than twenty-five (25) feet in length may be stored in a driveway no closer than twenty (20) feet to the edge of pavement of a public street.
- B. No recreational vehicle or living unit, boat, or other utility or service vehicle or equipment shall be stored in any front yard or within three (3) feet of any lot line
- C. No recreational vehicle or living unit, boat, or other utility or service vehicle or equipment shall have a permanent connection to sanitary sewer facilities, electricity, water, or gas.
- D. Recreational vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs, refurbishing, or reconstruction of the recreational vehicle or accessory equipment.
- E. Any on-street parking of recreational vehicles must be in compliance with the Village of Watkins Glen Traffic Regulating Law (Local Law #2 of 2012) and any future amendments.
- F. A special permit may be granted by the Zoning Board of Appeals to allow relief from the conditions above. These permits shall be granted for a defined time period, as determined by the Zoning Board of Appeals.

9.31 Regulation of Unlicensed Vehicles

In any residential district, motor vehicles used for drag or stock car racing and an abandoned or junked vehicle must be parked in an enclosed garage. For purposes of this section, an “abandoned or junked vehicle” shall mean any vehicle which is unlicensed or not in condition for legal use on the highway. A special permit may be granted by the Zoning Board of Appeals to allow relief from these restrictions; however, in no case shall a special permit be granted for the storage of an abandoned or junk vehicle.

9.32 Regulation of Waste Receptacles

All solid waste products that result from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such building, container or dumpster shall be located in a side or rear yard on a paved surface in compliance with the applicable setbacks

9.33 Demolition of Existing Structure

Consistent with the Village Comprehensive Plan and the Village’s desire to encourage the preservation of buildings and places of historic, architectural and community value, as well as the neighborhood streetscape no structure over 750 sqft shall be demolished without Site Plan Review.

9.33.1 General Requirements

- A. Site Plan Review as outlined in Article 8, will be reviewed based on the proposed future use of proposed demolition parcel.
- B. No existing structure shall be demolished for the creation of a parking lot.

9.34 Short-Term Rentals

9.34.1 Required Permit.

- A. An owner shall obtain a revocable short-term rental permit prior to any dwelling unit being used for short-term rental purposes.
- B. A short-term rental permit shall be valid for two years and must be renewed upon expiration as long as the unit is used as a short-term rental.
- C. The short-term rental permit is not transferable to a new owner. The new owner of property subject to a short-term rental permit must file a new application in accordance with the terms of this Section 9.34 as if such property is not subject to a short-term rental permit.
- D. No residential unit that was constructed as a single unit dwelling, two-unit dwelling, multi-unit dwelling, dwelling with a business or dwelling above a first-floor business after the enactment of this article shall be eligible to apply for a short-term rental permit for two years after the issuance of the certificate of occupancy unless, at the time the application for the initial building permit for such dwelling is filed, an application for a short-term rental is also filed.
- E. If the terms of the short-term rental permit are not kept or these regulations not followed, the short-term rental permit may be revoked and the owner shall be subject to the penalties set forth in Section 9.34.6 below.
- F. Notwithstanding the foregoing, those properties with short-term rental commitments existing on the effective date of this article shall be permitted to honor such existing commitments and continue to make commitments for short-term rentals, but must apply, within 30 days of the effective date, for all future short-term rental commitments. In the event such application is denied, all commitments must be cancelled.

9.34.2 Short-term rental permit application requirements.

Applications for a short-term rental may be obtained at the Village of Watkins Glen office. A completed application for (or renewal of) a short-term rental permit shall be submitted to the Village Clerk, accompanied by payment of a nonrefundable permit fee of \$400.00, and contain at least the following:

- A. The signature of all persons and entities that have an ownership interest in the subject property.
- B. A copy of the current vesting deed showing how title to the subject property is then held.
- C. Permission for a property inspection by the Short-Term Rental Enforcement Officer.
- D. An acknowledgement of compliance with the Short-Term Rental Standards as defined in Section 9.34.3 below, including, but not limited to, the demonstration of adequate parking for occupants of the proposed short-term rental.
- E. A list of all the property owners of the short-term rental, including names, addresses, telephone numbers and email addresses.
- F. The name, address, telephone number and email address of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner or an agent designated by the owner to serve as a

contact person.

- G. An, accurate, suitable site plan, measuring at least 8 ½" X 11", drawn to scale and certified by the applicant. The site plan need not be prepared by a professional, but must include the following:
 - 1. The location of buildings and required parking.
 - 2. Basement, to include house utilities, all rooms including bedrooms, windows and exits.
 - 3. First floor / All room with exits, windows, bedrooms and any heating/cooling units.
 - 4. Second floor / All rooms including exits, windows, bedrooms and any heating/cooling units.
 - 5. Attic if any with all rooms including exits, windows, bedrooms any heating/cooling units.
- H. A statement that the applicant has met and will continue to comply with the standards outlined in Section 9.34.3.
- I. A statement that none of the owners of the subject property have had a short-term rental permit revoked within the previous year.

All completed applications are subject to a Site Plan Review & Approval as defined in Section 2 – Use Regulation Table and Article 8 (8.0-8.14) of this Zoning Law. Upon approval of the Site Plan Review, the Short-Term Rental Enforcement Officer shall grant a short-term rental permit.

9.34.3 Short-term rental standards.

All short-term rentals shall meet the following standards:

A. Property Requirements

1. Egress

- i. There shall be at least one of the following alternative means of egress:
 - a) Interior stairs protected by a limited area sprinkler system installed in conformance with NFPA 13D;
 - b) An exterior stair conforming to the requirements of R311.7 of the NYS Building Codes, providing a second means of egress from all above grade stories or levels; or
 - c) An opening for emergency use conforming to the requirements of Section R310 of the NYS Building Codes within each bedroom for transient use, such opening to have a sill not more than 14 feet above level grade directly below and, as permanent equipment, a portable escape ladder that attaches securely to such sill. Such ladder shall be constructed with rigid rungs designed to stand off from the building wall, shall be capable of sustaining a minimum load of 1,000 pounds, and shall extend to and provide unobstructed egress to open space at grade.
 - ii. All short-term rentals must comply with all applicable local, state, and federal laws regarding accessibility by persons with a disability.
2. Smoke & Carbon Monoxide Detectors – There shall be one working smoke detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code. Smoke and carbon

- monoxide detectors must be hard wired and interconnected.
3. Emergency Evacuation Procedures - Evacuation procedures must be posted in each sleeping room to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.
 4. ABC Fire Extinguishers
 - i. There shall be an ABC Fire extinguisher on each floor and in the kitchen.
 - ii. Fire extinguishers should be inspected annually and Certified by a licensed inspector.
 - iii. Fire extinguishers should be inspected monthly by the permit holders.
 5. The building shall have a house number clearly legible from the street or road.
 6. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
 7. Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 8. All fireplaces shall comply with all applicable laws and regulations.
 9. The proposed short-term rental must have at least two off-street parking spaces. If no such spaces are available, an applicant for a short-term rental permit may apply to the Planning Board for an Off-Street Parking Waiver in accordance with Section 9.4.8 of the Zoning Law.
 10. The maximum occupancy for each short-term rental unit shall not exceed 10 people per residential dwelling unit as defined in Article 2 Interpretations / 2.1 Definitions of the Zoning Law.
 11. In the event that the property has a septic system, the maximum occupancy shall be defined by the capabilities of the septic system, but in no event shall occupancy for each short-term rental unit exceed 10 people.
- B. Insurance and Registration Standards
1. All applicants and permit holders must provide a "Evidence of Property Insurance" and "Certificate of Liability Insurance" indicating the premises is rated as a short-term rental and maintain such insurance throughout the term of the short-term rental permit.
 2. In addition to the requirements imposed by this Section 9.4.3, all applicants and permit holders must obtain and maintain all governmental permits and licenses necessary to conduct business as a short-term rental. The Certificate of Authority to Collect Occupancy Tax must be posted in the home by the front door with the Village of Watkins Glen Short-Term Rental Permit. Regardless of the mode of sale or who is collecting or paying occupancy taxes the home owner must file with the Schuyler County Office of Treasurer quarterly revenues generated by short-term rental for the occupancy tax revenue.
- C. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the street or road except around pick-up time.
- D. Rental Contract. All applicants and permit holders must have a rental contract which includes the following policies/statements:
1. Maximum Property Occupancy
 2. Maximum on Site Parking provided
 3. Good Neighbor Statement stating:
 - i. That the short-term rental is in a residential area in the Village of Watkins Glen and that renters should be conscious of the residents in neighboring homes;
 - ii. A statement that guests must comply with the Noise Ordinance of the

- Village of Watkins Glen of as set forth in Local Law #1 of 2014;
- iii. All renters will be subject to New York Penal Law § 240.20 or any successor statute;
 - iv. A statement that littering is illegal; and
 - v. A statement that all fires must be attended.

9.34.4 Procedure upon filing application.

- A. Short-term rental permit applications shall be filed with the Village of Watkins Glen Village Clerk with all supporting documentations and the nonrefundable permit fee. Only completed applications will be accepted by the Village Clerk. The Village Clerk may decline to accept an application for consideration for any of the following reasons:
 - 1. If the application is incomplete, the documentation required by this Section 9.34 was not included with the application or the full permit fee, in payment form acceptable to the Village Clerk, was not included with the application.
 - 2. If the Village of Watkins Glen issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application and any of such owners had a short-term rental permit revoked within the previous year.
- B. Upon acceptance of the completed application by the Village Clerk the permit application, and all documents and information required by this Section 9.34, will be forwarded to the Short-Term Rental Enforcement Officer. The Short-Term Rental Enforcement Officer shall have 14 days to schedule a property inspection to certify and approve that all short-term rental requirements have been met.
- C. Within 30 days upon completion and certification of the short-term rental application by the Short-Term Rental Enforcement Officer, the Short-Term Rental Enforcement Officer will schedule with the Village of Watkins Glen Planning Board a site plan review.
- D. The Village of Watkins Glen Planning Board will review the Short-Term Rental Application/Preliminary Site Plan to ensure that it meets all requirements as outlined in this Section 9.34, in addition to feedback from the Short-Term Rental Enforcement Officer.
- E. Upon review of the accepted completed Preliminary Site Plan / Short-Term Rental Application by the Village of Watkins Glen Planning Board the Planning Board will schedule a public hearing as outlined in Article 8 / Section 8.7.2 Public Hearing of this zoning law within 30 days. Public hearings will be advertised at least (5) days prior to the hearing date in a newspaper of general circulation as outlined in Article 8 / Section 8.7.2 of the Zoning Law.
- F. Upon completion of the public hearing the Village of Watkins Glen Planning Board will approve, with or without conditions, or disapprove the Site Plan / Short-Term Rental permit as outline in Article 8 / Section 8.8 Final Plan requirements and Section 8.9 Approval of Site Plan of the Zoning Law. In issuing a short-term rental permit, the Village Planning Board may impose such reasonable conditions and restrictions as are directly related to and incidental to the use of the property for short-term rentals so long as such conditions and restrictions are consistent with the requirements of the Zoning Law and are imposed for the purpose of minimizing any adverse impact the short-term rental unit may have on the neighborhood or community.
- G. Upon approval of the Site Plan Review / Short-Term Rental Application by the Village of Watkins Glen Planning Board, the Short-Term Rental Enforcement Officer will issue the applicant a short-term rental permit. Short-term rental permits issued pursuant to this Section 9.34 shall state the following:

1. The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property and of a primary contact person who shall be available during the entire time the short-term rental property is being rented;
 2. The maximum occupancy and vehicle limits for the short-term rental unit;
 3. Identification of the number of and location of parking spaces available;
 4. Any conditions imposed by the Planning Board and/or Short-Term Rental Enforcement Officer; and
 5. That the permit shall expire on December 31 of the third calendar year for which it is effective.
- H. The short-term rental permit holder shall provide a copy of the short-term rental permit to the owners of all properties adjacent to the short-term rental property. The short-term rental permit holder shall provide statement of compliance with this provision, stating the owners served, and their addresses, and the method of service (e.g., mail, personal delivery), shall be provided to the Village Clerk.

9.34.5 Conformity and display of permit.

- A. The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations.
- B. If the Short-Term Rental Enforcement Officer has probable cause to believe that the home owner is not in compliance with the provisions of the Zoning Law, the Short-Term Rental Enforcement Officer may petition a court of competent jurisdiction for a search warrant to conduct an inspection of the short-term rental property for purposes of ensuring compliance with this section. Alternatively, the Short-Term Rental Enforcement Officer may request permission from an owner of the short-term rental to come onto the property and to conduct an inspection of the short-term rental property for purposes of ensuring compliance with this Section 9.34, which permission the owners of the short-term rental are under no obligation to give. If an inspection authorized herein is conducted, the Short-Term Rental Enforcement Officer shall use the results of such inspection in determining whether to revoke the permit.
- C. Prior to any tenants coming onto the short-term rental property:
 1. The current short-term rental permit and certificate of occupancy shall be prominently displayed inside and near the front entrance of the short-term rental; and
 2. A copy of the current short-term rental permit and a site plan provided as part of the application, must be submitted to the Watkins Glen Fire Department.
- D. The owners must ensure that current and accurate information is provided to the Village Clerk and that they notify the Village Clerk immediately upon any change in the information displayed on the permit. If, based on such changes, the Short-Term Rental Enforcement Officer issues an amended short-term rental permit, the owners must immediately replace the permit displayed inside and near the front entrance of the short-term rental with the amended permit and must immediately provide a copy of the amended permit to every adjacent property owner (whether on the same side of the road, across the street or behind the subject property).
- E. The short-term rental permit holder must conspicuously display the short-term rental permit number in all advertisements for the applicable short-term rental.

9.34.6 Compliance, Hearings and Penalties.

- A. Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Village of Watkins Glen, Schuyler County, New York State and the United States of America, and shall be subject to the enforcement and penalty proceedings contained in the Zoning Law.
- B. In addition to the penalties prescribed in the Zoning Law for the violation thereof, violations of this Section 9.34 may be subject to the following penalties:
 - 1. A fine of up to \$1,000.00 per day per violation;
 - 2. The attachment reasonable conditions to the existing short-term rental permit;
 - 4. The suspension of the short-term rental permit; and/or
 - 5. The revocation of the short-term rental permit. Should a permit be revoked, none of the owners of the short-term rental unit may obtain any short-term rental permit sooner than one year after the date of revocation.

ARTICLE 10 Non-Conforming Structures, Use and Lot

10.0 Continuation of Non-Conforming Structure, Use and Lot

Any lawful structure, use or lot existing at the time of enactment of this Law, or any subsequent amendment thereof applying to such structure, use or lot, may be continued although such structure, use or lot does not conform to the provisions of this Law provided that:

- A. Nothing herein contained shall be construed to render lawful any use not lawfully conforming to provisions of the Village of Watkins Glen Zoning Law repealed in Local Law #1, 2010.
- B. A non-conforming structure or use is not expanded, enlarged/extended or increased other than provided for in Section 10.5.
- C. All non-conforming signs shall be removed within ten (10) years of the effective date of this Local Law.

10.1 Discontinuance of Non-Conforming Structure, Use and Lot

- A. A structure or lot which is used for, or occupied by a non-conforming use and which is changed to or replaced by a conforming structure or use, shall not thereafter be used for or occupied by a non-conforming use or structure.
- B. When a non-conforming use has been discontinued for a period of one (1) year, it shall not thereafter be re-established and the future use shall be in conformity with this Law.

10.2 Necessary Maintenance and Repairs of Non-Conforming Structure, Use and Lot

- A. Except as specified in Section 10.5 a non-conforming structure, use or lot may be maintained, repaired or restored to a safe condition.
- B. Nothing in this Law shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Code Enforcement Officer.
- C. Any maintenance, repair or restoration of a non-conforming structure shall comply

with the applicable provisions of the NYS *Uniform Fire Prevention and Building Code*.

10.3 Construction Started Prior to this Zoning Law

A structure, for which a building permit was issued prior to the effective date of this Law, or prior to the effective date of any subsequent amendment of this Law, may be completed and used in accordance with approved plans and specifications for the structure.

10.4 Existing Non-Conforming Lots

Any lot held in single and separate ownership and use from an adjoining lot prior to the adoption of this Law, and whose area is less than the specified minimum lot requirements in Section 5.1 of this Law may be considered as complying with such minimum lot requirements and no variance shall be required, provided that the following minimum conditions are met:

- A. Such Lot does not adjoin any other Lot or Lots held by the same owner where the aggregate area of such adjoining lot is equal to or greater than the minimum lot area required in Section 5.1.
- B. Adequate sewage disposal is approved by the appropriate agency for the Non-Conforming lot and a copy of such permit is provided to the Village prior to commencement of any construction thereon:
- C. For Residential Use listed in Section 4.11 such lot shall have a minimum area of at least three thousand five hundred (3,500) sq. ft. and minimum width of at thirty (30) feet at the required setback line and have the following minimum yard setbacks:
 1. Side Yard: 3 feet
 2. Rear Yard: 10 feet
 3. Front Yard: 10 feet
- D. Accessory structures shall be located as follows:
 1. A minimum of three (3) feet from any rear or side lot line,
 2. Behind the rear line of a residential building.
 3. In accordance with all other requirements specified in Section 9.6.

10.4.1 In any District where residences are permitted, such undersized now conforming lot may be used for not more than one (1) one-unit dwelling.

10.5 Extension, Alteration or Modification of a Non-Conforming Structure, Use and/or Lot

Any existing non-conforming structure, use and/or lot or any non-conforming structure, use and/or lot previously approved in a Site Plan shall comply with all applicable provisions of this law when such non-conforming structure, use and/or lot is proposed to be extended, altered, or modified in a manner that:

- A. Increases the lot area being dedicated to or used for an existing or approved non-conforming structure, use and/or lot by more than fifty (50%) percent of that which is existing or approved in a previously approved Site Plan, or
- B. Has a verified estimated cost of construction or installation for such extension, alteration or modification that exceeds fifty (50%) percent of the assessed value of the non-conforming structure use and/or lot at the time that such construction or

installation is proposed.

- C. A non-conforming building is renovated or structurally altered during its life to an extent exceeding, in aggregate, a value that is fifty (50) percent of the replacement cost of the building.

10.5.1 Repair or Reconstruction of Damaged Non-Conforming Structure

A non-conforming structure damaged by fire, flood or other causes may be rebuilt to the prior non-conforming bulk or to a bulk that is more conforming.

10.6 Reduction in Lot Area

A building permit shall not be issued for any lot that is reduced in area so that it creates a Non-Conforming Bulk or Density in Violation of this Law.

ARTICLE 11. ZONING BOARD OF APPEALS

11.0 Establishment

Pursuant to New York State Village Law Section 7-712, the Zoning Board of Appeals, consisting of five (5) members, is hereby established in the Village of Watkins Glen.

11.0.1. Appointment

The Mayor shall appoint the Board of Appeals and the Chairperson thereof, subject to the approval of the Board of Trustees. The terms of appointees shall be for five (5) years from the date of appointment, unless the appointee is filling a vacancy of office.

- A. A Zoning Board of Appeals has heretofore been established for the Village of Watkins Glenn as a body of five (5) members. The names of the current members and the respective expiration dates of their terms of office are on file in the Village Clerk's office.
- B. In order to implement a practice of staggered terms, as provided in Village law Section 7-712, the members' reestablished terms of office are on file in the Village Clerk's office.
- C. At the expiration of each such member's appointment, the replacement members shall be appointed for a term of five (5) years.
- D. Members holding office shall, upon the expiration of their terms,, hold office until their successors shall have been appointed for terms of five (5) years.
- E. Chairperson's Duties: All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such times as the Board shall determine. The Chairperson, or his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses

11.0.2 Board of Trustees Ineligible

No person who is a member of the Village Board of Trustees shall be eligible for membership on such Board of Appeals.

11.0.3 Vacancy in Office

If a vacancy shall occur, other than expiration of term, the Mayor shall appoint a new

member for the unexpired term, subject to the approval of the Board of Trustees.

11.0.4 Removal of Members

The Mayor shall have the power to remove, after a public hearing, any member of the Zoning Board of Appeals for cause. Any Zoning Board of Appeals member may be removed for non-compliances with attendance and training requirements as established by the Village Board of Trustees by local law.

11.0.5 Alternate Member

The Board of Trustees hereby establishes two (2) alternate Zoning Board of Appeals members' positions for purposes of substituting for a member in the event that such member is unable to participate because of a conflict of interest. The alternate members shall be appointed by the Mayor, subject to the approval of the Board of Trustees, for terms established by the Board of Trustees. The Chairman of the Zoning Board of Appeals shall designate the alternate member to substitute for a member who is unable to participate due to a conflict of interest on an application or matter before the Board. When so designated such alternate member shall possess all powers and responsibilities of the member of the Board. This designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.

11.0.6 Provisions

All provisions relating to the Zoning Board of Appeals member training and continuing education, attendance, conflicts of interest, and other requirements shall apply to the alternate members.

11.0.7 Staff

The Zoning Board of Appeals may employ such clerical or other staff assistance as may be necessary and prescribe their duties, provided that it shall not at any time incur expenses beyond the amount of appropriations made by the Village Board and then available for that purpose.

11.1 Procedures, Powers and Duties

11.1.1 Meetings, Minutes and Records

Meetings of such Zoning Board of Appeals shall be open to the public to the extent provided in Article Seven of the Public Officers Law. Such Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The Village Clerk's office shall be the office for the Board of Appeals.

11.1.2 Filing Requirements

Every rule, regulation, every amendment or appeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the Village Clerk within five (5) business days after it is enacted and/or rendered and shall be a public record.

11.1.3 Assistance to Board of Appeals

Such Board shall have the authority to call upon any department, agency, or employee of the Village for assistance as shall be deemed necessary and as shall be authorized by the Village Board of Trustees. Such department agency or employee may be reimbursed for any expenses incurred as a result of such assistance.

11.1.4 Hearing Appeals

Unless otherwise provided by local law, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the administrative official charged with the enforcement of any local law adopted pursuant to this article. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or an area variance. Such appeal may be taken by any person aggrieved, or by an officer, Department, Board or Bureau of the Village

11.1.5 Filing for Administrative Decision and Time of Appeal

- A. Each order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of this local law shall be filed, within five (5) business days from the day it is rendered, in the Village Clerk's office and shall be a public record.
- B. An appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative official, by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof, the specific provisions(s) of the law involved and shall exactly set forth the interpretation that is claimed, or the details of the Use Variance or Area Variance being applied for, and the grounds supporting relief requested, as the case may be. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

11.1.6 Stay Upon Appeal

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such local law, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a Court of record on application, on notice to the administrative official from whom the appeal is taken and on due case shown.

11.1.7 Hearing on Appeal

The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other

matter referred to it and give public notice of such gearing by publication in a paper of general circulation in the Village at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

11.1.8 Time of Decision

The Board of Appeals shall decide upon the appeal within sixty-two (62) days after the conduct of said hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.

11.1.9 Filing of Decision and Notice

The Decision of the Board of Appeals on the appeal shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant. Each Zoning Board of Appeals Decision shall be made by a Resolution and a Roll Call vote had thereon and shall recite the full record of the Findings of Fact and Conclusions of Law as made by the Zoning Board of Appeals in that particular case.

11.1.10 Notice to Park Commission and County Planning Agency

At least thirty (30) days before the date of the hearing required by law on an Appeal for an Area or Use Variance to the Zoning Board of Appeals, the Secretary of the Zoning Board of Appeals shall transmit to the Planning Board of the Village of Watkins Glen a copy of said application, or appeal, together with a copy of the notice of the aforesaid and shall request that the Planning Board render an advisory opinion thereon, in writing, at least five (5) days before the scheduled hearing date.

11.1.11 Compliance with State Environmental Quality Review Act (SEQR)

At least ten (10) days before such hearing, the Board of Appeals shall mail notices thereof to the parties, to the Regional State Park Commission having jurisdiction over any State park or parkway within five hundred (500) feet of the property affected by such appeal and the County Planning Board or Agency or Regional Planning Counsel as required by Section Two Hundred Thirty-Nine m (239m) of the General Municipal Law, which notice shall be accompanied by a full statement of such proposed addition, as defined in subdivision on of Section Two-Hundred-Thirty-Nine m of General Municipal Law.

11.1.12 Rehearing

A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Board, not previously reheard, may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing.

Upon such rehearing the Board may reverse, modify or annul its original order, decision or

determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in person acting in good faith in reliance upon the reviewed order, decision or determination, will not be prejudiced thereby.

11.1.13 Promulgation of Procedural Rules, By-Laws and Forms

The Zoning Board of Appeals shall have the power to make, adopt and promulgate such written Rules of Procedure, By-Laws and Forms as it may deem necessary for the proper execution of its duties and to secure the intent of this law, provided, however, that such shall not be in conflict with nor have the effect of waiving any provisions of this law or any other rule, regulation or law of the Village of Watkins Glen.

11.2 Permitted Actions by the Board of Appeals

11.2.1 Orders, Requirements, Decisions, Interpretations, Determinations

The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such local law and, to that end, shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

11.2.2 Variances Defined

- A. "Use Variance" is defined as a use of land for a purpose that is otherwise not allowed or is prohibited by the local zoning legislation.
- B. "Area Variance" is defined as authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the local zoning legislation.

11.2.3 Use Variances

- A. The Board of Appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant Use Variances, as defined herein.
- B. No such Use Variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restriction have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that, for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - (1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (4) That the alleged hardship has not been self-created.
- C. The Board of Appeals, in the granting of Use Variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary

hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

11.2.4 Area Variance

- A. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law to grant Area Variances as defined herein.
- B. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
 - 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.
 - 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.
 - 3. Whether the requested Area Variance is substantial.
 - 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - 5. Whether the alleged difficulty was self-created; which consideration shall be relative to the decision of the Board of Appeals, but shall not necessarily preclude the granting of an Area Variance.

11.2.5 Imposition of Conditions

The Board of Appeals shall, in granting both Use and Area Variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

11.2.6 Relief from Decision

- A. Application to the New York State Supreme Court by Aggrieved Persons. Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals or any officer, Department, Board or Bureau of the Village, may apply to the New York State Supreme Court for review by a proceeding under Article Seventy-Eight of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of s Decision of the Board in the office of the Village Clerk.
- B. Cost of the Appeal shall not be allowed against the Board of Appeals unless it shall appear to the Court that it acted with gross negligence or bad faith or with malice in making the Decision appealed from.

ARTICLE 12 ADMINISTRATION

12.0 Enforcement

The Code Enforcement Officer, who shall be appointed by the Village Board, shall enforce this Law. No zoning permit shall be issued except where all the provisions of this Law have been complied with. The Code Enforcement Officer shall keep the Planning Board and Village Board advised of all matters pertaining to the enforcement of this Law, other than routine duties, and shall submit a monthly report to the Village Board enumerating the applications received, inspections made, permits issued or refused, and other actions taken. Whenever a violation of this Law occurs, any person having knowledge thereof may lay any information in regard thereto before a proper magistrate as provided by law, and the procedures thereafter shall be as set forth in the Code of Criminal Procedure.

12.1 Zoning Permits

No structures or land shall be used; no building or structure shall be erected, added to, or structurally altered until a permit therefore as specified herein has been issued by the Code Enforcement Officer except on written order of the Code Enforcement Officer in the form of a zoning permit. No such zoning permit shall be issued for any building or use where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Law or any other applicable Village Laws.

12.1.1 Application

There shall be submitted, with each application for a zoning permit, a fee as established by Village Board and two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot all existing and/or proposed buildings and accessory structures to be erected and/or use of the lot, and such other information as may be necessary to determine and provide for the enforcement of this Law.

12.1.2 Process

- A. One copy of such layout or plot plan shall be returned when approved by the Code Enforcement Officer, together with a zoning permit to the applicant.
- B. Upon approval of the application, the Code Enforcement Officer shall issue a zoning permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto. Said zoning permit shall entitle the applicant to the issuance of a building permit if all of the applicable requirements of the NYS Uniform Fire Prevention and Building Code have been met.
- C. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved". One set of such approved plans and specifications shall be retained in the Village files and the other set shall be returned to the applicant, together with the zoning and building permit and shall be kept at the building site and shall be available for inspection by the Code Enforcement Officer.
- D. If the application, together with plan, specifications, and other documents filed therewith, describe proposed work which does not conform to all of the applicable

requirements of this Law, the Code Enforcement Officer shall not issue any permit and shall return the plans and specifications to the applicant with a written explanation outlining the reasons therefore.

12.2 Stop Work Orders

Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building, structure or lot is being performed in violation of the applicable provisions of this Local Law, or not in conformity with the provisions of a Zoning or Site Plan approval, or in a dangerous and unsafe manner, he shall notify the owner of the property, the owner's agent, or the person performing the work, to immediately suspend all work. Any such person shall forthwith stop such work and suspend all activities until such time as the stop work order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed, and may be served on the person to which it is directed, either by personal delivery or by posting in a conspicuous location at the lot under order, and by sending a copy of such order or notice by both registered and first class mail to the owner of the lot.

12.3 Notice of Compliance

No Building or structure hereafter erected, structurally altered, or extended shall be used, or changed in use until a Notice of Compliance or Occupancy shall have been issued by the Code Enforcement Officer in accordance with this Law. All Notices of Compliance or Occupancy for new or altered structures shall be applied for coincident with the application for a zoning permit therefore. Such Notice of Compliance shall be issued within thirty (30) days after the erection or alteration shall have been approved as complying with the provisions of this Law.

ARTICLE 13 AMENDMENTS

13.0 Procedure

The Village Board may, from time to time, on its own motion, or on petition, or on recommendation from the Planning Board, amend the requirements and districts established under this Local Law after public notice and hearing in each case. All proposed amendments of the requirements or districts herein established shall be filed in writing in a form required by the Village Board.

13.1 Advisory Report by Planning Board

Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report, in writing, its recommendations thereon to the Village Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning Board fails to report within a period of forty-five (45) days from the date of its receipt of notice or such longer time as may have been agreed upon by it and the Village Board, then the Village Board may act without such report. If the Planning Board recommends disapproval of the proposed amendment, or recommends modification thereof, the Village Board shall not act contrary to such disapproval or recommendation except by the adoption of a resolution fully setting

forth the reasons for such contrary action.

13.2 Petition by Owners of 50 Percent of Frontage

Wherever the owners of lots having fifty percent (50%) of the total cumulative road frontage in a District, or a part thereof, shall present a petition duly signed and acknowledged to the Village Board and requesting an amendment, supplement, change or repeal of the requirements prescribed for such District, or part thereof, it shall be the duty of the Village Board to vote upon said petition within ninety (90) days after filing of the same by the petitioners with the Village Clerk.

13.3 Public Notice and Hearing

The Village Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:

- A. By publishing notices of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Village, not less than ten (10) days prior to the date of the public hearing.
- B. By giving written notice of the hearing to any required municipal, county, regional, metropolitan, state or federal agency in a manner prescribed by Law.

13.4 Protest by Owners

A Zoning Amendment shall be passed by the favorable vote of at least a three-fourths majority vote of the Village Board if a protest against the proposed amendment is presented to the Village Board, duly signed and acknowledged by

- A. the owners of twenty (20%) percent or more of the area of land included in such proposed amendment, or
- B. the owners of twenty (20%) percent or more of the area of land immediately adjacent thereto and extending a distance of one hundred (100) feet therefrom, or
- C. by the owners of twenty (20%) percent or more of the area of land directly opposite thereto and extending a distance of one hundred (100) feet from the street frontage of the land proposed for Zoning Amendment.

13.5 Decision by Village Board

The Village Board shall set the public hearing as required and shall render its decision within sixty-two (62) days of the receipt of the Planning Board's report. If the Village Board deems it advisable, it may require, as a condition for approval of the amendment, that the amended area be put to a permitted use within a reasonable length of time.

13.6 Notification of Decision

The Village Board shall provide notice of its decision pursuant to the applicable provisions of New York State Village Law.

ARTICLE 14 REMEDIES

14.0 Penalty

Any person, firm, company or corporation owning, controlling or managing a use, building, structure or lot on which there has been placed, or there exists anything in violation of any of the provisions of this Law; and any person, firm, company, or corporation who shall assist in the commission of any Violation of this Law or any conditions imposed by the Planning Board; or who shall build, contrary to the plans or specifications submitted to the Planning Board and certified as complying with this Law, shall be guilty of an offense and subject to a fine of not more than One Thousand Dollars (\$1000.00). Every such person, firm, company or corporation shall be deemed guilty of a separate offense for each day such Violation, omission, neglect, or refusal shall continue.

14.1 Alternative Penalty

In case of any violation or threatened violation of any of the provisions-of-this Law, or conditions imposed by the Village Board or Planning Board, in addition to other remedies herein provided, the Village Board may institute any appropriate legal action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use; to restrain, correct, or abate such Violation; to ,prevent the occupancy of such building, structure or lot; or to prevent an illegal act, conduct, business or use on or about such lot.

ARTICLE 15. FEE SCHEDULE

15.0 Fee Schedule Established

A schedule of fees for all permits and applications as required in this Law; shall be set from time to time, by a duly adopted Village Board resolution.

15.1 Fee Remittance

- A. An application for a permit or other action for which a fee has been established in accordance with Section 15.0 shall be accompanied with such appropriate fee in order for such application to be deemed complete.
- B. No action to grant permission, or to comment on, or to approve or disapprove an application pursuant to this Law shall occur without receipt by the Village Clerk of the appropriate fee or fees therefore.

ARTICLE 16. DESIGN GUIDELINES

16.0 Purpose

The Design Guidelines have been developed for the Village of Watkins Glen as part of the implementation of the 2012 Comprehensive Plan as well as to:

1. Preserve and enhance the Village of Watkins Glen's unique character.
2. Improve the visual quality of the primary streets leading through the Village.
3. Encourage economic development.
4. Coordinate projects so that they help each other succeed.
5. Give the community a chance to plan for development versus reacting to development pressure.
6. Respond to retail franchises and chains.

16.1 Applicability

These Design Guidelines are applicable to all new projects within the Lakefront Development District, Central Business District, Business Transition District, Commercial Light District and Canal District as defined by the Village of Watkins Glen Zoning Code. These design guidelines apply to all new commercial construction within any of the identified districts. In regards to the reconstruction, remodeling, and rehabilitation of existing construction within any of the identified districts, if forty (40%) percent of the existing square footage or greater is changed the entire structure must be brought into compliance. Historic Buildings may be exempt from these guidelines should it be determined by the Village Planning Board. A developer may suggest an alternative equivalent to be approved by the Village Planning Board.

16.2 Administration

The administration of these guidelines is the responsibility of the Village of Watkins Glen Planning Board, Code Enforcement Officer, Zoning Board of Appeals, Village Board and Schuyler County Planning Board as needed. As part of these guidelines the Planning Board may require the developer and/or owner to hire an approved design professional or other consultant to assist with project review and to ensure effective implementation of these guidelines

16.3 Authority

These guidelines work in concert with the Village's zoning regulations and comprehensive plan; they build on the underlying zoning by establishing additional standards. The guidelines and regulations of the zoning district apply to all development. Should a conflict or discrepancy arise between these guidelines and village zoning regulation or another adopted village ordinance, the most restrictive standard will apply. Resolution of conflicts and interpretation of the guidelines will be determined by the Planning Board with the assistance of the Code Enforcement Officer and Zoning Board of Appeals, as needed

16.4 Definitions:

AWNING – a roof like covering placed over a door or window to provide shelter from the elements. An awning usually consists of a metal frame covered with fabric.

Building Bay – the repetitive division of a building facade or plan defined by columns, pilasters or window divisions.

Column – a vertical architectural element intended to support a load.

Facade – the front face of a building or a building face with architectural distinction.

Footcandle – the amount of light from one candle at one foot from the source of the light.

Grade – top surface of the ground around a building: to bring to a desired height or contour the elevation of the ground around a building or the surface of a road or path.

Historic Building – any building deemed eligible for listing on the State or National Register of Historic Places or any building designated by the Village of Watkins Glen a local landmark or as part of the local historic district shall be deemed a “historic building”. Determination of National Register eligibility shall be made by the New York State SHPO staff.

Parapet – an extension of the wall above the roof line typically found on buildings with low-pitched roofs.

Primary Entrance – the place of ingress and egress most frequently used by the public.

Proportion – the ratio of height to width.

Primary Street – the primary street of a lot or site is the street with the highest traffic flow adjacent to the lot of site.

Scale – an important proportioning system used in architectural design to regulate the size and shape of related architectural elements and to ensure their visual compatibility in an overall design.

Storefront – the street level of a store or business, including windows, entrance, cornice and signs.

16.5 Sustainable Development and Design

Developers are encouraged to consider sustainable design principles within their projects. By practicing principles of sustainable design in the planning, design, construction, and operation of infrastructure and facilities, development can occur while protecting the surrounding natural resources and reducing the impacts on the natural environment. This consists of encouraging an environment that is:

- A. Sympathetic and in harmony with the natural environment and to the visual qualities of the landscape;
- B. Aesthetically pleasing for those who spend their time there; and
- C. Based in the sound economic, environmental and social practice of thoughtful sustainable design that results in long-term economic viability.

16.6 Site Context

16.6.1 Preserve and Enhance Local Character

A. Existing Construction:

Preserve and reuse existing buildings that make a positive contribution to the character of the community. Encourage adaptive reuse of buildings that may be eligible for listing on the State or National Register of Historic Places. Section 16.6.1.B also applies to renovations of existing buildings

B. New Construction:

The style, proportions and use of materials and colors must be consistent with the surrounding buildings and the history of Watkins Glen.

16.6.2 Landscaping

A. Site Landscaping

1. Protect and preserve mature trees wherever possible.
2. No invasive species shall be permitted.
3. Decrease runoff and heat island effect by using lawns and landscaping instead of impervious pavements wherever possible.
4. Shade Trees must be a minimum of 1.5 inches in caliper when planted.
5. Plant beds must provide a minimum depth of six (6") inches high-quality planting soil for annuals and groundcovers and twelve (12") inches for perennials and shrubs.

B. Parking Landscaping

1. Landscaping within parking areas shall provide visual and climatic relief from broad expanses of pavement and shall be designed to define logical areas for pedestrian and vehicular circulation and to channel such movement on and off the site.
2. Provide shade trees in parking lots and along pedestrian routes to reduce heat and glare.
3. Parking Islands must be a minimum of eight (8) feet in width.
4. Trees must be those recommended in the handbook, Urban Trees Site Assessment Selection for Stress Tolerance Planting, published by Urban Horticulture Institute, Cornell University, Ithaca, NY.
(<http://www.hort.cornell.edu/uhi/outreach/recurbtree/>).

C. Street Landscaping

1. Street trees must be species tolerant of salt and urban conditions.
2. Trees must be those recommended in the handbook, Urban Trees Site Assessment Selection for Stress Tolerance Planting, published by Urban Horticulture Institute, Cornell University, Ithaca, NY.
(<http://www.hort.cornell.edu/uhi/outreach/recurbtree/>).

D. Grading and Conformance with Topography

The layout of all improvements must be designed to generally follow the existing topography of the site. The layout of roads, walkways and building footprints must be aligned with existing contours where practical, with limited connecting streets or walkways aligned perpendicular to existing slopes.

16.7 Architectural Design

16.7.1 Building Locations and Orientation

A. Building Setback

1. Orient buildings to the front of the lot and parallel to the primary street, to maintain a consistent setback and create a traditional street and sidewalk frontage.
2. The front of the building must align with the façade of any existing adjacent buildings. Some variation may be allowed for the creation of a wider landscaped sidewalk or outdoor café space.
3. Buildings on corner lots must continue the established setback along both street frontages.
4. The addition of landscaping and/or a low wall to restore the street setback line where existing buildings are set further back on the lot is required.
5. Off-street parking is not permitted in front of buildings.

B. Building Scale and Massing

1. The style, proportions and use of materials and colors must be consistent with the surrounding buildings and area.
2. Keep the main mass and tallest portion of the building at the front, or at the corner on a corner site.
3. Building types for corner lots must be designed in a manner that attractively engages each side that fronts a street

16.7.2 Building Design

A. Building Entrances

1. Primary ground floor entrances must front the primary street. Secondary entry points may be provided from the parking lot areas.
2. Mixed use buildings must have a principal façade and entry facing a sidewalk or other area dedicated to pedestrian circulation.

B. Building Facade Design

1. Keep proportions of design elements such as windows, building bays, and columns consistent.
2. Visually differentiate the base, middle, and top of the building.
3. Vary the plane of the facade with recesses, openings, and columns to create depth and interest.
4. Use appropriately sized and proportioned windows, door openings, lintels, columns, and roof parapets, so that the building appears stable and balanced.
5. Pedestrian sheltering elements such as traditional canopies and awning with free-hanging valances are encouraged.
6. All businesses must be designed to fit into and enhance the local area and complement the surrounding neighborhood. Building facade design that is derived their image solely from applied treatments that express corporate identity are not permitted.
7. Drive In-Windows
 - i. Locate and design drive-up windows to minimize visual and noise impacts on adjoining properties.
 - ii. Incorporate an architectural canopy and/or screen that is visually linked to

the building.

- iii. Allow adequate length for stacking automobiles so that on or off-site circulation is not impeded.

C. Materials and Finishes

1. Create a hierarchy of materials and colors using a primary material and color and subordinate complementary or accent materials and colors to create visual interest
2. The color scheme must be coordinated with neighboring buildings.
3. Muted and traditional paint and building material colors are required, with contrasting textures and tones used to add interest. Building colors must emphasize earth tones and colors common to traditional/natural building materials (shades of white, brown, green, blue, gray).
4. The use of materials and textures that are associated with the region are encouraged to define the project as part of the Village and Schuyler County (stone, brick, and glass).

D. Windows

1. Ground floor storefront window openings must make the building appear transparent, open and inviting. No less than seventy percent (70%) of the primary street side ground floor façade should be clear glass on each side of the building that adjoins a public right of way.
2. Only clear colorless glass (no tinted glass) should be used for display windows. Translucent or colored glass may be used for design details.
3. Storefront windows must be located approximately 16-24" and a maximum of 30" above the finished grade.
4. When determining the location of doors and windows, consider them as part of an overall pattern on the face of the building.
5. Windows may be grouped or spaced evenly and must correspond with window placement on the first floor.
6. Windows and doors must not be blocked or boarded.
7. Historic window and door arrangements must be maintained. Window replacements must match, to the greatest extent possible, original window size, style and configuration.
8. Plexiglass, spandrel glass panels, and tinted glass are prohibited

E. Roof Design

1. Keep the roof mass proportional to the rest of the building.
2. Design roofs to direct runoff from snow and rain away from the pedestrians.
3. Roof-mounted equipment must not be visible from the street in any direction.
4. Vary the roofline to emphasize the important areas of the building such as primary and secondary entries.

F. Awnings and Canopies

1. Awnings and canopies must be in character with the architectural style of the building.
2. Awnings and canopies must be positioned at least ten (10) feet above the sidewalk.

3. Awnings and canopies must fit within the frame of the storefront; they should not hide the building's façade, distort its proportions, or cover architectural features.
 4. Awnings must be fixed or retractable. Retractable awnings must be kept either in the fully projected position or the fully closed position.
 5. Awnings must not extend across multiple buildings.
- G. Service Areas
1. Service areas must be unobtrusive and placed at the rear or side of the building.
 2. Service areas must be integrated into the design of the lot and building.
 3. Orient service entrances, waste disposal areas and other similar uses toward service lanes and away from the street when feasible.
 4. Provide landscaping to screen utility areas and to protect adjoining residences.
 5. No Service areas may be located on Franklin Street.
- H. Utilities
1. Electrical, telephone, cable and other utilities must be placed underground whenever possible.
 2. Any mechanical equipment must be shielded from public view, preferably on the rear of the building.
- I. Air Conditioners and Satellite Dishes
1. Air Conditioners must not project beyond the building face. For permanently installed units, openings must be trimmed to provide a finished opening around the unit.
 2. Satellite dishes and cable wiring must not be visible from across the street of the principle building facade.

16.7.3 Protection of Adjoining Residential Properties

A. Screening

1. Provide trees that mature to thirty (30) feet or more between commercial or multi-unit residential structures and adjoining residences.
2. Fencing must be provided to separate any residential use that is adjacent to commercial areas. Fencing must be constructed of wood, vinyl or masonry walls, and must be consistent with the character of the adjacent residential lot. Chain link fencing, with or without slats is not allowed. Any other materials for fencing shall be subject to approval by the Village Planning Board.
3. Fencing within parking areas must be constructed in a manner to block car lights from overspill into adjoining residential properties.
4. Use grade changes and landscaping in new commercial and residential developments to buffer residential interiors visually and acoustically.
5. Minimize light overspill at property lines. Ground surface illumination of more than .2 horizontal and vertical foot candles must be avoided

B. Noise

Noise producing activities such as trash compaction, dumpster location, drive-up windows, vehicle idling areas, HVAC equipment (air handlers, blower fans) etc. must be located away from residential properties.

C. Windows

Limit size, extent and location of windows on upper floors of new buildings that directly overlook private areas of adjacent residential properties.

D. Scale

Locate the tallest and largest sections of new building on the street frontage, away from adjoining residences.

16.7.4 Landmarks and Gateways

A key element in defining an area as a special space is a gateway that creates a sense of entry, indicating to both drivers and pedestrians that they are entering a distinct space. Enhancing landmarks and gateways within the Village is a crucial component in strengthening the perception of the downtown and lakefront parks as destinations.

A. Sense of Entry.

Intersections create natural opportunities for gateways, which can be enhanced through a combination of landscaping, welcome/identity signage, framed views, and focal points. Signage and focal points, if included, must be used in ways that complement rather than obstruct or detract from important views.

B. Focal Points.

Focal points such as sculpture, fountains, and historic monuments can add interest to an area, making it a more attractive destination. A series of related focal points can also serve as interesting and effective wayfinding tools for connecting different areas. Too many focal points however can register as clutter and detract from the overall character of the village. Focal points must therefore be selected and located carefully in a way that maintains and supports the desired village aesthetic.

C. Views.

Views to natural and cultural features play an especially large role in shaping the character of waterfront centers. Existing view corridors should be respected and protected. New construction and landscaping must take into account how views may be affected. Protecting and creating views experienced from points of entry to the Village and from designated viewing areas is important.

16.8 Access and Circulation

16.8.1 Sidewalks

- A. Sidewalks must be provided for the full length of all street frontages on a lot.
- B. Sidewalks must be provided adjacent to the curb if there is adjacent on-street parking. In other locations, sidewalks should be separated by a landscape strip at least 4 feet wide.
- C. Sidewalks and paved connections must be provided between parking lots and nearby building and points of interest.
- D. Cooperate with adjoining properties in creating a pedestrian network with mid-block connections, public courtyards and small plazas.

16.8.2 Crosswalks

- A. Highlight points of potential conflict between vehicles, pedestrians and bicyclist with signs, changes in texture or color, pavement materials, etc.
- B. Maintain visibility and clear sightlines from vehicles to pedestrian and bicycle crossing areas.

16.8.3 Driveways

- A. Minimize curb cuts, width of driveways and share entrances to minimize conflicts with bicyclist and pedestrians.
- B. Shared entrances are required whenever possible.

- C. Access from side streets rather than arterials, must be obtained when possible to maintain mobility and minimize conflict points.

16.8.4 Parking

- A. Locate parking at the side or behind the building. Parking between the primary building and the primary street is not permitted.
- B. The creation of shared parking areas is encouraged.
- C. Large expanses of parking must be broken up by planted islands and curbed pedestrian walkways.

16.8.5 Parking Garage

- A. Parking garages that front Franklin Street (NYS Route 414) must have commercial space on the first floor along street frontages or a comparable design.
- B. The materials and architectural detailing must be coordinated with surrounding buildings.

16.9 Signage

- A. All signs must be in compliance with the sign requirements established within Section 9.7 of the Village of Watkins Glen Zoning Code.
- B. Sign design and colors must be part of an attractive and uncluttered design of the storefront and building as a whole.
- C. Signs made of wood and metal are preferred.
- D. Wall mounted, or projected signs must be located above the ground floor storefront and just below the second-floor windows.
- E. Signs must not obscure architectural features or windows and should be integrated with the design of the building.
- F. Coordinate the size and placement of signage for different tenants within one building.
- G. Directly Illuminated signs are only allowed in the CL District
- H. Roof signs are not allowed in any district.
- I. External sign lighting must be no brighter than needed to read the sign, and must not spill over into adjacent areas. Bulbs must not be visible from the street.
- J. Signs that move, change, pulsate or flash are not allowed.
- K. Neon or comparable LED signs will be allowed inside first-floor windows only with approval of the board.
- L. Window signs must not occupy more than twenty-five (25%) percent of the window surface

16.10 Lighting

- A. Lighting must be adequate for safety, without glare and overspill. Overspill of light and glare of more than one (1) footcandle measured at side and rear property lines, and of more than two (2) footcandles measured at the curblines on site boundaries that abut a public right of way to be avoided.
- B. LED light bulbs must be used whenever possible.
- C. Lighting fixtures must complement the style of the building and the existing street lights within the Lakefront District.
- D. Maintain pedestrian scale heights (14 feet or less) on light poles wherever possible.

- E. Use a greater number of lower intensity light to achieve coverage, rather than fewer, brighter lights mounted on higher polls.
- F. The use of “wall packs” or other building-mounted high intensity fixtures is not permitted.
- G. Where two sites share parking or pedestrian areas, lighting design and installation must be coordinated so as to maintain consistent and uniform lighting levels.

ARTICLE 17. VALIDITY

17.0 Local Laws Repealed

- A. Local Law No. 1 of 2004, including any and all amendments thereto is hereby repealed.
- B. The provisions of any Village Law in conflict with any provision of this Law are hereby repealed.

17.1 Invalidity Clause

The invalidity of any section, clause, sentence or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such invalid part or parts.