

Table of Contents

ARTICLE I – INTRODUCTORY PROVISIONS	4
§ 275-1. Title.....	4
§ 275-2. Legislative authority.....	4
§ 275-3. Purpose and objectives.....	4
ARTICLE II – GENERAL PROVISIONS	5
§ 275-4. Application of district regulations.	5
§ 275-5. Zoning districts established.	5
§ 275-6. District boundaries.	5
§ 275-7. Official Zoning Map.....	5
§ 275-8. Interpretation of zoning district boundaries.....	6
§ 275-9. Provisions applicable to all districts.....	6
§ 275-10. Uses prohibited in all districts.....	7
§ 275-11. Word usage.....	8
§ 275-12. Definitions.....	8
ARTICLE III – DISTRICT REGULATIONS	22
§ 275-13. Residential District (R).....	22
§ 275-14. Multiple-Residence District (MR).....	24
§ 275-15. Commercial District (C).....	25
§ 275-16. Industrial District (I).....	27
§ 275-17. Light Industrial District (L-I).....	29
§ 275-18. Planned Residential Development District (PRD).....	35
§ 275-19. Planned Residential Development District – Senior (PRD-S).....	38
§ 275-20. Transitional Mixed-Use District (TMD).....	42
§ 275-21. Central Business District (CBD).....	44
§ 275-22. Mixed Use Overlay District (MUO).....	46
§ 275-23. Incentive Zoning District (IZ).....	50
ARTICLE IV – SPECIAL PERMITTED USE	56
§ 275-24. Purpose.....	56
§ 275-25. Authorization to grant or deny.....	56
§ 275-26. Application for special use permit.....	56
§ 275-27. Standards governing specially permitted uses.....	57
§ 275-28. Supplemental Regulations Pertaining to Specific Uses.....	57
§ 275-29. Notification.....	64
§ 275-30. Appeal.....	64

ARTICLE V – SITE PLAN APPROVAL	65
§ 275-31. Site plan approval purpose.....	65
§ 275-32. Compliance required, Applicability.....	65
§ 275-33. Authorization to grant or deny.....	65
§ 275-34. Preliminary site plan application and approval.....	65
§ 275-35. Final site plan application and approval.....	68
§ 275-36. Special provisions.	68
§ 275-37. Single Stage Review.....	69
§ 275-38. Public hearing required.	69
§ 275-39. Appeal.....	69
ARTICLE VI – SUPPLEMENTARY REGULATIONS	70
§ 275-40. Off-street parking and loading requirements.....	70
§ 275-41. Signs.....	71
§ 275-42. Fences, walls, hedges and screen plantings.....	81
§ 275-43. Establishment and measurement of clear-vision areas.....	81
§ 275-44. Gasoline filling stations and service stations.....	81
§ 275-45. Reserved.	82
§ 275-46. Towers.	82
§ 275-47. Reserved.	84
ARTICLE VII – GENERAL EXCEPTIONS	85
§ 275-48. Exception to lot size requirements.....	85
§ 275-49. Exception to height requirements.	85
§ 275-50. Projections from buildings.	85
ARTICLE VIII - NONCONFORMITIES	86
§ 275-51. Continuation of nonconforming structure.	86
§ 275-52. Discontinuance of nonconforming use.....	86
§ 275-53. Change of nonconforming use.....	86
§ 275-54. Destruction of nonconforming structure or use.....	86
§ 275-55. Completion of structure.	86
ARTICLE IX - VARIANCES	87
§ 275-56. Purpose.	87
§ 275-57. Authorization to grant or deny.	87
§ 275-58. Application required.....	87
§ 275-59. Circumstances for granting of variance.....	87
§ 275-60. Public hearing required.	87
§ 275-61. Appeal.....	87
§ 275-62. Notification of decision.....	87

ARTICLE X - AMENDMENTS 88

§ 275-63. Purpose. 88

§ 275-64. Authorization to initiate amendments..... 88

ARTICLE XI – ADMINISTRATIVE PROVISIONS 89

§ 275-65. Code Enforcement Officer..... 89

§ 275-66. Appeal from ruling of Zoning Board of Appeals 89

§ 275-67. Form of petitions and applications..... 89

§ 275-68. Notice of public hearing 89

§ 275-69. Limitation on new applications..... 90

ARTICLE XII - PENALTY..... 91

§ 275-70. Penalties for offenses..... 91

§ 275-71. Alternative penalty. 91

ARTICLE XIII – PLANNING BOARD AND ZONING BOARD OF APPEALS 92

§ 275-72. Planning Board abolished. 92

§ 275-73. Zoning Board of Appeals..... 92

[HISTORY: Adopted by the Board of Trustees of the Village of Hilton 3-20-1974 by L.L. No. 1-1974; amended 10-6-1975 by L.L. No. 2-1975; amended in its entirety 03-24-2025 by L.L. No. 1-2025. Subsequent amendments noted where applicable.]

ARTICLE I
Introductory Provisions

§ 275-1. Title.

This chapter shall be known as the "Zoning Law of the Village of Hilton."

§ 275-2. Legislative authority.

Enactment of this chapter by the Village Board of the Village of Hilton is pursuant to Article VII of the Village Law of the State of New York.

§ 275-3. Purpose and objectives.

- A. The purpose of this chapter is to: encourage appropriate and orderly physical development; promote in all possible ways public health, safety, convenience and general welfare; and classify, designate and regulate the location and use of buildings, structures and land for agricultural, residential, commercial, industrial or other uses in appropriate places, and for said purpose to divide the Village of Hilton into districts of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement.
- B. The objectives of this chapter are to: conserve and stabilize the value of property; provide adequate open space for light and air; provide desired levels of population density; provide a range of housing choices for a diverse population; secure safety from fire, flood, panic and other dangers; encourage development that conserves energy or utilizes clean energy; provide assurance of opportunities for effective utilization of land; provide adequate community and public utility facilities; and, provide workable relationships of land uses to the transportation system to improve street safety and varied mobility choices.
- C. The regulations contained in this chapter have been in accordance with a well-considered Comprehensive Plan for the Village of Hilton and have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses.

ARTICLE II
General Provisions

§ 275-4. Application of district regulations.

No site or structure shall be used, no structure shall be erected and no existing structure shall be moved, altered or enlarged except in conformity with the regulations for the district in which the site, structure or use is located. Where this chapter imposes greater restrictions than those imposed or required by other rules, regulations, ordinances, or laws, the provisions of this chapter shall control.

§ 275-5. Zoning districts established.¹

The districts established by this Zoning Local Law, and subject to future amendments, shall be as follows:

R	Residential District
MR	Multiple-Residence District
C	Commercial District
CB	Central Business District
TMD	Transitional Mixed-Use District
I	Industrial District
L-1	Light Industrial District
PRD	Planned Residential Development District
PRD-S	Planned Residential Development District – Senior
IZ	Incentive Zoning District
MUO	Mixed Use Overlay District

§ 275-6. District boundaries.

The boundaries for each district listed as part of this chapter are the boundaries indicated for the district by the map entitled "The Official Zoning Map of the Village of Hilton," dated with the effective date of this chapter, which is hereby adopted by reference and declared to be part of this chapter, and hereinafter known as the "Zoning Map."

§ 275-7. Official Zoning Map.

- A. There shall exist only one Official Zoning Map which shall be kept in the office of the Village Clerk, and it shall bear the seal of the Village of Hilton, a certification that it is the Official Zoning Map of the Village of Hilton and its date of adoption.
- B. Copies of this Map, which may from time to time be published and distributed, would be accurate only as of the date of their printing and shall bear words to that effect.
- C. Changes made in district boundaries or other matters portrayed on the Official Zoning Map under the

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

provisions of this chapter shall be permanently affixed to the Official Zoning Map promptly after the amendment has been approved by the Village Board and shall convey information as to the date and the nature of the change. No amendment to this chapter which involves matter portrayed on the Official Zoning Map shall become effective until such change and entry has been made on said Map and has been attested to by the Village Clerk.

§ 275-8. Interpretation of zoning district boundaries.

All zoning district boundaries shall follow property lines, center lines of streets, railroads, alleys, corporate limits or streams, unless otherwise located by appropriate reference in the Official Zoning Map. In the event that the above rule is not applicable, the location of such boundary will be dimensioned. Where features on the ground are at variance with those shown on the Official Zoning Map, the Zoning Board of Appeals shall interpret the district boundaries.

§ 275-9. Provisions applicable to all districts.

- A. Except as otherwise expressly provided in this chapter, no animals, fowl or poultry shall be housed or kept on any lot other than customary household pets.
- B. Swimming pools.
 - (1). Private swimming pools are permitted in the Residential, Multiple Residential and the Limited Commercial Districts, provided that there is an existing residence on said lot and that said pool is located in the rear yard no closer than eight feet to the side or rear property lines, if a one-family or two-family residence.
 - (2). For multiple residences, the location shall be subject to site plan approval, with the objective being that the pool shall be unobtrusive.
 - (3). Underwater lighting and exterior lighting directed and shielded from any adjoining property is permitted.
 - (4). All overhead utilities are prohibited over the pool area.
 - (5). Pools may not be drained into sanitary sewers or septic systems.
 - (6). Plans must be approved and a permit issued by the Code Enforcement Officer prior to construction.
- C. Storage of vehicles, campers, RV trailers and boats. Motor vehicles, trailers, campers or boats and other recreational vehicles may be stored on a lot outside, if the following conditions are met: **[Amended 10-5-2021 by L.L. No. 4-2021]**
 - (1). They are behind the front plane of the principal dwelling and within the side and rear setbacks applicable to said lot, with the exception of April 1 through November 1 when they may be in a front area driveway of any residential or business lot.
 - (2). At no time can recreational vehicles, trailers or boats be parked or stored in the driveway that would be closer than 15 feet distant from the nearest street, curb or edge of pavement.
 - (3). A maximum of one ancillary vehicle, recreational vehicle or boat may be stored outside on any residential lot.
 - (4). The vehicle must be owned by a full-time resident of the property.
 - (5). Recreational vehicles shall not have fixed connections to electricity, water, gas or sanitary facilities, nor shall recreational vehicles at any time be used for living or housekeeping purposes

while on the premises.

- (6). Any such recreational vehicle shall be kept in good repair and in working condition, with current license plate and/or registration or license plate and/or registration from the previous 12 months, unless stored within a garage.
- D. Fences. The face side of any "fence" erected in any district shall face the nearest abutting property, and all posts or supports shall be on the inside of said "fence" unless said posts or supports constitute an integral part of said face side.

§ 275-10. Uses prohibited in all districts.

- A. Storage of junk. The outside storage of junk, wrecks and/or unlicensed motor vehicles is prohibited in all districts except areas designated for new or used car sales and except as otherwise permitted in § 172-3M of Chapter 172. **[Amended 3-6-2018 by L.L. No. 1-2018]**
- B. Stripping of topsoil. Soil stripping and the sale or disposition of topsoil, except for use on the premises from which it comes, is prohibited except for lawful excavations for cellars and other structures.
- C. Storing and dumping of refuse. The storing or dumping of refuse, waste material or other substances is prohibited in all districts within the Village.
- D. Sidewalks. Obstructing the free passage of a public sidewalk in any manner or by any means is prohibited. **[Amended 9-6-2011 by L.L. No. 3-2011]**
- E. Outdoor wood furnaces. The construction and/or operation of any outdoor wood furnace is prohibited in all districts within the Village of Hilton. **[Added 4-3-2007 by L.L. No. 4-2007]**
- F. Dogs.
 - (1). It shall be unlawful to permanently keep or harbor more than three (3) dogs which are more than four (4) months of age within the confines of any lot within the Village of Hilton, unless the property owner or resident complies with the provisions of Subsection F(2) of this section.
 - (2). A property owner or resident seeking to retain more than three (3) dogs on his/her premises may apply for a special use permit to operate a Kennel.
 - (a). A separate application shall be made for each dog in excess of three (3) on any given premises at any given time, shall specifically identify each dog and shall be specific to each dog.
 - (b). Said application shall be made to the Zoning Board of Appeals (ZBA), which shall review applications on a case-by-case basis.
 - (c). The ZBA shall consider the effect on the character of the neighborhood in the event additional dogs are permitted to remain on the property owner's or resident's premises.
 - (d). A property owner or resident applying for a special use permit must have had no violations of Chapter 9 of the Parma Town Code during the 12 months prior to the application.
 - (e). In the event a permit is granted by the ZBA, the permit shall be specific to the dog identified in the application and will terminate:
 - [1]. Upon the death or removal from the property owner's or resident's premises of any dog for whom the permit was issued;
 - [2]. Upon the death or relocation from the premises (even if to a location within

the Village of Hilton) of any property owner to whom the permit was issued;

[3]. Five years following the date the permit was issued.

- (f). The permit may be revoked by the ZBA in the event that the property owner is convicted of two violations of Chapter 9 of the Parma Town Code within any twelve-month period; or if any dog owned by the property owner or resident is determined to be a dangerous dog pursuant to Chapter 9 of the Town of Parma Code or the New York State Agriculture and Markets Law; or for good cause, as determined by the Zoning Board of Appeals, based upon the health, safety and best interests of the neighborhood and community.

§ 275-11. Word usage.

The following rules of construction of language shall apply to the text of this chapter.

- A. Words used in the present tense include the future tense.
- B. Words used in the singular include the plural, and words used in the plural include the singular.
- C. The word "lot" includes the word "plot," "parcel," or "tract."
- D. The word "person" includes an individual, firm or corporation.
- E. The word "shall" is always mandatory.
- F. 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."
- G. A "building" or "structure" includes any part thereof.
- H. The words "to erect," "to construct" and "to build" a building have the same meaning and include "to excavate" for a building, and "to relocate" a building by moving it from one location to another.
- I. The word "premises" includes a lot and all the buildings thereon.

§ 275-12. Definitions.

The following words and phrases as used in this chapter are defined as indicated:

ACCESSORY STRUCTURE OR USE — A structure, or a portion of a main structure, or a use located or carried on the same premises and incidental and subordinate to the main structure or use which customarily accompanies or is associated with such main use and structure, not intending to include, however, auxiliary service equipment, such as air conditioners, air compressors, water pumps, electric generators and the like.

ADULT USE — A public or private establishment, or any part thereof, which presents any of the following entertainment, exhibitions or services: topless and/or bottomless dancers; strippers; topless waitressing, busing or service; topless hair care or massages; service or entertainment where the servers or entertainers wear pasties or G-strings or both; adult arcade; adult bookstore or adult video stores; adult cabarets; adult motion-picture theaters; adult theaters; escort agencies; nude model studios and sexual encounter centers. Adult use and entertainment establishments customarily exclude minors by reason of age.

ANIMAL SHELTER — A facility used to house or contain stray, homeless, abandoned, or unwanted domesticated animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

APARTMENT HOUSE — A building arranged, intended or designated to be occupied by three or more

resident households living independently of each other. An "apartment house" is a structural definition and applies irrespective of how the individual dwelling units therein are offered for sale or rental.

APARTMENT HOUSE, SMALL — An apartment house containing 6 or fewer dwelling units.

APARTMENT HOUSE, LARGE — An apartment house containing 7 or more dwelling units.

ART STUDIO — Facilities that provide individual and group instruction, education and/or training, including tutoring and vocational training in limited subjects, such as the arts. This may include Art, Dance, Martial Arts, and Music.

ARTISAN LOFTS — The reuse of existing structures, generally commercial or industrial buildings, to create open apartment living spaces.

AUCTION HOUSE AND FLEA MARKETS — A building, yard, area, or areas within a building used for the public sale of used goods, wares, merchandise, or equipment to the highest bidder or may be offered for sale by individual sellers or vendors. This use may be temporary, occasion, or periodic. This definition excludes therefrom an auction, the principal purpose of which is the sale of livestock or motor vehicles.

BANK — A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. This term includes credit unions, savings and loans, and similar financial institutions.

BASEMENT — That portion of a building that is partly or entirely below grade level.

BATTERY ENERGY STORAGE SYSTEM — One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time (not to include a stand-alone 12-volt car battery or an electric motor vehicle).

BED AND BREAKFAST — A private, owner-occupied business with up to five (5) guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed-and-breakfast inn is operated primarily as a business and where onsite signage is needed.

BLOCK — The length of a street between two intersections or to the termination of the street in the event that there is only one intersection along such street segment.

BUILDING — Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.

BUILDING FOOTPRINT — The area of a building as measured from the exterior faces of exterior walls. The area of buildings and parts of buildings, without exterior walls, shall be measured from the outer limits of the roof line.

CAFÉ, OUTDOOR — Space exterior to a specialty restaurant utilized for patrons. Such space is commonly within a right-of-way or sidewalk.

CAMPGROUND — A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy by persons using tents, or licensed travel trailers, campers, and/or recreational vehicles.

CAR WASHES — The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

CLUB ORGANIZATION — An incorporated or unincorporated association for civic, cultural, literacy, political, recreational, or like activities, but not including shooting clubs, operated for the benefit of its members and not open to the general public.

COMMON AREAS — Space reserved for use by any and all residents of a housing development such as halls, stairways and landings in apartment houses and open space.

COMMUNITY CARE FACILITIES — Facilities that provide living, sleeping, and sanitation

accommodations for institutional purposes in coordination with the provision of social services. The facilities may include facilities for eating and cooking.

COMMUNITY FACILITY — A primarily non-commercial establishment intended for the benefit and service of the general public of the community in which it is located. Examples include, but are not limited to, community gardens, neighborhood clubhouses, community centers, and senior centers.

CONDOMINIUMS — A building or groups of buildings in which units are owned individually and common areas and facilities are owned in common by the owners of individual units. The owner has title to the interior individual dwelling and a shared interest in the common elements.²

CONFERENCE/CONVENTION CENTER — A commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and other event venues for large-scale public gatherings.

CONTAINERIZED CARGO — Cargo packed in a large (typically eight feet by eight feet by 20 feet) trunk-like box, and loaded, stored, and unloaded as a unit.

CONTRACTOR STORAGE YARDS — A lot, or portion thereof, used for the purposes of stockpiling aggregate materials such as stone, gravel, road salt, sand and topsoil, vehicles and heavy equipment, pipe, bricks, paving stones, structures and piping, light poles, landscaping materials, fences and mulch for use or installation at another location.

CULTURAL FACILITY — An establishment providing for the display, preservation, and/or exhibition of objects of historical or cultural interest. Examples of this use include, but are not limited to, museums, libraries, historical sites, botanical gardens, nature exhibitions, environmental education facilities, and interpretive centers.

CUSTOMARY AGRICULTURAL USE — The raising of agricultural products, including livestock, poultry, dairy products, farm crops, fruit and vegetables, and nursery stock, whether for gain or otherwise. The term does not include the manufacturing or processing of agricultural products.

DATA ENTRY/COMMUNICATION SERVICES — Facilities where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.

DAY CARE HOME — An operator-occupied dwelling unit where care for children is provided and where the operator has the appropriate registration from NYS Office of Children and Family Services and other regulatory entities as may be necessary.

DAY CARE CENTER — Any nonresidential establishment where care for children or adults is provided and is not considered a day care home or adult day care home.

DRIVE-THROUGH FACILITY — Facilities where food or other products may be purchased or services may be obtained by motorists without leaving their vehicles and by maneuvering around the building in a dedicated lane. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, photo stores, pharmacies, bank teller windows, ATM's, dry cleaners, etc., but do not include gas station or other vehicle services which are separately defined.

DRY CLEANING — A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or dry-cleaning pick-up stores, see "Personal Services".

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

DWELLING — A building or portion thereof designed or used as the living quarters for one or more families or for individuals. The term "dwelling" shall not be deemed to include a motel, hotel, boarding house or recreational vehicle.

DWELLING UNIT — A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, ACCESSORY (ADU) — A secondary dwelling unit within the footprint of the principal dwelling unit which shall be attached or within the principal building such as an upstairs or basement unit.

DWELLING, MANUFACTURED — A structure transportable in one or more sections that, in the traveling mode, is eight feet (2,438 mm) or more in width or 40 feet (12,192 mm) or more in length or, when erected on site, is 320 square feet (29.7 square meters) minimum, and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer ordinarily files a certification required by the federal department of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

DWELLING, SINGLE-FAMILY ATTACHED — A building consisting of dwelling units which are attached by common vertical walls and each unit having a separate entrance. May also be known as a Townhouse.

DWELLING, SINGLE-FAMILY DETACHED — A detached building consisting of one dwelling unit.

DWELLING, TWO-FAMILY— A building consisting of two dwelling units that share walls, floors, and/or ceilings and other common areas.

DWELLINGS, COTTAGE COURT — A group of between two (2) and eight (8) detached single-family dwellings on a common lot sharing, fronting, and built around a central, common courtyard requiring a condominium association. They may also include a common walkway, a common parking pad, or other common areas but the central, common courtyard is a defining feature.

EFFECTIVELY SCREENED — A particular use shall be considered "effectively screened" when barriers of sufficient height and opacity are provided so as to reduce the transmission of sound and light into adjacent properties to the point where the adjacent property owner is not reasonably disturbed thereby.

EFFICIENCY APARTMENT — A dwelling unit that has only one combined living and sleeping room, said dwelling unit, however, may also have a separate room containing only kitchen facilities and also a separate room containing only sanitary facilities.

ENTERTAINMENT, INDOOR — An establishment providing indoor amusement and entertainment services where a fee may or may not be charged for use, including: Movie theaters, live performance theaters, bowling alleys, coin-operated amusement arcades, electronic game arcades (video games, pinball, etc.), ice skating and roller skating, pool and billiard rooms as primary uses. Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premises where 50 percent or more of the floor area is occupied by electronic games or amusement devices; three or fewer machines or devices are not considered a use separate from the primary use of the site. Does not include Adult Entertainment Establishments.

ENTERTAINMENT, OUTDOOR — A facility for public outdoor recreational activities where a fee may or may not be charged for use. Examples include outdoor theaters/amphitheaters, amusement and theme parks; go-cart tracks; tennis clubs, golf driving ranges; miniature golf courses; outdoor pools, and water

slides. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include golf courses.

EVENT VENUE — A facility rented to individuals, groups, or organizations, and used to host gatherings such as, but not limited to, weddings, receptions, parties, and meetings with a capacity of 100 people or less, as determined by applicable building code, fire code, and/or parking requirements. An Event Venue may be comprised of a permanent structure(s), temporary structure(s), uncovered outdoor gathering areas(s), or any combination thereof. This definition does not include community facilities, cultural facilities, religious institutions, conference/convention centers, commercial lodging (hotel/extended stay), or publicly owned facilities.

FARM — Any parcel which is used for agricultural or farming activities. It includes necessary farm structures and the storage of equipment used.

FARM AND CRAFT MARKET — A temporary and/or permanent structure, operated on a seasonal or year-round basis, that allows for agricultural producers to retail agricultural plant products and agriculture-related items directly to consumer and enhance income through value-added products, services, and activities. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions.

FARM EQUIPMENT SALES AND SERVICE — Establishments selling, renting or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming.

FENCE — A structure of wood, masonry, wire mesh or other material, which prohibits or inhibits unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and a property.

FIRE AND RESCUE STATIONS — The conduct of safety and emergency services, such as, but not limited to, firefighting, police, and emergency medical and ambulance service.

FLOOR AREA, GROSS — The sum of the gross horizontal areas of all floors of a building or buildings, measured from the inside faces of exterior walls or from the center line of walls separating two uses.

FLOOR AREA, HABITABLE — The horizontal area of any floor of a building designed and intended for living purposes, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a "habitable floor." All dimensions shall be measured from the interior faces of exterior walls or from the center line of the base of walls separating two (2) dwelling units.

FUNERAL HOMES — A facility in which dead bodies are prepared for burial or cremation and where funeral services may be conducted.

HEALTH CARE FACILITIES, INPATIENT — A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes, medical offices, and outpatient surgery centers.

HEALTH OR FITNESS FACILITY — A fitness center, gymnasium, or health and athletic club, which may include any of the following: Exercise machines, weight facilities, group exercise rooms, sauna, spa, hot tub, or swimming facilities, indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult-oriented businesses.

HEIGHT OF BUILDING — The vertical dimension measured from the average finished grade touching the exterior walls of the building to the highest peak of the roof.

HOME OCCUPATION — A nonresidential use clearly subordinate and accessory to the permitted principal residential use of the premises.

- A. HOME OCCUPATION, MAJOR — Any home occupation that is not a minor home occupation.
- B. HOME OCCUPATION, MINOR — Any home occupation that:
 - (1). Involves no person other than persons residing on the premises;
 - (2). Shows no visible evidence (including signage) from the exterior of the dwelling unit;
 - (3). Generates no additional traffic and no need for off-street parking;
 - (4). Uses no equipment which would not customarily be used by the occupants of the dwelling unit;
 - (5). Involves:
 - (a). No retail sales where the public visits the premises to purchase;
 - (b). No exterior display or storage of goods, materials, equipment, or inventory;
 - (c). No noise other than that which is customarily generated by the occupants of the dwelling unit;
 - (d). No vehicles larger than a four-wheel truck and/or a four wheel trailer;
 - (e). No external alterations and that the entrance to the space devoted to such occupation shall be only from within the dwelling.

HOTEL — Any building containing six or more guest rooms which are used, rented, or hired for sleeping purposes by transient guests and with access to units primarily from interior lobbies, courts, or halls.

IMPERVIOUS SURFACE — Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces.

INDUSTRIAL FLEX SPACE — A single-story structure utilized as a multi-purpose/tenant workspace that may combine warehouse, industrial and retail uses, which may contain office space. Such structures shall contain an open floor that can be modified to accommodate individual tenants and not be considered habitable.

INTERIOR PROJECT ROAD — A road wholly within a single residential development, whether dedicated or not, which is designed solely to provide access to the residences therein.

JUNK — Includes scrap metals and their alloys, bones, used materials and products, such as rags and cloth, rubber, rope, tinfoil, bottles, old tools and machinery, fixtures and appliances, lumber, boxes or crates, pipe and pipe fittings, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

JUNKYARD –

- A. A lot, land or structure, or part thereof, where junk, waste, discarded or salvaged materials are bought, stored, sold, exchanged, sorted, baled, packed, disassembled, handled or abandoned, including: automobile or other vehicle or machinery, wrecking or dismantling yards; house wrecking yards; used lumber yards; places or yards for storage of salvaged house wrecking and structural steel materials and equipment; or where any unregistered motor vehicle is held outside of a completely enclosed building, whether for the purpose of reclaiming for use some or all the materials therein, or for the purpose of storage or disposing of the same for any other purpose.
- B. Exceptions:
 - (1). New, and/or used motor vehicles which are operable qualify for a current New York State Motor vehicle inspection sticker under Article 5 of the New York Motor Vehicle and Traffic Law, and are offered for sale to the public, may be stored on premises on which

new or used car sales may be conducted in accordance with the provisions of Village Zoning Code.

- (2). The storage of vehicles subject to seasonal use such as recreational vehicles and snowmobiles even though such vehicles may be unlicensed during the part of the year they are not in use.

KENNEL — Any premises on which four (4) or more dogs, four (4) months of age or older are kept, bred and/or boarded.

LIVE-WORK UNITS — A professional office or art studio use either attached to a primary residential use building or located within an accessory building of a primary residential use building on the lot. The nonresidential use shall be utilized only by an occupant of the primary dwelling.

LOT AREA — The area within property lines, excluding any portion thereof, within the boundaries of a street or highway right-of-way.

LOT COVERAGE — The sum of all building footprints on a lot divided by the lot area.

LOT, CORNER — A parcel of land at the junction of, and fronting on, two or more intersecting streets. All corner lots shall be deemed to have two front yards, two side yards and no rear yard.

LOT LINE, FRONT — The line separating the lot from the boundary of the highway or right-of-way upon which the lot abuts.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE — The lot line other than a front or rear lot line.

MAJOR ROAD — All state and county roads and highways or federal aid eligible roadways.

MANUFACTURING, LIGHT — A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include:

- A. **ARTISAN/CRAFT PRODUCT MANUFACTURING** — An establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, where any retail sales are incidental to the manufacturing activity.
- B. **CLOTHING AND FABRIC PRODUCT MANUFACTURING** — An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). Does not include the production of textile fabrics and related materials.
- C. **COMPUTER AND ELECTRONICS PRODUCTS** — establishments that manufacture computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture components for such products.
- D. **FOOD PRODUCTS** — Establishments that transform agricultural products into products for intermediate or final consumption. However, this shall not include the production of fish, meat or dairy products; or fermented foods such as sauerkraut, vinegar, or the like; or the rendering of fats and oils.

- E. FURNITURE AND FIXTURES MANUFACTURING, CABINET SHOP — A business that manufactures wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, and wood and cabinet shops, but not sawmills or planing mills.
- F. HANDICRAFT INDUSTRIES, SMALL-SCALE MANUFACTURING — Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.
- G. MEDIA PRODUCTION — Facilities for motion picture, television, video, sound, computer, and other communications media production.
- H. MEDICAL EQUIPMENT — Facilities that manufacture prosthetic appliances, dentures, eyeglasses, hearing aids, surgical, ophthalmic, and veterinary instruments and apparatus (except electrotherapeutic, electromedical and irradiation apparatus). Examples of products made by these establishments are syringes, hypodermic needles, anesthesia apparatus, blood transfusion equipment, catheters, surgical clamps, and medical thermometers. and similar medical products.
- I. PAPER PRODUCT MANUFACTURING — Establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, or wallpaper.
- J. PHOTO/FILM PROCESSING LAB — A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small-scale photo processing machines accessory to other retail businesses.
- K. PRINTING AND PUBLISHING — An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices.

MANUFACTURING, HEAVY — A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following:

- A. CHEMICAL PRODUCT MANUFACTURING — An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
- B. CONCRETE, GYPSUM, AND PLASTER PRODUCT MANUFACTURING — An

establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard.

- C. **GLASS PRODUCT MANUFACTURING** — An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under ("Manufacturing—Light - Handcraft Industries and Small-Scale Manufacturing").
- D. **PAVING AND ROOFING MATERIALS MANUFACTURING** — The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar.
- E. **PETROLEUM REFINING AND RELATED INDUSTRIES** — Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("Public Services"), or petroleum product distributors ("Flammable Liquid, Gas, and Bulk Fuel - Storage and Sale").
- F. **PLASTICS, OTHER SYNTHETICS, AND RUBBER PRODUCT MANUFACTURING** — The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or Styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires (See "Vehicle Sales and Services").
- G. **PRIMARY METAL INDUSTRIES** — An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
- H. **PULP AND PULP PRODUCT MANUFACTURING** — An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard (See "Manufacturing—Light - Paper Product Manufacturing").
- I. **TEXTILE AND LEATHER PRODUCT MANUFACTURING** — An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items (See "Manufacturing—Light - Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes: Coating, waterproofing, or otherwise treating fabric; Manufacturing woven fabric, carpets, rugs from yarn; Dressed and dyed furs Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage; dyeing and finishing fiber, yarn, fabric, and knit apparel Scouring and combing plants; Leather-tanned, curried, and finished upholstery manufacturing; Manufacture of knit apparel and other finished products from yarn and thread mills; and Manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles.

MEDICAL OFFICES OR CLINICS — Facilities which provide medical treatment, preventative care, and/or outpatient physical or mental health care on a routine basis, but which do not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, psychiatrists,

or similar practitioners licensed by the State of New York. Retail sales do not comprise more than an ancillary aspect of the primary activity of a medical office.

MINING — The removal of topsoil or subsurface aggregate from a site, including but not limited to stone, sand, gravel or topsoil for sale as an industrial or commercial operation.

MIXED-USE BUILDING — A building containing upper story residential in addition to non-residential uses permitted in the zone. May also be referred to as Mixed-Use Structure.

MIXED-USE OVERLAY (MUO) DISTRICT — An overlay district established by the Village Board of Trustees establishing the boundaries of areas eligible for rezoning to MX District.

MOTEL — A building or group of buildings containing 6 or more sleeping units in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

MULTIPLE-FAMILY BUILDING — See “apartment house”.

MULTIPLE-FAMILY DWELLING UNIT — A dwelling unit in an apartment house. Dwelling units in townhouses, as well as in other apartment houses.

NONCONFORMING USE OR STRUCTURE — A use of land or of a building or structure which lawfully existed at the time of the adoption of this chapter, or of any amendment thereto, but which does not conform to the use or dimensional requirements imposed by this chapter or such amendment thereto.

NURSERIES AND GARDEN STORES — A commercial agricultural establishment engaged in the production and sale of ornamental plants and other nursery products.

OPEN SPACE — An area unoccupied by any building, structure or parking area, whether paved or unpaved.

OVERLAY DISTRICT — A zoning district superimposed on existing zoning districts which implements additional regulations or procedures.

PARKS AND PLAYGROUNDS — An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, ponds, lakes, and open space areas for both passive and active assembly, recreation, sport, and ecotourism.

PARKING SPACE — The area for vehicle parking.

PERSONAL SERVICES — Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, pet grooming with no boarding, shoe repair shops, tailors, tanning salons, tattoo artistry, and body piercing. These uses may also include accessory retail sales of products related to the services provided.

PLAN — A drawing, or set of drawings, indicating the manner or layout of a subdivision or site which is to be submitted for approval together with all required improvements and appurtenances. Types of plans include sketch, preliminary and final. Each type of plan requires a different level of detail to be shown.

PLAN, FINAL SITE — A complete and exact site plan, prepared for official recording as required by statute, to define property rights, proposed streets and other improvements.

PLAN, PRELIMINARY SITE — A tentative site plan, in lesser detail than a final site plan, showing approximate proposed streets and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN, SKETCH — An informal plan in lesser detail than a preliminary site plan, indicating salient existing features of a tract and its surroundings and the general layout of the proposed site.

PRIVATE GREENHOUSES — A building used for the growing of plants, all or part of which are sold at

retail or wholesale.

PROFESSIONAL SERVICES — Use of a site for business, professional, or administrative offices, excluding medical offices. Typical uses include real estate, insurance, management, computer software or information systems research and development, or other business offices; organization and association offices; or law, architectural, engineering, urban design, accounting, or other professional offices. Retail sales do not comprise more than an ancillary aspect of the primary activity of a general office.

PUBLIC OFFICE — Buildings owned by the school district, municipality, county, state, or federal government which houses administrative offices and may be open to the public to obtain services.

RELIGIOUS INSTITUTION — Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, temporary or emergency housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

RESIDENTIAL CARE FACILITY — A facility which offers room and board and which, unlike a boarding house, provides and/or coordinates a degree of personal care for a period of time in excess of 24 consecutive hours for two or more persons. It is designed to accommodate residents' changing needs and preferences, maximize residents' dignity, autonomy, privacy, independence, and safety, and encourage family and community involvement. Included in this definition is any facility (other than a hospital), which offers or represents to the public that it offers a beneficial or protected environment specifically for individuals who have mental illness or disabilities. Congregate care, assisted living, nursing homes, and continuing care retirement communities fall under this definition.

RESTAURANT — A retail business selling food and/or beverages for on- or off-premises consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off- premises consumption ("counter service"); and establishments where customers are served food at their tables for on-premises consumption ("table service"), that may also provide food for take-out, but does not include drive-through facilities, which are separately defined and regulated.

RESTAURANT, SPECIALTY — Establishments whose primary business is the sale of a single specialty type of food or beverage that is not considered a complete meal (e.g., candy, coffee, or ice cream). The sale of other food, beverages, or merchandise is incidental to the sale of the specialty food or beverage. Food and beverages are for customer consumption within the restaurant or restaurant patio area.

RETAIL SALES — Stores and shops intended to serve as destination retail, convenience shopping, and provision of general services. Examples of these stores, lines of merchandise, and services include: Antique and Craft Sales; Art galleries; retail; art supplies, including framing services; books, magazines, and newspapers; cameras and photographic supplies; clothing, shoes, and accessories; collectibles (cards, coins, comics, stamps, etc.); drug stores and pharmacies; dry goods; fabrics and sewing supplies; furniture and appliance stores; hobby materials; home and office electronics; jewelry; luggage and leather goods; musical instruments; neighborhood markets; parts; accessories; small wares; grocery store; specialty shops; sporting goods and equipment; stationery; toys and games; variety stores; videos, DVD's, records, and CD's, including rental stores. May include sales of materials produced on the premises.

RETAIL CONSTRUCTION MATERIALS — A business with a primary product of selling or assembling materials used in construction including tools for the assembly thereof. The use includes hardware, lumber, paneling, masonry products, doors, trim, paneling, insulation, sheet rock, appliances, and similar products. This use does not include concrete mixing.

SCHOOL — A separate facility or campus of buildings for elementary, secondary, post-secondary, technical, and vocational education in dedicated facilities as a standalone building or as a part of a campus.

SCIENTIFIC RESEARCH OR EXPERIMENTAL DEVELOPMENT OF MATERIALS — Research,

development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not create any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution.

SEASONAL FARM STAND — An open-air structure not permanently affixed to the ground used for the seasonal display and sale of agricultural products principally grown on site, with no space for customers within the structure itself.

SERVICE ANIMAL — In accordance with the American Disabilities Act (ADA), a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. Dogs or animals whose sole function is to provide comfort or emotional support do not qualify as service animals under ADA.

SETBACK — The distance between the front, rear or side lines of the lot, and the front, rear and side lines of the building. All measurements shall be made at right angles to or radially from the lot lines to the nearest portion of the building lines. Setbacks from street lines to building lines are defined as "front setbacks." Setbacks from side lot lines are "side setbacks." Setbacks from rear lot lines are "rear setbacks."

SHORT-TERM RENTAL — The use and enjoyment by guests of a Dwelling Unit, or any portion thereof, for a period of less than thirty (30) consecutive days, in exchange for money, commodities, services, or other performances. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in this ordinance separately from Short-Term Rentals are not considered to be Short-Term Rentals.

SMOKE AND VAPE SHOPS — Any shop, store or business of which 2% or more of its retail floor space is dedicated to the sale of tobacco products and/or smoking paraphernalia, as herein defined.

SMOKING PARAPHERNALIA — All equipment, products, and materials, of any kind, which are used, intended for use, or designed and/or adapted for use in packaging, repackaging, storing, containing, injecting, ingesting, inhaling and/or otherwise introducing into the human body tobacco products.

SOLAR ENERGY SYTEMS — The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment.

STACKING SPACE — Any temporary storage space for a vehicle waiting for service or admission. Such space shall be in addition to drives, aisles or other required parking spaces.

STORY — That portion of a building included between the surface of the floor and the ceiling next above it, having a height of at least seven feet six inches.

STORAGE FACILITIES — Structures containing generally small, individual, compartmentalized stalls or lockers offered for rent or lease to the general public as individual storage spaces and characterized by low parking demand. Premises may include retail or wholesale sales related to storage (e.g., boxes, locks, tape, protective material, etc.) and the storage of vehicles and boats.

STREET or HIGHWAY — A right-of-way formally dedicated to public use or accepted or maintained by the appropriate governmental or municipal body for public use.

STREET, ARTERIAL — A street which is used for fast or heavy traffic, primarily between communities or large areas.³

STREET, COLLECTOR — A street which carries traffic from minor streets to arterial streets.⁴

STREET, MINOR — A street which is intended primarily for access to abutting properties.⁵

STRUCTURE — Anything constructed or built, any edifice or building of any kind, or any piece of work

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

artificially buildup or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including, but within limitation, swimming and wading pools, covered patios, towers, smokestacks, poles, etc., except outdoor areas such as paved areas, walks, and also except auxiliary service equipment, such as air conditioners, air compressors, water pumps, electric generators and the like.

SUITABLE VEGETATION — Vegetation in sufficient quantity and of sufficient maturity so as to prevent erosion, maintain the general character of the area, and provide effective screening when such purpose is warranted.

SUITABLY LANDSCAPED — Landscaped with vegetation of a type sufficient to effectively screen differing uses, enhance the quality of the environment and protect the general welfare.

TAVERN — A business where alcoholic beverages are sold for on-site consumption as the primary use where any food service is subordinate to the sale of alcoholic beverages and which may also include entertainment such as live music and/or dancing, comedy, etc. (excluding Adult Establishment activities). This definition includes bars, taverns, pubs, beer brewing as part of a microbrewery, and other beverage tasting facilities.

TELECOMMUNICATION FACILITY — Any or all of the physical elements of the central cell facility that contains all the receivers, transmitters, and other apparatus needed for cellular/personal computer operation.

TELECOMMUNICATION TOWER — A structure on which one or more antenna will be located, that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, but excluding those used exclusively for fire, police, emergency medical services and other municipal dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private, residential communications.

TOBACCO PRODUCTS — Tobacco, tobacco products, including but not limited to cigarettes, chewing tobacco, cigars, electronic cigarettes, vape pens, vapors, e-liquids, e-vaporizers and other like substances, CBD (cannabidiol), and CBD products, including but not limited to CBD gummies and/or CBD oil.

TRADE SERVICES — Any business and office spaces related to the construction trade, including but not limited to electrical, heating, plumbing, carpentry, paving companies, concrete companies, sand and gravel companies, topsoil companies, bricklayers, on-site wastewater treatment installation companies, well drillers, installation and building companies and similar businesses where machinery, equipment, supplies and materials are stored indoors and maintained for use or installation at another location.

USE — The purpose for which any structure or part thereof and the premises or any part thereof is occupied or intended to be occupied, or if unoccupied, the purpose for which it may be occupied.

UTILITY BUILDINGS AND YARDS — A facility other than a telecommunication tower or telecommunications antenna for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or government agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage collection, or other such service to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, and, office or administration buildings.

VEHICULAR FUELING AND SERVICE STATIONS — Establishment that primarily retails automotive fuels and related accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Car washes and other minor automobile self-services shall be incidental to the gas station.

VEHICLE RENTAL/LEASING/SALES — Establishments which may have showrooms or open lots for

selling, renting or leasing automobiles, light trucks, motorcycles, boats, and ATVs or parts thereof. Portions of the principal building may be dedicated to incidental minor repairs.

VEHICLE SERVICES — Incidental minor repairs to include replacement of parts and service to passenger cars (e.g., tire repair/replacement, oil changes); general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop.

VETERINARY OFFICES — Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals. Incidental boarding may be provided, but commercial boarding and animal shelters are not included in this definition.

WAREHOUSING — Facilities specific to the storage of furniture, household goods, cold storage, or other commercial goods of any nature. May include an outdoor storage component, provided that the outdoor storage is not the primary use. These facilities are not involved in manufacturing or production. Where containerized cargo is centralized and stored it shall be considered warehousing.

WHOLESALE ESTABLISHMENT — The display, storage, sale, and distribution of goods to other firms for resale, generally to retailers, industrial, commercial, institutional, or professional business users.

WRECK — A motor vehicle in such condition that it cannot be repaired, or which has remained unrepaired for 30 days after the damage occurred, or which, by reason of age and prior use, is unsuitable for use on the highway. An unlicensed motor vehicle is one for which the registration for the current year has not been issued and affixed thereto. This chapter, however, shall not be construed to prevent the storage of unlicensed vehicles in private garages upon the premises of the owners thereof.

ARTICLE III
District Regulations

§ 275-13. Residential District (R).⁶

A. Permitted uses. The following uses and their accessory uses are permitted.

- (1). Single-family detached dwelling. [Amended 2-6-1978 by L.L. No. 2-1978; 1-2-2007 by L.L. No. 2-2007]
- (2). Day Care Homes.
- (3). Minor Home Occupation.
- (4). Parks and Playgrounds.

B. Special Permitted Uses. Upon site approval and in accordance with Article IV, the following uses are permitted:

- (1). Public Offices.
- (2). Schools.
- (3). Two-family dwelling.
- (4). Single-family attached dwelling.
- (5). Small Apartment House.
- (6). Cottage Court Dwellings.
- (7). Accessory Dwelling Unit.
- (8). Major Home Occupations.
- (9). Cultural Facilities.
- (10). Day Care Centers.
- (11). Fire and Rescue Stations.
- (12). Live-Work Units.
- (13). Religious Institutions.
- (14). Seasonal Farm Stand.
- (15). Short-Term Rentals.
- (16). Customary Agricultural Use.

C. Dimensional requirements.

- (1). All uses shall require a lot of at least 8,000 square feet.
- (2). The minimum width of a lot measured at the building line shall be 60 feet.
- (3). The minimum front setback for lots abutting roads shall be the most common existing front setback on the block. In the event that the most common front setback does not exist or cannot be determined, the minimum setback shall be 20 feet. The minimum side yard and rear yard

6. Editor's Note: Original § 24-301, Flood hazard protection district, which immediately preceded this section, was repealed 2-7-2012 by L.L. No. 3-2012.

setback shall be eight feet.

- (4). No building shall exceed two stories or 35 feet in height.
- (5). Percentage of lot coverage. All buildings, including accessory structures, shall not cover more than 70% of the area of the lot.

D. Additional requirements for all new homes built after May 1, 1986 shall be as follows:

- (1). A minimum of a one-foot overhang on the roof on the front and rear of all homes.
- (2). A minimum of five inches of rake on the gable roof end.
- (3). A sump pump connected to the Village storm sewer.
- (4). The area between the gutter and sidewalk shall be paved the width of the driveway.
- (5). There shall be no more than three single-family detached homes of substantially similar style located on three adjacent lots which front on the same street.

E. Accessory buildings and structures.

- (1). Any toolshed, garden shed, utility shed, cabana or similar structure, which is not utilized for housing automobiles and trucks, is permitted, provided that such structure is incidental to the principal or primary residential use on the property and subject to the following restrictions:
 - (a). Only one such accessory structure will be permitted on any real property and shall not be used for housing animals or their wastes.
 - (b). The footprint shall be over 25 square feet but shall not exceed 256 square feet and no wall shall exceed 20 feet in length. **[Amended 10-2-2018 by L.L. No. 6-2018]**
 - (c). The height of any accessory structure shall not exceed 16 feet as measured from the average grade at the front of said accessory building to the highest point of such accessory structure.
 - (d). Must be erected behind the front main foundation line of the principal dwelling on any lot and 10 feet from any building used for residential purposes which is located on an adjacent lot.
 - (e). A side and rear setback of no less than five feet must be maintained.
 - (f). If erected on a corner lot, accessory structures must be located behind the street main foundation lines of the principal dwelling and behind the side foundation line on the side facing the street.
 - (g). On through lots, any accessory structure shall not be located nearer than 30 feet from either street line.
- (2). Any detached structure utilized for the storage of automobiles, trucks, recreational vehicles, and/or boats is permitted, subject to the following restrictions, provided that such structure is incidental to the principal or primary residential use on the property:
 - (a). Must be placed on an approved foundation in accordance with the NYS Building Code.
 - (b). The footprint shall not exceed 720 square feet.
 - (c). The height shall not exceed 25 feet as measured from the average grade at the front of said structure to the highest point of such structure.
 - (d). Must be erected behind the front main foundation line of the principal dwelling and at least 10 feet from any building used for residential purposes which is located on an adjacent lot.

- (e). A side and rear setback of no less than eight feet must be maintained.
 - (f). If erected on a corner lot, accessory structures must be located behind the street main foundation lines of the principal dwelling and behind the side foundation line on the side facing the street.⁷
- F. Site plan approval. Site plan approval by the Zoning Board of Appeals shall be required in a residential district for all new uses, changes in use, and new construction or alteration, in accordance with the procedures established in Article V of this chapter for all Special Permitted Uses. **[Added 6-2-2015 by L.L. No. 1-2015]**

§ 275-14. Multiple-Residence District (MR).

- A. Purpose. It is the intent of the Village of Hilton to permit, where appropriate, the construction and development of multiple-family residences in the Village. At the same time, the Village does not desire the large-scale development of these units to the extent that large areas of the Village become so devoted to such use that single-family residences would appear out of place. Accordingly, an area shall be zoned as an MR District only upon application for a specific proposal in accordance with the normal rezoning procedures. In reaching its decision, the Village Board shall consider the general criteria set forth in this chapter, the most current Comprehensive Plan for the Village of Hilton, if any, and this statement of purpose.
- B. Permitted uses. The following uses are permitted outright:
- (1). Apartment houses, multiple dwellings, dwelling groups, condominiums and cooperatives, which are simply apartment houses under certain specified rules of ownership; provided, however, that this shall not be construed to permit mobile homes or a mobile home park.
 - (2). Single Family Attached Dwellings.
 - (3). Cottage Court Dwellings.
 - (4). Normal accessory uses designed as an integral part of the development and scaled for the exclusive use of the residents of the development.
 - (5). Day Care Home.
 - (6). Minor Home Occupations.
- C. Special Permitted Uses. Upon site plan approval and in accordance with Article IV, the following uses are permitted:
- (1). Customary home occupations.
 - (2). Day Care Center.
 - (3). Single-family detached dwelling.
 - (4). Open recreation uses such as parks, playgrounds, swimming clubs and tennis clubs, but not including such commercial recreational uses as a driving range, race track or amusement park.
- D. Dimensional requirements.
- (1). Minimum size of site: 8,000 square feet.
 - (2). Site coverage. The maximum site coverage of all buildings and structures shall be 80% of the lot area, such percentage to be calculated on the basis of total project area, regardless of whether

7. Editor's Note: Original § 24-303, R-2 Residential District, added 10-3-1988 by L.L. No. 1-1988, which immediately followed this subsection, was repealed 2-7-2012 by L.L. No. 3-2012.

or not portions thereof need to be platted for townhouses.

- (3). Maximum building height: 35 feet.
- (4). Yard requirements:
 - (a). No building shall be nearer than 30 feet to the right-of-way of any major road peripheral to the site.
 - (b). No building shall be nearer than 15 feet to the right-of-way of any exterior project road. In the case of nondedicated streets and roads, this setback shall be measured from the limits of the paved area.
 - (c). No building shall be nearer than 15 feet to any interior lot line, other than those lot lines defining an individual unit in a townhouse, if any.
- E. Signs. Signs are permitted as set forth in Article VI, § 275-41.
- F. Fences, walls, hedges and screen plantings. Fences, walls, hedges and screen plantings are permitted as set forth in Article VI, § 275-42.
- G. Site plan approval. Site plan approval by the Zoning Board of Appeals shall be required in a multiple residential district for all new uses, changes in use, and new construction or alteration, in accordance with the procedures established in Article V of this chapter.
- H. Commencement of development. If construction of the principal building pursuant to a valid building permit is not diligently prosecuted within two years from the effective date of any local law designating an area MR, then the area shall automatically revert to the zone district in effect prior to such designation. At any time prior to such reversion, the Zoning Board of Appeals, by motion, may grant an extension, which shall expire no later than three years after the effective date of the local law designating the area MR. **[Amended 11-8-2011 by L.L. No. 6-2011]**

§ 275-15. Commercial District (C).

- A. Purpose. The purpose of this district is to provide areas for retail sales and services for the community.
- B. Permitted uses. The following uses are permitted:
 - (1). Art Studios.
 - (2). Professional Services.
 - (3). Cultural Facilities.
 - (4). Day Care Center.
 - (5). Drive Through Facility.
 - (6). Medical Offices or Clinics.
 - (7). Outdoor Café.
 - (8). Private Greenhouses.
 - (9). Public Offices.
 - (10). Residential Care Facilities.
 - (11). Religious Institution.
 - (12). Conference/Convention Center.

- (13). Retail Sales.
- (14). Retail Construction Materials.
- (15). Personal services.
- (16). Restaurants.
- (17). Specialty Restaurants.
- (18). Indoor Entertainment.
- (19). Outdoor Entertainment.
- (20). Banks.
- (21). Veterinary offices.
- (22). Funeral homes and mortuary services.
- (23). Nurseries and garden stores.
- (24). Trade services.
- (25). Day Care Home within Pre-existing Nonconforming Dwellings.

C. Special Permitted Uses. Upon site plan approval and in accordance with Article IV, the following uses are permitted:

- (1). Any use permitted in § 275-15B above to the extent not conducted within a completely enclosed building.
- (2). Car Washes.
- (3). Community Care Facilities.
- (4). Hotel.
- (5). Mixed-Use Buildings.
- (6). Motels.
- (7). Seasonal Farm Stand.
- (8). Smoke and Vape Shop.
- (9). Tavern.
- (10). Vehicle Rental, Leasing, and Sales.
- (11). Vehicular Fueling and Service Stations.
- (12). Warehousing.

D. Dimensional requirements.

- (1). Front setback: minimum of 10 feet. Any property line adjacent to a street shall be deemed a front line.
- (2). Rear and side setbacks: minimum of 10 feet each, except that where a commercial district abuts a residential district, the setbacks shall each be 20 feet.
- (3). Maximum building height shall not exceed 45 feet.
- (4). All buildings shall have the following:
 - (a). Pitched roof,

- (b). A minimum of a one-foot overhang on all sides of the roof.
- (5). Maximum lot area covered by buildings, structures and all impervious surfaces shall be 80% of the total lot area.
- (6). Driveways shall be constructed in accordance with the NYS Fire Code and shall be no less than 20 feet in width and no more than 50 feet in width. The area between the sidewalk and road shall be paved. If there is no sidewalk, the first 20 feet from the road of said driveway shall be paved.
- E. Signs. Signs are permitted as set forth in Article VI, § 275-41.
- F. Fences, walls, hedges and screen plantings. Fences, walls, hedges and screen plantings are permitted as set forth in Article VI, § 275-42.
- G. Site plan approval. Site plan approval by the Zoning Board of Appeals shall be required for all new uses, changes in use, and new construction or alteration, in accordance with the procedures established in Article V.
- H. Commencement of development. All approvals and permits must be acted upon within two years. An extension may be applied for and issued if approved by the issuing Board.
- I. Performance standards. No commercial use shall be established or maintained unless it complies with the performance standards as set forth in §§ 275-17E through G. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy and/or zoning permit.
- J. Conformance with Village of Hilton Code of Ordinances Chapter 81, Architectural Design District shall be required.

§ 275-16. Industrial District (I).

- A. Purpose. The purpose of this district is to provide for the establishment of industrial uses essential to the development of a balanced economic base in an industrial environment, and to regulate such industrial development so that it will not be detrimental or hazardous to the surrounding community and the citizens thereof.
- B. Permitted uses. The following uses and their accessory uses are permitted outright:
 - (1). Scientific research or experimental development of materials.
 - (2). Administrative educational and other related activities and facilities in conjunction with a permitted use.
 - (3). Light Manufacturing.
 - (4). Private and public utility buildings and yards.
 - (5). Private Greenhouses.
 - (6). Retail construction materials.
 - (7). Restaurants.
 - (8). Specialty Restaurants.
 - (9). Warehousing.
 - (10). Vehicle Services.
 - (11). Animal Shelters.

- (12). Data Entry/Communication Services.
 - (13). Industrial Flex Space.
- C. Special Permitted Uses. Upon site plan approval and in accordance with Article IV, the following uses are permitted:
- (1). Uses of a similar character but not specifically listed above.
 - (2). Customary and ordinary industrial uses which are conducted wholly within the enclosed wall of a building.
 - (3). Auction Houses and Flea Markets.
 - (4). Car Wash.
 - (5). Community Care Facilities.
 - (6). Day Care Home within Preexisting Nonconforming Dwellings.
 - (7). Dry Cleaning.
 - (8). Farm Equipment Sales and Service.
 - (9). Fire and Rescue Station.
 - (10). Health or Fitness Facility.
 - (11). Heavy Manufacturing.
 - (12). Kennel.
 - (13). Smoke and Vape Shop.
 - (14). Telecommunication Facility.
 - (15). Vehicle Rental, Leasing, and Sales.
 - (16). Vehicular Fueling and Service Stations.
 - (17). Wholesale Establishment.
- D. Special provisions. In addition to the regulations set forth in Article V, the following special provisions shall apply to industrial districts:
- (1). Off-street parking and loading, other than suitably landscaped guest parking, shall be confined to the rear yard of the proposed use.
 - (2). The front yard of all lots and extension yards of a corner lot shall be suitably landscaped and shall include the provision of vegetation at suitable levels of maturity to protect and enhance the overall quality of the environment. In the case of through lots where the rear yard and/or side yards are also visible from a major road or residential area, similar requirements shall be imposed wherever appropriate.
 - (3). The architectural treatment and general appearance of all buildings and the landscaping of the grounds shall be in keeping with the intent of this chapter and should be of such quality of design as to be a visual asset to the area in which they are located.
 - (4). At no time shall any use result in or cause dissemination of dust, smoke, smog, observable gas, fumes, odors, radiation or other atmospheric pollution, objectionable noise, glare or vibrations or hazard of fire or explosion or any other physical hazard to any adjacent buildings or to any plant growth or any land adjacent to the site.

E. Dimensional requirements.

- (1). The minimum lot area shall be that necessary to accommodate the necessary structures and all loading, parking, access, setback and buffer area regulations required elsewhere in this chapter but shall be no less than 10,000 square feet.
- (2). Front setback: minimum of 35 feet.
- (3). Rear or interior setback: minimum of 10 feet, except that where an industrial district abuts a residential district, the setback shall be 40 feet. The minimum side setback on a corner lot shall not be less than the front setback on a corner lot.
- (4). Maximum building height shall be 45 feet.
- (5). Maximum lot coverage by buildings, structures and all impervious surfaces shall be 80% of the total lot area.
- (6). Driveways shall be constructed in accordance with the NYS Fire Code and shall be no less than 20 feet in width and no more than 50 feet in width. The area between the sidewalk and road shall be paved. If there is no sidewalk, the first 20 feet from the road of said driveway shall be paved.

F. Signs. Signs are permitted as set forth in Article VI, § 275-37.

G. Fences, walls, hedges and screen plantings. Fences, walls, hedges and screen plantings are permitted as set forth in Article VI, § 275-38.

H. Commencement of development. If construction of the principal building(s) pursuant to a valid building permit in a rezoned area is not diligently prosecuted within two years from the effective date of any local law designating an area I Industrial, the area shall automatically revert to the zone district in effect prior to such designation. At any time prior to such reversion, the Zoning Board of Appeals by motion may grant an extension which shall expire no later than three years after the effective date of the local law designating the area I Industrial.

I. Performance standards. No industrial use shall be established or maintained unless it complies with the performance standards as set forth in §§ 275-17E through G. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy and/or zoning permit.

J. Site Plan Approval Required. Site plan approval by the Zoning Board of Appeals shall be required in the Industrial District for all new uses, changes in use, and construction or alteration which would increase the gross floor area by 15% or greater.

§ 275-17. Light Industrial District (L-I).

A. Legislative intent. The purpose of the Light Industrial District is to provide areas which may accommodate certain non-nuisance industrial uses, as well as to provide local employment opportunities. This district is suitable for areas with adequate utilities, proximity to adequate transportation facilities, and proper relationship to other land uses and natural features. Industrial uses should have characteristics which are compatible with the rural/suburban character of the Village and should be appropriately sited, such as in industrial parks. Industrial uses may include those in manufacturing warehouses and production utilizing previously prepared materials, but not those utilizing raw materials or any other process or activity which would result in or cause dissemination of harmful waste products, dust, smoke, gas, fumes, odors, noise, glare, vibration or any other hazard to adjacent buildings or land. This district specifically excludes residences due to the potential for conflicts between land uses.

B. Permitted uses. All permitted uses are subject to Occupational Safety and Health Act and National Fire Safety Code regulations. The following uses and their customary accessory uses are permitted in the Light Industrial District:

- (1). Industrial Flex Space.
- (2). Light Manufacturing.
- (3). Private Greenhouses.
- (4). Scientific research or experimental development of materials.
- (5). Solar and battery storage energy systems.
- (6). Warehousing.
- (7). Data entry/telecommunication services.

C. Special Permitted Uses. Upon site plan approval and in accordance with Article IV, the following uses are permitted:

- (1). Adult Uses.
- (2). Car Wash.
- (3). Community Care Facilities.
- (4). Day Care Home within Preexisting Nonconforming Dwellings.
- (5). Dry Cleaning.
- (6). Fire and Rescue Stations.
- (7). Health or Fitness Facility.
- (8). Retail sales.
- (9). Uses of similar character, but not specifically listed above, may apply to the Zoning Board of Appeals for a special use permit. Such permit shall be granted upon a finding by the Board that said use is indeed of the same general character and fits into the intent of this section.
- (10). Seasonal Farm Stand.
- (11). Smoke and Vape Shop.
- (12). Storage Facilities.
- (13). Telecommunication Facility.
- (14). Vehicle Rental, Leasing, and Sales.
- (15). Vehicular Fueling and Service Stations.
- (16). Wholesale Establishment.

D. Prohibited uses.

- (1). Manufacturing of explosives, acetylene, gas, oxygen, plaster, disinfectants, insecticides, asphalt, soap, ammonia, bleaching powder, cement, lime, acid, tallow, grease, oils, glue, fertilizer, or chemicals emitting corrosive or toxic fumes.
- (2). Any land use process, or activity which would result in or cause dissemination of harmful waste products, dust, smoke, gas, fumes, odors, noise, glare or vibration or any other hazard to adjacent buildings or land other than those used for heating purposes.
- (3). Processing, storage or disposal of hazardous or other wastes, or of coal, coke and fuel oils, or

- storage of bulk products not in containers (i.e., stone, sand, salt, cement, fertilizer).
- (4). Fabrication methods using explosive forming shall not be allowed.
 - (5). Any use which may be detrimental to the health, welfare and safety of residents of the surrounding areas.
 - (6). Any use which does not meet the performance standards as described in this chapter.
 - (7). Residential uses.
 - (8). Fire and explosion. The storage, utilization or manufacture of detonable materials, flammable solids ranging from active burning to intense burning, flammable gases or flammable liquids shall not be permitted.
 - (9). Storage of junk, scrap material, waste (inorganic and organic) and other articles of such nature.
- E. Performance standards. No use shall be established or maintained unless it complies with the performance standards in this section. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy and/or zoning permit.
- (1). Noise.
 - (a). Sound levels shall be determined at the property line of the lot from which the noise is emitted. Sound measurements shall be accomplished through the sound-level meter having an A-weighted filter constructed in accordance with specifications of the American National Standard Institute.
 - (b). The following uses and activities shall be exempt from these noise regulations:
 - [1]. Temporary construction noises between the hours of 7:00 a.m. and 8:00 p.m.
 - [2]. Transient noises of moving sources, such as automobiles, trucks and railroads.
 - [3]. Noises from safety signals, warning devices and emergency pressure relief valves.
 - (c). No person, firm or corporation shall allow the emission of sound in air which, as measured at the property lines, has a sound level in excess of 65 decibels to 70 decibels on the A-weighted scale between the hours of 7:00 a.m. and 8:00 p.m. and in excess of 50 decibels on the A-weighted scale between the hours of 8:00 p.m. and 7:00 a.m.
 - (2). Smoke. The density of smoke and other atmospheric pollutants shall be measured by the Ringelmann Chart as published by the United States Bureau of Mines. No person, firm or corporation shall permit the emission of smoke or any other atmospheric pollutant, from any source whatever, for a period or periods aggregating more than four minutes in any one hour which exceeds the density or equivalent opacity of No. 1 on the Ringelmann Chart as measured at the point of emission. The emission of smoke or any other atmospheric pollutant shall not be permitted, regardless of quantity, if it is in any way detrimental to the public health or safety or is a nuisance or source of damage to property.
 - (3). Particulate matter. No person, firm or corporation shall permit the emission of any particulate matter, from any source whatever, to exceed one pound per hour per acre of lot area. The emission from all sources within any lot area of particulate matter containing more than 10% of particles having a diameter larger than 44 microns is prohibited.
 - (4). Odor. No person, firm or corporation, shall permit the emission of any offensive odor at the property line of the lot from which the odor is emitted. The "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers. The "panel of healthy observers" is defined

as a group that includes the Building Inspector, a municipal board member, the owner of the property which is the source of the odor, and the person(s) who filed a complaint with the Village.

- (5). The storage and utilization of flammable liquids or materials shall be in conformance with the applicable regulations set forth in the New York State Uniform Fire Prevention and Building Code.⁸
- (6). Electromagnetic interference. No land use or operation shall be allowed which produces any perceptible electromagnetic interference with normal radio or television reception outside the boundaries of the lot on which such use or operation takes place.
- (7). Electromagnetic radiation. No land use or operation shall be allowed which produces electromagnetic radiation which does not comply with the current requirements of the Federal Communications Commission, or with the standards of the American National Standards Institute or the Federal Communications Commission.
- (8). Heat. No emission or heat shall be permitted which would cause a temperature increase in excess of 1° F. along any adjoining lot line, whether such change is in the air, in the ground or in any watercourse or body of water.
- (9). Toxic or noxious matter. No land use or operation shall be permitted which permits or causes the escape of any toxic or noxious fumes, gases or other matter outside the building in which the use is conducted.
- (10). Radiation. No emission, discharge or storage of radioactive gases, liquids or solids shall be permitted.
- (11). Glare. No person, firm or corporation shall permit any high intensity light to cross the boundary line of the lot on which this light source is situated.
- (12). Vibration. No activity shall cause or create a steady state or impact vibration discernible at any lot line.
- (13). Liquid or solid wastes. The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws and regulations of the County Department of Health, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects. All wastes are to be properly stored and removed weekly.
- (14). Landscaping. The required front yard areas shall not be used for storage or parking but shall be lawn or landscaped. Unless used as a parking area, the side yards shall be lawn or landscaped back to the rear building line. The rear yard shall be fully landscaped when the property abuts any other district. Any landscaped areas shall be properly maintained thereafter in a sightly and well-kept condition.
- (15). Lights. All exterior lighting in connection with all buildings, signs or other uses shall be dark sky compliant, directed away from adjoining streets and properties, and shall not cause any objectionable glare observable from such streets or properties. Hours of lighting may be limited by the Zoning Board of Appeals in acting on any site development plan. No use shall produce glare so as to cause illumination beyond the property on which it is located in excess of 5/10 footcandle.
- (16). Storage. Materials, supplies and products shall not be stored in any front or side yard area nor in any required yard. All outside areas shall be neatly kept, fenced, lighted and screened from

8. Editor's Note: See Ch. 95, Construction Codes, Uniform.

any existing or proposed road or any adjoining district.

- (17). Fences. The Zoning Board of Appeals may require the fencing or screening, or both, of any hazardous or potentially dangerous conditions which in the opinion of the Board might cause injury to persons or damage to property. Fencing shall comply with § 275-42.
- (18). Edible products. All edible products or materials for human or nonhuman consumption or used in manufacturing shall be maintained free of all vermin and insects and their waste products.
- (19). Any use, although allowed as a permitted use, if the particular application or adaptation of such use is or shall become or cause a nuisance shall be discontinued.⁹
- (20). The Zoning Board of Appeals, upon review of the proposed development, may prescribe such additional conditions as are, in its opinion, necessary to secure the objectives of this chapter.

F. Performance standards procedures.

- (1). During the course of site plan review, the Zoning Board of Appeals will determine if the applicant's proposal will conform to the performance standards.
- (2). In the case of any application for the establishment of use subject to the performance standards, the Zoning Board of Appeals may require the applicant, at his/her own expense, to provide such evidence as it deems necessary to determine whether the proposed use will conform to said standards.
- (3). If the Zoning Board of Appeals deems it necessary, expert advice may be obtained, with the cost of such advice paid for in advance by the applicant as a condition of further consideration of his/her application. The report of any expert consultants shall be promptly furnished to the applicant.

G. Performance standard enforcement. If, in the judgment of the Code Enforcement Officer or of the Village Board, there is a violation of the performance standards:

- (1). The Code Enforcement Officer shall give written notice, by registered or certified mail, to the owner and tenants of the property upon which the alleged violation occurs, describing the particulars of the alleged violation and the reasons why it is believed that there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Code Enforcement Officer within 10 calendar days of the date of receipt. The notice shall state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made, and that, if violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Village.
- (2). If, within the ten-day time limit, the alleged violation is corrected to the satisfaction of the Code Enforcement Officer, he/she shall note "violation corrected" on his copy of the notice and shall retain it among his/her records.
- (3). If there is no reply within the ten-day time limit and the alleged violation is not corrected to the satisfaction of the Code Enforcement Officer within the time limit, he/she shall proceed to take action in accordance with the provisions of this chapter.

H. Additional provisions and requirements.

- (1). All processes shall take place within an enclosed building. Incidental storage out-of-doors shall be shielded from view from public streets, adjacent off-street parking areas and neighboring

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

properties by fencing, landscaping, earth berm or other appropriate measures.

- (2). All uses in this district shall set aside not less than 20% of the lot to be devoted to seeding, planting, retention of tree cover or other landscaping. This area shall be used for no other purpose.
- (3). Fences, walls, hedges, and screen plantings may be required by the Zoning Board of Appeals in accordance with § 275-42 to protect the quality of adjacent property in any other district and shall be installed and perpetually maintained so as to visually and audibly screen the activity from the adjacent district. The front yard of all lots and extension yards of a corner lot shall be suitably landscaped and shall include the provision of vegetation at suitable levels of maturity to protect and enhance the overall quality of the environment. In the case of through lots where the rear yard and/or side yards are also visible from a major road or residential area, similar requirements shall be imposed by the Zoning Board of Appeals wherever appropriate.
- (4). Site plan approval by the Zoning Board of Appeals shall be required in the Light Industrial District for all new uses, changes in use, and construction or alteration which would increase the gross floor area by 15% or greater.
- (5). Mini storage facilities and outside storage facilities must be fenced so that access to the storage area is impeded by the fence. Refer to fencing regulations as set forth in Article VI, § 275-42. A security gate must be used to control access to the storage area and must close and lock automatically. The grounds outside of the storage facility must be lighted and the roadside landscaped as directed by the Zoning Board of Appeals. Refer to lighting and landscaping regulations as set forth in Article III, § 275-17.E.(14) through (15).
- (6). The grounds outside of any storage facility must be lighted and the roadside landscaped as directed by the Zoning Board of Appeals.
- (7). Outside storage of vehicles and equipment shall be provided directly to the rear of any building fronting the property. If no such building exists, appropriate screening is required as an alternative. In addition, appropriate screening shall be provided to block visual evidence of the stored vehicles and/or equipment from any road directly adjacent to the light industrial zone and/or any institutional property such as schools, churches, etc., or property zoned residential or commercial directly adjacent to the light industrial zone.
- (8). All storage facilities shall be in conformance with the applicable regulations as set forth in the New York State Uniform Fire Prevention and Building Code.

I. Dimensional requirements.

- (1). Lot area: minimum of 20,000 square feet.
- (2). Lot width: minimum of 100 feet.
- (3). Front setback: minimum of 35 feet on internal or subdivision streets. Minimum of 40 feet on existing arterial or collector highways.
- (4). Side setback: minimum 10 feet, except that where a Light Industrial District abuts a residential or commercial district, the setback shall be 40 feet.
- (5). Rear setback: minimum of 50 feet.
- (6). Maximum lot coverage by buildings, structures and all impervious surfaces shall be 80% of the total lot area.
- (7). Maximum building height shall be 45 feet.
- (8). Driveways shall be constructed in accordance with the NYS Fire Code and shall be no less than

20 feet in width and no more than 50 feet in width. The area between the sidewalk and road shall be paved. If there is no sidewalk, the first 20 feet from the road of said driveway shall be paved.

§ 275-18. Planned Residential Development District (PRD).

- A. Purpose. It is the purpose of the Planned Residential Development (PRD) to provide flexible land use and design regulations so that small to large neighborhoods or portions thereof may be developed within the Village that incorporate a variety of residential uses. These areas will contain both individual building sites as well as common property which will be planned and developed as a unit. Where a PRD is deemed appropriate through the rezoning of land to become a PRD District by the Village Board, the set of use and dimensional specifications elsewhere in this chapter are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls. The PRD District shall be applicable to any area of the Village where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this district.
- B. Permitted uses. The following uses and their accessory uses are permitted outright:
- (1). All residential types. In developing a balanced community, the use of a variety of housing types shall be deemed most in keeping with this district. Specifically included are all senior citizen residential types, adult homes, nursing home communities and similar residential facilities.
 - (2). Recreation and open space uses which are scaled primarily to serve the residents of the PRD District. The open space shall comprise at least 25% of the development area unless deemed inappropriate or impractical by the Zoning Board of Appeals in connection with the site plan approval required hereinafter. Open space is defined as land that is available and is accessible for public recreational use and no other. There shall be no permanent occupancy allowed on land designated as open space.
 - (3). Day Care Homes
- C. Special Permitted Uses. Upon site plan approval and in accordance with Article IV, the following nonresidential uses are permitted:
- (1). Nonresidential uses, scaled primarily to serve the specific needs of the residents of the district, rather than provide additional general commercial usage. In recognition of the unique restrictions and limitations which impact nonresidential uses within a PRD District, various requirements which are otherwise imposed upon commercial use within the Village may be modified or waived, upon good cause shown.
 - (a). Buildings engaged in approved nonresidential use activity within a PRD District shall be of similar or complimentary architecture to the approved architectural scheme of the district. Signage shall be limited to a single sign per building or business, may be either attached or projecting, and limited to a maximum of four-square feet in sign area.
 - (b). Additions and/or changes to structures, landscaping, and signage related to a nonresidential use within a PRD District shall be submitted and approved in accordance with the same requirements as structures located in an architectural district.
 - (2). Special Permitted nonresidential uses are the following:
 - (a). Retail Sales provided that they are of such a scale as to fit within the neighborhood.
 - (b). Day-care Centers.
 - (c). Professional services.

- (d). Specialty Restaurants.
 - (e). Art Studios.
 - (f). Outdoor Café.
 - (g). Club Organization.
 - (h). Community Facility.
 - (i). Cultural Facility.
 - (j). Indoor Entertainment.
 - (k). Farm and Craft Markets.
 - (l). Health and Fitness Facility.
 - (m). Medical Offices or Clinics.
 - (n). Mixed-Use Building.
 - (o). Nurseries and Garden Stores.
 - (p). Personal Services.
 - (q). Public Offices.
 - (r). Religious Institution.
 - (s). Residential Care Facility.
 - (t). Seasonal Farm Stand.
- (3). Notwithstanding the foregoing, said nonresidential uses shall not include the following:
- (a). Motor vehicle sales, repairs, maintenance or fueling services.

D. Requirements.

- (1). Effective buffering areas shall be provided where a PRD District borders any properties within an R District. The Zoning Board of Appeals shall determine any additional landscape features as may be necessary to provide an effective buffer area.

E. Special provisions.

- (1). The following objectives shall be considered in the development of a PRD District:
 - (a). Provide for a maximum choice in the types of environment, occupancy, tenure, types of housing, lot sizes and community facilities available to existing and potential Village residents.
 - (b). Provide for usable open space and recreation areas and other facilities serving the community, such as trail ways to neighboring properties, sitting benches and the like.
 - (c). Provide for access to trail ways, open space and other community services through clearly designated pathways and the designation of such pathways as part of project development.
 - (d). Provide for convenient location of accessory commercial and service areas.
 - (e). Provide for safe and convenient pedestrian, bicycling, and public transportation access and facilities.
 - (f). Provide for auxiliary parking as may be necessary; such parking areas to be treated with appropriate landscaping or structural features to allow a more aesthetic presentation to

- the entire district.
- (g). Provide for the preservation of trees, outstanding natural topography and geologic features and the preservation of soil erosion.
 - (h). Provide for a creative use of land and related physical development which allows orderly transition of land from rural to urban uses.
 - (i). Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering housing costs.
 - (j). Provide for service alleys to allow safe and adequate access to structures in the district for purposes of refuse removal, emergency access and other public or private services.
 - (k). Provide for a development pattern consistent with the objectives of the Comprehensive Plan.
 - (l). Provide for special security needs of persons and property within such district as deemed necessary by the nature of the development.
 - (m). Provide for a more desirable environment than would be possible through the strict application of other provisions of this chapter.
 - (n). Promote community housing in a unique setting, appropriate to the anticipated residents of each such community, utilizing homeowners' associations, deed restrictions and other regulatory procedures where appropriate.
 - (o). Promote a distinctive and attractive community.
- (2). The tract of land for a project may be owned, leased or controlled either by a single person, corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
 - (3). Before the consideration of zoning of any property to a PRD can take place by the Village Board, the owner or his authorized agent shall apply for and secure preliminary site plan approval of such PRD in accordance with the site plan approval procedures established in Article V. Upon receipt of a favorable report from the Zoning Board of Appeals covering the preliminary site plan, or upon its own determination subsequent to an appeal from an unfavorable report, the Village Board shall set a date for and conduct the public hearings necessary for the purpose of considering PRD Districting for the applicants plan in accordance with the procedures established in Article V. PRD Districting shall be conditional upon securing of final site plan approval by the applicant in accordance with procedures set forth in Article V and compliance with all additional conditions and requirements as may be set forth by the Village Board in its resolution granting the PRD District.
 - (4). The Zoning Board of Appeals shall determine in each case the appropriate land use intensity or dwelling unit density for individual projects. The determination of land use or dwelling unit densities shall be completely documented, including all facts, opinions and judgments justifying the selection of the rating or density.
 - (5). When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of such common property and facilities, including private street, drives, service and parking areas and recreational and open space areas.
 - (6). Site plan review under the provisions of Article V shall suffice for Village Board of Trustees

review of subdivisions under Village Subdivision Regulations, subject to the following conditions:

- (a). The developer shall prepare sets of subdivision plats suitable for filing with the office of the Monroe County Clerk, in addition to those drawings required for site plan review.
 - (b). The developer shall plat the entire development as a subdivision; however, PRDs being developed in stages may be platted and filed in the same stage.
 - (c). Final site plan approval under Article V shall constitute final plat approval under the Village Subdivision Regulations.
 - (d). Proposals for structures and/or landscaping must be submitted and approved in accordance with the same requirements as structures located in an architectural district.
- (7). For the purposes of regulating the development and use of property after initial construction and occupancy, any changes proposed shall require review and approval by the Zoning Board of Appeals in accordance with Article V. Any changes other than changes in use shall be processed as a special use permit request to the Zoning Board of Appeals. Changes of use shall also be processed as a special use permit request, except that Village Board approval shall be required. Properties lying in a PRD District are unique and shall be so considered when evaluating these requests and maintenance of the intent and function of the planned unit shall be of primary importance.
- F. Financial responsibility. No building permits shall be issued for construction within a PRD District until improvements are installed; or cash is deposited with the Village Treasurer in an amount sufficient to cover the cost of installing such improvements, together with an agreement executed by the builder or developer authorizing the Village to use such deposited funds to complete the improvements if not completed by an agreed date; or a letter of credit or bond is posted in accordance with the same procedures as provided for in the Village Law relating to subdivisions.

§ 275-19. Planned Residential Development District – Senior (PRD-S).

- A. Purpose. It is the purpose of the Planned Residential Development - Senior (PRD-S) to provide flexible land use and design regulations so that small to large neighborhoods or portions thereof may be developed within the Village that incorporate a variety of residential uses particularly those marketed towards older adults. These areas will contain both individual building sites as well as common property which will be planned and developed as a unit. The PRD-S shall be applicable to any area of the Village where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this district.
- B. Permitted uses. The following uses and their accessory uses are permitted outright:
- (1). All residential types. In developing a balanced community, the use of a variety of housing types shall be deemed most in keeping with this district. Specifically included are all senior citizen residential types, adult homes, nursing home communities and similar residential facilities.
 - (2). Recreation and open space uses which are scaled primarily to serve the residents of the PRD-S. The open space shall comprise at least 25% of the development area unless deemed inappropriate or impractical by the Zoning Board of Appeals in connection with the site plan approval required hereinafter. Open space is defined as land that is available and is accessible for public recreational use and no other. There shall be no permanent occupancy allowed on land designated as open space.
 - (3). Day Care Homes.

C. Special Permitted Uses. Upon site plan approval and in accordance with Article IV, the following nonresidential uses are permitted:

- (1). Nonresidential uses shall be scaled primarily to serve the specific needs of the residents of the district, rather than provide additional general commercial usage. In recognition of the unique restrictions and limitations which impact nonresidential uses within a PRD-S, various requirements which are otherwise imposed upon commercial use within the Village may be modified or waived, upon good cause shown.
 - (a). Buildings engaged in approved nonresidential use activity within a PRD-S shall be of similar or complimentary architecture to the approved architectural scheme of the district. Signage shall be limited to a single sign per building or business, may be either attached or projecting, and limited to a maximum of four-square feet in sign area.
 - (b). Additions and/or changes to structures, landscaping, and signage related to a nonresidential use within a PRD-S shall be submitted and approved in accordance with the same requirements as structures located in an architectural district.
- (2). Special Permitted nonresidential uses are the following:
 - (a). Retail Sales provided that they are of such a scale as to fit within the neighborhood.
 - (b). Day-care Centers.
 - (c). Professional services.
 - (d). Specialty Restaurants.
 - (e). Art Studios.
 - (f). Outdoor Café.
 - (g). Club Organization.
 - (h). Community Facility.
 - (i). Cultural Facility.
 - (j). Indoor Entertainment.
 - (k). Farm and Craft Markets.
 - (l). Health and Fitness Facility.
 - (m). Medical Offices or Clinics.
 - (n). Mixed-Use Building.
 - (o). Nurseries and Garden Stores.
 - (p). Personal Services.
 - (q). Public Offices.
 - (r). Religious Institution.
 - (s). Residential Care Facility.
 - (t). Seasonal Farm Stand.
- (3). Notwithstanding the foregoing, said nonresidential uses shall not include the following:
 - (a). Motor vehicle sales, repairs, maintenance or fueling services.

D. Dimensional requirements. **[Amended 2-7-2012 by L.L. No. 1-2012]**

- (1). Requirements for both residential and multiple residential dwelling units shall be as follows: **[Amended 2-10-2012 by L.L. No. 1-2012]**
 - (a). A minimum of a one-foot overhang on the roof on the front and rear homes.
 - (b). A minimum of five inches of rake on the gable roof end.
 - (c). A sump pump connected to the Village storm sewer.
 - (d). The area between the gutter and sidewalk shall be paved the width of the driveway.
 - (e). There shall be no more than three single-family detached homes of substantially similar style located on three adjacent lots which front on the same street.
 - (f). For single-family dwelling units, a tree must be planted for each parcel except on a corner lot which shall require two trees to be planted, one on each side of the lot facing the road.
- (2). Effective buffering areas shall be provided where a PRD-S borders on any properties within the R District. The Zoning Board of Appeals shall determine any additional landscape features as may be necessary to provide an effective buffer area.¹⁰ **[Amended 3-6-2018 by L.L. No. 1-2018]**

E. Special provisions. **[Amended 12-6-2011 by L.L. No. 8-2011]**

- (1). The following objectives shall be considered in the development of a PRD-S:
 - (a). Provide for a maximum choice in the types of environment, occupancy, tenure, types of housing, lot sizes and community facilities available to existing and potential residents.
 - (b). Provide for usable open space and recreation areas and other facilities serving the community, such as trail ways to neighboring properties, sitting benches and the like.
 - (c). Provide for access to trail ways, open space and other community services through clearly designated pathways as part of the project development.
 - (d). Provide for convenient location of accessory commercial and service areas.
 - (e). Provide for safe and convenient pedestrian, bicycling, and public transportation access and facilities.
 - (f). Provide for auxiliary parking as may be necessary; such parking areas to be treated with appropriate landscaping or structural features to allow a more aesthetic presentation to the entire district.
 - (g). Provide for the preservation of trees, outstanding natural topography and geologic features and the preservation of soil erosion.
 - (h). Provide for a creative use of land and related physical development which allows orderly transition of land from rural to urban uses.
- F. Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering housing costs.
- G. Provide for service alleys to allow safe and adequate access to structures in the district for purposes of refuse removal, emergency access and other public or private services.
- H. Provide for a development pattern consistent with the objectives of the Comprehensive Plan.
- I. Provide for special security needs of persons and property within such district as deemed necessary

¹⁰. Editor's Note: Former Subsection D(6), which provided that any property less 15 acres could not be considered for PRD-S zoning, and which immediately followed this subsection, was repealed 8-4-2020 by L.L. No. 1-2020.

by the nature of the development.

- J. Provide for a more desirable environment than would be possible through the strict application of other provisions of this chapter.
- K. Promote community senior housing in an unique setting, appropriate to the anticipated residents of each such community, utilizing homeowners or condominium associations, deed restrictions and other regulatory procedures where appropriate.
- L. Promote a distinctive and attractive community.
 - (1). The tract of land for a project may be owned, leased or controlled either by a single person, corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
 - (2). Before the consideration of zoning of any property to a PRD-S can take place by the Village Board, the owner or his authorized agent shall apply for and secure preliminary site plan approval of such in accordance with the site plan approval procedures established in Article V. Upon receipt of a favorable report from the Zoning Board of Appeals covering the preliminary site plan, or upon its own determination subsequent to an appeal from an unfavorable report, the Village Board shall set a date for and conduct the public hearings necessary for the purpose of considering PRD-S Districting for the applicants plan in accordance with the procedures established in Article V. PRD-S Districting shall be conditional upon securing of final site plan approval by the applicant in accordance with procedures set forth in Article V and compliance with all additional conditions and requirements as may be set forth by the Village Board in its resolution granting the PRD-S.
 - (3). The Zoning Board of Appeals shall determine in each case the appropriate land use intensity or dwelling unit density for individual projects. The determination of land use or dwelling unit densities shall be completely documented, including all facts, opinions and judgments justifying the selection of the rating or density.
 - (4). When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of such common property and facilities, including private street, drives, service and parking areas, recreational and open space areas.
 - (5). Site plan review under the provisions of Article V shall suffice for Village Board of Trustees review of subdivisions under Village Subdivision Regulations, subject to the following conditions:
 - (a). The developer shall prepare sets of subdivision plats suitable for filing with the office of the Monroe County Clerk, in addition to those drawings required for site plan review.
 - (b). The developer may either plat the entire development as a subdivision or as a single property; however, PRD-S being developed in stages may be platted and filed in the same stage.
 - (c). Final site plan approval under Article V shall constitute final plat approval under the Village Subdivision Regulations.
 - (d). Proposals for structures and/or landscaping must be submitted and approved in accordance with the same requirements as structures located in an architectural district.

- (6). For the purposes of regulating the development and use of property after initial construction and occupancy, any changes proposed shall require review and approval by the Zoning Board of Appeals in accordance with Article V. Any changes other than changes in use shall be processed as a special use permit request to the Zoning Board of Appeals. Changes of use shall also be processed as a special use permit request, except that Village Board approval shall be required. Properties lying in a PRD-S are unique and shall be so considered when evaluating these requests and maintenance of the intent and function of the planned unit shall be of primary importance.
- M. Financial responsibility. No building permits shall be issued for construction within a PRD-S until improvements are installed; or cash is deposited with the Village Treasurer in an amount sufficient to cover the cost of installing such improvements, together with an agreement executed by the builder or developer authorizing the Village to use such deposited funds to complete the improvements if not completed by an agreed date; or a letter of credit or bond is posted in accordance with the same procedures as provided for in the Village Law relating to subdivisions.

§ 275-20. Transitional Mixed-Use District (TMD).

- A. Purpose and objectives. The purpose of this district is to provide an area of mixed residential, commercial and noncommercial uses in buildings that appear residential in design and in a fashion that is consistent with the distinct and historical character of the district to act as a compatible transitional area.
- B. Permitted uses. The following uses are permitted when conducted within a completely enclosed building:
 - (1). Professional Services.
 - (2). Medical Offices or Clinic.
 - (3). Religious Institution.
 - (4). Conference/Convention Center.
 - (5). Funeral homes.
 - (6). Personal services.
 - (7). Banks.
 - (8). Bed-and-breakfast.
 - (9). Art studios.
 - (10). Retail sales limited to the sale of the following and specifically excluding drive-through facilities:
 - (a). Antiques.
 - (b). Art, craft and photographic supplies.
 - (c). Books and stationery.
 - (d). Gifts, cards and decorative accessories.
 - (e). Flowers and plants.
 - (f). Handcrafts.
 - (g). Electronics and associated service and accessories.

- (h). Clothing, shoes, and accessories.
 - (i). Jewelry.
 - (j). Toys and games.
 - (11). All residential uses are permitted.
 - (12). Outdoor Café.
 - (13). Cultural Facility.
 - (14). Day Care Homes and Centers.
 - (15). Indoor Entertainment.
 - (16). Event Venue.
 - (17). Residential Care Facility.
 - (18). Restaurants.
 - (19). Specialty Restaurants.
- C. Special Permitted Uses. Upon site plan approval and in accordance with Article IV, the following uses are permitted:
- (1). Mixed-Use Structure.
 - (2). Smoke and Vape Shop.
- D. Dimensional requirements:
- (1). Building height. All buildings must be a minimum of two stories, with total height not to exceed 45 feet.
 - (2). Front setback: None.
 - (3). Rear and side setbacks: minimum of five feet each.
 - (4). All buildings shall have the following:
 - (a). At least one entrance facing the street.
 - (b). A pitched roof.
 - (c). A minimum of a one-foot overhang on all sides of the roof.
 - (d). A sump pump connected to the Village storm sewer.
 - (5). There shall be no more than three detached structures of substantially similar style located on three adjacent lots which front on the same street.
 - (6). All development shall employ building and site design standards to ensure compatibility with adjacent residential development.
 - (7). Accessory structures shall conform as set forth in § 275-13E.
 - (8). Driveways shall be constructed in accordance with the NYS Fire Code and shall be no less than 12 feet in width and no more than 24 feet in width. The area between the sidewalk and road shall be paved. If there is no sidewalk, the first 20 feet from the road of said driveway shall be paved.
 - (9). Where a new use or building is proposed, a sidewalk shall be constructed if none is existing and where one exists it shall be maintained in conformance with § 172-3F of the Village of Hilton Code of Ordinances.

- E. Off-street parking. Off-street parking shall be provided to the rear of the principal building.
- F. Signs. Signs are permitted as set forth in Article VI, § 275-41.
- G. Fences, walls, hedges and screen plantings. Fences, walls, hedges and screen plantings are permitted as set forth in Article VI, § 275-42.
- H. Site plan approval. Except as otherwise provided in this article, site plan approval by the Zoning Board of Appeals shall be required for new construction, in accordance with the procedures established in Article V. Notwithstanding the foregoing, no structure originally designed for residential use shall be altered or converted in whole or in part to a nonresidential use permitted under this section prior to review and approval of plans therefor by the Zoning Board of Appeals.
- I. Commencement of development. All approvals and permits must be acted upon within two years. An extension may be applied for and issued if approved by the issuing Board.
- J. Performance standards. No limited commercial use shall be established or maintained unless it complies with the performance standards as set forth in §§ 275-17 E through G. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy and/or zoning permit.
- K. Conformance with Village of Hilton Code of Ordinances Chapter 81, Architectural Design District shall be required.

§ 275-21. Central Business District (CBD).

- A. Purpose and objectives. The purpose of this district is to establish mixed-use areas for convenient shopping and services to serve the community and to regulate the location, design and use of structures and land therein in a fashion that is consistent with the distinctive and historical character of the district.
- B. Permitted uses. The following uses are permitted:
 - (1). Professional Services.
 - (2). Medical Offices or Clinics.
 - (3). Retail sales not including any drive-up services or facilities.
 - (4). Personal services.
 - (5). Restaurants including Specialty Restaurants.
 - (6). Banks.
 - (7). Indoor Entertainment.
 - (8). Conference/Convention Centers only on the second floor.
 - (9). Event Venues.
 - (10). Mixed-Use Buildings.
 - (11). Artisan Lofts.
 - (12). Art Studios.
 - (13). Outdoor Café.
 - (14). Cultural Facility.
 - (15). Public Offices.

- (16). Live-Work Units.
 - (17). Day Care Home accessory to a principle dwelling unit.
- C. Special Permitted Uses. Upon site plan approval and in accordance with Article IV, the following uses are permitted:
- (1). Day Care Center.
 - (2). Health or Fitness Facility.
 - (3). Hotels.
 - (4). Seasonal Farm Stand.
 - (5). Smoke and Vape Shop.
 - (6). Taverns.
- D. Prohibited Uses.
- (1). Drive through facility.
- E. Dimensional requirements.
- (1). Front setback. The maximum front setback shall be 10 feet. Buildings constructed to the front property line are preferred.
 - (2). Side setback. The maximum side setback shall be 5 feet. Buildings constructed to the side property line are preferred.
 - (3). Rear setback. Minimum of five feet.
 - (4). Building height. All buildings must be at least two stories and not exceed 45 feet.
 - (5). At least 60% of that portion of the first-floor façade of a building which faces a street shall be transparent. Reflective glass, heavily tinted glass and any type of opaque window treatments are prohibited. Light transmission shall be at least 90%. Where visibility into the interior is not desired, showcase windows with at least three feet of depth shall be permitted.
 - (6). All buildings shall have flat roofs. Elements such as parapets may protrude along the facade above the roof line for aesthetic purposes.
 - (7). All buildings must have a sump pump connected to the Village storm sewer.
 - (8). All buildings must have at least one entrance facing the street.
 - (9). Bay windows may be constructed in upper stories to extend past the front setback and into the Right-of-Way provided that the authority having jurisdiction over that property provides their approval.
- F. Off-street parking. Off-street parking is not required within the Central Business District. However, it may be provided. The Zoning Board of Appeals may establish a maximum amount of parking to be provided.
- G. Signs. Signs are permitted as set forth in Article VI, § 275-41.
- H. Fences, walls, hedges and screen plantings. Fences, walls, hedges and screen plantings are permitted as set forth in Article VI, § 275-42.
- I. Site plan approval. Except as otherwise provided in this article, site plan approval by the Zoning Board of Appeals shall be required for new construction, in accordance with the procedures established in Article V.

- J. Commencement of development. All approvals and permits must be acted upon within two years. An extension may be applied for and issued if approved by the issuing board.
- K. Performance standards. No commercial use shall be established or maintained unless it complies with the performance standards as set forth in §§ 275-17 E through G. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy and/or zoning permit.
- L. Conformance with Village of Hilton Code of Ordinances Chapter 81, Architectural Design District shall be required.

§ 275-22. Mixed Use Overlay District (MUO).

- A. Purpose. The purpose of the Mixed-Use Overlay District is to provide supplemental regulations within the growth nodes identified by the Village of Hilton Board of Trustees. The Mixed-Use Overlay District process enables an appropriate and context sensitive mix of land use to occur on sites located within designated growth nodes once the land has been rezoned and final site plan approval has been obtained. These growth nodes are identified on the Official Zoning Map and shall be known as the Mixed-Use Overlay or MUO Districts and once rezoned shall be known as Mixed-Use Districts or MX Districts.
- B. Intent. It is the intent of the Mixed-Use Overlay District to enable a mix of land use to occur within the designated growth areas once final site plan approval has been obtained from the Village Zoning Board of Appeals. Final site plan approval within the MUO District shall be subject to the following design standards requiring site plans that:
 - (1). Continue to attract appropriate development to expand upon the economic and fiscal base of the Village in a manner that maintains the unique character of the respective growth node and contributes to maintaining a high quality of life within the community.
 - (2). Encourages architectural and site design that is compatible with the site's surroundings.
 - (3). Encourages buildings that provide an appropriate transition between adjacent sites within the growth nodes.
 - (4). Encourages buildings that are protective of open space resources important to the Village.
 - (5). Establishes a clear and consistent character for new structures with existing structures and sites.
 - (6). Reduces delays and avoids confusion that developers, landowners, or business operators may encounter during the construction phase of the proposed project.
 - (7). The Village finds will minimize land use conflicts between adjacent sites and within the growth node area to the greatest extent practicable.
 - (8). Contributes public infrastructure such as roads, sidewalks, sewers, and water, in such a manner to be easily extended and connected for future development.
 - (9). Establishes and contributes to a sense of place which will encourage pedestrian and leisure activities on and surrounding the site.
- C. Applicability
 - (1). The MUO District boundaries shall be delineated on the Village's official Zoning Map.
 - (2). Only land within the established MUO District boundaries may be eligible to apply for rezoning to MX District in accordance with the process established herein.
 - (3). MUO Districts are superimposed over the existing underlying zoning districts and do not replace the underlying zoning districts. Instead, both the overlay districts and the underlying zoning

districts exist and apply simultaneously to the lands over which they are zoned. A parcel within a MUO District may be developed either as a mixed use in accordance with this article and after rezoning to MX District, or otherwise developed in accordance with the existing underlying zoning district regulations, but not both.

D. Uses

- (1). Permitted Principle Uses. The following uses are permitted on a lot located within the MX District:
 - (a). Single Family Detached Dwellings.
 - (b). Single Family Attached Dwellings.
 - (c). Two-Family Dwellings.
 - (d). Small Apartment Houses.
 - (e). Accessory Dwelling Units.
 - (f). Art Studios.
 - (g). Cultural Facilities.
 - (h). Day Care Centers.
 - (i). Medical Offices or Clinics.
 - (j). Mixed-Use Structures.
 - (k). Professional Services.
 - (l). Religious Institutions.
 - (m). Residential Care Facilities.
 - (n). Restaurants and Specialty Restaurants.
 - (o). Retail Sales.
- (2). Permitted Accessory Uses
 - (a). Minor Home Occupations.
 - (b). Day Care Homes.
 - (c). Customary residential accessory buildings.
- (3). Special Permitted Uses
 - (a). Major Home Occupations (only as an accessory use to a single-family dwelling).
 - (b). Bed and breakfasts.
 - (c). Short-Term Rental within a Single-Family Dwelling.
- (4). Prohibited Uses. The following uses are expressly prohibited within the MX District:
 - (a). Customary Agriculture Uses.
 - (b). Cemeteries.
 - (c). Kennels.
 - (d). Mining.
 - (e). Junkyards.

- (f). Manufacturing.
 - (g). Warehousing.
 - (h). Storage Facilities.
 - (i). Vehicle Sales and Services.
 - (j). Vehicular Fueling and Service Stations.
 - (k). Drive Through Facilities.
 - (l). Telecommunication Facilities.
 - (m). Adult Uses.
- (5). Unlisted Uses. Uses not listed within Subsections 275-22 D. 1 through 4 above may be permissible only upon the approval of the Village Board through the site's rezoning process in subsection G. Applicants seeking to operate an unlisted use shall specifically request approval for the use when petitioning to rezone the property.

E. Supplemental Standards

- (1). Dimensional Requirements
 - (a). Maximum Building Height. The maximum height of a structure shall not exceed 45 feet above existing grade.
 - (b). Maximum Gross Floor Area. The maximum Gross Floor Area per building is 20,000 square feet.
- (2). Multiple Uses Permitted. Within the MX District, multiple uses may be permitted and operated at the same time on one parcel of land.
- (3). Open Space. Each MX District site shall maintain a minimum of open space to be determined by the Zoning Board of Appeals. Open space does not include driveways, parking spaces, aisles, dumpster enclosures, drainage facilities, or an area to be used for outdoor storage of materials or equipment.

F. Supplemental Regulations

- (1). Unless otherwise stated within this Section or as approved in the rezoning process, development within the MX District is subject to compliance with the supplemental regulations contained in Article VI.
- (2). Waivers. The Village Board is hereby empowered to waive, when reasonable, any requirements of plans submitted for approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements are found not to be necessary in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the site plan.
 - (a). If an applicant wishes to request a waiver, said request shall be submitted in writing as part of the application. The application shall state fully the requirement from which relief is requested and how the waiver will maintain public health, safety, and general welfare.
 - (b). The Village Board shall make findings supporting their decision regarding a waiver.
 - (c). Waivers shall be made by resolution of the Village Board. A statement showing the date that such waiver was granted shall be affixed to the final plan.
 - (d). When granting waivers, the Village Board may also impose additional conditions as needed to achieve the objectives of the waived requirement(s).

(3). Higher Standards to Prevail

- (a). The provisions of this Section shall supersede local laws, ordinances, codes or regulations to the extent such laws, ordinances, codes or regulations are inconsistent with the provisions of this Section, provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance or regulation which is more restrictive or establishes a higher standard than those provided in this chapter and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.
- (b). In a case where a provision of this Section is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other local law, ordinance, code or regulation, the provision or higher standard shall prevail.

G. Process. To complete the process of rezoning from MUO to MX, the following steps shall be followed in order:

- (1). An owner of land located within a MUO District shall submit a rezoning petition to the Village Clerk to rezone the land to MX. This petition package shall include all of the following information:
 - (a). A completed petition form and appropriate fees.
 - (b). A map describing the affected property, its boundaries, and indicating the existing zoning district and the requested zoning change.
 - (c). A statement of intent describing the proposed future use and development of the site should the rezoning take place. Where unlisted uses are proposed, they should be specified here.
 - (d). An environmental assessment form (EAF Part 1) completed and signed by the petitioner, or agent, in accordance with the procedures set forth in State Environmental Quality Review (SEQR) regulations.
 - (e). A sketch plan accurately depicting the proposed development of the site.
 - (f). Any additional information which the petitioner feels would further the understanding of the proposed development.
- (2). Upon receipt of a rezoning petition, the Village Clerk shall request from the Code Enforcement Officer a determination as to whether the land within the proposed rezoning lies within the boundaries of the MUO District.
- (3). The Village Clerk shall refer the petition to the Zoning Board of Appeals for an advisory report which shall be returned to the Village Clerk prior to the petition being placed on a Village Board agenda. The advisory report shall evaluate the compliance of the proposed rezoning with the Comprehensive Plan and this Section. If the Zoning Board of Appeals fails to file such a report within sixty-two (62) calendar days following such a referral, it shall be conclusively presumed that the Zoning Board of Appeals has approved the proposed rezoning. A referral shall be deemed received when the referral is first presented at a duly called meeting of the Village Zoning Board of Appeals.
- (4). The item shall then be placed on the Village Board agenda where the Board of Trustees will review the materials and decide whether to further consider the rezoning petition. If the Village Board decides to further consider the petition, it may direct the petitioner to apply for Site Plan approval to the Zoning Board of Appeals. The owner shall then have 180 calendar days, which period may be extended from time to time by the Village Board, to obtain site plan approval

conditioned upon the proposed rezoning to MX District.

- (5). Petitioner shall apply for Site Plan approval and follow the procedures established in Article V of this chapter.
- (6). The Village Board, after receipt of the site plan approval, if required and if granted by the Zoning Board of Appeals, shall by resolution establish the time and place of a public hearing on the proposed rezoning and cause notice to be given as provided by Municipal Home Rule Law.
- (7). Following a public hearing, the Village Board shall approve, approve with conditions, or deny the application within 62 calendar days.
- (8). Changes made in zoning district boundaries or other matters portrayed on the Zoning Map under the provisions set forth herein shall be permanently affixed to the Zoning Map promptly after the amendment has been approved by the Village Board and shall convey information as to the date and nature of the change.

H. Decision Criteria

In determining whether to adopt or disapprove a proposed amendment, the Village Board will weigh the relevance of the following factors:

- (1). Consistent with Comprehensive Plan. Whether, and the extent to which, the proposal is consistent with the Comprehensive Plan.
- (2). Consistent with Code. Whether, and the extent to which, the proposal is consistent with the provisions of this Code and related Village regulations.
- (3). Community Need. Whether, and the extent to which, the proposal addresses a demonstrated community need.
- (4). Compatible with Surrounding Uses. Whether, and the extent to which, the proposal is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the Village.
- (5). Neighborhood Character. Whether, and the extent to which, the proposal establishes a desirable character for new and existing structures and contributes to a distinct sense of place that encourages pedestrian and leisure activities on and surrounding the site.
- (6). Development Patterns. Whether, and the extent to which, the proposal will result in a logical and orderly development pattern.
- (7). Effect on Natural Environment. Whether, and the extent to which, the proposal will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.
- (8). Adjacent or Nearby Properties. Whether, and the extent to which, the proposed amendment will generate a direct, significant, measurable adverse impact on adjacent and nearby properties that will have a demonstrable impact on the affected property.

§ 275-23. Incentive Zoning District (IZ).

- A. Intent. The Village Board finds that in addition to existing powers and authorities to regulate by planning and zoning, including authorization to provide for the granting of incentives or bonuses pursuant to other enabling law, the Village Board is hereby empowered, as part of Chapter 275 of the Village Code, to provide for a system of zoning incentives, or bonuses, as the Village Board deems necessary and appropriate consistent with the purposes and conditions set forth in this section.
- B. Purpose. The purpose of these regulations of incentive, or bonus, zoning shall be to advance the Village's specific physical, cultural and social policies in accordance with the Village's Comprehensive

Plan and in coordination with other community planning mechanisms or land use techniques. The system of zoning incentives or bonuses shall be in accordance with the meaning of § 7-703 of Article 7 of the New York Village Law, as may be amended from time to time.

- C. Authority. This authority may be used by the Village Board to assist in implementing the following planning objectives:
- (1). To protect highly valued ecological resources, geological features and environmentally sensitive areas.
 - (2). To protect active farmland operations.
 - (3). To preserve greenways and important open spaces, and provide access to trail corridors.
 - (4). To preserve historic and/or archaeological resources.
 - (5). To protect high-quality scenic resources.
 - (6). To secure important public works improvements which would not otherwise be provided to planned development areas of the community and which are in excess of that necessitated by immediate project demand.
 - (7). To provide a more desirable environment than what would be possible throughout the strict application of existing zoning regulations.
- D. Districts designated for incentives. The Village Board shall have the authority to designate incentives in all zoning districts of the Village of Hilton.
- E. Permitted incentives. The Village Board may grant the following specific incentives:
- (1). Increase in dwelling unit density for a site.
 - (2). Changes in lot area and dimensional requirements.
 - (3). Changes of use.
- F. Community benefits or amenities. The following community benefits or amenities may, at the discretion of the Village Board, be accepted in exchange for an incentive identified in Subsection E above. These community benefits may be either on or off the site of the subject application, may involve one or more parcels of land and may be situated in any district, unless otherwise specifically limited in this section and will be in addition to any mandated requirements pursuant to other provisions of the Village of Hilton Code and any other applicable law or regulation.
- (1). Agricultural conservation, open space, scenic, ecological, historic or other permanent conservation easements.
 - (2). Donation of land in fee simple for either conservation or community benefit purposes.
 - (3). Construction of recreation amenities, serving a Village-wide need, accessible to the general public, above and beyond that required elsewhere in the Village Code.
 - (4). Construction or improvement to public work facilities which are above and beyond that required to mitigate proposed impacts in accordance with the Village Code and the State Environmental Quality Review (SEQR) regulations.
 - (5). Preservation and improvement of historical or cultural sites or structures.
 - (6). Provision of shared driveways, cross-access easements or access and service streets, internal circulation systems or interconnected parking.
 - (7). Other facilities or benefits to the residents of the community, as determined by the Village Board.

- (8). Any other combination of the above-listed community benefits or amenities.
- G. Criteria for approval. Applications for incentives in exchange for amenities shall be submitted in writing to the Village Board. In order to preliminarily evaluate the adequacy of amenities to be accepted in exchange for the requested incentive, the following information shall be provided by the applicant:
- (1). Sketch Plan. A sketch plan which:
 - (a). Includes the following information:
 - [1]. Zoning classification and required setbacks.
 - [2]. Lot lines.
 - [3]. Land features, including environmentally sensitive features such as streams, wetlands, floodplains, steep slopes, tree cover, etc.
 - [4]. Land use(s).
 - [5]. Utilities.
 - [6]. Existing and proposed development, including buildings, pavement and other improvements, including setback dimensions.
 - [7]. Location and nature of all existing easements, deed restrictions and other encumbrances
 - [8]. Property owners' names and tax account numbers for all property within 200 feet of the property lines of the proposed project or such other distance as may be specified by the Village Board.
 - (b). Show how the site will be developed with the amenity, if it is on-site, and the incentive being requested.
 - (c). If the incentive will result in a structural height increase, the applicant shall submit an elevation drawing, at a scale of 1/4 inch equals one foot, which shows the height permitted by district regulations, the proposed additional height, other principal structures on site and on adjacent properties and their heights, as well as property line locations.
 - (d). If the incentive will result in a setback or open space reduction, the drawing shall show this reduction in relation to the principal structure on site and on adjacent properties, as well as property lines.
 - (e). The Village Board, in its discretion, may waive any or all of the above-listed sketch plan requirements. Notwithstanding any such waiver granted by the Village Board relative to the sketch plan required for the incentive zoning application, all site plan requirements shall remain in full force and effect relative to any required Zoning Board of Appeals approvals.
 - (2). The value of the proposed amenity.
 - (3). Narrative. A narrative which:
 - (a). Describes the benefits to be provided to the community by the proposed amenity.
 - (b). Provides preliminary indication that there are adequate sanitary sewers, water, transportation, waste disposal and fire protection facilities to accommodate additional demands, if any.
 - (c). Explains how the proposed amenity promotes implementation of physical, environmental or cultural policies articulated in proposed plans.

- (d). Describes the requested incentive and its value.
 - (e). Describes the manner in which any common areas are to be owned and maintained, including open space, streets, lighting and other considerations relevant to the proposal.
 - (f). Describes any covenants, grants of easement or other restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.
- (4). The applicant shall also submit such additional information and plans as may be required by the Village Board, which, in its judgment, are necessary in order to perform a thorough evaluation of the proposal.
- (5). The Village Board, in its discretion, may waive any or all of the above-listed submission requirements.
- H. Initial review and consideration. All applications for incentive zoning shall commence with a written proposal to the Village Board which sets forth the criteria listed in Subsection G above. The Village Board shall review the proposal and inform the applicant whether or not the proposal is worthy of further consideration.
- I. Zoning Board of Appeals review. The Zoning Board of Appeals will review the proposal and report to the Village Board with its evaluation of the adequacy with which the amenity(ies)/incentive(s) fit the site and how they relate to adjacent uses and structures. The Zoning Board of Appeals' review shall be limited to the impact of the proposed incentive zoning on the planning design and layout of the project and upon the projects' conformance with the Comprehensive Plan and other planning documents unless otherwise requested by the Village Board. The Zoning Board of Appeals' report shall be submitted to the Village Board within 45 calendar days from the date of the Zoning Board of Appeals meeting at which the proposal is first placed on the agenda. This time period may be extended by the Village Board.
- J. Village Board Preliminary Review. The Village Board, upon its receipt of the Zoning Board of Appeals' report, will review the document and then notify the applicant as to whether or not it is willing to further consider the proposal and hold a public hearing thereon. For Village Board public hearings on incentive zoning requests, the Village Clerk shall give notice of the hearing in the official newspaper of the Village at least five days prior to the date of the hearing. If the Village Board decides to further consider the rezoning, the Village Board shall direct the applicant to apply for Preliminary Site Plan approval and may impose any necessary conditions. The Village Board, in completing a preliminary review and making a positive recommendation shall:
 - (1). Determine that the proposal has adequate sewer, water, transportation, waste disposal and fire protection facilities to serve the on-site amenity and incentive.
 - (2). Determine that the proposed amenity or amenities provide sufficient public benefit to justify the requested incentive or incentives.
 - (3). Determine that there is approximate equivalence between potential affordable housing lost or gained.
 - (4). Specify the amenity or amenities being provided, along with a detailed description of the incentive(s) being provided.
 - (5). Directs the property owner to prepare a proposed incentive zoning agreement for review and acceptance by the Village Board at the time of incentive zoning approval.
- K. Preliminary Site Plan Approval. Following the decision by the Village Board and subject to meeting all conditions imposed, the applicant shall submit a preliminary site plan for review and approval by the Zoning Board of Appeals in accordance with the requirements of the Village Code. Unless the

Village Board determines otherwise, the Zoning Board of Appeals shall act as Lead Agency under SEQR and shall ensure compliance with all SEQR requirements including agency coordination and the issuance of a negative declaration prior to issuance of any preliminary site plan approval. Where the Zoning Board of Appeals decides to grant preliminary site plan approval, any approval by the Zoning Board of Appeals shall be subject to condition that incentive zoning approval be obtained and notation on the official zoning map be made within 180 calendar days following the issuance of said preliminary site plan approval.

- L. SEQR compliance and verification. All applicable requirements of the State Environmental Quality Review (SEQR) regulations shall be complied with as part of the review and hearing process. The assessment shall include verification that the zoning district in which the proposal is to be located has adequate sewer, water, transportation, waste disposal and fire protection facilities to serve the on-site amenity and incentive.
- M. Costs. Any applicant for incentives or bonuses shall pay the cost of preparing any environmental impact statement required by the Zoning Board of Appeals, the Village Board, this chapter, or 6 NYCRR Part 617, as amended, and such charge shall be added to any site-specific charge made pursuant to the provisions of § 8-0109 of the Environmental Conservation Law.
- N. Village Board Final Review. Final review and decision by the Village Board will be guided by the following:
 - (1). After receipt of conditional preliminary site plan approval from the Zoning Board of Appeals, including compliance and/or satisfaction with any additional conditions imposed, the applicant may request final incentive zoning approval from the Village Board by submitting such request together with a copy of the approved preliminary site plans, a copy of the Village Board's resolution from preliminary review, a copy of the Zoning Board of Appeals' SEQR resolution and supporting documentation, a copy of the Zoning Board of Appeals' preliminary site plan approval resolution, and a proposed incentive zoning agreement between the Village and the property owner.
 - (2). The Village Board may issue incentive zoning approval by resolution adopting a local law for the incentive zoning if the Village Board determines that:
 - (a). Doing so would be in the best interests of the Village.
 - (b). The project is in compliance with all requirements of SEQR.
 - (c). The amenities have been adequately defined and are sufficient to justify the granting of the requested incentives.
 - (d). The incentive zoning agreement satisfies NYS law, Village of Hilton Code, and fully sets forth all aspects of the incentive zoning to be approved. Prior to notation on the official zoning map the incentive zoning agreement shall be recorded at the Monroe County Clerk's Office.
 - (3). Unless otherwise provided, the provisions of the Village Law of the State of New York pertaining to public hearings, official notices and proper recording of zoning actions taken by the Village Board shall apply to all amendments to this chapter.
 - (4). The Village Board may impose such conditions upon the final incentive zoning approval as it may deem appropriate to promote the health, safety, and welfare of the community.
 - (5). Should the Village Board decline to approve the Incentive Zoning, any prior approval including Preliminary Site Plan approval shall be declared null and void.
 - (6). In no circumstances shall the Village Board be compelled to approve any incentive zoning proposal, such act being an absolutely discretionary legislative act.

- O. Coordination with other governmental agencies. The Village Board and Zoning Board of Appeals shall, before taking action, refer, where appropriate, the application to the Monroe County Planning Board for review and recommendation under the provisions of §§ 239-1 and 239-m of the New York State General Municipal Law. Where said rezoning application affects property located within 500 feet of a municipal boundary, the Village Clerk shall provide notice of said action to the Clerk of the adjacent municipality. Following the hearings and in addition to compliance with all SEQR requirements, the Village Board and Zoning Board of Appeals shall, before taking action, refer the proposal for review and comment to other governmental agencies as may be required and may refer the proposal to other Village Boards and officials for review and comment.
- P. Review and Decision. In order to approve an amenity/incentive proposal, the Village Board shall determine that the proposed amenity provides sufficient public benefit to provide the requested incentive. The Village Board shall, as part of their conditional approval, specify the amenity being provided, along with a detailed description of the incentive(s) being provided. Thereafter, the Village Board is authorized to act on an application for preliminary approval as provided for elsewhere in this section. In no circumstances may the Village Board be compelled to approve any incentive zoning proposal, such act being an absolutely discretionary legislative act. The Village Board may also impose such conditions upon its approval as it may deem appropriate to promote the health, safety and welfare of the community.
- Q. Final Site Plan Approval Required. Following approval of the incentive zoning by the Village Board and subject to meeting all conditions imposed, the applicant may submit a final site plan for review and approval by the Zoning Board of Appeals pursuant to Article V of this Chapter.
- R. Notation on official Zoning Map. Upon final plan approval, the Village Clerk shall affix a reference to the Official Zoning Map that the development of this site was approved under the Village's incentive zoning provisions and include a reference to the date such action was taken.
- S. Cash payment in lieu of amenity. If the Village Board finds that a community benefit is not suitable on site or cannot be reasonably provided, the Village Board may require a cash payment in lieu of the provisions of the amenity. These funds shall be placed in a fund or capital project at the discretion of the Village Board to be used by the Village Board exclusively for amenities specified prior to acceptance of funds. Cash payments shall be made prior to the issuance of a building permit. Cash payments in lieu of amenities are not to be used to pay general and ordinary Village expenses. Cash payments may be directed to existing reserve funds, capital projects, other funds; or funds or projects to be created by the Village Board.

ARTICLE IV
Special Permitted Use

§ 275-24. Purpose.

The purpose of the special use permit is to allow uses which meet the intent of the Zoning Ordinance, but which require certain conditions and review by a public body for the harmonious integration of that use into the community.

§ 275-25. Authorization to grant or deny.

- A. The specially permitted uses listed in the Zoning Law may be permitted, enlarged, or otherwise altered upon authorization by the Zoning Board of Appeals, in accordance with the standard and procedures set forth in this Article IV.
- B. The Zoning Board of Appeals shall require that all provisions of this article shall be complied with, but where it is deemed appropriate by the Zoning Board of Appeals, any of these provisions contained in §§ 275-24 through 275-26, inclusive, may be waived by the Zoning Board of Appeals based upon findings as set forth in the public record on said application
- C. The Zoning Board of Appeals may impose, in addition to those standards specified by this chapter, any additional conditions which the Zoning Board of Appeals considers necessary to protect the best interests of the surrounding property, the neighborhood, or the Village as a whole. These conditions include increasing/decreasing, modifying or limiting any or all of the following items:
 - (1). Lot dimensions.
 - (2). Location within the lot.
 - (3). Height of buildings.
 - (4). Multimodal infrastructure such as sidewalks and bike parking.
 - (5). Volume and type of traffic.
 - (6). Location and number of vehicle access points.
 - (7). Number of parking and loading spaces.
 - (8). Number, size and location of signs.
 - (9). Hours and days of operation.
 - (10). Lighting.
 - (11). Noise.
 - (12). Waste disposal, toxic emissions, radiation.
 - (13). Emissions of dust, smoke, odors and fumes.
 - (14). Biking, fencing, screening, or landscaping, grading, driveway width.

§ 275-26. Application for special use permit.

- A. A property owner(s) or his agent(s) may initiate a request for a special use permit or the modification of a specially permitted use by filing an application with the Code Enforcement Officer. The application shall be accompanied by:
 - (1). statement of operations fully describing the nature and scale of the use, the land and facilities

- to be impacted, and the hours of operation
 - (2). a legal description of the property
 - (3). a map showing all properties within a radius of 200 feet of the exterior boundaries thereof
 - (4). plans and elevations necessary to show the proposed development
 - (5). other drawings or information necessary for an understanding of the proposed use and its relationship to surrounding properties.
- B. The proposed specially permitted use shall be considered by the Zoning Board of Appeals at a duly advertised public hearing. Notice of said hearing shall be given as provided in § 275-68.

§ 275-27. Standards governing specially permitted uses.

A specially permitted use shall comply with the standards of the zoning district in which it is located, except as those standards have been modified by the Zoning Board of Appeals when consideration has been given to the following:

- A. The proposed use shall be in harmony with the general purpose and intent of this chapter, taking into account the locations and size of use, the nature and intensity of the operations, and the access thereto.
- B. The establishment, maintenance or operation of the proposed use shall not be detrimental to the health, safety or general welfare of persons in the community or injurious to neighborhood property.
- C. Where a nonconforming use existed prior to the effective date of this chapter and there has been a requested change in use or in lot area or an alteration of structure.
- D. A special use permit shall become void one year after approval or after such time specified as a condition of approval, unless within that time the required building construction, alteration or enlargement is completed. The Zoning Board of Appeals may extend the permit for a period of one year after first holding a duly advertised public hearing. The initial date of reference shall be the date of the final site plan approval.
- E. The special use permit shall be void if the use shall cease for more than six months for any reason.
- F. The Zoning Board of Appeals may, in its concern for the community safety and welfare, place an expiration date on the permit at which time the established conditions shall be reviewed or appropriately modified for the renewal of the special use permit, or for sufficient cause the permit may be made void.
- G. The Zoning Board of Appeals, on its own motion, may revoke a special use permit for noncompliance of any condition set forth in the granting of said permit after first holding a duly advertised public hearing.

§ 275-28. Supplemental Regulations Pertaining to Specific Uses.

Where a special use permit is included within this section, the Zoning Board of Appeals may only approve a special use permit provided that the following standards and conditions are maintained:

- A. Accessory Dwelling Units
 - (1). Intent. It is the intent of the Village to provide housing opportunities for family members or others to live in a dwelling unit within the same building as the occupants of the principal residence.
 - (2). Architectural Design Compatibility. Where the accessory dwelling unit is proposed as an

addition to the primary building, the building shall be subject to the following design requirements.

- (a). The subject building should maintain the appearance of a single-family residence and shall complement or match in type, size, and placement the exterior finish materials of the primary dwelling.
- (b). The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
- (3). Site Design. Required setbacks and lot coverage of the zoning district shall be maintained.
- (4). Gross Floor Area. Gross floor area shall not exceed 35% of the principal dwelling or 700 sq. ft., whichever is less.
- (5). Height. The maximum building height for principle buildings established within the zoning district shall not be exceeded.
- (6). Allowable amount. No more than one accessory dwelling unit may be created on any single property.
- (7). Approval and Expiration. The approval granted by the Zoning Board of Appeals shall be for a two-year period and may be renewed for the same period of time as long as the same conditions are in effect and the property owner continues to reside in one of the residences on the premises. If title to the property changes, the permit shall not be renewed and the new owner shall apply for a new special use permit prior to occupancy of the accessory dwelling unit. Should there be a substantial change in the conditions existing at the time of the approval of the special use permit, the permit shall become null and void.
- (8). Inspection Required. An accessory dwelling unit is required to be inspected by the Code Enforcement Officer prior to the Village issuing a special use permit, prior to any approval of a request for renewal by the Zoning Board of Appeals and at the termination of the special permit.
- (9). Revocation. The Zoning Board of Appeals, on its own motion, may revoke a special use permit for noncompliance of any condition set forth in the granting of said permit after first holding a duly advertised public hearing.

B. Adult Uses.

- (1). Purpose and Intent. The Village Board of Trustees recognizes that buildings and establishments operated as adult uses have serious objectionable operational characteristics. In order to promote the health, safety and general welfare of the residents of the village, this article is intended to restrict adult uses to nonresidential, nonbusiness and noncommercial areas of the Village and otherwise regulate their operation. Moreover, in light of the fact that the operational characteristics of adult uses increase the detrimental impact on a community when such uses are concentrated, this article is intended to promote the health, safety and general welfare of the residents of the Village by regulating the concentration of such uses.
- (2). General Restrictions
 - (a). Such adult use may only be permitted as a special use within the Light Industrial Zoning district.
 - (b). No such adult use shall be allowed within one-thousand (1,000) feet of another existing adult use.
 - (c). No such adult use shall be located within five hundred (500) feet of the boundaries of any zoning district which is zoned principally for residential use. This includes the Residential, Multiple-Residence, PRD, and PRD-S districts.

- (d). No such adult use shall be located within one-thousand (1,000) feet of a pre-existing school, public park or place of worship.
 - (e). No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.
- (3). Registration
- (a). The owner of a building or premises, his agent for the purpose of managing or controlling or collecting rents or any other person managing or controlling a building or premises, any part of which contains an adult use, shall register the following information with the village clerk:
 - [1]. The address of the premises.
 - [2]. The name, address, phone numbers, and emails of the owner of the premises and the names and addresses of the beneficial owners if the property is in a land trust.
 - [3]. The name of the business or the establishment subject to the provisions of this article.
 - [4]. The names and addresses of the owner, beneficial owner of the major stockholders of the business or the establishment subject to the provisions of this article.
 - [5]. The date of initiation of the adult use.
 - [6]. The nature of the adult use.
 - [7]. If the premises or building is leased, a copy of said lease.
 - (b). A processing fee for each such registration or amendment thereto shall be paid to the Village.
 - (c). It is a violation of this article for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate thereon an adult use without having properly registered said adult use with the Village Clerk.
- (4). Severability. If any provision of any section of this article or the application thereof to any person or circumstance shall be adjudicated invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not effect or invalidate the remainder of any provision of any section of this article or the application of any part thereof to any other person or circumstance and to this end the provisions of each section of this article are hereby declared to be severable.

C. Short Term Rentals

- (1). Intent. The purpose of this section is to control and regulate the use of short-term rentals within the Village. The provisions of this section are intended to preserve and protect the health, character, safety, and general welfare of the residential neighborhoods where such uses may exist and to mitigate the adverse effects of short-term rentals.
- (2). General Regulations
 - (a). 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.
 - (b). 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 as if such property is not subject to a short-term rental permit.

- (c). 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.
- (d). Emergency 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.
- (e). There shall be an ABC fire extinguisher on each floor and in the kitchen. Fire extinguishers shall be inspected monthly by the permit holders
- (f). The house number shall be located both at the road and on the dwelling unit so that the house number is clearly visible from both the road and the driveway.
- (g). Exterior doors shall be operational, and all passageways to exterior doors shall be clear and unobstructed.
- (h). Electrical systems shall be inspected by a third-party electrical inspector to ensure no visual defects or unsafe conditions prior to the initial rental permit application.
- (i). All fireplaces shall comply with all applicable laws and regulations.
- (j). The maximum occupancy for each short-term rental unit shall not exceed two people per bedroom shown on the floor plan included with the application, and the maximum occupancy of any dwelling unit that is or contains a short-term rental shall not exceed 12 people total, based on the calculation of two people per bedroom and counting all existing tenants and residents of the dwelling unit plus the possible number of renters of the short-term rental.
- (k). 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 overnight occupancy for any dwelling unit that is or contains a short-term rental unit exceed 12 people, based on the calculation of two people per bedroom and counting all existing tenants and residents of the dwelling unit plus the possible number of renters of the short-term rental.
- (l). Insurance and registration standards. All applicants and permit holders must provide an evidence of property insurance and a 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.
- (m). 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 road except around pickup time.
- (n). 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:
 - [a]. That the short-term rental is in a residential area in the Village of Hilton and

- that renters must be conscious of the residents in neighboring homes;
 - [b]. A statement that guests must comply with the Noise Law of the Village of Hilton as set forth in Chapter 139 of the Code of the Village of Hilton;
 - [c]. All renters will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct;
 - [d]. A statement that littering is illegal; and
 - [e]. A statement that all fires must be attended.
- (o). Upon the Code Enforcement Officer's acceptance of the completed permit application, all documents and information required by this section and the application fee, the Code Enforcement Officer shall have 30 days to conduct a property inspection to certify and approve that all short-term rental requirements have been met.
- (3). Application Requirements. In addition to other applicable materials, applications for a Short Term Rental special use permit shall also include the following materials:
- (a). The signatures of all tenants and/or residents of the dwelling unit to which the short-term rental permit would apply and the signatures of all owners.
 - (b). A copy of the current vesting deed showing how title to the subject property is currently held.
 - (c). Permission for a property inspection by the Code Enforcement Officer.
 - (d). An acknowledgement of present and ongoing compliance with the short-term rental standards as defined in this section, including, but not limited to, the demonstration of adequate off-road parking spaces for the dwelling unit with proposed short-term rental.
 - (e). A list of all the existing property owners, tenants and/or residents of the dwelling unit that is or contains the short-term rental, including names, addresses, telephone numbers and email addresses of each.
 - (f). The name, address, telephone number and email address of a contact person who shall be responsible, and authorized, to act on the owners' behalf to promptly remedy any violation of the standards outlined in this section. The contact person may be an owner or an agent designated by the owner(s) to serve as a contact person.
 - (g). An accurate, suitable floor plan measuring at least 8.5 inches by 11 inches, drawn to scale, and certified by the applicant. The floor 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 rooms 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 and any heating/cooling units.
 - (h). A statement that none of the owners of the subject property has had a short-term rental permit revoked within the previous year.

D. Car Washes

- (1). Access. All vehicular access shall be from an arterial or collector street.
- (2). Contained Operations. All machine washing and machine drying operations shall be conducted within a building.
- (3). Setback. The building exit for automobiles that have completed the washing and machine drying process shall be set back a minimum of 50 feet from the nearest point of any street property line.
- (4). Residential Uses Protected. No washing, vacuuming, steam cleaning, waxing, polishing or machine drying operation, and no building within which such operations are conducted, shall be permitted within 100 feet of a residential district.
- (5). Required Fencing. All lot lines abutting or adjacent to residential districts or uses shall be screened by a solid masonry wall or fence not less than four feet nor more than six feet in height.
- (6). Landscaping. Perimeter landscaped open space shall be provided in the front yard.
- (7). Surfaces. All entrance and exit lanes and parking areas shall be surfaced with an asphalt or portland cement binder pavement so as to provide a durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulation.

E. Customary Agricultural Use

The Village Zoning Board of Appeals may approve a special use permit for the use of land and buildings for keeping of livestock, provided that, in addition to compliance with the general requirements contained in § 275-27, the following standards and provisions are met and maintained:

- (1). Lot Size. Subject parcel meets dimension requirements of the zoning district.
- (2). Statement of Operations. The Zoning Board of Appeals approves a statement of operations that includes:
 - (a). Number and type of each livestock.
 - (b). Hours of operation.
 - (c). How livestock excrement will be handled to be no more objectionable to the users of nearby properties, by reason of odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions than would be the operation of any permitted use.
 - (d). Fencing, setbacks, and buffers.
 - (e). How bulk feed will be provided to the site.
- (3). Sketch plan showing location of buildings to house livestock and showing how such building minimizes impact to nearby properties.
- (4). The provisions in this section shall not apply to any generally accepted farm operation or practice within an established Monroe County Agricultural District.

F. Kennel

- (1). Setbacks. Shelters for animals within kennels shall not be closer than 30 feet to any street or property line.
- (2). Space. Dogs shall be provided with the minimum space required by the Animal Welfare Act and provided by the NYS Department of Agriculture and Markets.

- (3). Outdoor areas. No outdoor area for the use of animals shall be permitted within a front yard. Outdoor areas for the use of animals may be permitted in the side and rear yard so long as they meet the minimum building setback and are provided with a solid fence capable of reducing noise.
- (4). Wastes. Adequate provisions are made for disposing of animal waste.
- (5). Statement of Operations. Applicants shall provide a Statement of Operations detailing how impacts to the surrounding community will be minimized.
- (6). Nuisances. All noise and odors shall not become a nuisance to adjacent property owners.

G. Religious Institution

- (1). Not within a residential structure.

H. Smoke and Vape Shops

- (1). Location
 - (a). No smoke and vape shop shall be permitted within 1,000 feet of another smoke shop.
 - (b). No smoke and vape shop shall be permitted within 1,000 feet of a school, nursery school, day care, playground, public library, municipal park, or other similar uses where children regularly gather.
 - (c). No smoke shop shall be permitted within 300 feet of the lot line of any lot zoned residential district.
 - (d). No smoke shop shall be permitted within 200 feet of a house of worship.
 - (e). Said distances shall be measured from property line to property line.
- (2). Existing Smoke and Vape Shops. All smoke and vape shops covered under this chapter and in existence at the time it is enacted shall be deemed to be preexisting nonconforming and shall be issued a certificate of conformity from the Building Inspector provided that:
 - (a). The owner and/or operator is not in violation of Chapter 275 or any other provision of the Village of Hilton Code of Ordinances.
 - (b). The owner and/or operator has operated its smoke and vape shop in compliance with its business plan on file with the Village or any other prior approvals to operate.
 - (c). Owner and/or operator acknowledges and agrees in writing to be bound by the terms and conditions of this Chapter 275.

I. Vehicle Rental, Leasing, and Sales

- (1). Residential District Setback. No Vehicle Rental, Leasing, and Sales area shall be located within 50 feet of any residential district boundary line.
- (2). Surfaces. Vehicle storage areas shall be surfaced with an asphalt or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive stormwater drainage system.
- (3). Storage of Materials. All storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or

street when viewed from ground level.

- (4). **Outdoor Display.** Outdoor display of vehicles shall be set back a minimum of 20 feet from all lot lines abutting residentially zoned property. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned property.
- (5). **Landscaping.** Perimeter landscaping shall be a minimum of 10 feet along the street frontage(s).
- (6). **Office.** An office structure to serve the operation shall be located on the same lot.
- (7). **Wrecked Vehicles.** No partially dismantled or wrecked vehicle shall be stored for more than 72 hours outside of a completely enclosed building.

§ 275-29. Notification.

The Zoning Board of Appeals shall notify the applicant for a special use permit, in writing, of the Zoning Board of Appeals action within five days after the decision has been rendered.

§ 275-30. Appeal.

- A. The applicant or any interested person may appeal a decision of the Zoning Board of Appeals to the NYS Supreme Court as provided for in the statutes of the State of New York.
- B. An appeal from the action of the Zoning Board of Appeals shall automatically stay the issuance of the building or other permit until such appeal has been completed.

ARTICLE V
Site Plan Approval

§ 275-31. Site plan approval purpose

The purpose of site plan approval is to determine compliance with the objectives of this chapter in those zoning districts where inappropriate development may cause a conflict between uses in the same or adjoining zoning district by creating unhealthful or unsafe conditions and thereby adversely affect the public health, safety and general welfare.

§ 275-32. Compliance required, Applicability.

- A. The following actions are exempt from the requirement for site plan review pursuant to this article, unless site plan is otherwise required as a condition of a separate Village approval or as determined by the Village Code Enforcement Officer that Site Plan review would be useful and appropriate to further the purposes and intent of this Zoning Ordinance or otherwise serve the public interest:
 - (1). The construction or alteration of or addition to a one or two-family dwelling and their accessory structures.
- B. Except as exempted in § 275-32.A., site plan review is required for:
 - (1). The construction of a building.
 - (2). Constructing a building addition where additional building footprint exceeds 720 square feet.
 - (3). Changes of use or occupancy of a land or a building.
 - (4). New special permitted uses in all zoning districts.
- C. Site Plan review is required prior to issuing a building permit or prior to the issuance of a Certificate of Occupancy if no permit is required.
- D. Site preparation or the commencement of construction prior to the termination of proceedings under this article is prohibited.
- E. Except for those actions exempt from site plan review, no building permit or certification of occupancy shall be issued except in compliance with the standards and procedures set forth in this article.
- F. If the project value is \$20,000 or more, in accordance with NYS Education Law, then the site plan information and dwelling designs shall be prepared by a licensed architect or engineer.

§ 275-33. Authorization to grant or deny.

The power to approve, approve with conditions or deny site plan, as required by this article, is vested in the Zoning Board of Appeals.

§ 275-34. Preliminary site plan application and approval.

- A. Preliminary application. Application for preliminary site plan approval shall be made in writing to the Code Enforcement Officer who shall refer the application, when complete in all respects, to the Zoning Board of Appeals for its review and decision. All applications shall be accompanied by the following information:
 - (1). Five copies of an area map showing applicant's entire holding, that portion of the applicant's

property under consideration and all properties, their ownership, uses thereon, subdivisions, streets, zoning districts, easements and adjacent buildings within 500 feet of applicant's property.

- (2). If grades exceed 10%, or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than two feet of elevation shall be provided with an overlay outlining the above susceptible areas, if any.
- (3). A preliminary site plan shall include the following information in existing and proposed conditions:
 - (a). Title of the drawing, including the name, phone number, email, and address of the applicant.
 - (b). Name, contact information, and any professional licensure of whomever created the plan.
 - (c). North point, scale and date.
 - (d). Boundaries of the project, plotted to scale.
 - (e). Location map
 - (f). Existing watercourses, floodplains, wetlands, and other natural features.
 - (g). Location of proposed land uses and their area in square feet and location, proposed use and height of all buildings.
 - (h). Location, sizes, and design of all existing or proposed site improvements including streets, drains, culverts, retaining walls, fences and easements, whether public or private.
 - (i). Location, material, and design of all parking and truck loading areas, with access and egress drives thereto including bike parking.
 - (j). Location, sizes, and design sewage disposal and water systems.
 - (k). Location, design, and size of all signs and lighting facilities including a photometric plan for outdoor lighting.
 - (l). Location and proposed development of vegetation, buffer areas, and other landscaping including a landscape planting schedule.
 - (m). Grade contours at intervals of not more than two feet of elevation.
 - (n). Delineation of the various residential, commercial, or other use areas, if applicable, indicating for each such area its general extent, size and composition in terms of the total number of dwelling or other unit types, a general description of the intended market structure and a calculation of the residential density in dwelling units per gross acre for each such area.
 - (o). When applicable, a general description of the provision of other community facilities, such as parks, schools, fire protection services and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 - (p). A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 215, Stormwater Management, of the Hilton Code, shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in Articles I and III of Chapter 215, Stormwater Management.
 - (q). Location, size and design of sidewalks and cycling infrastructure on any internal facilities and those on abutting roadways.

- (r). Location of school bus and transit routes and stops within or adjacent to the site including a description of any stop shelters or benches.
- (s). Streets within or adjacent to the site include material and design (widths, radius, etc.)
- (4). In addition, the following documentation shall accompany the preliminary site plan:
 - (a). Evidence that the proposal is compatible with the goals of the Comprehensive Plan.
 - (b). If the development is to be staged, a general indication of how the staging is to proceed.
 - (c). Whether or not the development is to be staged, the preliminary plan shall show the intended total project.
 - (d). Any project that requires more than 24 months to complete shall be staged.
- (5). The Zoning Board of Appeals may require such additional information that appears necessary for a complete assessment of the project.

B. Preliminary approval.

- (1). Within 90 days of the receipt of a certified complete preliminary site plan application, the Zoning Board of Appeals shall act on it. If no decision is made within said ninety-day period, the preliminary site plan shall be considered conditionally approved. If the Zoning Board of Appeals acts before the ninety-day period, it shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved and any conditions imposed. A copy of the appropriate minutes of the Zoning Board of Appeals shall be a sufficient report.
- (2). Notice of such proposed action shall be referred to the County Planning Board in accordance with Village Law § 7-725-a. The Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- (3). The Zoning Board of Appeals review of a preliminary site plan shall include, but is not limited to the following considerations:
 - (a). Adequacy and arrangement of vehicular traffic access and circulation.
 - (b). Adequacy and arrangement of pedestrian and other transportation access and circulation.
 - (c). Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (d). Location, arrangement, size and design of buildings, lighting and signs.
 - (e). Relationship of the various uses to one another and their scale.
 - (f). Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between adjacent uses and adjoining lands.
 - (g). Adequacy of stormwater and sanitary waste disposal.
 - (h). Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
- (4). The Zoning Board of Appeals statement may include recommendations as to desirable revisions to be incorporated in the final site plan, of which conformance with shall be considered a condition of approval. If the preliminary site plan is disapproved, the Zoning Board of Appeals' statement shall contain the reasons for such findings. In such a case, the Zoning Board of Appeals may recommend further study of the site plan and resubmission of the preliminary site plan to the Zoning Board of Appeals after it has been revised or redesigned. No modification of existing stream channels, filling of lands with a moderate to high susceptibility to flooding,

grading or removal of vegetation in areas with moderate to high susceptibility to erosion, or excavation for and construction of site improvements, shall begin until the developer has received preliminary site plan approval. Failure to comply shall be construed as a violation of this Zoning Law and, where necessary, final site plan approval may require the modification or removal of unapproved site improvements.

§ 275-35. Final site plan application and approval.

- A. Final application. After receiving conditional approval from the Zoning Board of Appeals on a preliminary site plan, and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare his final site plan (five copies) and apply in writing to the Code Enforcement Officer, who shall refer the application, when complete in all respects, to the Zoning Board of Appeals for its review and approval. However, if more than one year has elapsed between the time of the Zoning Board of Appeals report on the preliminary site plan and if the Zoning Board of Appeals finds that conditions have changed significantly in the interim, the Zoning Board of Appeals may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review. The final site plan shall conform to the approved preliminary site plan and shall incorporate any revisions or other features that may have been recommended by the Zoning Board of Appeals at the preliminary review. All compliances shall be clearly indicated by the applicant.
- B. Final approval. Within 62 days of receipt of the certified complete final plan application from the Code Enforcement Officer, the Zoning Board of Appeals shall render a decision to the Code Enforcement Officer. If no decision is made within the sixty-two-day period, the final site plan shall be considered approved. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and such Board. Notice of such proposed action shall be referred to the County Planning Board in accordance with Village Law § 7-725-a.
- (1). Upon approval, the Zoning Board of Appeals shall endorse its approval on a copy of the final site plan and shall forward it to the Code Enforcement Officer, who shall then issue a building permit if the project conforms to all other applicable requirements.
 - (2). Upon disapproval, the Zoning Board of Appeals shall so inform the Code Enforcement Officer, and they shall deny a building permit. The Zoning Board of Appeals shall also notify the applicant, in writing, of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.
 - (3). Requirement for improvements shown on the site plan shall be those set forth in this chapter and in other local laws, ordinances, rules and regulations or in construction specifications of the municipality.
- C. Site plan termination. Final site plan approval shall be valid for a period of 60 months from the date thereof for the purpose of obtaining building permits. Failure to secure, without subsequent revocation or termination, a building permit during this period, or revocation or termination of a building permit subsequent to this period, shall cause the site plan approval to become null and void. Upon application, the Zoning Board of Appeals may extend this period not more than 84 months from the date of final site plan approval. Nothing herein shall prohibit a new application for site plan approval following such termination in accordance with the requirements of this chapter.¹¹

§ 275-36. Special provisions.

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

March 24, 2025

- A. If the project value is \$20,000 or more, in accordance with NYS Education Law, then the site plan information and dwelling designs shall be prepared by a licensed architect or engineer.
- B. Adequate stormwater drainage shall be provided and shall be based on a ten-year rainfall frequency for interior drainage design. A project shall be in or part of a drainage district.
- C. The storage or accumulation of refuse shall be subject to Village approval.
- D. All projects shall be suitably landscaped; including the provision of vegetation of suitable species and at appropriate levels of maturity in order to screen effectively dissimilar uses from one another, both visually and acoustically, and to protect and enhance the overall quality of the environment.
- E. The following special provisions apply only to multifamily developments:
 - (1). Every development shall have within it suitable open space available for the use of the residents. Development of this open space for passive and/or active recreational uses shall be provided in a manner suitable to the prospective occupants of the development. Area devoted to swimming pools and other such formal recreation areas shall be considered in meeting this requirement. Yard areas may also be so considered as long as access to them is not prohibited by fencing or other means, but parking areas shall not be included in such assessment. This requirement may be waived by the Zoning Board of Appeals where the applicant can demonstrate that existing, nearby park facilities are adequate substitutes and accessible to the future residents.
 - (2). Buildings shall be located so that the privacy of individual units is protected, so that their arrangement creates usable open space, avoids monotonous, undifferentiated silhouettes, and produces a satisfactory microclimate.
 - (3). Sidewalks shall be provided and be integrally designed so as to provide safe and convenient access between buildings, internal recreation, parking and service areas, and to surrounding areas of the Village.
 - (4). A school bus loading area may be required that meets necessary safety standards and locational needs.
- F. All exterior lighting shall comply with the Recommended Practices (RP-33) Lighting for Exterior Environments, and (RP-20) Parking Lots, of the Illuminating Engineering Society of North America, as may be amended or modified from time to time. [Added 6-2-2015 by L.L. No. 2-2015]

§ 275-37. Single Stage Review.

Where a development is to occur in a single phase, the application may be reviewed in a single stage. The Site Plan shall be provided in a final form and include all information required for preliminary and final site plans as specified herein.

§ 275-38. Public hearing required.

Before a site plan is approved, the proposed site plan shall be considered by the Zoning Board of Appeals at a public hearing. Notice of said hearing shall be given as provided in § 275-68.

§ 275-39. Appeal.

The applicant, or any interested person, may appeal a decision of the Zoning Board of Appeals to the Courts as provided by the laws of the State of New York. Reference is made to § 275-61.

ARTICLE VI
Supplementary Regulations

§ 275-40. Off-street parking and loading requirements.

- A. Authority: Parking requirements shall be determined by the Zoning Board of Appeals in the course of their respective reviews of any site plan, special use permit, or other necessary review. No approval may be issued until plans and evidence are presented and approved by the Zoning Board of Appeals to show how the off-street parking and loading requirements are to be fulfilled and that property is and will be available for exclusive use as off-street parking and loading space. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by the Zoning Board of Appeals.
- B. Off-street loading. There are no provisions that establish a minimum number of off-street loading spaces for development. Off-street loading shall be provided to meet the realistic demand for the proposed land use. As part of Site Plan approval, the applicant shall provide satisfactory calculations of this demand to the Zoning Board of Appeals. Where the applicant can provide satisfactory evidence to the Zoning Board of Appeals that shared or on-street loading spaces accommodate the expected demand without hindering pedestrian, vehicular, emergency or other accessways, a development may be approved with no off-street loading spaces.
- C. Every institutional, commercial or industrial building hereafter erected or established having a gross floor area 10,000 square feet or more shall provide and maintain at least one off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area. Any use requiring 1/2 or more of a loading space shall be deemed to require the full space. Each loading space shall be not less than 10 feet in width, 35 feet in length, and 14 feet in height.
- D. Number of spaces required. There are no provisions that establish a minimum number of off-street parking spaces for development. Off-street parking shall be provided to meet the realistic demand for the proposed land use. The applicant shall calculate this demand based on guides such as the Institute of Transportation Engineer's Parking Generation Reports, Urban Land Institute, observed local demand analysis, or any other practice acceptable to the Zoning Board of Appeals.
- E. Joint use. The off-street parking requirements of two or more uses, structures, or parcels of land may be satisfied by the same parking or loading space used jointly if supported by a shared parking analysis. This analysis shall be based upon accepted standards. The right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.
- F. Location of off-site parking facilities. Required off-street parking is allowed on a separate parcel within 900 feet of the use served, as measured by distance from the closest public entrance to the off-site parking lot and along a realistic pedestrian path of travel. Where parking is provided off-site, adequate provisions for safe, pedestrian travel shall be required. The right to use of the parking must be evidenced by a deed, lease, contract, or other appropriate written document to establish the arrangement.
- G. Use of parking facilities. Required parking space shall be available for the parking of operable passenger vehicles of residents, customers, patrons, and employees only, and shall not be used for the storage of vehicles or materials.
- H. Parking in front yard. Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of a single- or two-family dwelling, but such space may be located within a required side yard or rear yard.

- I. Development and maintenance standards for off-street parking areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:
- (1). An off-street parking area for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting, on each side which adjoins property situated in a residential district or the premises of any school or like institution.
 - (2). Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in an R District.
 - (3). Except for single-family and two-family dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.
 - (4). In a multiple-residence development, parking shall be so distributed as to service the individual units. There shall be no more than 900 feet between the car and door. Parking lots should be kept small and in other ways broken up into smaller units through provision of islands and plantings. Parking spaces shall not run continuous more than 10 adjacent spaces.
 - (5). Design and development standards, such as surfacing, size of spaces, size and number of access points and width of internal circulation drives, shall be as specified in the Zoning Board of Appeals resolution, Standards for Design, Development and Maintenance of Off-Street Parking Facilities.
- J. Authority for Zoning Board of Appeals to modify requirements of § 275-40.
- (1). The Zoning Board of Appeals is hereby authorized to modify the required number of off-street parking spaces.
 - (2). Such modification may take place after the Zoning Board of Appeals finds that:
 - (a). Applicant has demonstrated that adequate, public off-street parking facilities are available within 900 feet of the primary entrance of all uses served as measured along the shortest legal, practical walking route; or
 - (b). Applicant can document that the applicable amount of their customers will be transported to and from their premises in buses, bikes, walking, or other forms of transportation; or
 - (c). Applicant provides a transportation management plan documenting off-peak work hours, preferential parking, financial incentives, or some other manner for reducing parking demand; or
 - (d). The requirement is found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the site plan.
 - (3). Where the Zoning Board of Appeals modifies the required number of parking spaces pursuant to this section, the Zoning Board of Appeals shall impose such conditions as it deems necessary and shall make findings supporting their decision.

§ 275-41. Signs.

- A. Purpose. The purpose of this article is to promote and protect the public health, welfare and safety by regulating signs of all types within the Village. It is intended to ensure right to free speech as protected under the Constitution, protect property values, create a more attractive economic and business climate and enhance and protect the physical appearance of the community. It is further intended to provide

effective means of identification while minimizing visual clutter by preventing excessive and confusing sign displays, reducing sign or advertising distraction that may contribute to traffic accidents, preventing signs from obstructing the view of other signs and curbing the deterioration of natural beauty. No sign or outdoor advertising of any character shall be permitted in any zoning district of the Village of Hilton except in conformity with the regulations of this section.

B. Definitions. As used in this article, the following terms shall mean and include:

ABANDONED SIGN — Any sign advertising an establishment which has ceased to operate on the site for a period of more than 30 days.

AUTOMATIC CHANGEABLE COPY SIGN — A sign which changes its content automatically on a frequency of more than once every 12 hours, whether by electronic or mechanical means.

AWNING SIGN — Any visual message incorporated into an awning attached to a building.

BANNER/PENNANT — A sign that is painted or displayed on a sheet composed of plastic, paper, fabric or other nonrigid material, fastened to the exterior of a building or structure or a flagpole, but excluding any flag representing federal, state, or other governmental entity and political unit or of any charitable, educational, philanthropic, civic or religious organizations.

DIRECTORY SIGN — A listing of two or more establishments on one sign.

ESTABLISHMENT — A business, residence, public or private organization or similar.

FLAT SIGN – A sign attached to a building or other structure that projects less than 18 inches beyond the building but extends parallel or substantially parallel thereto.

FREE-SPEECH SIGN — A sign that does not advertise, identify or promote any establishment, business, service product or organization but rather states an opinion.

FREESTANDING SIGN — A sign not attached to or part of any building but separate and permanently affixed by any other means in or upon the ground. Included are monument signs and masonry wall-type signs.

ILLUMINATED SIGN — Any sign illuminated by electricity, gas or other artificial light.

INSTRUCTIONAL SIGN — A sign that defines and/or prohibits an activity.

NONCONFORMING SIGN — A sign which exists at the time of enactment of this article and which does not conform to the regulations and restrictions imposed herein.

OFF-SITE SIGN — A sign located on one site that relates to a different site.

PORTABLE OR MOBILE SIGN — A sign that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building or structure. Portable signs may or may not have wheels.

PROJECTING SIGN — A sign which is attached to the exterior of a building beyond the surface of that portion of the building to which the sign is attached and not parallel to the face of the building.

ROOF SIGN — A sign that is mounted upon the roof of a building or which is wholly dependent upon a building for support and which projects more than six inches above the highest point of a building with a flat roof; an eave line of a building with a gambrel, gable or hip roof; or the deck line of a building with a mansard roof.

SANDWICH BOARD SIGN — A sign composed of two panels set up as a triangle shape, hinged along the top.

SIGN — Any material, structure or device or part thereof composed of lettered or pictorial matter or a logo, which is located out-of-doors or on the exterior of any building or inside a building in view of the general public from a street or public way and displays an advertisement, announcement, notice

or name.

SIGN AREA — The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in such a way as to form an integral background for the display.

SIGN STRUCTURE — The supports, uprights, bracing and framework for the sign.

TRAFFIC CONTROL SIGN — A sign directing and guiding traffic and parking but bearing no advertising matter.

WALL SIGN — A sign which is attached to the outside wall of a building, with the face of the sign in plane parallel to such wall and not extending more than 12 inches from the face of the wall.

WINDOW/DOOR SIGN — A sign visible from a sidewalk, street, off-street parking area or other public place, painted or affixed on glass or other window material or located inside within three feet of window, but not including graphics in connection with customary display of products.

C. Procedure for obtaining a permit.

- (1). Except as otherwise provided in this article, no sign shall be installed, enlarged, redesigned, relocated, placed or modified without first obtaining a permit in accordance with this article.
- (2). Application for a sign permit shall be made in writing by or on behalf of the owner, lessee or occupant of the property on which the sign is to be installed and must be accompanied by a drawing which shows proposed dimensions, text, color, design, location and other such information as may be deemed necessary or appropriate by the Code Enforcement Officer.
- (3). The fee for the issuance of a sign permit shall be set by the Village Board. Any changes to an existing sign shall be by permit application, as prescribed above. These fees may be amended by the Village Board from time to time.
- (4). A sign permit shall become null and void if the construction of the sign for which the permit was issued has not begun within a period of six months of the date of issue of the permit or has not been completed within one year after the date of issue of the permit.

D. General requirements. Except as specifically set forth to the contrary, the following applies to all signs which are installed or modified after the effective date of this section:

- (1). No sign shall be located on a public right-of-way or public property.
- (2). All signs shall be located on the same site as the use they identify or advertise except where a special use permit has been granted for an off-site location.
- (3). No sign shall obstruct the view at the intersection of any street.
- (4). No sign shall be constructed or installed so as to be confused with or mistaken for traffic management signs or signals.
- (5). Any sign that no longer advertises the use of the property or no longer serves the purpose for which it was installed must be removed within 14 days after written notification from the Code Enforcement Officer.

E. Signs authorized without a permit. Except as set forth herein to the contrary, the following types of signs may be installed in the Village without obtaining a permit. Although permits are not required for these signs, the signs shall conform to the applicable height, setback and size requirements detailed in this article:

- (1). Any official sign, public notice sign, or warning sign required by federal, state or local law (example: NYS inspection station or authorized repair shop identification).

- (2). Any sign within a building not visible from the street or adjacent lots.
- (3). Any sign within an enclosed outdoor space, such as athletic field, where the sign is not visible beyond the property lines.
- (4). Banners, pennants, or feather flags only if all of the following conditions are satisfied:
 - (a). No more than one banner per establishment is displayed at one time.
 - (b). It is displayed for no more than 14 days in any ninety-day period.
 - (c). It does not have a total face area in excess of 100 square feet nor a height of more than six (6) feet.
 - (d). It does not extend above the first-floor facade of the building or project beyond property lines.
 - (e). It is not illuminated.
 - (f). It is not placed in such a manner as to impede pedestrian traffic.
- (5). Holiday decorations not displaying a commercial message.
- (6). One construction or home improvement sign per construction project, not exceeding six square feet in area in residential districts or 12 square feet in all other districts, provided that such sign shall be removed five days after the completion of construction. Such signs shall be confined to the property on which the construction is taking place.
- (7). Signs which provide direction and are located entirely on the property to which they pertain, do not advertise an establishment and do not exceed four square feet in area. Directional signs include signs identifying public rest rooms, public telephones, walkways or signs providing direction, such as parking lot entrance and exit signs, and those of a similar nature. Such directional signs shall be allowed within the street right-of-way and side and rear yards. Any sign proposed to be located in the street right-of-way is subject to approval from the municipality having jurisdiction of the roadway.
- (8). Drive-in facilities.
 - (a). Establishments with drive-in facilities may have one sign not exceeding 24 square feet for each drive-in lane. The sign shall be located adjacent to the drive-in lane and shall be easily visible to motorists using the lane. If the drive-in lane or facility is removed or not operating for a period exceeding 30 days, the sign must be removed.
 - (b). Such signs shall only provide information which will assist the motorist in using the facility. Such signs may include but shall not be limited to menus, instructions and other signs of a similar character.
- (9). Flags, emblems or insignia of any nation, political subdivision, business or commercial enterprise. Business or commercial enterprise flags shall be limited to one per lot and shall be included in the calculation of permitted wall signage.
- (10). Gasoline service station price signs. Signs not exceeding three square feet advertising the price of gasoline and indicating self-service or full-service, when attached to a gasoline pump or pump service island.
- (11). Government signs. Signs installed and maintained pursuant to and in discharge of any government function. There are no size restrictions for government signs.
- (12). Home occupation signs. One sign for each legally established home occupation, not to exceed two square feet in area, indicating the name, location or identification of a home occupation. The sign shall be attached to the structure in which the home occupation is housed.

- (13). "No trespassing" and "no dumping" signs not to exceed four square feet in area per sign. Such signs shall be permitted within the street setback and side and rear yards.
- (14). Temporary signs.
 - (a). Political and campaign signs on behalf of candidates for public office or measures on election ballots, in all zoning districts, provided that the signs are subject to the following regulations:
 - [1]. The signs shall not be put up earlier than 45 days prior to an election. All signs shall be removed within 10 days following said election.
 - [2]. The number of signs on any one parcel of land is not restricted, but the total combined size of the signs on any parcel shall not exceed 32 square feet in area, no sign shall exceed five feet in height from the surrounding grade and in Residential Zoning Districts, no individual sign shall exceed 16 square feet in size.
 - [3]. Signs shall not be installed in such a manner as to constitute a roof sign.
 - [4]. No signs shall be located within or over a public right-of-way.
 - [5]. All signs shall comply with the provisions of § 275-43, Establishment and measurement of clear-vision areas.
 - (b). One nonilluminated, one- or two-sided portable sign per parcel not to exceed 16 square feet in size and five feet in height, in the following situations:
 - [1]. New establishments awaiting the installation of a permanent sign, not to exceed a period of 30 days.
 - [2]. An establishment which has lost the use of a permitted existing sign by reason of fire or other catastrophe, not to exceed a period of 30 days.
 - [3]. The portable sign is placed at least 10 feet from all property lines.
 - (c). One real estate sign on any lot or parcel, provided that such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed six square feet in area per side and does not stand more than five feet in height. All such signs shall be removed within seven days after the sale or lease of the property.
 - (d). Signs and notices advertising an open house, garage sale or similar events that are placed no more than five days prior to the event and which must be removed within three days of the conclusion of the event. These signs must be placed on the property where the open house, garage sale or similar event is being held.
 - (e). Signs or notices advertising events or activities of churches or other not-for-profit organizations may be placed no more than 30 days prior to the event and must be removed within three days of the conclusion of the event. Maximum size is 18 inches by 24 inches.
 - (f). Seasonal signs advertising farm stands, u-pick farms, or other seasonal use where signs are not permanently affixed to the ground. These signs shall not be installed for periods exceeding 9 months.
- F. Permitted signs. The Table of Sign Standards, included as an attachment to this chapter, lists the requirements for different types of permitted signs that might be proposed for installation in the Village. The table addresses each type of sign by zoning category, listing whether each sign type is permitted in each zone, the number of signs permitted per site, and the information on sign size,

setbacks, and lighting requirements subject to additional requirement and/or regulations set forth in this article.

G. Prohibited signs. The following types of signs are prohibited:

- (1). Any sign for which a permit is required but not issued, or for which a permit has been revoked.
- (2). Any sign that contains words or pictures of an obscene or pornographic nature.
- (3). Any sign that emits audible sounds or discharges odor or visible matter.
- (4). Any sign that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle.
- (5). Signs that interfere with official traffic lights or traffic control devices.
- (6). Flashing, rotating, revolving signs/lights, except barber poles or holiday decorations; which do not violate Subsection G(3), (4) or (5) above or any other provision of this article.
- (7). Any sign with unshielded lighting devices or reflectors placed to outline or provide the background of a sign.
- (8). Signs with mirrors.
- (9). Permanent banner, pennant, windblown or inflated signs. These may be permitted as a temporary sign to communicate the opening of a new establishment for a total of 30 days.
- (10). Any sign placed on a curb, sidewalk, hydrant, utility pole, tree or other object located on or over any street unless otherwise permitted.
- (11). Any sign, banner or pennant mounted on or extending above the roof of any building or structure.
- (12). Freestanding signs supported by a single post, commonly referred to as "pole signs."

H. Specific provisions by zoning category (see Table of Sign Standards for sign allowances).

- (1). Residential, Multiple Residence, PRD, and PRD-S districts.
 - (a). Signs advertising use for public, quasi-public, nonprofit, church, schools, hospital or other similar uses, shall be located on the same premises as the use being advertised.
 - (b). One nonilluminated sign not exceeding 16 square feet in area and five feet in height shall be permitted at each entrance of an approved subdivision wherein the intended improvements and construction has yet to be completed, for a period of up to three years. If a building permit is not issued within the subdivision for any period of 12 months, or upon completion of the subdivision, such sign must be removed immediately. Such sign may be installed only after approval of the Village Board of the final subdivision plat.
 - (c). Entrance signs or bulletin boards.
 - [1]. One freestanding monument type sign is permitted at each entrance of a residential subdivision or multifamily development.
 - [2]. One freestanding bulletin board type sign is permitted for a community organization, church, governmental entity or the like.
 - [3]. Additional requirements:
 - [a]. Sign must be placed at least 10 feet from any lot line.
 - [b]. Maximum height of the sign is six feet.
 - [c]. Maximum sign area is 20 square feet.

- [d]. Internal lighting is not permitted.
 - [e]. External lighting is permitted.
- (2). All other zoning Districts.
- (a). On buildings having more than one street frontage, the maximum allowable number and square footage of on-site signs, as provided for in the Table of Sign Standards, are permitted for each building frontage. Such maximum allowance, however, is not transferable either in whole or in part from one building frontage to another. "Frontage" refers to that portion of a lot which abuts a municipally owned or leased parking area, a public street or a private street for which the street alignments, widths, and design standards have been approved by the Village.
 - (b). Number of signs.
 - [1]. For buildings with multiple floors, the following number of signs is permitted:
 - [a]. For each street-level establishment, a maximum of one wall sign, and either one awning sign or one projecting sign, shall be permitted for each facade of a structure facing a street. Up to two window signs are allowed only in conjunction with a legally permitted wall, awning or projecting sign. Maximum coverage of window signs is detailed in the Table of Sign Standards.
 - [b]. For each upper floor establishment, a maximum of one window sign, one street-level door sign, and either one awning sign or one projecting sign shall be permitted for each facade of a structure facing a street. Tenant signs are to be located within the facade area of the tenant.
 - [c]. One freestanding sign is allowed per parcel as permitted in the Table of Sign Standards.
 - [2]. For single-story buildings, the following number of signs are permitted:
 - [a]. For each establishment, a maximum of one wall sign, and either one awning sign or one projecting sign shall be permitted on each facade of a structure facing a street in accordance with the Table of Sign Standards. Up to two window signs are allowed only in conjunction with a legally permitted wall, awning or projecting sign. Maximum coverage of window signs is detailed in the Table of Sign Standards.
 - [b]. One freestanding sign is allowed per parcel as permitted in the Table of Sign Standards.
 - (c). Sandwich board signs. All sandwich board signs must meet the following conditions:
 - [1]. Signs cannot be more than three feet in height, three feet in width and cannot exceed six square feet in area per side.
 - [2]. Signs shall not be illuminated.
 - [3]. Signs shall be displayed only during business hours.
 - [4]. Except as otherwise provided, said signs must be located on the parcel on which the establishment is located.
 - [5]. Said signs shall be put up in such a place and in such a fashion as to not impede pedestrian traffic or the maintenance of the right-of-way. The Village shall retain the right to require relocation of any sign if it determines that the sign was not put

up in such a fashion or that a different placement would provide less obstruction to pedestrian traffic.

- [6]. A special use permit and site plan approval from the Zoning Board of Appeals must be granted prior to the issuance of a permit by the Code Enforcement Officer in the following circumstances:
 - [a]. The placement of more than one sandwich board sign on a single parcel.
 - [b]. The placement of a sandwich board sign in the right-of-way.
- (d). Automatic changeable copy signs. All automatic changeable copy signs must meet the following conditions:
 - [1]. Off-site advertising signs prohibited. No automatic changeable copy sign advertising a business, use or service other than that available on the parcel of real estate on which the sign is located shall be permitted.
 - [2]. Maximum brightness. Maximum brightness shall not exceed 5,000 cd/m² in daylight and 280 cd/m² at night (one hour after sunset to one hour before sunrise).
 - [3]. Automatic dimmer. The sign shall be equipped with both a dimmer control and a photocell, which will automatically adjust the display intensity according to natural ambient light conditions and not exceed maximum brightness.
 - [4]. Dwell time. The message/image change interval shall be a minimum of eight seconds.
 - [5]. Static image. The displayed image shall remain static during the eight-second interval.
 - [6]. No moving images. There shall be no visual special effects of any kind during a message or during the transition between successive messages.
 - [7]. Transitions. The sign shall transition from one message to the next, with no perceptible dimming or blanking of the display, and with no visible effects such as fade, dissolve, animation, flashing or moving lights.
 - [8]. Transition time. The time interval used to change from one complete message, image or display to the next complete message, image or display shall be as close to instantaneous as possible and must take a maximum of one second.
 - [9]. No sequenced messages. Sequencing of messages, such as using two or more successive screens to convey a message on a single sign that will not fit on one screen shall not be used.
 - [10]. Default display. The signs shall contain a default mechanism that will freeze the sign in one position, or the off position, if a malfunction occurs.
 - [11]. Not interactive. The signs shall not be interactive and shall not feature or support personalized communications with a driver in real time, nor emit sound, odor, or visible matter, other than light.
 - [12]. Prohibited Districts. Automatic changeable copy signs shall not be permitted within the CB, TMD, and R zoning districts.

I. Construction and design standards.

- (1). Design considerations.
 - (a). Location.

- [1]. All signs must comply with the dimension and setback requirements contained in the Table of Sign Regulations.
 - [2]. No sign shall be put up, relocated, or maintained so as to prevent ingress to or egress from any door, window, or fire escape, or impede pedestrian or vehicular movement.
 - [3]. Any sign that covers or causes the removal of architectural details (such as, but not limited to, arches, sills, moldings, cornices, and transom windows), in such a fashion to potentially detract from the aesthetic or architectural quality of the structure on which it is to be installed, shall require a special use permit from the Zoning Board of Appeals.
 - [4]. Signs projecting over walkways or sidewalks must have a minimum clearance of nine feet between the bottom of the sign and the walkway or sidewalk.
- (b). Sign area.
- [1]. The area of a sign includes all lettering, wording, designs, symbols and background area, but does not include supports, framework, or bracing, if any, utilized for the mounting of the sign.
 - [2]. When a sign consists of individual letters or symbols attached to or painted on a surface, the area will be considered to be the size of the smallest rectangle that would encompass all letters/symbols.
 - [3]. When computing the area of a double-face sign, both sides are considered to be a single sign.
- (2). Signs shall be constructed from weather-resistant and durable signage materials and constructed and presented in a safe manner.
- (3). Internally lit or channel signs must meet the following requirements:
- (a). Individual UL listing.
 - (b). Encasement in a frame (applies only to internally lit signs).
 - (c). Channel letters with an internal light source reflecting off the building face may also be used for "halo" or "silhouette" lighting (applies only to channel signs).
 - (d). Any internal illumination does not project lighting onto adjacent properties or interfere with the public right-of-way.
- (4). Externally lit signs shall not project lighting onto adjacent properties or interfere with the public right-of-way.
- J. Maintenance of signs. All signs and sign supports, framework and bracing shall be properly maintained and shall be kept in good repair at all times. The display surfaces shall be kept neatly painted and cleaned at all times. The Code Enforcement Officer may order the removal of any sign that is not maintained in accordance with the provisions of this article.
- K. Enforcement; penalties for offenses.
- (1). Nonconforming signs shall be brought into compliance with this article upon:
 - (a). Any changes to such sign.
 - (b). Removal of a nonconforming sign for a period in excess of 14 days or 14 days following an order of removal pursuant to Subsection J of this section, whichever is earlier.
 - (c). Destruction or damage to said sign to the extent that the cost of necessary repairs exceed

50% of replacement cost, determined as of the time of the destruction or damage.

- (d). Creation of a hazard or disturbance to the health and welfare of the general public as determined by the Code Enforcement Officer.
- (2). This chapter shall be administered and enforced by the Code Enforcement Officer, or any other person designated by the Hilton Village Board of Trustees.
- (3). Whenever the Code Enforcement Officer determines that a sign is in violation of any provision of this chapter, the Officer shall serve notice of such violation or alleged violation to the owner, occupant, agent or operator of the parcel on which the violating sign is located, such notice to be provided by regular mail to the last known address of the person or entity upon which the same is to be served, as shown by the most recent tax record. Such notice shall be in writing and shall specify the alleged violation and shall provide a reasonable time of not less than 14 days for compliance. Such notice may contain an outline of remedial action that may be taken to effect compliance. The Officer may extend the compliance time specified in any notice issued under the provisions of this article where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent timely compliance.
- (4). Whenever the Code Enforcement Officer has determined that a condition exists which poses an immediate threat to life, health or safety, the officer may, without prior notice, issue a notice citing the violation and order that such action be taken as is necessary to remove or abate the hazard or danger. Such notice may include an order to remove the sign or portions of the sign that create such hazard or danger. Notwithstanding any other provision of this chapter, such an order shall be effective immediately upon personal service and/or posting on the premises and shall be complied with immediately or as otherwise provided. Expenses incurred in the execution of such order shall be recovered as provided herein.
- (5). Whenever notice of a condition exists which poses an immediate threat to life, health or safety, has been served as provided herein and such owner, occupant, agent or operator shall neglect or fail to comply with the requirements of such notice or notices within the time provided therein, the Code Enforcement Officer may authorize the remediation of the violation, the cost of which shall be paid out of general Village funds. The Village shall be reimbursed for the cost of such remediation by assessment and levy upon the lots, parcels of land, or premises wherein such work was performed or such services rendered, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges.
- (6). The Code Enforcement Officer shall have the authority, pursuant to the New York State Criminal Procedure Law, to issue an appearance ticket subscribed by the Officer directing the owner, occupant, agent or operator, or designated representative, to appear in a designated local criminal court at a designated future time in connection with the alleged violation of this chapter or any order made thereunder.
- (7). The failure to comply with any provision of this article shall be deemed a violation, and any person who fails to comply with any provision of this article, or fails to comply with any notice, order or directive of the Code Enforcement Officer after expiration of the time for compliance established in accordance with this chapter shall, upon conviction, be punished by a fine of not more than \$250 or by imprisonment not to exceed 15 days, or both, for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense.

§ 275-42. Fences, walls, hedges and screen plantings.

Fences, walls, hedges and screen plantings are permitted as follows:

- A. In any front yard, provided that they do not exceed three feet in height above the elevation of the surface of the ground at the point of construction and shall be of ornamental stone or open construction (not wire), such as ornamental iron, picket (iron or wood) or rail or hedge.
- B. In any rear or side yard, provided that they do not exceed six feet in height above the surface of the ground at that point.
- C. Fences must be constructed at least three feet from Village sidewalks.
- D. Fences, walls, hedges or screen plantings may be required in multifamily, commercial or industrial districts by the Zoning Board of Appeals as are necessary to protect the residential quality of adjacent property in any residential district. [Amended 11-8-2011 by L.L. No. 6-2011]
- E. No fence shall be constructed of barbed wire or be electrified unless said fence is on a farm, but in any place where a farm abuts a residence or residences, barbed-wire and electrified fences are prohibited.

§ 275-43. Establishment and measurement of clear-vision areas.

Vision clearance areas shall be provided with the following distances establishing the size of the clear-vision area, measured along lot lines:

- A. In any residential district, the minimum distance shall be 25 feet or, at intersections including an alley, 10 feet.
- B. In all other districts, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet. When the angle of intersection between streets other than an alley is less than 30°, the distance shall be 25 feet.
- C. The vision clearance area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding three feet in height measured from the top of the street pavement, except that street trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight feet above the grade.

§ 275-44. Gasoline filling stations and service stations.

- A. On premises used as gasoline-filling stations or for motor vehicle service or supply stations, no portion of any building shall be closer than 60 feet to the front property line or closer than 40 feet to the rear property line, nor closer than 20 feet to the side property line; and the minimum width of approach driveways shall be 50 feet, such driveways to be separated or set off by curbs or masonry not to exceed two feet in height. All signs, structures bearing lights or lighting facilities shall be set back a minimum of 10 feet from the front property line. Lot size for gas stations shall be at least 200 feet wide and 140 feet deep.
- B. No fuel pump, gasoline pump, or island in any gasoline or motor-fuel filling station containing the same shall be constructed closer than 35 feet to any street line.
- C. Before granting a special permit or variance for a gasoline station or motor vehicle service or supply station, the Board to which application for such permit is made shall consider and determine that:
 - (1). The proposed location is consistent with public necessity.
 - (2). The proposed structures are located consistent with the regulations of the district which they are to be located, and that the design and type of proposed structure is in harmony with other

structures in such neighborhood.

- (3). The proposed use will not create a traffic hazard at the proposed location, or a hazard from fire or explosion.
- (4). The applicant has, in writing, agreed to construct and operate such proposed station in strict accordance with the provisions of Subsection D of this section, and will use the premises only for purposes of a gasoline filling station as herein defined.

D. All gasoline or motor vehicle supply stations hereafter erected or maintained pursuant to a special permit or variance issued hereafter shall comply with the following regulations:

- (1). Any pump or other device for distributing or conveying gasoline hereafter installed, or constructed, in violation of this chapter, may be ordered to be removed at the owners expense by the Building Inspector.
- (2). When being sold or dispensed to the public, gasoline shall be pumped only by individuals who are 16 years of age or older. When being pumped by the holder of the permit, or his/her employee, said individual must be competent to aid in an emergency. When being pumped by the consumer, the holder of the permit or an employee who is 16 years of age or older and competent to aid in an emergency must observe the pumping of gasoline by the consumer. **[Amended 6-1-1992 by L.L. No. 3-1992]**

§ 275-45. Reserved.

§ 275-46. Towers.

A. The term "ground tower," as used in this section of the Village Zoning Law, is intended to mean and include any ground mounted, fixed tower, edifice, pole or other structure, whether attached to a building, freestanding/self- supporting or guyed, designed to be used for supporting transmission and/or reception of radio frequency signals, but not limited to broadcast, shortwave, citizens band, television signals, wind speed and/or direction indicators and personal observation.

B. Provisions applicable to all districts.

- (1). No tower shall exceed the height of 50 feet as measured from the ground surface with the following exceptions:
 - (a). Towers constructed of wood may not exceed 20 feet in height.
 - (b). Amateur communications and radio towers may have a maximum height of 50 feet in height, provided that all other provisions of this chapter are met. "Amateur communications," as used in this section of the Village Zoning Law, is intended to mean those antennas used for recreation or noncommercial purpose.
- (2). The tower shall be located on the same site/lot as it services and shall be limited to one per lot.
- (3). Any such tower shall be confined to the rear yard of any lot and shall be anchored at ground level.
- (4). No tower can be constructed, erected or maintained except as an accessory structure to a building or one-family dwelling on the same lot. Guy wires (supporting tower) cannot be fastened to any adjoining property.
- (5). Lots must be of sufficient size to allow for sideline setback requirements and setback from existing structures equal to the height of the tower measured from the base at ground level, plus the height of any device placed on top of the tower. Setback requirements are six feet, with

minimum side yard or rear yard setback being eight feet from any guyed wire.

- (6). All towers shall be suitably protected by screening, fencing and anticlimbing protection.
 - (7). No tower installation shall be permitted except by building permit after being reviewed and approved by the Zoning Board of Appeals. **[Amended 11-8-2011 by L.L. No. 6-2011]**
 - (8). Application for the permit must include construction drawings, showing proposed method of installation, structural engineering analysis, site plan depicting structures and plantings on the property and all adjacent properties, manufacturers specifications, engineering data and stress analysis, and other pertinent information may also be required for the tower, its support, guys and braces as the Zoning Board of Appeals deems necessary to meet safety measures. **[Amended 11-8-2011 by L.L. No. 6-2011]**
 - (9). The Zoning Board of Appeals of the Village of Hilton is empowered to designate the approximate location of the tower to be installed and require protective measures as it deems necessary to reduce or eliminate aesthetic damage and provide safety to the community. **[Amended 11-8-2011 by L.L. No. 6-2011]**
 - (10). The applicant shall present documentation of possession of any required license or licenses by any federal, state or local governing authority or agency.
 - (11). Where the tower is to be installed by a tenant, the consent of the property owner shall be filed.
 - (12). The Zoning Board of the Village of Hilton is authorized to permit variances from the above requirements pursuant to the Article IX of this chapter.
- C. The term "roof tower," as used in this section of the Village Zoning Law, is intended to mean and include any roof mounted fixed tower, edifice, pole or other structure attached to a roof designed to be used for supporting transmission and/or reception of radio frequency signals, but not limited to broadcast, shortwave, citizens band, television signals, wind speed and/or direction indicators and personal observation.
- (1). Provisions applicable to all districts.
 - (a). One (1) roof mounted tower shall be permitted within all zoning districts within the Village of Hilton.
 - (b). All roof-mounted towers require the review and approval on behalf of the Village of Hilton Building Department, prior to forwarding to the ZBA for the issuance of any permits or the installation on behalf of the property owner.
 - (c). Roof towers shall not be constructed of wood and shall be designed in accordance with the Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.
 - (d). Height. Any roof mounted tower cannot exceed more than ten (10) feet in height above the highest point of the roof's ridgeline, and shall exclude features, such as mechanical equipment, chimney/exhaust stacks, etc.
 - (e). The tower shall be located on the same site/lot as it services and shall be limited to one (1) per lot.
 - (f). Application for the permit must include construction drawings, showing proposed method of installation, structural engineering analysis, site plan depicting structures and plantings on the property and all adjacent properties, manufacturers specifications, engineering data and stress analysis, and other pertinent information may also be required for the tower, its support, guys and braces as the Zoning Board of Appeals deems necessary to meet safety measures.

March 24, 2025

§ 275-47. Reserved.

ARTICLE VII

General Exceptions

§ 275-48. Exception to lot size requirements.

If at the time of passage of this chapter, a lot or the aggregate of contiguous lots of land parcels held in a single ownership has an area or dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the district subject to compliance with all other requirements of the district.

§ 275-49. Exception to height requirements.

Except as is specifically directed to the contrary in this chapter, projections such as chimneys, spires, domes, elevator shaft housings which are constructed integrally in a primary structure, and freestanding flag poles are not subject to the building height limitations of this chapter.

§ 275-50. Projections from buildings.

Architectural features, such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues, shall not project more than two feet into a required yard.

ARTICLE VIII
Nonconformities

§ 275-51. Continuation of nonconforming structure.

Subject to the provisions of this article, a structure which fails to conform with the provisions of the zoning laws of the Village of Hilton may be maintained so long as the nonconformity predated the adoption of the applicable zoning law and so long as the structure is maintained in good repair. In the event the structure is replaced, changed or altered, it must then comply with the applicable zoning laws, except if such replacement, change or alteration maintains or reduces the preexisting nonconformity, in which case such structure may be so maintained.

§ 275-52. Discontinuance of nonconforming use.

- A. Subject to the provisions of this article, a use which fails to conform with the provisions of the zoning laws of the Village of Hilton may be maintained so long as the nonconforming use commenced prior to the adoption of the applicable zoning law and continues, uninterrupted, pursuant to Subsection B of this section.
- B. If a nonconforming use in either the Commercial, Transitional Mixed-Use, or Central Business Districts is discontinued for a continuous period of one year or more, said nonconforming use shall not be permitted and any future use shall conform with applicable zoning laws. If a nonconforming use in any other zoning district is discontinued for a continuous period of six months or more, said nonconforming use shall not be permitted and any future use shall conform with applicable zoning laws.

§ 275-53. Change of nonconforming use.

If a nonconforming use is replaced by another use, the new use shall conform to this chapter.

§ 275-54. Destruction of nonconforming structure or use.

If a nonconforming building or structure or a building or structure devoted to a nonconforming use is damaged by fire, flood, explosions, wind, earthquake, war, riot or other act, it may be restored and reconstructed provided that any such repair does not increase the degree of any nonconformance and further provided that such reconstruction shall be started within twelve (12) months of such happenings. This term may be extended by the ZBA for insurance or other delays not caused by the owner.

§ 275-55. Completion of structure.

Nothing contained in this chapter shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this chapter, provided that the building, if nonconforming or intended for a nonconforming use, is completed and in use within one year from the time the building permit is issued.

ARTICLE IX

Variances

§ 275-56. Purpose.¹²

Where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this chapter may result from the strict application of certain provisions thereof, variances may be granted as provided in this article.

§ 275-57. Authorization to grant or deny.

Any permitted variance to this chapter shall be authorized by the Village Zoning Board of Appeals, in accordance with the standards and procedures set forth in this article. In granting a variance, the Zoning Board of Appeals may impose conditions similar to those provided for specially permitted uses § 275-25 to protect the best interests of the surrounding property and the neighborhood or the Village as a whole.

§ 275-58. Application required.

A property owner(s) or his agent(s) may initiate a request for a variance by filing an application with the authorized official. Such application shall be accompanied by a legal description of the property, a map showing the property and all properties within a radius of 200 feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed variance, other drawings or information necessary to show an understanding of the proposed variance and its relationship to surrounding properties and a filing fee, no part of which is returnable.

§ 275-59. Circumstances for granting of variance.¹³

The Zoning Board of Appeals shall have the power to grant variances in accordance with the considerations set forth in Village Law § 7-712.

§ 275-60. Public hearing required.

Before the Zoning Board of Appeals may act on a request for a variance, it shall hold a public hearing. Notice of said hearing shall be given as provided in § 275-68.

§ 275-61. Appeal.

The applicant, or any person with an affected interest, may appeal a decision of the Zoning Board of Appeals to the New York State Supreme Court as is set forth in § 275-66.

§ 275-62. Notification of decision.

The Zoning Board of Appeals shall notify the applicant for a variance, in writing, of the Zoning Board of Appeals' decision within five days after the decision has been rendered.

¹² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE X
Amendments

§ 275-63. Purpose.

This chapter may be amended by changing the boundaries of districts or by changing any other provision thereof, whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure of this article.

§ 275-64. Authorization to initiate amendments.

The Village Board of Trustees may, from time to time, on its own motion or on petition, amend, supplement or repeal the regulations and provisions of this chapter after public notice and hearing, in accordance with the laws of the State of New York.

ARTICLE XI
Administrative Provisions

§ 275-65. Code Enforcement Officer.

- A. This chapter shall be enforced by the authorized official appointed by the Village Board, who shall serve at the pleasure of the Board and shall be identified as the "Code Enforcement Officer." No building permit or certificate of occupancy shall be issued by the Code Enforcement Officer except where all the provisions of this chapter have been complied with, and provided that all other ordinances and local laws of the Village of Hilton and laws of the State of New York have been complied with.
- B. All applications for building permits and certificates of occupancy and other licenses and permits required by this chapter shall be made to the Code Enforcement Officer.
- C. The Code Enforcement Officer shall maintain all records pertaining to the administration of this chapter, including investigating complaints and matters referred to the Code Enforcement Officer by the Village Board and reporting thereon appropriate enforcement action to ensure compliance with this chapter.
- D. The Village Board may appoint a Building Inspector, and they shall serve until removed by the Village Board. They shall report to the Code Enforcement Officer. No building permits or certificates of occupancy will be recommended by the Code Enforcement Officer except where his inspection list indicates compliance with this chapter or other laws or ordinances of the Village of Hilton and laws of the State of New York.
- E. The payment of a building permit at rates established by the Village Board shall cover three inspections. For all inspections over three, an additional charge shall be made as established by the Village Board.
- F. All decisions of the Code Enforcement Officer may be appealed to the Zoning Board of Appeals by the appropriate action.
- G. The charge for a certificate of occupancy and for any conditional certificates of occupancy shall be established by the Village Board from time to time.

§ 275-66. Appeal from ruling of Zoning Board of Appeals.

Any action, decision or ruling of the Zoning Board of Appeals pursuant to this chapter may be appealed to the New York State Supreme Court as set forth in the statutes of New York State.

§ 275-67. Form of petitions and applications.

All petitions and applications provided for in this chapter shall be made on forms prescribed by the Village Board. Forms shall be accompanied by plans and specifications as required by this chapter.¹⁴

§ 275-68. Notice of public hearing.

When the Village Board or Zoning Board of Appeals is required to hold a public hearing, as provided for in this chapter, notice of the hearing shall be given in the following manner:

¹⁴ Editor's Note: Original § 24-1104, Building permits, filing fees and certificates of occupancy, as amended, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. In addition to the requirements of Village Law § 7-706, notice of public hearing held in connection with applications for amending or changing local zoning laws, variance requests or special use permit requests shall be made by first class mail to property owners within 200 feet of the outside boundaries of the property subject to the application, addressed to such owners at the address as appears on the tax rolls of the Village.¹⁵
- B. Notice of a public hearing shall be published once in the official Village newspaper at least 10 days and not more than 20 days prior to the date of the hearing.
- C. Notice of such public hearing shall be posted on the public bulletin board in the Community Center not less than 10 days and not more than 20 days prior to the public hearing. An affidavit of such posting shall be filed with the Village Administrator prior to the hearing.
- D. The Village shall install a sign, facing the street on which the property is located, on the property grounds or affixed to the front wall of the building(s) involved, indicating the nature of the requested relief and the date on which the public hearing will be held. Said sign shall be in position for seven continuous days prior to and including the day of the public hearing by the Village. During time of display, it shall be the responsibility of the applicant to maintain the sign.

§ 275-69. Limitation on new applications.

In a case where a special use permit or a variance is denied by the Zoning Board of Appeals, or denied in either case by the courts on appeal, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for the period of one year from the date of said denial, unless, in the opinion of the Zoning Board of Appeals, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

¹⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE XII

Penalty

§ 275-70. Penalties for offenses.¹⁶

Any person, firm, company or corporation owning, controlling or managing any building, structure or premises wherein or whereon there shall be placed or there exists anything in violation of any of the provisions of this chapter; and any person, firm, company or corporation who shall assist in the commission of any violation of this chapter or any conditions imposed by the Zoning Board of Appeals, or who shall build, contrary to the plans or specifications submitted to the authorized officer and by them certified as complying with this chapter, shall be guilty of a misdemeanor and subject to a fine of not less than \$50 nor more than \$1,000, or to imprisonment for a period of not more than one year, or both such fine and imprisonment; or by a penalty of \$2,500 to be recovered by the Village of Hilton in a civil action. Every such person, firm, company or corporation shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect or refusal shall continue.

§ 275-71. Alternative penalty.

In case of any violation or threatened violation of any of the provisions of this chapter, or conditions imposed by the Zoning Board of Appeals, in addition to other remedies herein provided, the Village Board may institute any appropriate 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 land, or to prevent any illegal act, conduct business or use in or about such premises.

¹⁶ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE XIII

Planning Board and Zoning Board of Appeals

§ 275-72. Planning Board abolished.

The Planning Board of the Village of Hilton is hereby abolished. Except as specifically set forth to the contrary in this Village Code, any responsibilities or authorities formerly vested in the Planning Board shall be vested in the Village Board of Trustees.

§ 275-73. Zoning Board of Appeals.

- A. Pursuant to the provisions of the Village Law, a Zoning Board of Appeals is hereby created. Said Board shall consist of five members, who shall be appointed by the Village Board in such manner and for five-year terms as provided by the Village Law and any amendments thereto, and shall have all the powers and perform all the duties prescribed by statute and by this chapter.
- B. For the purpose of initiating a Zoning Board of Appeals under this chapter, the normal continuance of the Zoning Board of Appeals is established. The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error or misinterpretation in any order, requirement, decision or determination by an administrative official charged with the enforcement of the provisions of this chapter. The Zoning Board of Appeals may reverse, modify, affirm, in whole or in part, any such appealed order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as, in its opinion, ought to be made in strictly applying and interpreting the provisions of this chapter, and for such purposes shall have all the powers of the officer from whom the appeal is taken.
- C. In addition, pursuant to the provisions of the Village Law and Municipal Home Rule Law, the Mayor, subject to the approval of the Village Board of Trustees, may appoint up to two alternate Zoning Board of Appeals members, for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest, illness, absence, or is otherwise unable to serve.
- D. Upon the appointment of each alternate member, each alternate member shall serve an initial term, which shall expire at the end of the official year (to wit: March 31) next following such appointment, at which time such initial term shall expire. Thereafter, such alternate members, or any replacement for such alternate members, shall serve a term of two years, beginning on the first day of April following the expiration of the prior term and expiring on the last day of March two years thereafter. Upon the appointment of a second alternate member, said second alternate member shall serve an initial term to expire one year following the expiration of the then-current term of the first alternate member, and thereafter, such second alternate member, or any replacement for such second alternate member, shall serve a term of two years, beginning on the first day of April following the expiration of the prior term and expiring on the last day of March two years thereafter. It being the intention that, upon the appointment of two alternate members, the terms of the two alternate members shall expire on March 31, at the end of the official year, in alternating years.
- E. If a vacancy shall occur for reasons other than the expiration of a term, such vacancy shall be filled by appointment of the Mayor for the unexpired term, subject to the approval of the Village Board of Trustees. If a term shall expire or if a vacancy shall otherwise occur and an appointment to fill such vacancy has not been made within 30 days thereafter, said position shall cease, subject to future appointment pursuant to this section. If two alternate members have been appointed and if the position of the first alternate

member shall cease as set forth above, the then-serving second alternate member shall be deemed the first alternate member for purposes of determining the term of a subsequently appointed alternate member pursuant to this section.

- F. The Chairperson of the Zoning Board of Appeals shall designate an alternate member to substitute for a member in the consideration of any pending matter when such member is unable to participate as set forth herein, and such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board until such matter is concluded. Alternate members of the Zoning Board of Appeals may attend all meetings of the Zoning Board of Appeals, but they shall have no power to participate in any actions of the Zoning Board of Appeals except as so designated by the chairperson. All provisions of the Village Law relating to Zoning Board of Appeals member training, continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other boards shall also apply to alternate members.