

# VILLAGE OF WATKINS GLEN ZONING LAW

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# VILLAGE OF WATKINS GLEN ZONING LAW

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## PART 1 INTRODUCTORY PROVISIONS

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# ARTICLE 10. ESTABLISHMENT

## §10.1 ENACTING & SUPERSEDING CLAUSE

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Pursuant to the authority conferred by Article 2 of Municipal Home Rule Law and Article 7 of the Village Law of the State of New York, the Village Board of the Village of Watkins Glen hereby adopts and enacts this Local Law. This Local Law shall supersede and repeal all prior zoning laws and zoning ordinances of the Village of Watkins Glen. This Local Law shall take effect immediately upon filing as required by law.

## §10.2 TITLE

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This Zoning Law shall be known as the "Zoning Law of the Village of Watkins Glen." For convenience, it is also referred to as the "zoning law."

## §10.3 PURPOSES

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- A. The purpose of this Zoning Law and zoning districts as outlined on the zoning map are to provide for orderly growth and development, to lessen congestion in streets, to secure safety from fire, flood and other dangers, to provide adequate light and air, to prevent overcrowding, to avoid undue concentration of population, to conserve, enhance and perpetuate special historic sites, places and buildings, to facilitate the adequate provision of transportation, water, waste water, schools, parks and other public requirements, and to promote the health, safety, morals and general welfare of the public.
- B. The Zoning Law has been made with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

## §10.4 APPLICABILITY

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- A. No building shall be erected, constructed, moved, altered, rebuilt or enlarged, nor shall any land, water or building be used, designed or arranged to be used for any purpose except in conformity with this Zoning Law, with the exception of the performance of necessary repairs which do not involve material alteration of structural features, and/or plumbing, electrical or heating/ventilation systems. Such necessary repairs shall include, for example, repairing siding and roofing materials. No building, structure or premises shall be used, and no building or other structure shall be erected which is intended, arranged or designed to be used for any trade, industry, business or purpose of any kind, that is noxious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, fumes, gas, noise or vibration, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community, or tends to its disturbance, inconvenience, discomfort or annoyance.
- B. In interpreting and applying this Zoning Law, the requirements contained herein are declared to be the minimum requirements for the protection and promotion of the public health, safety, morals and general welfare. This Zoning Law shall not be

deemed to affect in any manner whatsoever any easements, covenants or other agreements between parties provided, however, that where this Zoning Law imposes a greater restriction upon the use of buildings or land, or upon the creation, erection, construction, establishment, moving, alterations or enlargement of buildings than are imposed by other ordinances, rules, regulations, licenses, certificates or other authorizations, or by easements, or covenants, or agreements, then the provisions of this Zoning Law shall prevail.

## **§10.5**      **VALIDITY**

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If any clause, sentence, paragraph, section or part of this Zoning Law shall be adjudged by any court to be invalid, or void, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

## **§10.6**      **TRANSITIONAL PROVISIONS**

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- A. Applications Prior to Effective Date.** Accepted applications that were submitted after the adoption date, but prior to the effective date of this Zoning Law, as determined by NYS Secretary of State filing procedures, shall be reviewed wholly under the terms of this Zoning Law.
- B. Permits Granted Prior to Effective Date.**
1. Any building, development or structure for which a building permit was issued before the effective date of this Zoning Law may be completed in conformance with the issued building permit and other applicable permits and conditions.
  2. If building is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the building, development or structure must be constructed, completed and occupied only in strict compliance with the standards of this zoning law.
- C. Continuance of Violations.**
1. Any violation of the previous zoning law will continue to be a violation under this zoning law and be subject to penalties and enforcement under NYS Village Law.
  2. If the use, development, construction or other activity that was a violation under the previous law complies with the express terms of this zoning law, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date of this Zoning Law.
  3. The adoption of this zoning law does not affect nor prevent any pending or future prosecution of, or action to abate violations of the previous law that occurred before the effective date of this Zoning Law.

**§10.7**

**CONFLICT WITH OTHER REGULATIONS**

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- A.** In their interpretation and application, the provisions of this Zoning Law, shall be held to be the minimum requirements adopted for the promotion of the public health, community values, safety or other general welfare. Whenever the requirements of this Zoning Law are at variance with the requirements of any other applicable law, ordinance, regulation or private agreement, the most restrictive, or that imposing the higher standards, shall govern.
- B.** This zoning law is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning law impose a greater restriction than imposed by a private agreement, the provisions of this zoning law will control.
- C.** No provision of this Zoning Law shall be construed to repeal, modify or constitute an alternative to the New York State Uniform Fire Prevention and Building Code (hereafter referred to as the Uniform or Building Code) or its successor, whichever, is the effective code at the time in question. Village residents and other individuals using these zoning regulations should make sure they refer to the Uniform Code in order to determine its' applicability to their specific project.

# ARTICLE 11. ZONING MAP

## § 11.1 OFFICIAL ZONING MAP ESTABLISHED

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- A. The zoning districts of this Law are bounded and defined as shown on a map entitled the "Official Zoning Map of the Village of Watkins Glen," bearing the date of adoption of this Law and as revised from time to time. For convenience the Official Zoning Map of the Village may also be referred to as the "zoning map."
- B. The zoning map is hereby established, adopted, and incorporated into this Law and shall be as much a part hereof as if fully set forth and described herein.

## § 11.2 KEEPING OF THE MAP

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- A. The Village Clerk shall maintain the zoning map and file all amendments thereto with Schuyler County and NYS as required by NYS Village Law.
- B. A copy of the zoning map indicating the latest amendments shall be kept in the offices of the Code Enforcement Officer (CEO) for the use and benefit of the public.

## § 11.3 DISTRICT BOUNDARIES

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- A. Where district boundaries are indicated as approximately following the center lines of streets, highways, waterways or railroad rights-of-way, or such lines extended, such center lines shall be construed to be such boundaries.
- B. Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.
- C. In all cases where a district boundary line is located not farther than 10 feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.
- D. In all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the CEO through the application of a graphic scale or other such instrument of measurement.

# ARTICLE 12. TERMINOLOGY

## § 12.1 MEANING & INTENT

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The language of the zoning law must be read literally. Regulations are no more or less strict than stated. Words defined in this Article shall have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined in this Zoning Law shall have the relevant meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

## § 12.2 TENSES & USAGE

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For the purpose of this Zoning Law, certain terms and tenses used herein shall be interpreted or defined as follows:

- A. Words used in the singular include the plural. The reverse is also true.
- B. Words used in the present tense include the future tense. The reverse is also true.
- C. The words "must," "will," "shall" and "may not" are mandatory.
- D. The word "may" is permissive, and "should" is advisory, not mandatory or required.
- E. The word "occupied" shall include "designed, arranged, or intended to be occupied."
- F. The word "used" shall include the words "arranged," "designed" or "intended to be used."
- G. The word "person" shall mean a person, firm or corporation or the plural of those words.
- H. The word "lot" shall include the word "plot" or "parcel."
- I. The word "buildings" includes the word "structure."
- J. When used with numbers, "up to X," "not more than X" and "a maximum of X" all include X.

## § 12.3 CONJUNCTIONS

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Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- A. "And" indicates that all connected items or provisions apply; and
- B. "Or" indicates that the connected items or provisions may apply singularly or in combination.



## § 12.4 FRACTIONS

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The following rules apply to fractional number unless otherwise expressly stated.

- A. Minimum Requirements.** When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. For example, if a minimum requirement calling for one tree to be provided for every 30 linear feet of frontage is applied to a 50-foot dimension, the resulting fraction of 1.67 is rounded up to two required trees.
- B. Maximum Limits.** When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet is applied to a 12,500 square foot lot, the resulting fraction of 2.5 is rounded down to 2 (allowed dwelling units).

## § 12.5 CURRENT VERSIONS & CITATIONS

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All references to other village, county, state, or federal regulations in the zoning law refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, zoning law requirements for compliance are no longer in effect.

## § 12.6 DEFINITIONS

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The following definitions shall be used in interpreting this Zoning Law:

### Aa

#### **ACCESSORY:**

The term applied to a building, structure, or use (except for accessory dwelling unit) that:

1. Is customarily incidental and subordinate to and serves a principal building or use;
2. Is subordinate in area, extent, or purpose to the principal building or use served;
3. Contributes to the comfort, convenience, or necessity of occupants of the principal building or use; and
4. Is located on the same parcel as the principal building or use.

#### **ACCESSORY DWELLING UNIT:**

A second subordinate dwelling unit that is:

1. Contained with the existing primary single-family dwelling unit;
2. An addition to the existing primary single-family dwelling unit;

3. An adaptive reuse of an existing attached or detached accessory structure such as a barn, carriage house, or garage on the same parcel as the primary dwelling unit; or
4. Designed into new construction of a single-family dwelling unit.

**ADULT ESTABLISHMENT:**

A commercial establishment including but not limited to adult book store, adult eating or drinking establishment, adult theater, adult motel, adult massage establishment, nude model studio or other adult commercial establishment, or any combination thereof, as defined below:

1. An adult bookstore is a bookstore which has as a "substantial portion" (equal to or greater than 25%) of its stock-in-trade and/or floor area as hereinafter defined any one or more of the following:
  - a) Books, magazines, periodicals or other printed matter which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical area"; or,
  - b) Photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
5. An adult eating or drinking establishment is an eating or drinking establishment which regularly features any one or more of the following:
  - a) Live performances which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or "specified sexual activities"; or,
  - b) Films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas", and
  - c) Employees who as part of their employment, regularly expose to patrons "specified anatomical areas", and which is not customarily opened to the general public during such features because it excludes minors by reason of age.
6. An adult theater is a theater which regularly features one or more of the following:
  - a) Films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or,
  - b) Live performances which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or "specified sexual activities", and which is not customarily opened to the general public during such features because it excludes minors by reason of age.

- c) An adult theater shall include commercial establishments where such materials or performances are viewed from individual enclosures.
- 7. An adult massage establishment is any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed massage therapist, or duly licensed physical therapist; or barber shops or beauty parlors in which massages are administered only to the scalp, face, neck and shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.
- 8. A nude model studio is any place where a person who appears in a state of nudity or displays specified anatomical areas is regularly provided to be observed, sketched, drawn, painted sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration, other than as part of a course of instruction offered by an educational institution established pursuant to the Laws of New York State.
- 9. Any other adult commercial establishment is a facility - other than an adult bookstore, adult eating or drinking establishment, adult theater, commercial studio, or business or trade school - which features employees who as part of their employment, regularly expose to patrons "specified anatomical areas" and which is not customarily open to the general public during such features because it excludes minors by reason of age.

**AGRICULTURAL OPERATION OR USE:**

The use of land, buildings, structures, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise or a hobby, and including greenhouse, nursery, timber operations, compost, mulch, or other organic biomass crops, beekeeping, and commercial horse boarding/equine operations as defined in NYS Agriculture and Markets Law Article 25-AA, Section 301.

**AGRI-BUSINESS:**

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

- 1. Wholesale raising, processing, packaging or other handling of non-food plant crops such as annual and/or perennial plant production and may include minor retail sales as accessory use; or
- 2. Any business that has as the primary function support service of active agricultural operations; or
- 3. Any business that provides processing, packaging, or handling of agricultural products to prepare them for transport to a manufacturing facility or retail market. This use does not include; cooking, canning, or other preparation of

food stuffs, nor use as a facility for the slaughter, processing and/or packaging of livestock, meat, and/or meat by-products for off-lot sale.

**ALLEY:**

Narrow supplementary thoroughfare for the public use of vehicles or pedestrians, affording access to abutting property.

**ALTERATION:**

Structural change, rearrangement, change of location, addition to, or deletion from a building, other than repair and modification in building equipment systems (i.e., heating, cooling, electrical, etc.).

**ANIMAL:**

Shall include every living creature except a human being.

1. **Farm Animal:** Means any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals as defined in Section 11-1907 of the environmental conservation law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.
2. **Companion Animal or Pet:** Means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Pet" or "companion animal" shall not include a "farm animal" as defined in this Zoning Law.

**ANIMAL GROOMING SHOP:**

A commercial operation that provides grooming services for companion animals and pets that customarily reside and are cared for within a residential dwelling.

**ANTENNA:**

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

**APPLICANT:**

A property owner or agent of a property owner who has filed an application for a land development activity as defined herein.

**APPROVAL:**

Favorable decision to an application that indicates acceptance and the terms of the application, as written or modified, are satisfactory. Includes both approval and approval with conditions.

**ARCHITECTURAL FEATURE:**

Any portion of the outer surface of a structure, including the kind, color and texture of the building material, the type and style of all windows, doors, lights, awnings, canopies, roof shape and materials, and other fixtures appurtenant to a structure. Also referred to as, "architectural detail."

**AWNING:**

A roof-like protective cover of canvas or other flexible material over a door, entrance, window or outdoor service area that projects from the facade of a structure.

**ARTISAN MANUFACTURING:**

A building used by artists and artisans as a studio or production space of handmade goods. The space may also be used for the sale and display of these goods.

**ASSISTED LIVING:**

A multiunit residence building (or buildings) designed for and restricted to the housing of persons, each of whom is at least 55 years of age, and in which personal and health-related services (such as congregate meals, housekeeping, homemaking, transportation, social activities, personal care and supervision) are provided to residents. An assisted-living facility must be licensed by the NYS Department of Health as an "adult home" or as a provider of "enriched housing" services or dementia care.

**Bb**

**BAR OR TAVERN:**

An establishment where beverages, beer, wine, and/or liquor are sold to the public for consumption on the premises. Such a use shall include a minimum food preparation area and menu that satisfies the NYS Liquor Authority's minimum food requirement, where applicable.

**BED AND BREAKFAST:**

An owner-occupied single-family dwelling and/or associated accessory structure(s) in which no more than five rooms are rented on a nightly basis for periods of less than thirty days, for a maximum of ten guests. Meals may or may not be provided.

**BLOCK:**

The length of a street between two intersections or between an intersection and its termination.

**BREWERY:**

An enclosed building for the manufacture, processing, bottling, and packaging of malt liquors, such as beer, ale, or ciders, but not to include distilled liquors, and duly licensed by the NYS Liquor Authority. For the purposes of this Zoning Law, this shall include operations which include tasting rooms.

**BUFFER:**

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

**BUILDING:**

A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property.

**BUILDING FOOTPRINT:**

The area measured from the exterior of the foundation walls, exclusive of attached garages, porches, terraces, breezeways and cellars.

**BUILDING HEIGHT:**

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

**BUILDING LINE, FRONT:**

A line parallel to the front lot line, drawn through that point or projection of a building face which is closest to the front lot line; provided, however, that where side lot lines are not perpendicular to the front lot line, then the front building line shall be the shortest line drawn through that point or projection of a building face which is closest to the front lot line and perpendicular to either side lot line. The building face shall include any portion of the building or structure, enclosed or unenclosed, except steps.

**BUILDING LINE, REAR**

A line parallel to the rear lot line, drawn through that point or projection of a building face which is closest to the rear lot line; provided, however, that where side lot lines are not perpendicular to the rear lot line, then the rear building line shall be the shortest line drawn through that point or projection of a building face which is closest to the rear lot line and perpendicular to either side lot line. The building face shall include any portion of the building or structure that is enclosed. On a through lot, the rear building line shall be determined on the opposite side of the principal building from the street where the property is addressed.

**BUILDING LINE, SIDE:**

A line along the edge of a building face which is closes to the side lot line that extends to the front lot line and rear lot line and is generally parallel to the side lot line.

**BUILDING PERMIT:**

A permit issued by the Code Enforcement Official, stating that plans for the proposed construction of a building are in conformance with the New York State Uniform Fire Prevention and Building Code (or its successor, whichever is the effective code at the time in question) and this Zoning Law, as applicable.

**BULK:**

The size and scale of buildings and non-building uses and the physical relationship of their size and scale in relation to the lot on which they are located. Bulk requirements include, but are not limited to, building height, building footprint, and lot coverage.

**Cc**

**CANNABIS DISPENSARY / RETAIL SHOP:**

Any establishment that sells at retail any cannabis product, to cannabis consumers. A retail dispensary license authorizes the acquisition, possession, sale, and delivery of cannabis from the licensed premises of the retail dispensary by such licensee to cannabis consumers.

**CAR WASH:**

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

**CERTIFICATE OF COMPLIANCE:**

A certificate issued by the zoning officer upon completion of construction, alteration or change in occupancy or use of a building or land. Said certificate shall acknowledge compliance with all the requirements of this Zoning Law only and such adjustment thereto granted by the Board of Appeals and/or the Planning Board.

**CERTIFICATE OF OCCUPANCY:**

A certificate issued by the Code Enforcement Official upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of the New York State Uniform Fire Prevention and Building Code.

**CHARACTER:**

The atmosphere or physical environment that is created by the combination of land use and buildings within an area. "Character" is established and influenced by land use types and intensity, traffic generation and also by the location, size and design of structures as well as the interrelationship of all these features.

**CODE ENFORCEMENT OFFICER:**

The Code Enforcement Officer of the Village of Watkins Glen, New York, as designated by this Zoning Law.

**COMMERCIAL USE:**

An occupation, employment, enterprise or establishment that is conducted for profit by the owner, lessee or licensee. This shall include but not be limited to retail, wholesale, business, administrative and other activities.

**COMMUNITY CENTER:**

Any meeting hall, place of assembly, museum, art gallery or library, not operated primarily for profit.

**COMMUNITY OR SERVICE CLUB:**

The premises and buildings used by a local, international, national or state organization or by a bona fide local civic association catering exclusively to members and their guests primarily for a patriotic, fraternal, benevolent, social, educational, religious or political purpose. The club shall not be used in whole or in part for the conduct of any business or enterprise for profit, but this shall not be construed as preventing the utilization of a club for benefits or performances for a recognized charity, nor for the meeting of other organizations or for educational and cultural purposes.

**COMPATIBLE:**

1. Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more attributes of a structure;
2. Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more structures;
3. Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more attributes of a neighborhood; and/or
4. Having a pleasing or congruent arrangement of elements in the use or function between two or more attributes of a neighborhood or area.

**CONDOMINIUM:**

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

**CORNICE:**

Any horizontal decorative molding that crowns a building, such as the top edge of a façade or over an external door or window.

**COVERAGE:**

That percentage of the lot area covered by the combined area of all buildings or structures on the lot.

**CREMATORIUM:**

An enclosed or semi-enclosed facility wherein human remains are cremated in a cremation retort.

**Dd**

**DAY CARE CENTER:**

Daytime care or instruction of three or more children or adults away from their own homes for more than three but less than 24 hours per day, by an individual, association, corporation, institution or agency, whether or not for compensation or reward. Such centers shall be duly licensed by NYS Law.

**DEVELOPER:**

A person who undertakes land development activities.

**DEVELOPMENT:**

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, utilities, mining, dredging, filling, grading, paving, excavation, or drilling operations, which would lead to increased flood damage, excluding normal maintenance to farm roads.

**DISPOSAL:**

The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste, radioactive, hazardous waste, or wastewater into or on any land or water so that such solid waste, radioactive material, hazardous waste, or wastewater will remain on the land or water and will not be removed.

**DISTILLERY:**

An enclosed building for the manufacture, processing, bottling, and packaging of distilled liquors, such as vodka, gin, whiskey, or tequila, duly licensed by the NYS Liquor Authority. For the purposes of this Zoning Law, that shall include operations that may include tasting rooms.

**DRIVE-THROUGH FACILITY:**

A window or other such structure wherein the sale of goods or delivery of services is provided directly to patrons while seated in motor vehicles located on the premises.



**DWELLING:**

A detached building designed or used exclusively as living quarters for one (1) or more families; the term shall not be deemed to include motel, boarding or rooming house, mobile home, recreation vehicle, tourist home or tent.

1. **Single-Family:** A building containing one dwelling unit and designed or used exclusively for occupancy by one family.
2. **Two-Family:** A building containing two dwelling units and designed or used exclusively for occupancy for two families living independently of each other; or two single-family dwellings having a party wall in common.
3. **Multi-Family:** A building or portion thereof containing three or more dwelling units and designed or used for occupancy by three or more families living independently of each other.

**DWELLING UNIT:**

One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes.

**DWELLING UNIT, UPPER FLOOR:**

A dwelling unit located within a mixed-use, multi-story building on any floor other than the ground floor.

**Ee**

**EASEMENT:**

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

**ENCLOSED:**

When relating to a structure, a combination of any materials, whether portable or fixed, having all sides thereof and a roof thereof completely enclosed, with the exception of doors and windows.

**Ff**

**FAÇADE:**

The face of a building.

**FAÇADE, PRIMARY OR FRONT:**

The principal face of a building that looks onto a street, right-of-way, or open space. Buildings on corner lots shall be considered to have two primary or front facades.

**FAMILY:**

One or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests.

**FINISHED GRADE:**

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

**FLOOR AREA OF A BUILDING:**

The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding basement or cellar floor areas and not devoted to habitable use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**FRONTAGE:**

The extent of a building or a lot along one public street as defined herein.

**FUNERAL HOME:**

A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial, the performance of autopsies and other surgical procedures, the storage of caskets, funeral urns and other related funeral supplies, and the storage of funeral vehicles. Cremation services are explicitly prohibited as a part of this use.

**Gg**

**GARAGE:**

An accessory building or portion of a main building used for the storage of self-propelled vehicles used by the occupants of the premises, including space for not more than one passenger vehicle used by others.

**GASOLINE SERVICE STATION:**

Any building or land or any part thereof used for sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing vehicles, but not including painting or body repairs.

**GYM OR FITNESS CLUB:**

An establishment providing indoor recreation or instruction to patrons for health, exercise, or educational purposes.

**Hh**

**HAZARDOUS MATERIAL SUBSTANCE:**

Any substance listed as a hazardous substance in a 6 NYCRR Part 597, List of Hazardous Substances, or a mixture thereof.

**HOME OCCUPATION:**

An accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that only include uses that are clearly incidental and secondary to the principal residential use and is otherwise compliant with the applicable regulations of this Zoning Law. Single sales events such as garage sales, yard sales, and other similar sales are not considered a home occupation for the purposes of this Zoning Law.

**HOSPICE:**

A residence building (or buildings) in which housing and supportive programming for terminally ill persons and their families is provided in accordance with the NYS Department of Health.

**HOSPITAL:**

Hospital, sanitarium, clinic, rest home, nursing home, convalescent home, home for aged, and any place for diagnosis and treatment of human ailments, except a doctor's office.

**HOSPITAL, ANIMAL:**

An establishment for the medical and/or surgical care of sick or injured animals.

**HOTEL OR MOTEL:**

A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room may be provided within the building or in an accessory building.

**li**

**IMPERVIOUS SURFACE:**

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.). The total of such area shall be utilized in the calculation of lot coverage.

**INDUSTRIAL:**

Activity including resource extraction, manufacturing, warehousing, storage, distribution, shipping and other related uses.

**Jj**

**Kk**

**KENNEL:**

A commercial operation designed for the keeping of three or more dogs or cats over six months old, may also include the harboring of other companion animals or pets.

**LI**

**LANDSCAPING:**

The use of natural plant materials including, but not limited to, ground covers, shrubs, and trees. Landscaping also involves the placement, preservation and maintenance of said plant materials in conjunction with associated improvements such as fences, walls, lighting, earth mounding and structures (principal or accessory).

**LANDSCAPED AREA:**

The area required or permitted under this Zoning Law to be devoted to landscaping and environmental improvement, which may include existing and new vegetation, planting beds and berms.

**LIGHT INDUSTRIAL:**

The processing, fabrication, assembly or packaging of previously prepared or refined materials.

**LOADING AREA:**

An off-street area containing one or more spaces for the purposes of temporarily parking trucks or delivery vehicles, with passageways and driveways appurtenant thereto, as required by this Zoning Law.

**LOADING SPACE:**

An off-street space used for the temporary location of one truck or delivery vehicle, not including access driveway(s).

**LOCAL LANDMARK**

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

**LOT:**

A parcel of land occupied or capable of being occupied by one building or a group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required by this Zoning Law, but not including any portion between the center line of a street and the street line.

**LOT, CORNER:**

A lot at the junction of and fronting on two or more intersecting streets.

**LOT LINES:**

The property line bounding the lot. Where any property line parallels a street and is not coincident with the street line, the street line shall be construed as the property line for the purpose of complying with the area and setback regulations of this Zoning Law.

1. **Front.** The street right-of-way line at the front of the lot. On a corner lot there shall be two front lot lines.
2. **Rear.** The lot line opposite to the front lot line.
3. **Side.** Any lot line not a rear lot line nor a front lot line shall be deemed a side lot line.

**LOT SIZE:**

The total horizontal area included within lot lines.

**LOT WIDTH:**

The dimension measured from side lot line to side lot line along a line parallel to the street line at the required minimum front yard depth.

## **Mm**

### **MARINA:**

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

### **MINI-STORAGE FACILITY:**

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

### **MIXED USE:**

A building, structure, or lot occupied by two or more uses of varying land use classifications, such as residential and commercial. Mixed use buildings, structures, or lots shall be considered nonresidential for the purposes of this Zoning Law.

### **MOBILE HOME:**

A structure, whether occupied or not, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. For the purpose of this Zoning Law, an unoccupied mobile home shall be considered the same as an occupied unit.

### **MOBILE HOME PARK:**

A parcel which has been improved for the rental or lease of two (2) or more lots and the provision of services for mobile homes for nontransient residential use.

### **MOTOR VEHICLE:**

Every vehicle operated or driven which is propelled by power other than muscular power, except:

1. Electrically driven mobility devices operated or driven by a person with a disability.
2. Vehicles which run on rails or tracks.
3. Snowmobiles.
4. All-terrain vehicles.

### **MUNICIPAL STRUCTURE OR USE:**

A building, structure, lot, or other property occupied by a municipal authority, such as a local governmental agency.

## **Nn**

### **NONCONFORMING:**

Any lawful use of land, premises, or buildings or building or structures which do not conform to the regulations of this Zoning Law for the district in which such use or building

is located, either at the effective date of this Zoning Law or as a result of subsequent amendments thereto.

**NONRESIDENTIAL USE OR STRUCTURE:**

A building, lot, or structure containing no dwelling units and designated or intended for commercial, public, institutional, or other such use. Multi-family dwellings and mixed use buildings or structures shall be considered nonresidential uses for the purposes of this Zoning Law.

**NOTICE OF COMPLIANCE:**

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

**NURSING HOME:**

An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.



**OFFICE, ADMINISTRATIVE OR PROFESSIONAL:**

The use of a building or structure for the operation of day-to-day activities that are related to record keeping, billing, personnel, and logistics, within an organization. This shall also include the workplace of any person who earns their living from a specified professional activity, such as an accountant, engineer, architect, or financial planner. This shall not include medical professionals.

**OFFICE OR CLINIC, MEDICAL:**

A facility for the diagnosis and/or treatment of outpatients by medical professionals. This may include a group practice in which several physicians or medical professionals work cooperatively. Medical professionals include, but are not limited to, dermatologists, doctors, dentists, or psychiatrists.

**OPEN SPACE:**

An area that is intended to provide light and air and is designated for either environmental, scenic or recreational purposes. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel, as well as detention or retention ponds. In no event shall any area of a developable lot nor any part of an existing or future road or right-of-way be counted as constituting open space.

**OUTDOOR FUEL BURNING DEVICE:**

A solid fuel burning device designed and intended for installation outside of the primary building on a lot, and used to produce heat for transfer to the primary or accessory building(s) on such lot.

**OUTDOOR ASSEMBLY OR SEATING AREA:**

The use of an adjacent, outside area by a commercial establishment, such as a restaurant or tavern, in which the same activities which occur within the establishment may be enjoyed by patrons.

**OUTDOOR SALES OR DISPLAY:**

The placement of goods in an area outside the principal structure for advertising, display, or sale purposes as an ancillary and temporary use to a permanent commercial use located inside an adjacent building.

**OUTDOOR STORAGE:**

The placement of goods in an area outside the principal structure for storage purposes as an ancillary and temporary use to a permanent nonresidential use located inside an adjacent building.

**OWNER:**

An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**OWNER OCCUPIED:**

Refers to when a person or persons that hold title to a property are physically present and living within dwelling units on said property for at least six months out of the calendar year. Properties owned by corporations and the like, time sharing interval dwelling units, or where all units are made available for rent do not qualify as owner occupied.

**Pp**

**PARCEL:**

See lot.

**PARKING AREA OR LOT:**

An off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto, as required by this Zoning Law.

**PARKING SPACE:**

An off-street space used for the temporary location of one licensed motor vehicle, not including access driveway(s).

**PEDESTRIAN-ORIENTED:**

Refers to a pedestrian-friendly design policy providing clear, comfortable pedestrian access to residential and nonresidential areas as well as providing for the construction of buildings, sites, and amenities to be human-scaled, purposefully engaging and accommodating pedestrians.

**PERSON:**

Any person, firm, partnership, corporation, association or legal representative, acting individually or jointly.

**PERSONAL SERVICE SHOP OR SPA:**

Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

**PHASING:**

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

**PLACE OF WORSHIP:**

A structure, building, or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

**PLANNING BOARD:**

The Planning Board of the Village of Watkins Glen, New York, as established by this Zoning Law.

**PUBLIC RIGHT-OF-WAY:**

Existing land owned by the Village of Watkins Glen, New York, or other government entity, for use as a street or other public purpose.

**Rr**

**RECREATION OR ENTERTAINMENT FACILITY, INDOOR:**

An establishment providing for recreational or entertainment activities in a completely enclosed structure. Accessory uses may be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed recreational uses. Included in this definition shall be indoor arcades, movies, pools, courts, or other facilities where patrons are engaged in and/or spectating sport or game activities.

**RECREATION OR ENTERTAINMENT FACILITY, OUTDOOR:**

An establishment providing for recreational or entertainment activities in an open or partially enclosed structure. Accessory uses may be permitted to include the preparation and serving of food and/or the sale of equipment related to the recreational uses. Included in this definition shall be outdoor pools, fields, courts, or other such facilities where patrons are engaged in and/or spectating sport or game activities.

**RECREATIONAL VEHICLE:**

A unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own power or is mounted on or drawn by a motor vehicle. The basic entities are:

1. **Travel Trailer:** A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motor vehicle.
2. **Camp Trailer:** A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by a motor vehicle.
3. **Truck Camper:** A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two basic types:



4. **Slide-in camper:** A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.
5. **Chassis-mount camper:** A portable unit designed to be affixed to a truck chassis.
6. **Motor Home:** A vehicular unit built on a self-propelled motor vehicle chassis.

**RESIDENTIAL DEVELOPMENT:**

Means a newly constructed or redeveloped project containing at least 15 residential units, including single-family dwellings, mobile homes, manufactured homes, two-family dwellings, or multi-family dwellings; or a subdivision of land for the purpose of constructing 15 or more residential dwelling units.

**RESIDENTIAL USE OR STRUCTURE:**

A building, lot, structure, or structure(s) containing a dwelling unit or grouping of dwelling units designated or intended for the housing of individuals and families, not including any commercial, industrial, public, or institutional use. Multi-family dwellings and the inclusion of dwelling units in a mixed use building or structure shall be considered a nonresidential use for the purposes of this Zoning Law.

**REPAIR OR SERVICE OF PERSONAL ITEMS:**

An establishment where personal goods, apparel, electronics, or other household items are restored to a sound or functioning state.

**RETAIL STORE:**

An establishment selling commodities or goods directly to the public, but not including such services as business and professional offices, meeting rooms for social clubs and personal service establishments. The term "retail store" shall also not include an establishment where alcoholic beverages are sold to the public for consumption on the premises in connection with the operation of a restaurant, tavern, or brewpub.

**RESTAURANT:**

A building or portion thereof where food and beverages, whether or not alcoholic, are sold to the public for consumption on the premises. A building or portion thereof where food and beverages, whether or not alcoholic, are sold to the public for consumption on the premises, shall not be deemed a restaurant if the sale of such food and beverages is merely incidental to the main business being conducted at such building. A restaurant may be either a full-service restaurant or a quick-service restaurant.

**RETAIL STORE/SERVICE:**

An establishment selling commodities or goods directly to the public, but not including such services as business and professional offices, meeting rooms for social clubs and personal service establishments. The term "retail store" shall also not include an establishment where alcoholic beverages are sold to the public for consumption on the premises in connection with the operation of a restaurant, tavern, or brewpub. Retail store/service shall not be interpreted to include the following: drive-up service, freestanding retail stand, gasoline station, gasoline station-market, motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

**REVIEW BODY OR REVIEWING BODY**

The Village board, commission, committee, official, or other designated decision-making body that is charged with review and/or approval authority as authorized under

this Zoning Law and by NYS Law. This may include, but is not limited to the CEO, Village Board of Trustees, Planning Board, and Zoning Board of Appeals.

**RIGHT OF WAY**

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

**Ss**

**SCHOOL, PUBLIC OR PRIVATE:**

Parochial, private and public school, college, university and accessory uses operated in compliance with the Education Law of the State of New York and recognized by the appropriate educational authorities; and shall exclude commercially operated schools of beauty, culture, business, dancing, driving, music and similar establishment.

**SCREENING:**

The method by which a view of one site from another adjacent site is shielded, concealed or hidden. "Screening" techniques include fences, walls, hedges, berms or other features.

**SETBACK:**

The horizontal distance between a lot line and the nearest part of any building or structure on the lot.

**SEQR(A):**

Referring to environmental review as required by the New York State Environmental Quality Review Act.

**STORAGE FACILITY OR WAREHOUSE:**

A building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses and residential users. A warehouse operated for a specific commercial or industrial establishment shall not be considered a self-storage facility.

**SITE PLAN:**

A rendering, drawing or sketch prepared to specifications containing necessary elements, as set forth in this Zoning Law, which shows the arrangement, lay-out and design of the proposed use of a single parcel of land as shown on such plan. Plats showing lot, blocks or sites which are subject to review under Section 7-728 of NYS Village Law and/or any local laws of the Village of Watkins Glen regulating the division of property shall not be subject to review as site plans under this Zoning Law unless a zoning application is submitted.

**SOLAR ENERGY SYSTEM:**

Includes:

1. A design using natural and architectural features to cool or heat a structure; or
2. A mechanical assembly that may include a solar collector, storage facility, and any other components needed to cool or heat a structure.

**SPECIAL USE PERMIT:**

An authorization of a particular land use which is permitted in this Zoning Law subject to requirements imposed by such permitted use to assure that the proposed use is in harmony with this Zoning Law and will not adversely affect the neighborhood if such requirements are met.

**STEEP SLOPE:**

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

**STORMWATER:**

Rainwater, surface runoff, snowmelt and drainage.

**STORMWATER MANAGEMENT:**

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

**STORY:**

That portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement, if the ceiling is more than five feet above the average adjoining ground level or if it is used for business or dwelling purposes. A half story is a story under a sloping roof having a ceiling height of seven feet or more for not more than one-half the floor area of the uppermost full story in the building.

**STREET:**

Public way for vehicular traffic which affords principal means of access to abutting properties.

**STREET LINE:**

Right-of-way line of a street as dedicated by a deed of record. If no such deed exists, then by any other record establishing such right-of-way line of a street.

**STRUCTURE:**

A combination of materials to form a construction for use, occupancy or ornamentation, including, but not limited to, buildings, solar collector, mobile homes, towers, wind energy conversion systems (WECS), antennas, satellite dishes, or gas or liquid storage tanks, that are principally above ground.

**STUDIO (DANCE, ART, MUSIC, OR PHOTO):**

A workroom or collection of rooms intended to be used by the public for the purpose of teaching, practicing, crafting, or creating various art forms, including dancing, painting, drawing, pottery, photography, woodworking, filmmaking, or other such activities.

**SWIMMING POOL:**

A structure intended for bathing, swimming or diving purposes, made of concrete, masonry, metal or other impervious materials, provided with a recirculating and/or controlled water supply of more than 100 gallons and with a depth of greater than two (2) feet.

## **Tt**

### **TATOO PARLOR:**

An establishment providing body piercings and/or tattoos as licensed by NYS Public Health Law.

### **TELECOMMUNICATIONS:**

The transmission and reception of audio, video, data and other information by wire, radio, light and other electronic or electromagnetic systems.

### **TELECOMMUNICATIONS EQUIPMENT:**

Includes telecommunication towers, accessory facilities or structures and/or antennas and any buildings and/or equipment used in connection with the provision of cellular telephone service, personal communication services (PCS's), paging services, radio and television services and similar broadcast services.

### **TELECOMMUNICATIONS TOWER:**

Any structure, including but not limited to a pole, or other such structure, whether attached to a building, guyed or freestanding, designed and/or used for the support of any device for the transmission and/or reception of radio frequency signals, including but not limited to broadcast, shortwave, citizen's band, FM or television or microwave and/or for the support of any wind-driven device, whether used for energy conservation or not.

### **TEMPORARY STORAGE UNIT:**

Any container, storage unit, box-like container or portable structure which resembles and functions in the same way as a traditional shipping container is a temporary portable storage unit and not a structure, even when affixed to a permanent foundation. A commercial grade dumpster shall also be considered a temporary storage unit for the purposes of this Zoning Law. Large bags used for bulk removal of waste are excluded from this definition.

### **TEMPORARY USE:**

An activity conducted for a specified limited period of time which may not otherwise be permitted by the provisions of this Zoning Law. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

### **TRAILER:**

Any vehicle which may be towed and used for carrying or storing goods, equipment, machinery, construction materials, snowmobiles, boats, all-terrain vehicles (ATV), motor vehicles or as a site office.

## **Uu**

### **USE:**

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

**USE, PRINCIPAL OR PRIMARY:**

The dominant purpose, by area, scale, and/or intensity of use, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**USE, PERMITTED:**

Any use of a building, structure, lot or part thereof which this Zoning Law provides for in a particular district as a matter of right.

**USE, PROHIBITED:**

A use of a building, structure, lot or part thereof which is not listed as a permitted, specially permitted, or accessory use.

**USE, SPECIALLY PERMITTED:**

A particular land use which is permitted within a given zoning district, subject to conditions imposed to assure that the proposed use is in harmony with the requirements of this Zoning Law and will not adversely affect the neighborhood or vicinity if such conditions are met.

**UTILITY, PUBLIC:**

Any person, firm, corporation or governmental subdivision, duly authorized to furnish to the public, under public regulation, electricity, gas, water, sanitary sewers, storm sewers, steam, telephone, telegraph or cable television.

**Vv**

**VARIANCE, AREA:**

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

**VARIANCE, USE:**

The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of this Zoning Law.

**VEHICLE SERVICE OR REPAIR SHOP:**

A commercial establishment offering vehicle repair or maintenance services, such as adjustments, painting, replacement of parts, or other parts thereof.

**VEHICLE SALES:**

A commercial establishment offering new or used vehicles for sale, rental, or lease, including personal vehicles, commercial vehicles, or other registered automobiles.

**VETERINARY HOSPITAL:**

A facility for the provision of medical care including treatment of illnesses and/or injury of domestic household pets. Boarding of animals is limited to short-term care incidental to their treatment.

**VILLAGE BOARD:**

The Board of Trustees of the Village of Watkins Glen, New York.

**VILLAGE LAW:**

The duly adopted laws and regulations of the Village of Watkins Glen, New York.

**Ww**

**WINERY:**

An enclosed building for the manufacture, processing, bottling, and packaging of wine as defined by and duly licensed by the NYS Liquor Authority. For the purposes of this Zoning Law, this shall include operations which include tasting rooms.

**Yy**

**YARD:**

An unoccupied space on a lot that remains open to the sky.

**YARD, FRONT:**

That area of a lot extending across the entire front of a lot bounded by the street line and the front building line and between the two side lot lines.

**YARD, REAR:**

That area of a lot extending across the entire rear of a lot bounded by the rear lot line and the rear building line and between the two side lot lines.

**YARD, SIDE:**

The area between a side building line and its related side lot line and between the front yard and the rear yard.

**Zz**

**ZONING BOARD OF APPEALS:**

The Zoning Board of Appeals of the Village of Watkins Glen, New York, as established by this Zoning Law.

# VILLAGE OF WATKINS GLEN ZONING LAW

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## PART 2 DISTRICT & USE REGULATIONS

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# ARTICLE 20. RESIDENTIAL DISTRICTS

## § 20.1 DISTRICTS ESTABLISHED

The residential districts of the Village of Watkins Glen are listed in the following table. When this Zoning Law refers to residential or “R” zoning districts it is referring to one of the following:

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
<i>Low Density Residential</i>	LDR
<i>Mixed Density Residential</i>	MDR

## § 20.2 PURPOSE STATEMENTS

- A. **Low Density Residential (LDR).** The purpose of the LDR District is to preserve and enhance the Village's lowest density neighborhoods. LDR District areas generally consist of single-family detached homes; including larger historic estates and homes developed post-WWII, which are more suburban in character. Located generally along the westernmost edge of the Village, the LDR District typically contains larger lot sizes, and serves as a comfortable transition from the higher density neighborhoods nearer to the Village center to the more rural character found in the Towns of Dix and Reading. Future investment in the LDR District should continue to contribute to the Village's high-quality neighborhood environments and further establish well-connected, walkable streetscapes lined with sidewalks, street lights, and street trees.
- B. **Mixed Density Residential (MDR).** The purpose of the MDR District is to protect and enhance the neighborhoods of the Village of Watkins Glen that are established with a higher density than that of the LDR District. The uses and scale of development permitted within the MDR District is intended to implement the goal of an increased variety of housing stock within Watkins Glen as outlined in the Village's Comprehensive Plan. The mixed density neighborhoods of the Village have developed organically over time to include single-, two-, and multi-family dwellings, generally under 4 units. These neighborhoods predominately consist of lots under 10,000 square feet in area. The traditional settlement pattern is further identified by unobstructed front yards, separate garage structures located to the rear of the lot, and pedestrian-scaled streetscapes lined with sidewalks, street lights, and street trees. Investment in the MDR District should continue to preserve the Village's traditional neighborhood character, defined by a mix of differing, but compatible housing densities and pedestrian-scaled streetscapes.

## § 20.3 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished within a residential district without obtaining the following approvals, as applicable:

- A. **Site Plan Review.** Site plan review shall be required as provided for in Article 41 of this Zoning Law. This shall include, but is not limited to, new construction, alteration, or demolition of structures.



- B. Special Use Permit.** A special use permit shall be required as indicated in this Article and as provided for by Article 42 of this Zoning Law.
- C. Local Waterfront Consistency Review.** All actions considered in the LWO District shall also be subject to Local Waterfront Consistency review as required by of the Village of Watkins Glen Local Waterfront Revitalization Program Local Law #3 of 2017.
- D. Flood Damage Prevention Local Law Review.** A floodplain development permit is required for all construction and other development to be undertaken in areas of special flood hazard, as provided for by the Watkins Glen Flood Damage Prevention Local Law #2 of 1987.

**§ 20.4 USE LISTS**

Uses are allowed in residential districts in accordance with the following table.

- A.** Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this Zoning Law.
- B.** Uses identified with an "SP" may be allowed if reviewed and approved in accordance with Article 42 (Special Use Permits) of this Zoning Law.
- C.** Uses not listed and those identified with a "-" are expressly prohibited.

LAND USE	LDR	MDR	ADDITIONAL REGULATIONS
<b>RESIDENTIAL</b>			
Single- or Two-Family Dwelling	P	P	
Multi-Family Dwelling, Up to 4 Units, By Conversion	SP	SP	§23.13
Multi-Family Dwelling, Up to 4 Units, New Construction	SP	P	§23.13
Multi-Family Dwelling, Over 4 Units, New Construction	SP	P	§23.13
Bed & Breakfast	SP	SP	§23.8
Hospice, Nursing Home, or Assisted Living	-	SP	
<b>COMMERCIAL</b>			
Day Care Center, Child or Adult	SP	SP	§23.9
Dance, Art, Music, or Photo Studio	-	SP	
Office, Administrative or Professional	-	SP	
Short-Term Rental, One Unit	SP	SP	§23.17
Short-Term Rental, Multi-Unit	-	SP	§23.17
<b>GENERAL USES</b>			
Club, Community or Service		SP	
Municipal Structure or Use	P	P	
Place of Worship	-	P	
Public Utility	P	P	§23.15
Public Park or Playground	P	P	
School, Public or Private	-	SP	

**\* USE TABLE CONTINUED ON NEXT PAGE \***

LAND USE	LDR	MDR	ADDITIONAL REGULATIONS
<b>ACCESSORY</b>			
<i>Accessory Use or Structure</i>	P	P	§23.4
<i>Accessory Dwelling Unit</i>	P	P	§23.3
<i>Home Occupation</i>	P	P	§23.12

**§ 20.5 DIMENSIONAL REQUIREMENTS**

	LDR	MDR
<b>MINIMUM LOT SIZE</b>		
<i>Single- or Two-Family Dwelling</i>	15,000 sf	4,000 sf
<i>Multi-Family Dwelling</i>	-	2,000 sf/unit <sup>1</sup>
<i>Nonresidential Use</i>	20,000 sf	12,000 sf
<b>MINIMUM LOT WIDTH<sup>2</sup></b>		
<i>Single- or Two-Family Dwelling</i>	60 ft	40 ft
<i>Multi-Family Dwelling</i>	-	60 ft
<i>Nonresidential Use</i>	25 ft	5 ft
<b>MINIMUM FRONT SETBACK <sup>2</sup></b>		
<i>Primary Use or Structure</i>	15 ft	15 ft
<b>MINIMUM SIDE SETBACK</b>		
<i>Primary Use or Structure</i>	6 ft	6 ft
<i>Accessory Use or Structure</i>	3 ft	3 ft
<b>MINIMUM REAR SETBACK</b>		
<i>Primary Use or Structure</i>	30 ft	30 ft
<i>Accessory Use or Structure</i>	5 ft	3 ft

- NOTES:** (1) The notation "sf / unit" indicates square feet of lot area per dwelling unit.  
 (2) Or the established width/ setback of the block, which is most consistent with the rhythm of the neighborhood.

**§ 20.6 BULK REQUIREMENTS**

	LDR	MDR
<b>MAX BUILDING HEIGHT</b>		
<i>Primary Use or Structure</i>	40 ft	40 ft
<i>Accessory Structure<sup>1</sup></i>	20 ft	20 ft
<b>MAX LOT COVERAGE</b>		
<i>Gross Impervious Surface Area</i>	60%	60%

- NOTE:** (1) The building height of any accessory structure shall not exceed the building height of the principle structure located on the same lot.

# ARTICLE 21. MIXED USE DISTRICTS

## § 21.1 DISTRICTS ESTABLISHED

The mixed use districts of the Village of Watkins Glen are listed in the following table. When this Zoning Law refers to mixed use zoning districts it is referring to one of the following:

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
<i>Mixed Use Village Center</i>	<b>VC</b>
<i>Mixed Use Lakefront</i>	<b>L</b>
<i>Mixed Use Canal</i>	<b>C</b>
<i>Mixed Use Neighborhood</i>	<b>N</b>
<i>Mixed Use Industrial</i>	<b>I</b>

## § 21.2 PURPOSE STATEMENTS

### A. Mixed Use Village Center (VC).

1. It is the purpose of the VC District to recognize the special significance of the Village's traditional central business district and corridor, located primarily along Franklin Street. Serving as the historic core to Watkins Glen, the VC area includes an older urban style of development characterized by multi-story, mixed use buildings fronting the street, with off-street parking and access located along alleys to the rear of the structures.
2. The regulations of the VC District further support the role of the area as the Village core by providing additional shopping, service, entertainment, and civic opportunities in a highly connected and walkable, mixed use environment. In order to accomplish this, future investment shall observe the location, design and use of this District in a manner that fosters a desirable concentration of activities and amenities, creating a comfortable environment for residents and visitors arriving by foot, bicycle, or motor vehicle.
3. In establishing this District, it is also the Village's intent to protect and preserve the Village's architectural assets and historic character. The VC District will ensure that all new development is consistent with and enhances the existing historic character. This is achieved in part by requiring new development to provide an urban edge similar to what is presently existing; and to prohibit, to the greatest extent possible, the demolition of existing structures that would create a "gap" in the traditional streetscape.

- ### B. Mixed Use Lakefront (L).
- The Village of Watkins Glen recognizes the importance of the Seneca Lake waterfront to the character of this area. The Village, therefore, establishes the L District, which encompasses lands that immediately adjoin Seneca Lake and/or are visually connected to the lake to promote a mixing of uses,

especially those that are water-dependent and/or supported by their location along Seneca Lake. The Village also recognizes the importance of the lands in this District to provide employment opportunities and enhance the tax base. Therefore, an appropriate mix of retail, service, entertainment, and residential development may be permitted. All uses and development shall be sensitive to the natural environment of the lakefront and ensure it does not exploit or negatively impact the value that the lakefront provides to the community environmentally, economically, and recreationally. No new uses shall unduly restrict visual and/or direct access to the waterfront, or diminish the enjoyment of the waterfront by residents, employees, and/or visitors.

**C. Mixed Use Canal (C).** This District is centered around the canal, running through the Village to Seneca Lake. The purpose of this District is to permit future development along the Canal that includes a variety of uses, as well as those supported by or dependent upon their location along the canal front. This District is further intended is to promote investment in an intentional, controlled manner that blends functionally and aesthetically with the natural environment. The Village recognizes the very sensitive nature of the natural environment in the District and the value of the waterfront for visual and direct access by residents, employees, and visitors. All finished floor elevations must be no less than 1 foot above the 100-year flood elevation. As such, all development within the C District must effectively protect and conserve:

1. Fish spawning grounds, aquatic life, bird and other wildlife habitats;
4. Buildings and lands from flooding and accelerated erosion;
5. Archaeological resources;
6. Functions of the freshwater wetlands;
7. Natural beauty and open space; and
8. Public access to waterfront areas.

**D. Mixed Use Neighborhood (N).** The purpose of the N District is to provide for increased economic opportunity in Village neighborhoods with proximity to more concentrated commercial activity centers, while protecting and preserving existing residential character and quality of life. These neighborhoods generally consist of single-, two-, and multi-family homes situated on small lots where the accommodation of large-scale, high-intensity commercial uses would be disruptive. To this end, the regulations of this District are intended to ensure future nonresidential investment is designed, developed and operated in a manner compatible with and protective of existing residential uses. All new development shall be of a scale and operational intensity consistent with that of existing residential uses. This District is not intended to create new commercial activity centers, rather foster a mixed use environment that acts as a transition area between commercial dominant areas and adjacent established residential neighborhoods.

**E. Mixed Use Industrial (I).** The purpose of the I District is to provide for increased economic development opportunity where the provision of low-impact commercial, office, and light industrial uses is desired. The intent of the I District is to permit the continuation and protection of low intensity, enclosed industrial uses in combination with limited commercial uses. The development or adaptive reuse of

structures is allowed provided the proposed structure and use is compatible with the scale, form, and level of intensity of nearby existing structures and uses.

**§ 21.3 REVIEWS REQUIRED**

No building, structure, or lot shall hereafter be erected, altered, or demolished within a mixed use district without obtaining the following approvals, as applicable:

- A. Site Plan Review.** Site plan review shall be required as provided for in Article 41 of this Zoning Law. This shall include, but is not limited to, new construction, alteration, or demolition of structures.
- B. Special Use Permit.** A special use permit shall be required as indicated in this Article and as provided for by Article 42 of this Zoning Law.
- C. Local Waterfront Consistency Review.** All actions considered in the LWO District shall also be subject to Local Waterfront Consistency review as required by of the Village of Watkins Glen Local Waterfront Revitalization Program Local Law #3 of 2017.
- D. Flood Damage Prevention Local Law Review.** A floodplain development permit is required for all construction and other development to be undertaken in areas of special flood hazard, as provided for by the Watkins Glen Flood Damage Prevention Local Law #2 of 1987.

**§ 21.4 USE LISTS**

Uses are allowed in mixed use districts in accordance with the following table.

- A.** Uses identified with a “P” are permitted as-of-right, subject to compliance with all other applicable standards of this Zoning Law.
- B.** Uses identified with an “SP” may be allowed if reviewed and approved in accordance with Article 42 (Special Use Permits) of this Zoning Law.
- C.** Uses not listed and those identified with a “-” are expressly prohibited.

LAND USE	VC	L	C	N	I	ADDITIONAL REGULATIONS
<b>RESIDENTIAL</b>						
<i>Single- or Two-Family Dwelling</i>	-	SP	SP	P	-	
<i>Multi-Family, Up to 4 Units, By Conversion</i>	SP	SP	SP	SP	-	§23.13
<i>Multi-Family, Up to 4 Units, New Construction</i>	SP	SP	SP	SP	-	§23.13
<i>Multi-Family, Over 4 Units, New Construction</i>	SP	SP	SP	SP		
<i>Bed &amp; Breakfast</i>	SP	SP	SP	SP	-	§23.8
<i>Hospice, Nursing Home, or Assisted Living</i>	SP	SP	SP	SP <sup>1</sup>	SP	
<i>Upper Floor Dwelling Unit</i>	P	P	P	P	-	

\* Use Table Continued on Next Page \*

<b>LAND USE</b>	<b>VC</b>	<b>L</b>	<b>C</b>	<b>N</b>	<b>I</b>	<b>ADDITIONAL REGULATIONS</b>
<b>COMMERCIAL</b>						
Adult Entertainment	-	-	-	-	SP	§23.5
Agriculture	-	-	P	-	-	
Agri-Business	-	-	P	-	-	
Animal Grooming Shop	P	-	P	P	P	§23.6
Bar or Tavern	P	SP	SP	-	-	§23.7
Boat Dock or Launch	-	SP	SP	-	-	
Campground	-	-	SP	-	-	
Cannabis Dispensary / Retail Shop	SP	-	-	-	-	
Car Wash	-	-	-	-	SP	
Dance, Art, Music, or Photo Studio	P	P	P	P	P	
Day Care Center, Child or Adult	-	-	-	P	-	§23.9
Financial Institution	P	-	-	p 2	SP	
Fitness Center/Health Club	P	SP	SP	p 2	P	
Funeral Home	SP	-	SP	SP	SP	
Gasoline Service Station	SP	-	-	-	SP	§23.11
Hotel/Motel	SP	SP	SP	-	-	
Kennel	-	-	SP	-	SP	
Marina	-	SP	SP	-	SP	
Mini-Storage	-	-	-	-	P	
Nursery, Plants	-	-	-	p 2	P	
Office, Administrative or Professional	P	SP	SP	p 2	P	
Office or Clinic, Medical	P	-	-	p 2	P	
Personal Service Shop or Spa	P	P	P	p 2	P	
Recreation or Entertainment, Indoor	P	P	SP	p 2	P	
Recreation or Entertainment, Outdoor	-	SP	SP	-	P	
Restaurant	P	P	P	SP	SP	§23.7
Retail Store	P	SP	SP	p 2	P	
Self-Service Laundry	P	-	-	p 2	P	
Short-Term Rental, One Unit	SP	SP	SP	SP	-	§23.17
Short-Term Rental, Multi-Unit	SP	SP	SP	SP	-	§23.17
Tattoo Parlor	SP	-	-	SP	-	
Vehicle Sales & Repair	-	-	-	-	SP	§23.20
Veterinary Hospital	-	-	-	-	SP	§23.21
Winery, Brewery, or Distillery	SP	SP	SP	-	P	§23.22

**\* Use Table Continued on Next Page \***

LAND USE	VC	L	C	N	I	ADDITIONAL REGULATIONS
<b>INDUSTRIAL</b>						
Artisan Manufacturing	SP	-	-	SP	SP	
Research Facility or Laboratory	-	-	SP	p <sup>2</sup>	P	
Packaging or Assembly of Products	-	-	SP	-	P	
Printing or Publishing Operation	-	-	-	p <sup>2</sup>	P	
Warehouse Storage Facility	-	-	-	-	P	
<b>OTHER</b>						
Club, Community or Service	P	-	-	p <sup>2</sup>	P	
Municipal Structure or Use	P	P	P	P	P	
Off-Street Parking Area	SP	SP	SP	SP	SP	Article 30
Permitted N District Uses over 2,000 sf <sup>3</sup>	N/A	N/A	N/A	SP	N/A	See Use
Place of Worship	P	-	-	p <sup>2</sup>	SP	
Public Park or Playground	P	P	P	P	P	
Public Utility	P	P	P	P	P	§23.15
School, Private or Public	SP	-	SP	p <sup>2</sup>	SP	
Telecommunications Tower	-	-	-	SP	SP	§23.23
Telecommunication Facility, on Existing Structure	SP	SP	SP	-	SP	§23.23
<b>ACCESSORY</b>						
Accessory Use or Structure	P	P	P	P	P	§23.4
Accessory Dwelling Unit	-	-	-	SP	-	§23.3
Drive-Through Facility	-	-	-	-	SP	§23.10
Home Occupation	P	P	P	P	-	§23.12
Outdoor Assembly or Seating Area	P	P	P	-	-	§23.14
Outdoor Sales, Display, or Storage Area	SP	SP	SP	-	P	§23.14
Temporary Storage Structure	P	P	P	P	P	§23.20

- NOTES:** (1) Up to 6 units/bedrooms.  
(2) If under 2,000 sf in gross floor area of use.  
(3) The notation "N/A" indicates not applicable to other districts than the N District.

§ 21.5 DIMENSIONAL REQUIREMENTS

	VC	L	C	N	I
<b>MINIMUM LOT SIZE</b>					
Single- or Two- Family Dwelling	-	4,000 sf	4,000 sf	4,000 sf	-
Multi-Family Dwelling	-	2,000 sf/unit <sup>1</sup>	2,000 sf/unit <sup>1</sup>	2,000 sf/unit <sup>1</sup>	-
Nonresidential Use	-	10,000 sf	15,000 sf	10,000 sf	20,000 sf
<b>MINIMUM LOT WIDTH <sup>2</sup></b>					
Single- or Two- Family Dwelling	-	40 ft	40 ft	40 ft	-
Multi-Family Dwelling	-	45 ft	60 ft	60 ft	-
Nonresidential Use	-	60 ft	75 ft	40 ft	75 ft
<b>FRONT SETBACK <sup>2</sup></b>					
Primary Use or Structure	10 ft MAX	SPR <sup>4</sup>	SPR <sup>4</sup>	25 ft MIN	30 ft MIN
<b>WATERFRONT SETBACK</b>					
Primary Use or Structure	-	SPR <sup>4</sup>	SPR <sup>4</sup>	-	-
<b>MINIMUM SIDE SETBACK <sup>3</sup></b>					
Primary Use or Structure	SPR <sup>4</sup>	SPR <sup>4</sup>	SPR <sup>4</sup>	5 / 10 ft	5 / 10 ft
Accessory Use or Structure	0 / 5 ft	SPR <sup>4</sup>	SPR <sup>4</sup>	5 ft	5 ft
<b>MINIMUM REAR SETBACK <sup>3</sup></b>					
Primary Use or Structure	20 / 30 ft	SPR <sup>4</sup>	SPR <sup>4</sup>	3 / 6 ft	20 / 30 ft
Accessory Use or Structure	0 / 5 ft	SPR <sup>4</sup>	SPR <sup>4</sup>	5 ft	10 ft

- NOTES: (1) The notation "sf/unit" indicates square feet of lot area per dwelling unit.  
 (2) Or the established width/setback of the block, which is most consistent with the rhythm of the neighborhood.  
 (3) The larger requirement shall apply to nonresidential uses adjacent to a residential use or district.  
 (4) SPR indicates requirement to be determined in site plan review.

§ 21.6 BULK REQUIREMENTS

	VC	L	C	N	I
<b>MAX BUILDING HEIGHT</b>					
Primary Structure	50 ft	50 ft	50 ft	50 ft	50 ft
Accessory Structure <sup>1</sup>	-	20 ft	20 ft	20 ft	20 ft
<b>MINIMUM BUILDING HEIGHT</b>					
Primary Structure	30 ft <sup>2</sup>	-	-	-	-
<b>MAX LOT COVERAGE</b>					
Gross Impervious Surface Area	-	70%	60%	60%	70%
<b>MAXIMUM BUILDING FOOTPRINT <sup>3</sup></b>					
Per Individual Building Section	5,000 sf	-	-	3,500 sf	-

- NOTES: (1) The building height of any accessory structure shall not exceed the building height of the principle structure.  
 (2) The minimum height of the functional first story shall be 12 feet.  
 (3) An individual building section shall be considered a structure built to stand alone and/or connect to adjacent buildings such as a wing or addition adjoined via a fire wall, breezeway, or other structural element providing for the articulation of the principal structure(s) to appear as a smaller scale.



# ARTICLE 22. SPECIAL PURPOSE DISTRICTS

## § 22.1 DISTRICTS ESTABLISHED

The special purpose districts of the Village of Watkins Glen are listed in the following table.

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
<i>Open Space District</i>	OS
<i>Floodplain Overlay District</i>	FPO
<i>Local Waterfront Overlay District</i>	LWO

## § 22.2 OPEN SPACE DISTRICT

- A. **Purpose.** The OS District delineates those open, publicly-owned and/or environmentally sensitive land and water areas of the Village. Because of their current use, critical relationship to the Canal and Queen Catherine Wetland, sensitive/steep slope areas, or extreme environmental sensitivity, these areas should be preserved and utilized only for less intensive and carefully considered development that is compatible with the sensitive nature of such lands. The purpose of this District is to ensure that the existing character, nature and benefits derived from such lands are preserved and retained. This District is also intended to provide ample passive and active recreational opportunities for residents and visitors, identify areas of valued green space, and well as ensure that any new development is compatible with these existing uses and the environmental limitations of the land.
  
- B. **Applicability.** Areas applicable to and designated under the OS District include, but are not limited to, privately or publicly owned parkland and recreational facilities, farmland, woodlots, wetlands, environmentally sensitive areas, and otherwise undeveloped lands.
  
- C. **Reviews Required.** No building, structure, or lot shall hereafter be erected, altered, or demolished within an open space without obtaining the following approvals, as applicable:
  - 1. **Site Plan Review.** Site plan review shall be required as provided for in Article 41 of this Zoning Law. This shall include, but is not limited to, new construction, alteration, or demolition of structures.
  
  - 2. **Special Use Permit.** A special use permit shall be required as indicated in this Article and as provided for by Article 42 of this Zoning Law.
  
  - 3. **Local Waterfront Consistency Review.** All actions considered in the LWO District shall also be subject to Local Waterfront Consistency review as required by of

the Village of Watkins Glen Local Waterfront Revitalization Program Local Law #3 of 2017.

4. **Flood Damage Prevention Local Law Review.** A floodplain development permit is required for all construction and other development to be undertaken in areas of special flood hazard, as provided for by the Watkins Glen Flood Damage Prevention Local Law #2 of 1987.

**D. Use Lists.** Uses are allowed in residential districts in accordance with the following table.

1. Uses identified with a “P” are permitted as-of-right, subject to compliance with all other applicable standards of this Zoning Law.
2. Uses identified with an “SP” may be allowed if reviewed and approved in accordance with Article 42 (Special Use Permits) of this Zoning Law.
3. Uses not listed and those identified with a “-“ are expressly prohibited.

LAND USE	OS	ADDITIONAL REGULATIONS
<b>COMMERCIAL</b>		
<i>Agriculture</i>	<b>P</b>	
<i>Agri-Business</i>	<b>P</b>	
<i>Boat Dock or Launch, Marina</i>	<b>SP</b>	
<i>Campground</i>	<b>P</b>	
<i>Cultural Use</i>	<b>P</b>	
<i>Nursery, Plants</i>	<b>SP</b>	
<i>Recreation and Entertainment, Outdoor</i>	<b>SP</b>	<b>§23.16</b>
<b>OTHER</b>		
<i>Club, Rod &amp; Gun</i>	<b>SP</b>	
<i>Municipal Building or Use</i>	<b>P</b>	
<i>Off-Street Parking Area</i>	<b>P</b>	<b>Article 30</b>
<i>Public Park or Playground</i>	<b>P</b>	
<i>Public Utility</i>	<b>P</b>	<b>§23.15</b>
<i>Telecommunication Facility, on Existing Structure</i>	<b>SP</b>	<b>§23.23</b>
<i>Telecommunications Tower</i>	<b>SP</b>	<b>§23.23</b>
<b>ACCESSORY</b>		
<i>Accessory Use or Structure</i>	<b>P</b>	<b>§23.4</b>
<i>Concessions, Food, or Retail Sales</i>	<b>SP</b>	
<i>Outdoor Assembly or Seating Area</i>	<b>SP</b>	<b>§23.14</b>

**E. Dimensional Requirements.**

OS	
<b>MINIMUM LOT SIZE</b>	40,000 sf
<b>MINIMUM LOT WIDTH</b>	100 ft
<b>MINIMUM FRONT SETBACK</b>	SPR <sup>1</sup>
<b>MINIMUM SIDE SETBACK</b>	SPR <sup>1</sup>
<b>MINIMUM REAR SETBACK</b>	SPR <sup>1</sup>

**NOTE:** (1) SPR indicates requirement to be determined in site plan review.

**F. Bulk Requirements.**

OS	
<b>MAX BUILDING HEIGHT</b>	
<i>Primary Use</i>	35 ft
<i>Accessory Use<sup>1</sup></i>	20 ft
<b>MAX LOT COVERAGE</b>	
<i>Gross Impervious Surface Area</i>	25%

**NOTE:** (1) The building height of any accessory structure shall not exceed the building height of the principle structure.

**§ 22.3 FLOODPLAIN OVERLAY (FPO) DISTRICT**

- A. Purpose.** The Village of Watkins Glen has determined and found that the potential and/or actual damages from flooding and erosion may cause physical, financial, and environmental harm to property owners. Such damage may include, but is not limited to; destruction or loss of private and public housing, damage to public facilities, and injury to or loss of human life. In order to minimize the threat of such damage and achieve the purposes and objectives set forth in the Watkins Glen Flood Damage Prevention Local Law #2 of 1987 this overlay district is established.
- B. Applicability.** The provisions of this Section shall be applicable to all Special Flood Hazard Areas as identified by the Federal Emergency Management Agency in the Flood Insurance Rate Map and Flood Boundary-Flood Way Map on file with Schuyler County.
- C. Special Requirements.** The specific provisions as set forth in the Watkins Glen Flood Damage Prevention Local Law #2 of 1987 shall be applicable to all areas in this overlay district.

## § 22.4 LOCAL WATERFRONT OVERLAY (LWO) DISTRICT

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- A. Purpose.** The purpose of the LWO District is to provide special controls to guide land use and development within the waterfront areas of the Village of Watkins Glen. The regulations are designed to protect the sensitive waterfront areas and to manage future land use, development, and investment in accordance with the Village of Watkins Glen Local Waterfront Revitalization Program (LWRP).
- B. Applicability.** The LWO District is not intended to be substituted for other zoning district provisions. The overlay is to be superimposed on the principal zoning district provisions and should be considered as additional requirements to be met in establishing a use or development activity within the underlying zoning district.
- C. Use, Dimensional, and Bulk Regulations.** The use, dimensional, and bulk regulations of the underlying zoning districts shall apply to all uses, buildings, and lots of the LWO District as provided thereto.
- D. Local Waterfront Revitalization Program Consistency.** In addition to any other provisions of this Zoning Law applying to them, lots, lands, and structures in the LWO District shall be subject to the required Local Waterfront Consistency review as provided in the Village of Watkins Glen LWRP.

## § 22.5 PLANNED DEVELOPMENT DISTRICTS (PD)

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- A. Authority.** The Village of Watkins Glen is hereby authorized to enact procedures and requirements for the establishment and mapping of planned development districts (PD), in accordance with NYS Village Law Section 7-703-A.
- B. Intent.** It is the intent of this Article to provide flexible land use and design requirements through the use of performance criteria so that small-to-large neighborhoods or portions thereof may be developed to incorporate a variety of residential density and building types. A PD shall seek to achieve the following objectives:

  - 1. Contribute to the diversification of housing choices and community facilities available to existing and potential Village residents.
  - 2. Create more usable open space and recreation areas.
  - 3. Preserve large trees and outstanding natural features.
  - 4. Employ a creative approach to use of land and related physical development.
  - 5. Lower infrastructure and utility costs through the efficient use of land resulting in smaller networks of utilities and roads.
  - 6. Follow a development pattern in harmony with the objectives of the Comprehensive Plan for the Village.
  - 7. Be compatible with all applicable guidelines and requirements set forth in Part 3 of this Zoning Law.

8. Maintain or create of acceptable traffic patterns and levels of service on the existing road network, especially in established residential areas.

**C. Eligibility.** A PD may be permitted in the MDR, N, VC Zoning Districts in accordance with the procedures for establishing a PD hereafter set forth in this Article.

**D. Approval Required.** Prior to the establishment of a PD, a PD District application shall be submitted, reviewed, and approved in accordance with Article 46 of this Zoning Law.

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

1. **Permitted Uses.** All single-family, two-family and multi-family dwelling units and their accessory uses are permitted subject to Site Plan Review and Approval. Such dwelling units may be in the form of fee simple sales, condominiums or rental units.

2. **Lot Area.** The minimum lot area required to qualify for a PD designation shall be 80,000 square feet.

3. **Access.** A minimum of two (2) vehicular drives, approved and constructed in accordance with Article 30 shall be required.

4. **Buffer Yard Requirement.** A PD development shall have a buffer yard area along the entire perimeter of the parcel that shall meet the following minimum requirements:

a) A Buffer Yard shall be at least equal to twice the minimum front, side and rear yard setback, as appropriate for the underlying District, except that in no instance shall the buffer yard be less than thirty (30) feet.

b) The buffer yard shall be designed to form a minimum ten (10) foot visual barrier through the use of man-made materials and/or natural plants. No man-made barrier shall exceed six (6) feet in height.

c) No principal or accessory structure, parking area, or other accessory use shall be located within the minimum buffer yard.

d) The Planning Board may, during the Site Plan Review process, require a greater buffer yard and/or building setback than the minimum provided in this Law.

5. **Water and Sewer Service.** A PD shall be serviced by public water and public sanitary sewer systems.

6. **Density.** The Planning Board shall determine in each case the appropriate dwelling unit density and location. The gross density shall be calculated using the total acreage of the proposed development. Such gross density shall, in no instance, exceed seventeen (17) dwelling units per acre.

7. **Recreation Requirements.** All development proposals shall have a minimum of their total land area set aside and developed, as appropriate, for private and/or public recreational use in accordance with the following schedule:

- a) Five percent (5%) of gross land area for the first twenty (20) dwelling units
- b) Seven and one-half percent (7.5%) of gross land area for 20-40 dwelling units
- c) Ten percent (10%) of gross land area for 40 or more dwelling units.

F. **Additional Requirements.** In addition to compliance with the General Requirements set forth in Sub-Section 22.5(E), the following special requirements shall be applied to all PD development and shall be regarded as minimum requirements:

1. **Single- and Two-Family Dwelling Units.** The dimensional requirements for single-family and two-family dwelling units shall be as established by the Planning Board in the Site Plan Review and Approval process except that, in no instance, shall they be less than the following specific requirements:

a) **Maximum number of units.** The maximum number of single- and two-family dwellings units in a PD shall be no more than thirty (30) of the total allowable dwelling units per the density calculation for the development.

b) **Lot Requirements for each Dwelling Unit.**

- i. Maximum Lot Coverage: 70%
- ii. Minimum Lot Size: 3,500 square feet
- iii. Minimum Lot Width: 45 feet
- iv. Minimum Setback Requirements:
  - a. Front Yard as measured from pavement edge of drive and interior drive: 10 feet
  - b. Side Yard: 6 feet
  - c. Rear Yard: 5 feet

c) **Parking.** Shall be in conformance with Article 30.

d) An accessory building, including detached garage, shall be located no less than ten (10) feet from any rear or side lot line and shall not be located in any required front yard, and shall be located at least twelve (12) feet from the principal building.

2. **Multi-Family Dwelling Units.** The requirements for multi-family dwelling units shall be as established by the Planning Board in the Site Plan Review and Approval process except, that in no instance, shall they be less than the following specific requirements:

- a) **Maximum Lot Coverage: 80%**
- b) **Minimum Lot Setback Requirements:**
  - i. Front Yard as measured from pavement edge of drive and interior drive: 10 feet
  - ii. Principal Building setback from any road: 20 feet
  - iii. Rear Yard: 15 feet
  - iv. Side Yard (at ends of buildings): 10 feet
  - v. No Principal Building shall be located less than thirty (30) feet from any interior lot line.
- c) Maximum building height shall be as allowed under the Uniform Fire Prevention Building Code.
- d) Parking shall be in conformance with Article 30.
- e) Accessory buildings, including detached garages, shall be located no less than ten (10) feet from any rear or side yard and shall not be located in a front yard setback, and shall be located at least twelve (12) feet from the principal building.

# ARTICLE 23. ADDITIONAL USE REGULATIONS

## § 23.1 PURPOSE & INTENT

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- A. Purpose.** This Article provides additional regulations for uses that are generally considered to have a higher potential for incompatibility with existing or desired land use patterns, including, but not limited to, green spaces, neighborhood context, and residential or low impact commercial uses, without proper mitigation measures. The purpose of the regulations contained herein is to promote the health, safety, and general welfare of the public, while also protecting property values and the character of the immediate neighborhood and Village of Watkins Glen community.
- B. Intent.** These regulations are intended to mitigate the potentially undesirable impacts of certain uses, which by reason of nature or manner of operation, are or may become hazardous, obnoxious, or offensive owing to excessive and undue increases in the production and presence of odors, dust, smoke, fumes, noise, vibrations, refuse matter, vehicular traffic, or human activity.

## § 23.2 APPLICABILITY

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- A.** The following requirements are applicable to all uses, permitted (P) and specially permitted (SP), as noted in the use tables of Articles 20, 21, and 22 of this Zoning Law.
- B.** Specially permitted uses must obtain a special use permit in accordance with Article 42. Site plan review may also be required as noted herein and in Article 41.
- C.** Should the additional use regulations of this Article conflict with other requirements of this Zoning Law, the regulations contained herein shall take precedence.
- D.** No authorization for a special use permit, building permit, or certificate of occupancy shall be granted for any use listed in this Section unless it is determined that the proposed use also meets the additional regulations required in this Section.

## § 23.3 ACCESSORY DWELLING UNITS

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- A. Purpose.** The purpose of regulating accessory dwelling units is to:
  - 1. Create new housing units while respecting the design and scale of the Village's predominantly single-family residential development pattern;
  - 2. Increase the housing stock of existing neighborhoods in a manner that is less intense than multi-family dwelling alternatives;
  - 3. Provide a broader range of affordable housing options that respond to changing family and household needs; and



4. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods while also obtaining extra income, security, companionship, and/or services.

**B. General Requirements.**

1. An accessory dwelling unit (ADU) may be allowable as an accessory use to a single-family dwelling. There shall be no more than one ADU per primary use.
2. ADUs may be located either in the principal dwelling structure (attached), or in an accessory structure (detached).
3. ADUs located in an accessory structure must be located in the rear or side yard of a lot.
4. An ADU shall be a complete, separate housekeeping unit containing both a legal kitchen and bath and must meet NYS Uniform Building and Fire Prevention Code requirements.
5. Under no circumstances may a detached accessory dwelling unit be separated from or subdivided from the parcel containing the primary residential unit.
6. An accessory dwelling unit shall be designed to maintain the architectural design, style, appearance, and character of the primary residential unit. Any addition must be consistent with the existing façade, roof pitch, siding, materials and windows of the primary residential unit.
7. Any lot with an ADU must provide one additional off-street parking space.

**§ 23.4**

**ACCESSORY STRUCTURES AND USES**

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

**B. General Requirements.**

1. Accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district as noted in the use tables of Articles 20, 21, and 22.
2. The construction or placement of an accessory structure shall require the issuance of a building permit.
3. Accessory structures must be finished with materials and/or siding that is consistent and compatible with the existing character of the principal structure and surrounding residential neighborhood.

4. The ground floor area of all accessory structures on the lot, accumulatively with that of the primary structure, shall not exceed the maximum lot coverage requirement of the district in which the lot is located.
5. A maximum of four accessory structures are permitted on a single lot.

**C. Location Requirements.** The location and placement of an accessory structure shall:

1. Not be located in a front yard.
2. Be clearly incidental and subordinate to the principal structure or use by height, area, extent, and purpose.
3. Be in conformance with the height and setback restrictions of the applicable zoning district and shall not cause the rate of overall lot coverage to exceed the maximum rate permitted.
4. Maintain a separation of at least six feet from any dwelling unit or any other accessory structure, including accessory structures on an abutting lot.
5. Not obstruct, block, or force the enclosure of any structural opening (windows, doors, etc.), open porch, deck, or terrace, or required vehicular or pedestrian access way.

**D. Residential Accessory Uses and Structures.**

1. The following shall be considered permissible residential accessory uses or structures:
  - a) Detached decks, patios, or terraces.
  - b) Carports and garages. The floor area of a detached garage or carport shall not exceed 900 square feet.
  - c) Fences and walls subject to the provisions of Section 24.9 of this Zoning Law.
  - d) In-ground and above ground pools and any attached decks.
  - e) Noncommercial nurseries, gardens, or greenhouses.
  - f) Ramps, lifts, or other such structures intended to provide an increased level of accessibility to the structure or use.
  - g) Personal or home electric vehicle charging stations.
  - h) Solar energy systems, provided they are located on the roof of the structure and do not cause the structure to exceed maximum building height requirements. Solar energy systems may be located on the ground with special use permit approval.
  - i) Radio and television antennas.
  - j) Other uses and structures which the CEO deems appropriate by virtue of similarity in nature, activity, and/or extent to those already listed.

- E. Nonresidential Accessory Uses and Structures.** The following shall be considered permissible nonresidential accessory uses or structures:
1. Decks, patios, and terraces associated with an approved outdoor seating or assembly area.
  2. Detached garages, when located behind the front building line of the primary structure.
  3. Enclosed storage structures, such as sheds.
  4. Fences or walls subject to the provisions of Section 24.9 of this Zoning Law.
  5. Fire escapes or other such structures intended to maintain the health, safety, and welfare of residents within the dwelling and the general public.
  6. Ramps, lifts, or other such structures intended to provide an increased level of accessibility to the structure or use.
  7. Solar energy systems, provided they are located on the roof of the structure and do not cause the structure to exceed maximum building height requirements.
  8. Walkup service windows when accessory to a permitted retail sales and service use. Site plan review shall be required to address pedestrian safety, access, and connectivity.
  9. Off-street parking and loading areas, including electric vehicle charging stations.
  10. Other uses and structures which the CEO deems appropriate by virtue of similarity in nature, activity, and/or extent to those already listed.

## **§ 23.5**

### **ADULT USES**

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**A. Legislative Findings, Intent, and Determinations.**

1. It is recognized that there are some uses, which, because of their very nature have serious objectionable operational characteristics under certain circumstances, thereby producing a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that the adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The Village of Watkins Glen finds it in the public interest to enact these regulations.
2. The unrestrained proliferation and inappropriate location of such businesses is inconsistent with existing development and future plans for the Village of Watkins Glen because quite often they result in influences on the community which increase the crime rate and undermine the economic and social welfare of the community. The deleterious effects of these businesses change the economic and social character of the existing community and adversely affect existing businesses and community and family life.

3. Accordingly the Village of Watkins Glen declares that the purpose of these regulations is to prevent or lessen the negative effects of adult entertainment uses, and not to inhibit the right of free expression guaranteed by the United States and New York State Constitutions as they may be expressed and presented in the form of goods and services offered by adult-oriented businesses.
4. Therefore the Village of Watkins Glen hereby concludes that the health, safety and general welfare of the Village would be protected and promoted, and the overall public interest would best be served by its enactment of these regulations.

**B. Locational Restrictions.** Adult Entertainment uses shall be specially permitted only in the Mixed Use Industrial Zoning District, as set forth in this Zoning Law, subject to the following restrictions:

1. Adult Entertainment Uses are prohibited within 500 feet of:
  - a) Any single-family, two-family, or multi-family dwelling unit including mixed use structures with residential units.
  - b) Any public or private school.
  - c) Any church or other religious facility or institution.
  - d) Any public park, public bike path, playground or playing field, cemetery, civic or recreational facility.
  - e) Any other adult use.
  - f) Any property line of an establishment with a liquor license.
2. No more than one adult entertainment use shall be located on any lot.
3. The distances provided hereinabove shall be measured by following a straight line without regard to intervening buildings, from the nearest point of the property parcel upon which the adult entertainment use is to be located to the nearest point of the parcel of property or the zoning district boundary line from which the adult entertainment use is to be separated.

**C. Other Restrictions.**

1. No adult entertainment use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to “specified anatomical areas” or “specified anatomical areas”, from any public way or from any property not containing an adult entertainment use. This provision shall apply to any display, decoration, sign, show window or other opening.
2. Adult Entertainment uses shall be required to obtain site plan approval in accordance with Article 41 of this Zoning Law.

**§ 23.6 ANIMAL GROOMING SHOP**

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- A.** All services shall be provided within a completely enclosed building.
- B.** The boarding of animals at an animal grooming shop shall be prohibited.
- C.** All buildings, structures, and accessory use areas, except off-street parking areas, shall be located at least 50 feet from any property line abutting a residential district.
- D.** Adjacent properties shall be adequately protected from noise, odors, and unsightly appearances as determined appropriate by the reviewing board in site plan review.
- E.** A waste management plan shall be required to ensure proper upkeep of the site and disposal of animal excrement and waste.

**§ 23.7 BAR, TAVERN, OR RESTAURANT**

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- A.** When adjacent to residential uses or districts, such uses shall be buffered to minimize visual and auditory impacts in a method approved during site plan review. Such buffering may include but is not limited to landscaping, screening, and fencing.
- B.** All such uses dealing with the importation, manufacture, distribution, or sale of alcohol shall obtain a license as required by the NYS Liquor Authority and operate in accordance of the regulations therein. A complete copy of any application filed with and license issued by the NYS Liquor Authority shall be provided with any review application required by this Zoning Law.
- C.** Uses where the sale of food is the primary source of revenue, and where the primary service is provided at tables, shall be considered restaurants. Restaurants must have a full kitchen and menu as required by the NYS Liquor Authority when the sale of beer, wine, and/or liquor is provided.
- D.** A waste management plan shall be required to provide for proper upkeep of the site and disposal of refuse. All refuse containers shall be located in the rear yard and maintain a setback of at least five feet from all property lines.
- E.** Where the provision of on-site refuse containers is infeasible, a shared waste management agreement may be established between adjacent uses. Under no circumstance shall any shared refuse container be located outside of a 200 foot radius of a single use.

**§ 23.8 BED & BREAKFASTS (B&BS)**

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- A.** A B&B shall only be permitted in a detached single-family residential structure.
- B.** The owner of the B&B shall live full-time on the premises.
- C.** There shall be no change in the outside appearance of the building or premises that detracts from the residential character of the structure and that of the neighborhood, or other visible evidence of the conduct of such B&B other than an approved sign in accordance with Article 35.

- D. There shall be no more than five guest bedrooms, and a maximum of 10 guests staying at the B&B at any given time.
- E. All B&Bs in the Village must comply with NYS Residential Code Section AJ702.

§ 23.9

DAY CARE CENTERS, CHILD OR ADULT

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- A. No day care shall be permitted without completion of the proper license and/or registration requirements, where required by NYS or Schuyler County Law.
- B. In a residential district, all buildings, structures and areas of organized activity, such as play areas shall maintain a side and rear setback of at least 15 feet.
- C. Outdoor floodlighting or public-address systems are prohibited.
- D. Landscaping and screening shall be provided as deemed appropriate by the reviewing board in site plan review.
- E. Day cares and nursery schools may be conducted as a home occupation, provided the conditions of this Section and Section 23.12(D) are also met.

§ 23.10

DRIVE-THROUGH FACILITIES

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- A. **Intent.** A drive-through use has many points of traffic conflict and the potential for creating congestion on streets, drives and internal drives. This Section prescribes requirements to prevent and improve such congestion and traffic conflicts, as well as disruptions to the traditional, walkable character of the Village.
- B. **Accessory Use Only.** Drive-through facilities may serve only as an accessory use or structure to a primary use permitted under this Zoning Law.
- C. **Location Requirements.**
  - 1. No drive-through facility shall be located on a lot directly adjacent to or across the road or street from a property used for residential purposes.
  - 2. Drive-through facilities, including any protective canopies, signage, stacking lanes, or other associated elements shall be screened as determined appropriate during site plan review.
- D. **General Vehicular Traffic Requirements.**
  - 1. The applicant may be required to submit a traffic study demonstrating the impact of traffic generated by the proposed drive-through.
  - 2. No drive-through shall be permitted that is anticipated to be a significant detriment to the community or to the local road network. This shall include, but is not limited to, situations where the presence of the drive-through will alter levels of service or utilize available traffic capacity to such an extent that it cannot be adequately mitigated or will otherwise create unsafe on- or off-site traffic conditions.

3. A drive-through facility, shall provide an internal accessway dedicated to the drive-through use which complies with the following minimum requirements:
  - a) The internal accessway shall be distinctly marked and separate from other internal traffic circulation drive lanes and pedestrian ways.
  - b) To the maximum extent practicable, the internal accessway shall not cross any principal pedestrian pathway or accessway to the principal building.
4. All uses shall provide an escape lane for the drive-through lanes.

**E. Vehicular Stacking or Queuing Requirements.**

1. Vehicular stacking lanes, service areas, or windows shall not be located in the front yard.
2. A drive-through for the following specific uses shall provide minimum vehicular traffic queuing or stacking distances as noted below.
  - a) For a fast food restaurant the minimum distance shall be 120 feet between start of lane to service window.
  - b) For a bank and other business not using order stations the minimum distance shall be 60 feet from start of lane to service window.

**F. Multiple Drive-through Vehicular Traffic Lanes.** Lesser distances than those specified in Subsection E above may be allowable for uses with multiple drive-through lanes when substantial documentation supporting such reduction is provided and approved as part of site plan review.

**§ 23.11**

**GASOLINE STATIONS**

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**A. Lot Requirements.**

1. Lot sizes shall be at least 20,000 square feet.
2. Lot frontage shall be at least 100 feet.
3. There shall be no more than two access driveways provided from any street.

**B. General Requirements.**

1. The site layout shall accommodate safe delivery of fuel and other merchandise without blocking or impeding traffic on the site or on the adjoining streets.
2. Fuel, oil and other materials which are environmentally hazardous, shall be stored, controlled and disposed of in accordance with the Rules and Regulations of the NYS Department of Environmental Conservation.
3. Pumps, other service devices, and fuel and oil storage shall be located at least 25 feet from all lot lines.

4. A curbed landscaped area shall be maintained at least three feet in depth along all street frontage space not used as driveway. The required landscaping and screening treatments of such area shall be determined through site plan review.
5. Premises shall not be used for the sale, rent or display of automobiles, trailers, mobile homes, boats or other vehicles.
6. No automobile or vehicle repair services shall be permitted, unless otherwise approved and in conformance with Section 23.20.

## § 23.12

### HOME OCCUPATIONS

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- A. Purpose.** The purpose of the regulating home occupations is to allow home office or small business development within homes in a residential neighborhood, while still preserving the value and character of the existing residential properties.
- B. Permitted Occupations.** Permitted home occupations include but are not limited to lawyers, accountants, authors, engineers, architects, consultants, realtors, insurance agents/brokers, artists, photographers, tailors, repairpersons, beauticians, barbers, counselors, teachers, tutors, music or art instructors, seeing no more than three pupils or clients at a time, or other such vocations which the CEO deems appropriate by virtue of similarity in nature, activity, and/or extent.
- C. Prohibited Occupations.** Prohibited home occupations include those that would generate adverse impacts to or are incompatible with the existing character of a residential neighborhood. These uses include, but are not limited to, medical or emergency services, animal care services, and vehicle sales, service, or repair.
- D. General Requirements.** A home occupation use shall comply with the following minimum requirements:
  1. The home occupation must be clearly incidental and secondary to the use of the residential dwelling and shall conform to all requirements of the NYS Uniform Building and Fire Prevention Code.
  2. The residential character of the lot and structures located thereon shall be preserved. Structural alterations or additions of a nonresidential nature shall be prohibited.
  3. The home occupation shall be owned and operated by a full-time resident of the dwelling.
  4. All home occupation related activities shall occur wholly within an enclosed structure.
  5. No more than one employee shall be permitted that is not a resident of the dwelling.
  6. There shall be no exterior display or storage of materials, good, supplies, or equipment related to the home occupation.



7. No home occupation shall produce odors, noises, dust, vibrations, glare, or any other nuisance not typically found in a residential neighborhood.
8. Deliveries to home occupations shall be permitted by two-axle vehicles only.
9. No more than 15% of the total floor area of the structure within which the home occupation operates may be used for, or dedicated to, the use.
10. There shall be no external evidence of such use except for a sign installed in accordance with Article 35.

## § 23.13

### MULTI-FAMILY DWELLINGS

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- A. By Conversion.** Existing residential dwellings may be converted to a multi-family dwelling up to four units. Such conversion, where permitted, shall comply with the following:
1. All dwelling units and structures resulting from conversion shall comply with the standards set forth in the NYS Uniform Code. Said standards shall take precedence to this Zoning Law should there be a conflict.
  2. No conversion shall be permitted unless the dwelling meets the minimum gross floor area requirement as defined below:
    - a) Conversion to Two-Family: 1,000 square feet
    - b) Conversion to Three-Family: 1,500 square feet
    - c) Conversion to Four-Family: 2,000 square feet
    - d) Reduction in Number of Units: No Minimum
  3. Conversions of dwellings that decrease the number of units or combine units shall be required to ensure the discontinued dwelling unit is permanently and fully integrated into a legal dwelling unit with unimpeded access throughout the legal unit.
  4. Any alterations made to the exterior of the building due to the unit conversion shall be completed in such a way to preserve the appearance as a single- or two-family dwelling.
  5. No dwelling unit conversion shall be permitted unless the dwelling, following such conversion, can comply with all off-street parking requirements of this Zoning Law. Landscaping and screening of off-street parking areas shall be provided as determined necessary in site plan review.
- B. New Construction.** Newly constructed multi-family dwellings shall be in conformance with the following regulations and design standards:
1. When adjacent to an existing residential neighborhood building designs are required to take the form of single- or two-family dwellings in a manner that is visually compatible with the low density residential character.

2. Buildings shall not have uninterrupted or undefined continuous wall or roof planes in excess of 50 feet. Varied roof heights, projecting bays, gables, recesses, and porches shall be used to visually divide larger building facades to produce a scale that is compatible with and complimentary to adjacent residential development.
3. Detached garages shall be located in the side or rear yard only and shall maintain a minimum setback of 10 feet from the front building line.
4. Buildings shall be laid out so that the primary entrances face the street. Each entrance shall be connected by sidewalk to the Village's public sidewalk system, where applicable.
5. Developments of 20 or more units shall provide recreational open space at a standard of 500 square feet per 20 dwelling units. Each recreation area shall be developed with both passive and active recreation opportunities. Where compliance with this requirement is infeasible due to lot size or other physical restriction, the reviewing board may waive or modify the minimum open space area requirement.

**§ 23.14**

**OUTDOOR ASSEMBLY, SEATING, SALES, DISPLAY & STORAGE AREAS**

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Outdoor assembly, seating, sales, display, and storage areas are allowable as a nonresidential accessory use, provided all areas are in conformance with the following additional requirements. These standards shall not apply to any residential accessory use.

**A. General Requirements.**

1. No area shall be located within a residential district or within any public right-of-way, except for uses located within the VC District. Occupation of the public right-of-way shall require Village Board review and approval.
2. No area shall block windows, entrances, exits, pedestrian or vehicular access, sidewalks, fire lanes, or other travel lanes.
3. No area shall exceed 30% of the gross floor area of the primary use.

**B. Assembly, Seating, Sales, and Display Area Requirements.**

1. All areas shall be located adjacent to the wall of the primary structure and shall not extend more than 30 feet from said wall or beyond any public right-of-way or property line, unless otherwise approved through site plan review.
2. No area shall be used for storage purposes.
3. Seating and all items for sales or display located in a front or side yard shall be removed, enclosed, screened, and/or secured during non-business hours.

**C. Storage Area Requirements.**

1. No area shall be permitted in any front yard or within any public right-of-way, including within the VC District.
2. All areas shall be fully screened from public view and from adjacent residential uses or districts.
3. No area shall be located within 50 linear feet of the property line of any adjacent residential use or district.

**§ 23.15 PUBLIC UTILITIES**

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- A. Electric, Telephone and Cable.** With the exception of individual service to single-family and two-family residential developments, the telephone and television cable, electric and gas lines or similar utility services, shall be installed underground, unless full documentation supporting alternate methods as the most feasible approach is provided to, and accepted by reviewing board as part of site plan review.
- B. Water Supply and Sewage Disposal.** The installation of, and specifications for, public water and sewer lines shall comply with the rules, regulations and requirements of Watkins Glen Local Law, the Village Superintendent of Public Works, the Schuyler County Health Department, the NYS Department of Environmental Conservation and/or the NYS Department of Health.

**§ 23.16 RECREATION OR ENTERTAINMENT, OUTDOOR**

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- A. Intent.** The intent of this Section is to control and regulate the impacts associated with an outdoor recreational or entertainment use so as to assure minimum adverse impact on surrounding uses. Outdoor recreational uses include, but are not limited to: sports fields; tennis courts; race tracks; or any outdoor show areas and any other similar uses.
- B. General Requirements.**
1. Outdoor lighting shall comply with Article 34.
  2. Such uses located within 500 feet of a lot line of any existing residential use shall cease operation by 10:00 PM local time.
  3. The use of an outdoor public address system shall comply with Article 34.
  4. Hours of operation shall be posted on-site.
  5. A waste management plan shall be required to ensure proper upkeep of the site and disposal of trash, litter, animal waste, and other refuse.

C. Sanitary Requirements.

1. An outdoor recreational use shall provide for adequate and safe public rest room and/or toilet facilities in accordance with the requirements of the NYS Department of Health and the NYS Uniform Fire Prevention and Building Code.
2. When temporary and/or portable restrooms are to be used to comply with this Section, not less than four shall be provided.

§ 23.17

SHORT-TERM RENTALS (STRS)

A. **Purpose.** The Village of Watkins Glen is proud to be a community that welcomes visitors while maintaining availability of permanent housing stock for residents and a high quality of life. The backbone of our Village is our residential neighborhoods and the overconcentration of STRs may cause disruption to the peace, quiet and enjoyment of people that call Watkins Glen home. In order to respect the property rights and interests of all homeowners and long-term renters in the Village, the following requirements seek to achieve a balance between those who wish to offer their homes and properties as STRs and those who choose not to do so. The STR requirements for the Village are intended to safeguard the public health, safety and welfare by regulating and controlling the location, use, occupancy, oversight, and maintenance of STR properties through location, density, operational, and permitting regulations.

B. **Definitions.** For the purposes of this Section the following terms shall have the meaning as described herein. Where a definition in this subsection conflicts with Article 12, the regulations of this subsection shall apply.

**SHORT-TERM RENTAL (STR)** – The use of a property for the rental or lease of any dwelling unit(s), or part(s) thereof, to any person, group, or entity for a period of not more than 30 consecutive nights. Motels, hotels, inns, and bed and breakfasts are excluded from this definition.

**SHORT-TERM RENTAL, ONE UNIT** – A single-family home, accessory dwelling unit, or single dwelling unit located within in a two-family home, multi-family home, or mixed-use structure intended for short-term rental use and the rental of such is managed independently of and separately from any other dwelling unit(s) located on the property.

**SHORT-TERM RENTAL, MULTI-UNIT** – Two or more dwelling units located on the same property intended for short-term rental use and the rental of all such units is managed by the same person, agent, or entity.

**SHORT-TERM RENTAL, RESIDENT-OCCUPIED** – The operation of a short-term rental where **at least one dwelling unit** on the property, or part thereof, is occupied overnight by the property owner or other proven full-time resident for the full duration of any and all rental periods.

**SHORT-TERM RENTAL, NON-RESIDENT-OCCUPIED** – The operation of a short-term rental where **no dwelling unit** on the property, or part thereof, is occupied overnight by the property owner or other proven full-time resident for the full duration of any and all rental periods. A designated overnight property manager

or other such agent not residing on the property full-time shall not be considered a resident occupant.

**FULL-TIME RESIDENT** – A person residing at a property for at least six months out of the calendar year. Such property must also be classified as their primary residence for tax purposes.

**BLOCK** – A single block shall be defined as the smallest group of contiguous properties surrounded by streets, rights-of-way, waterlines, or other such separations from adjacent properties.

**C. Permit Required.**

1. Prior to establishing an STR, the operator shall obtain a special use permit in accordance with Article 42 of this Zoning Law. Written consent from the property owner shall be required as part of the special use permit application materials.
2. Special use permit applications for STRs shall be reviewed and issued on a two-year cycle, with renewal and/or initial applications accepted from January 1 to 31. The first cycle of STR applications shall begin January 1, 2022.
3. A special use permit for an STR operation shall be valid for a period of 24 months from the date of issue and must be renewed prior to expiration for the property to continue to be used for such purposes.
4. Where the number of special use permits for non-resident-occupied STRs is limited by the provisions of this Zoning Law, a waiting list shall be created. All submitted applications during the processing period shall be reviewed and decided upon in accordance with Article 42 of this Zoning Law. Where the number of applications approved exceeds that of the permits available, the applicants will be randomly selected and issued permits until all such permits are assigned.
5. A special use permit issued for an STR operation is not transferable to a new owner. The new owner of an STR property must file a new application in accordance with the terms of this Section if such property is to continue to be used for STR purposes.
6. All existing STR properties are considered pre-existing, non-conforming uses as of the effective date of this Zoning Law.
7. No special use permit for an STR operation shall be issued for any owners and/or operators that have had a permit revoked for such use within the last 24 months.
8. Non-resident-occupied STR owners and/or operators found to be operating in violation with this Zoning Law, with or without a permit, shall lose eligibility to apply for a permit for a period of four (4) years from the date of the third violation.
9. No STR operation shall be permitted on any property that is in violation of this Zoning Law or the NYS Building Code.

**D. Location & Density Restrictions.**

1. STRs may be allowable within Village zoning districts in accordance with Articles 20, 21, and 22 of this Zoning Law, provided all other requirements of this Section are met.
2. There shall be no restriction on the number of resident-occupied STRs within the Village.
3. To prevent the over-concentration of non-resident-occupied STRs in Village neighborhoods, a cap shall be placed on the number of non-resident-occupied STR permits available in certain zoning districts.
4. The cap on non-resident-occupied STR permits shall be established as eight percent (8%) of the total residential unit in the Village. The total allowed STR permits will be revised on an annual basis, starting on January 1<sup>st</sup> of each year to reflect any changes in the total number of residential units.

**E. Waiting List in Case of Limited Permits.**

1. The Village shall establish a waiting list for non-resident-occupied STR permits for instances where the number of applications exceeds that of the number of non-resident-occupied STR permits allowable.
2. Applications for non-resident-occupied STRs shall be accepted, processed, and reviewed on a first-come, first-serve basis. Once the number of applications reaches the number of allowable permits, the remaining applicants shall be placed on the waiting list in the order in which they are received.
3. Where an application for a non-resident-occupied STR is determined to be incomplete by the CEO and/or reviewing board, is withdrawn by the applicant, , or is otherwise denied the issuance of a permit, the next applicant on the top of the waiting list shall be provided the opportunity to have their application processed and reviewed.
4. Where a non-resident-occupied STR permit is revoked or the applicant allows said permit to expire without securing a new permit under the provisions of this Zoning Law, the next applicant on the top of the waiting list shall be provided the opportunity to have their application for said permit processed and reviewed.
5. The waiting list for non-resident-occupied STR permits shall be maintained by the CEO and/or Village Clerk. All applications for such permits shall be dated and timestamped upon receipt by the Village.
6. The CEO and/or Village Clerk shall notify applicants on the waiting list within 30 days of the opening of an application spot for a non-resident-occupied STR permit. An applicant that fails to follow through on their submittal within 30 days of notification shall be considered to have withdrawn their application and the next in line shall be notified.

**F. Operation Requirements.**

1. Each STR operation shall have a designated 24-hour contact. Such contact shall be an authorized agent of the property owner and/or STR operator and shall be responsible for responding to and remedying any issues, complaints, or other conflicts associated with the STR property. The designated individual must be able to be present at the location of the STR within thirty minutes of notification of any issues, complaints, or conflicts.
2. No more than two nonresidents of the premises, who are expected to report to the property for work, shall be engaged as an employee of the operation.
3. Provisions shall be made for weekly garbage and/or recycling removal. Garbage and recycling containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not visible from the street or road except around pick-up time.
4. The property shall not be rented out solely for the purposes of hosting events, weddings, parties, or other large gatherings.
5. The use of outdoor speakers or other audio amplification devices shall not be permitted after 10:00PM EST.

**G. Maximum Occupancy.** In no case shall an STR be permitted to have an occupancy over 10 adults. For the purpose of this Section, "adult" means any person over the age of 18.

**H. Parking Requirements.**

1. An STR shall provide off street parking in accordance with the requirements Section 30.4 of this Zoning Law, based on the dwelling type of the STR, plus one additional space. STRs in the MU-L and MU-VC Districts shall be exempt from this minimum parking requirement.
2. Such off-street parking spaces shall conform to the requirements of Section 30.3 of this Zoning Law.
3. Under no circumstance shall a STR be permitted where the minimum off-street parking requirement cannot be met.

**I. Design and Construction Standards.** There shall be no change in the outside appearance of the building or premises that alters or detracts from the residential character of the structure, where applicable, or the overall character of the neighborhood.

**J. Safety Standards.** All STRs must be in conformance with NYS Building Code, as well as the following:

1. Emergency evacuation procedures must be posted in each sleeping room.
2. An ABC Fire extinguisher shall be provided on each floor and in the kitchen. Fire extinguishers shall be inspected monthly by the permit holders.

3. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.

**K. Insurance and Registration Standards.**

1. All applicants and permit holders must provide a "Evidence of Property Insurance" and "Certificate of Liability Insurance" indicating the premises is rated as an STR and maintain such insurance throughout the term of the permit.
2. In addition to the requirements imposed by this Section, all applicants and permit holders must obtain and maintain all governmental permits and licenses necessary to conduct business as an STR. This shall include filing and registering as a business with Schuyler County for tax purposes. The Certificate of Authority to Collect Occupancy Tax must be posted in the home by the front door.

**L. Application Requirements.** In addition to the application requirements for a special use permit, applications for an STR shall also submit the following:

1. A list of all the property owners and/or operators of the STR, including names, addresses, telephone numbers, and email addresses. This shall include signatures of all persons and entities with ownership interest in the property.
3. A list of all full-time residents of the property and proof of notification of intent to apply for a STR permit.
4. A copy of the current vesting deed showing how title to the subject property is then held.
5. Written permission for a property inspection by the CEO.
6. A statement of compliance with the STR standards as defined in this Section, including a commitment to continue to comply.
7. The maximum desired occupancy by the operator.
8. Written designation of and contact information for the designated contact person or agent in accordance with Subsection 23.17 (E) 1.
9. A rental contract in accordance with Subsection 23.17(L).
10. Proof of registration as business with Schuyler County, including the issued Certificate of Authority to Collect Occupancy Tax.
11. A site plan of the property measuring at least 8 ½" X 11", drawn to scale and certified by the applicant. The site plan must include the following:
  - a) The location of buildings and required parking.
  - b) The location and arrangement of all utilities, rooms including bedrooms, windows, entrances, and exits on each floor of the property including the basement and attic.



**M. 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, to be provided to all renters, that acknowledges:
  - a) The STR is in a residential area in the Village and renters should be conscious of the residents in neighboring homes;
  - b) Renters must comply with the Noise Ordinance of the Village of Watkins Glen of as set forth in Local Law #1 of 2014;
  - c) Renters will be subject to New York Penal Law §240.20 or any successor statute;
  - d) Littering is illegal; and
  - e) Indoor and/or outdoor fires must be attended at all times.

**N. Requirements upon Approval of Permit.**

1. The permit holder shall provide a copy of the permit to the owners of all properties adjacent to the STR property. A statement of compliance with this provision, identifying the owners served, their addresses, and the method of service (e.g., mail, personal delivery), shall be provided to the Village Clerk.
2. The current permit and certificate of occupancy shall be prominently displayed inside and near the front entrance of the STR.
3. The permit holder must conspicuously display the permit number in all advertisements for the applicable STR.

**O. Compliance and Penalties.**

1. Owners and/or operators of STRs shall obey all applicable laws, ordinances and regulations of the Village of Watkins Glen, Schuyler County, New York State, and the United States, and shall be subject to the enforcement and penalty proceedings contained in the Zoning Law.
2. In addition to the penalties prescribed in the Zoning Law for the violation thereof, violations of this Section may also be subject to the following:
  - a) A fine of up to \$1,000.00 per day per violation;
  - b) The attachment of reasonable conditions to the existing permit;
  - c) The suspension of the permit; and/or
  - d) The revocation of the permit.

**P. Complaints.**

1. Complaints regarding the operation of a short-term transient rental shall be in writing to the Code Enforcement Officer.
2. A Complaint Review Board shall be established with rotating terms to review and investigate the presence of a violation. The Complaint Review Board shall be comprised of the Code Enforcement Officer, the Police Sargent, and one Village Trustee.
3. Upon receipt of a complaint of violation, the Complaint Review Board shall investigate to determine the presence of a violation, and upon finding to their satisfaction that a violation was or is currently occurring, the Code Enforcement Officer shall issue to the property owner and the local manager a notice detailing the alleged violation(s) as determined by the Complaint Review Board. Such notice shall also specify what corrective action is required of the property owner, and the date by which action shall be taken.
4. Notices required by this Section shall be issued by the Code Enforcement Officer either by personal service to the property owner and/or the local manager, if applicable, or by certified mail to the address of the property owner and/or local manager as shown on the permit application.
5. If the landowner does not comply with corrective action by the date given by the Code Enforcement Officer, the Village of Watkins Glen may initiate procedures to revoke the permit, or the Village of Watkins Glen may begin a criminal action against the property owner or pursue any other relief permitted by law.
6. After three verified complaints and/or violations of this Zoning Law, a STR permit shall be revoked. Appeals may be made to the Village Board.
7. The Code Enforcement Officer shall refer to the Village Board any property owners whom they believe to be in violation of this Zoning Law. The Village Board shall determine whether the permit in question shall be revoked. A revocation of a permit requires a public hearing by the Village Board. The referral to the Village Board may be done in addition to any other penalties permitted by law.
8. Complaints can further lead to a denial of a renewal permit until the violation is resolved.

**§ 23.18**

**SOLAR ACCESS**

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- A. Plan Requirements.** A site plan for new residential development that includes either five or more acres of site development area and/or more than 20 dwelling units, shall consider designs to promote the maximum number of buildings receiving direct sunlight sufficient for using a solar energy system. Such site plan shall include a solar access plan that considers the following:
1. Solar access shall be protected between the solar azimuths of -45 degrees east of due south and +45 degrees west of due south.

2. For solar access, streets, lots and building setbacks should be designed so that the buildings are oriented with their long axes running from east to west for single-family development and north to south for multi-family development.
3. In order to maximize solar access, the higher density dwelling units should be placed on a south-facing slope and the lower density dwelling units sited on a north-facing slope.
4. Structures should be sited as close to the north lot line as possible in order to increase yard space to the south and thereby reduce the shading of the south face of a structure.
5. A tall structure should be sited to the north of a short structure.
6. A description of any legal mechanisms, such as deed restrictions, covenants, etc., that are to be applied to protect or provide for solar access shall be sufficiently documented in a site plan.

## § 23.19 TEMPORARY STORAGE UNITS

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- A. Purpose.** The Section has been adopted to ensure that placement of temporary storage units does not negatively impact the character and aesthetics of the Village, as well as to promote the health, safety, and welfare of the general public.
- B. Applicability.** This Section applies to only properties within residential districts. The placement and use of temporary storage structures within commercial and industrial districts are exempt.
- C. Placement of Units.**
  1. Units shall only be placed in the driveway, or if access exists, at the side or rear of the lot. The unit may not be placed in unpaved front yard space.
  2. Units shall be set back at least five feet from any lot line and five feet from any structure, where practicable.
  3. Approval from the Code Enforcement Officer shall be required if the location of a unit meets either of these conditions:
    - a) There is no driveway; or
    - b) The location is on a corner lot.
  4. Placement shall not limit visibility of vehicles, pedestrians, or bicyclists.
- D. Number of Units, Size, and Enclosure.**
  1. Only one enclosed temporary storage unit or commercial grade dumpster may be placed upon any lot at one time.
  2. Units shall not have a footprint exceeding 350 square feet or a height of more than nine feet.

3. Dumpsters and/or storage units used for construction projects with an approved building permit shall not be limited in number or size, or required to be fully enclosed, provided they are removed within seven days of project completion.
- E. **Duration.** The temporary storage unit shall be located at such address for a maximum of 90 consecutive days, including the days of delivery and removal.
- F. **Maintenance.** The registrant shall be responsible for ensuring that the enclosed temporary storage unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.
- G. **Prohibited Materials and Uses.** The storage of solid waste, chemical substances, and illegal or hazardous material is prohibited.
- H. **Inspection.** Upon reasonable notice to the registrant, the Code Enforcement Officer may inspect the contents of any enclosed temporary storage unit at any reasonable time to ensure that it is not being used in a manner prohibited by this Section.

## § 23.20 VEHICLE SALES & REPAIR

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- A. A curbed landscaped area shall be maintained at least three feet in depth along all street frontage space not used as driveway. The required landscaping and screening treatments of such area shall be determined through site plan review.
- B. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work or automobile maintenance is to be performed outside a building.
- C. Outdoor storage areas may be permitted, subject to the requirements of the district in which the use is located and the requirements of Section 24.11.
- D. No automotive use area shall be used for auto wrecking or for the storage of wrecked, partially dismantled or junked vehicles, or equipment or motor vehicles which do not qualify for New York State vehicle registration.
- E. No 24 hour operation use shall be permitted within 200 feet of an existing residential use and/or residential district boundary.
- F. Fuel, oil and other materials which are environmentally hazardous, shall be stored, controlled and disposed of in accordance with the Rules and Regulations of the NYS Department of Environmental Conservation, and documentation shall be filed with the Village.
- G. No vehicle sales or service use shall include a publicly accessible gas station, unless approved and in conformance with the requirements of Section 23.11.

## § 23.21 VETERINARY HOSPITALS & KENNELS

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- A. All services shall be provided within a completely enclosed building, with the exception of outdoor animal exercise, play, or containment areas subject to site plan review approval.

- B. Adjacent properties shall be adequately protected from noise, odors, and unsightly appearances as determined appropriate by the reviewing board in site plan review.
- C. All buildings, structures, accessory use areas, and outdoor animal exercise, play, or containment areas, except off-street parking areas, shall be located at least 50 feet from any property line abutting a residential use or district.
- D. Screening for outdoor animal exercise, play, or containment areas may be required along lot lines bordering residential uses or districts at the reviewing board's discretion.
- E. A waste management plan shall be required to ensure proper upkeep of the site and disposal of animal excrement and waste.
- F. Kennels shall be located at least 500 feet from any adjacent residential use or district.

## § 23.22 WINERIES, BREWERIES & DISTILLERIES

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- A. When adjacent to residential uses or districts, such uses shall be buffered to minimize visual and auditory impacts in a method approved during site plan review. Such buffering may include but is not limited to landscaping, screening, and fencing.
- B. All such uses dealing with the importation, manufacture, distribution, or sale of alcohol shall obtain a license as required by the NYS Liquor Authority and operate in accordance of the regulations therein. A complete copy of any application filed with and license issued by the NYS Liquor Authority shall be provided with any application subject to this Zoning Law.
- C. Bars and tasting rooms of breweries and distilleries shall include a minimum food preparation area and menu that satisfies the NYS Liquor Authority's minimum food requirement.
- D. A waste management plan shall be required to provide for proper upkeep of the site and disposal of refuse. All refuse containers shall be located in the rear yard and maintain a setback of at least five feet from all property lines.
- E. Where the provision of on-site refuse containers is infeasible, a shared waste management agreement may be established between adjacent uses. Under no circumstance shall any shared refuse container be located outside of a 200 foot radius of a single use.

## § 23.23 TELECOMMUNICATIONS FACILITIES

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

1. Facilitating the provision of wireless telecommunication and other communication services to the residents and businesses of the Village, while simultaneously preserving the character, appearance and aesthetic resources of the Village;
  2. Minimizing the adverse visual effects of telecommunication towers and facilities through development of siting and approval criteria;
  3. Protecting the scenic, historic, environmental, natural and man-made resources of the Village;
  4. Preserving property values of the Village;
  5. Minimizing the undue proliferation and height of communication towers throughout the Village;
  6. Avoiding potential harm to adjacent persons and properties from tower failure, noise, falling objects and attractive nuisances by its the establishment of appropriate siting standards;
  7. Encouraging, where reasonably possible, the shared use of existing and approved towers in order to reduce the number of towers needed to serve the community and thereby minimize and mitigate the adverse visual impacts of towers and their facilities.
- B.** These regulations are intended to be consistent with the Telecommunications Act of 1996 in that:
1. They do not prohibit, nor have the effect of prohibiting, the provision of personal wireless services,
  2. They are not intended to be used to unreasonably discriminate among providers of functionally equivalent services, and
  3. They do not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning emissions.
- C.** All WTF and towers shall require site plan approval in accordance with the procedures and requirements of Article 41.
- D. Additional Submittal Requirements.** In addition to the standard submittal requirement for a site plan, as specified in Article 41, an application for a WTF and tower shall include the following documentation. However, the reviewing board may waive the submittal of certain of the following documentation in the instance of a WTF that is to be located on an existing structure or tower:
1. **Necessity of service.** A demonstration supported by standard engineering practices that the proposed WTF is necessary in order to provide service to locations which cannot be served by existing WTF and/or towers within and outside the Village, and/or by alternate technologies, such as repeaters.
  2. A copy of the FCC License for the applicant's service in the proposed area.

3. A five year build-out plan for the proposed site and other sites within the Village and within adjacent towns, clearly demonstrating the applicant's plans for other structures, proposed application and building dates.
4. **Structural Integrity Certification.** A certification by a NYS Licensed Professional Engineer that the supporting structure/tower will meet the Uniform Fire Prevention and Building Code wind load requirements for the proposed facility and any additional users identified in the Co-Location Certification.
5. **Co-Location Certification.** A demonstration by standard engineering practices, signed by a licensed NYS Professional Engineer, that the structure or tower can accommodate additional co-locators. Such data shall identify the maximum number of co-locators, or alternative co-location strategies, which could be supported on the structure or tower.
6. **Visual Impact Assessment.** The applicant shall provide a visual impact assessment, including a photo simulation that supports, with clear and convincing evidence, that the visual, aesthetic, and community character intrusion impacts have been minimized to the greatest extent possible.
7. **Height and Bulk Documentation.** The applicant shall provide clear and convincing evidence that the proposed height and bulk of the WTF is the minimum necessary to provide licensed communications to the locations in the Village that the applicant is unable to serve by an existing facility and by a facility of lower height.
8. **Emission Certification.** A report signed by NYS Licensed Professional Engineer with expertise in radio communication facilities and/or a health physicist with expertise in radio frequency emissions, which states that the proposed maximum equipment output at the proposed site will comply with all emission standards adopted by the FCC. Such certification may be required to be periodically updated.
9. **Non-interference Certification.** A certification and supporting evidence that the proposed WTF will not cause interference with existing communication devices.

**E. Standards for Wireless Telecommunications Facilities.**

1. All newly proposed WTF and towers, alterations to existing WTF with towers as a Principal Use shall meet the following standards, which shall be considered the minimum requirements:
  - a) Minimum lot size shall be as specified in Articles 20, 21, and 22 or a minimum area equal to a square that is the height of the tower, whichever is greater.
  - b) **Setback Standards.** All WTF and towers shall be setback from all property lines and above ground power lines not less than the maximum distance from the center of the monopole or tower to the perimeter of the fall zone should the structure collapse, as certified by a NYS Licensed Professional Engineer; or the setbacks established in Articles 20, 21, and 22 for the Zoning District, whichever is greater.

- c) All WTF and Towers shall be located so as to be:
  - i. Separated from all dwellings by a distance of not less than 500 feet.
  - ii. Separated from all day care centers and schools by a distance of not less than 500 feet.
  - iii. Separated from all churches and places of worship by a distance of not less than 500 feet.
  - iv. Separated from a road right-of-way by a distance of not less than five hundred (500) feet.
- d) **Height limits.** The height of any new tower shall be the minimum required to establish and maintain adequate service as documented in the submittal documentation. In no instance shall the tower exceed 150 feet above the ground elevation, nor a maximum of 50 feet above the tree line, whichever is less, unless specific documentation is provided which substantiates that the proposed service requires a tower of greater height.
- e) **Support structures.** All new towers shall be a monopole, unless otherwise authorized by the Planning Board for good cause as shown in the submittal documentation.
- f) **Lighting.** Signal lights shall be prohibited unless required by the FCC or Federal Aviation Administration.
- g) **Visual Impact.** A WTF and/or tower shall be sited so as to affect the minimum adverse visual impact on the surrounding areas and roadways. Facilities and towers shall be designed and constructed of materials that are harmonious with the natural setting of their location/area.
  - i. The maximum area permitted to be cleared shall be no more than 50 feet in extent from the tower and/or accessory structure footprint. Only the very minimum amount of vegetative clearing shall be permitted to accommodate construction.
  - ii. All equipment accessory structures shall be sited to minimize their adverse visual impact on the surrounding areas and roadways. The Planning Board may require that these facilities shall be located completely, or partially, underground.
  - iii. All equipment not located within a structure shall be designed and/or treated with materials to blend with the surrounding natural setting and/or other accessory structures.
- h) **Co-Location.**
  - i. Co-Location is required of all new WTF and towers unless:
    - 1. The applicant has provided clear and compelling evidence in accordance with Section 23.23(D);



2. Co-Location cannot achieve the minimum reasonable technical needs of the proposed facility;
  3. The inability to secure permission of the owner(s) of existing site(s) and/or facility(ies) at a reasonable cost to allow such additional installation; and/or
  4. Structural and other engineering limitations, absent reasonable refurbishment, are demonstrated.
- ii. The applicant shall document additional capacity for future shared use of the tower and shall certify that such additional capacity shall be available for future applicants providing Wireless Telecommunication Services, subject to good faith negotiations.
  - iii. The clustering of towers and WTF on the same lot shall be considered if colocation cannot be accomplished.
- i) **Security.** Each WTF shall be protected against unauthorized access. Security fencing shall be required. The reviewing board shall determine the aerial extent of fencing required based on the site plan application submittal. All security fencing shall be a minimum of 12 feet in height and shall not have to conform to the requirements set forth in Section 24.9.
2. All newly proposed WTF without towers, and alterations to existing WTF without towers, that are accessory uses, shall meet the standards for the principal building or structure on which they are to be located.

**F. Exempt Facilities.** The Village has determined that the following transmitting and/or receiving telecommunication facilities are exempt from regulation under this law and Section:

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

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

# ARTICLE 24. SUPPLEMENTAL REGULATIONS

## § 24.1 REDUCTION OF LOT AREA

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No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of this Zoning Law shall be smaller than herein prescribed for each district. The provisions of this Section shall not apply when part of a lot is taken for public purpose.

## § 24.2 ACTIVITIES PROHIBITED IN ALL DISTRICTS

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

## § 24.3 EXCEPTIONS IN ALL DISTRICTS

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- A. **Public Properties.** Nothing in this law shall restrict construction or use in the exercise of governmental use of a governmental building or lot.
- B. **Public Utilities.** Nothing in this law shall restrict the construction or use of underground distribution facilities of public utilities operating under the laws of the State of New York. Other facilities may be constructed subject to a site plan approval.

## § 24.4 YARD REQUIREMENTS

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### A. Corner Lots.

1. Any yard with frontage along two intersecting streets shall be considered to have only one front yard for the purposes of applying the lot requirements of this Zoning Law.
2. Only one yard fronting the street is required to comply with the minimum front setback requirement, all other yards shall conform to the front or side yard requirement, whichever is less.
3. No part of any lot that has two (2) or more front yards shall be deemed to be a rear yard.
4. On any lot with more than one front yard, all yards, other than the front yard, shall be deemed to be a side yard.

### B. Special Requirement Relating to Side Yard.

1. Any structure having attached or semi-detached residential dwelling units, such as townhomes, shall meet the side yard setback only at the end of the structure facing the side yard.
2. Where the sidewall of a building is not parallel to the side lot line or the side lot line is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width. Such yard shall not be narrower at any one point than one-half (1/2) the otherwise required minimum width setback.

## § 24.5 PROJECTION INTO YARD

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

- A. Awnings, canopies, single-story porches, and deck stairs may project a maximum of six feet.
- B. Cornices, eaves, passive solar devices, other such architectural features, and roof-mounted antennas may project a maximum of two feet.
- C. Exterior uncovered and unenclosed handicap access facilities may project up to the lot line if required to meet the access requirements of the Americans with Disabilities Act (ADA).

## § 24.6 COMPLIANCE WITH DENSITY

---

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

## § 24.7 GENERAL EXCEPTION TO HEIGHT REQUIREMENTS

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The limitations of the height of a building shall not apply to parts of a structure which are non-habitable, including; silo, chimney, heating, ventilating and air conditioning (HVAC) equipment, skylight, tank, bulkhead, spire, or antennas in accordance with Section 23.23.

## § 24.8 THROUGH LOTS

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

## § 24.9 FENCE REQUIREMENTS

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### A. General Requirements.

1. It shall be the responsibility of the property owner to ensure all fencing is located upon their own property and not on an adjoining property or directly upon a property line.
2. A building permit must first be obtained from the Village Building Inspector before any work can be started.
3. No fencing shall be installed, or replaced, which poses a potential hazard to either pedestrians or motorists by restricting vision.
4. It shall be the responsibility of the property owner whose land contains a fence to maintain that fence so that it remains structurally sound and does not aesthetically detract from neighboring properties. The property owner is also responsible to see that any vegetation (i.e. grass, weeds) around a fence is regularly mowed. Failure on the part of a property owner to maintain his/her fence in accordance with these provisions shall constitute a violation of this Zoning Law.

### B. Height Restrictions.

1. Fencing located in the front yard shall not exceed four feet in height.
2. Fencing located in side or rear yards shall not exceed eight feet in height.
3. Plantings and bushes used in lieu of a man-made fence as set forth above (i.e., a hedge) shall not exceed eight feet in height.

### C. Location. Fences shall be constructed entirely within the boundaries of a lot.

**D. Facing.** Any fence shall have its most pleasant or decorative side facing the adjoining lot or public right-of-way with all posts being in the applicant's yard, unless such posts or supports are an integral part of the decorative design of the fence.

**E. Barbed, Electrical, and Other Fences.**

1. In no case shall barbed wire, spikes, chipped glass, electricity or similar materials or devices be used in conjunction with or as part of any fence.
4. Exceptions to this provision may be permitted upon issuance of a conditional use permit issued by the reviewing board where it can be determined that:
  - a) The fence is needed to prevent entry to an area which could be hazardous to the health, safety or welfare of a person or persons.
  - b) The fence is needed to secure an area where hazardous or otherwise sensitive materials and/or equipment are stored.
  - c) The fence is needed to keep animals other than common household pets from leaving the site.
  - d) Where, in the reviewing board's opinion, resources are presented which in the general community interests, or interests of national safety, justify the need for such a fence.
5. Where such fences are permitted, the fact that they are either barbed or electrified shall be clearly indicated on the fences at intervals of not more than 50 feet.
6. Such fence shall not exceed eight feet in height and must not be detrimental to the health, safety or welfare of any person coming into contact with it.

**§ 24.10**

**CLEAR VISION ZONE REQUIREMENTS**

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

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

**C. General Requirements.**

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

**§ 24.11**

**OUTDOOR STORAGE OF RECREATIONAL VEHICLES,  
BOATS, OR OTHER UTILITY OR SERVICE VEHICLES**

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- A.** Two recreational vehicles, boats, or other utility or service vehicles or equipment less than nine feet in height and less than 25 feet in length may be stored in a driveway provided such vehicles are located behind the front building line, or the side building line.
- B.** No recreational vehicle, boat, or other utility or service vehicle or equipment shall be stored in any front yard or within three feet of any lot line.
- C.** No recreational vehicle, boat, or other utility or service vehicle or equipment shall have a permanent connection to sanitary sewer facilities, electricity, water, or gas.
- D.** Recreational vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs, refurbishing, or reconstruction of the recreational vehicle or accessory equipment.
- E.** Any on-street parking of recreational vehicles must be in compliance with the Village of Watkins Glen Traffic Regulating Law (Local Law #2 of 2012) and any future amendments.
- F.** In any residential district, motor vehicles used for drag or stock car racing and an abandoned or junked vehicle must be parked in an enclosed garage. For purposes of this Section, an "abandoned or junked vehicle" shall mean any vehicle which is unlicensed or not in condition for legal use on the highway.
- G.** A special use permit may be granted by to allow relief from the conditions above. These permits shall be granted for a time period defined by the reviewing board.

# VILLAGE OF WATKINS GLEN ZONING LAW

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## PART 3 DEVELOPMENT STANDARDS

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# ARTICLE 30. CIRCULATION, ACCESS, & PARKING

## § 30.1 INTENT & PURPOSE

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- A.** It is the intent of this Article is to assure that all development provide for safe and adequate access to a lot proposed for development. This intent is furthered by the requirement that all development that proposes to contain a new Village street, private street and/or internal drive be designed to provide for:
1. Convenient traffic access and circulation;
  2. Traffic control and safety;
  3. Access for firefighting, snow removal, and street maintenance equipment;
  4. Stormwater drainage; and
  5. Utility location.
- B.** The provisions of this Article are also intended to help protect the public health, safety, and general welfare by achieving the following objectives:
1. Protect the users of adjacent properties from nuisances caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles;
  2. Minimize further expansion of impervious surfaces within the Village and reduce loss of green space;
  3. Facilitate the implementation of sustainable design practices and development of green infrastructure to protect natural resources and improve the Village's resiliency in the face of climate change;
    - a) Help to avoid and mitigate traffic congestion, traffic hazards, and vehicle and pedestrian interaction; and
    - b) Encouraging multi-modal transportation options and enhanced pedestrian safety.

## § 30.2 APPLICABILITY

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- A.** The term "vehicle," as used in this Article, shall include, but not be limited to automobiles, motorcycles, trucks, recreational vehicles, campers and trailers, including recreational and boat trailers.



- B.** No site plan shall be approved and no permit shall be issued for the erection or occupancy of a building or structure unless the use conforms to the requirements of this Article.
- C.** For any off-street parking facility as required by this Article, a layout plan showing entrances, drives and parking stalls, and snow storage and removal provisions shall be submitted as part of site plan review.
- D.** Off-street parking and loading spaces shall be provided and kept available as an accessory use to all permitted and specially permitted uses of buildings, structures, and lots.
- E.** Areas that may be considered as off-street parking space include any private garage, carport or other area available for parking other than a street, entrance or exit lane, vehicle, pedestrian, or bicycle accessway, or driveway.
- F.** The provision and maintenance of private off-street parking areas is a continuing obligation of the property owner.

### **§ 30.3** OFF-STREET PARKING IN RESIDENTIAL DISTRICTS

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Off-street parking and driveways for single-, two-, and multi-family dwellings up to four units shall conform to the following:

#### **A. Off-Street Parking.**

- 1.** Parking is prohibited on grass and yard space that is not hard-surfaced and properly designated for such use.
  - a)** Off-street parking may be permitted in the front yard, provided all spaces are located on an approved driveway.
  - b)** Recreational vehicles, commercial vehicles, and other vehicles exceeding 14 feet in length or nine feet in height may be parked on an approved driveway, provided such vehicles are located behind the front building line.

- B. Driveways.** All newly constructed driveways shall require the issuance of a building permit in accordance with this local law.

### **§ 30.4** OFF-STREET PARKING MINIMUMS

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#### **A. Determination of Requirements.**

- 1.** The requirement for a single use (e.g. a retail store) shall be determined directly from this Section. The requirements for a combination of uses made up of multiple permitted or specially permitted uses (e.g. a retail store with an office building) shall be determined by establishing the requirement for each single use and adding them together, unless otherwise provided for in this Article.

- a) If the use is not specifically listed in the schedule of such requirements, the requirement shall be the same as the most similar listed use, as determined by the CEO.
- b) Any use requiring ½ or more of a parking space shall require the full space.
- c) The maximum number of parking spaces allowable for any use is not to exceed 125% of the minimum requirement, unless otherwise approved as part of site plan review. The need for additional parking must be demonstrated by a quantifying analysis and determined not to create adverse impacts to neighborhood character, quality of life, or environment.
- d) The minimum parking requirement may be reduced as part of site plan review if the applicant can make permanent arrangements for shared parking (in accordance with §30.5(C)) with other uses or can otherwise prove that the parking standards are excessive for the use.
- e) The minimum parking requirement may be increased as part of site plan review if it is deemed necessary to protect the health, safety, and general welfare of the public.

**B. Mixed Use Village Center (VC) District.** There shall be no minimum parking requirements for existing development within the VC District. New development shall provide off-street parking spaces in accordance with the following table:

LAND USE	MINIMUM SPACES (VC District)
<i>Residential</i>	<b>1 per dwelling unit</b>
<i>Lodging</i>	<b>1 per room</b>
<i>Other</i>	<b>3 per 1,000 square feet of gross floor area</b>

**C. All Other Districts.** Off-street parking spaces shall be provided in all districts, except in the VC District, in accordance with the following table:

LAND USE	MINIMUM SPACES
<b>RESIDENTIAL</b>	
<i>Single- or Two-Family Dwelling</i>	<b>2 per dwelling unit</b>
<i>Multi-Family Dwelling</i>	<b>1.5 per dwelling unit</b>
<i>Upper Floor Dwelling Unit</i>	<b>1 per unit</b>
<i>Bed &amp; Breakfast</i>	<b>1 per room</b>
<i>Hospice, Nursing Home, or Assisted Living</i>	<b>0.5 per bed + 0.5 per employee<sup>1</sup></b>
<i>Short-Term Rentals</i>	<b>Per Dwelling Unit Type Requirements + 1</b>
<b>COMMERCIAL</b>	
<i>Retail Operation</i>	<b>3 per 1,000 square feet<sup>2</sup></b>
<i>Service Operation</i>	<b>2 per 1,000 square feet<sup>2</sup></b>
<i>Restaurant, Bar, or Tavern</i>	<b>4 per 1,000 square feet<sup>2</sup></b>
<i>Office, Administrative or Professional</i>	<b>2 per 1,000 square feet<sup>2</sup></b>
<i>Office or Clinic, Medical</i>	<b>3 per 1,000 square feet<sup>2</sup></b>
<i>Lodging</i>	<b>1 per guest room + 0.5 per employee<sup>1</sup></b>
<i>Other Commercial Use</i>	<b>3 per 1,000 square feet<sup>2</sup></b>

**\* TABLE CONTINUED ON NEXT PAGE\***

INDUSTRIAL	
<i>All Uses</i>	1 per employee <sup>1</sup>
OTHER	
<i>Licensed Daycare Facility</i>	1 per classroom + 1 per employee <sup>1</sup>
<i>Public Use / Place of Public Assembly</i>	0.5 per occupant, based on max occupancy
<i>School, Public or Private</i>	1 per classroom + 1 per employee <sup>1</sup>
<i>Place of Worship</i>	1 per 3 seats <sup>3</sup>
<i>Home Occupation</i>	As required for dwelling <sup>4</sup>

- NOTES:
- (1) Based on the maximum shift.
  - (2) As measured by the gross floor area of the primary structure of the proposed use.
  - (3) 18 linear inches of pews, benches, or other similar seating shall be counted as one seat.
  - (4) No more than 2 additional spaces shall be allowed.

## § 30.5 PARKING ARRANGEMENT ALTERNATIVES

The following alternative arrangements may be employed to satisfy off-street parking requirements, conditional of site plan review approval.

- A. **On-Street and Municipally Owned Parking.** On-street and municipally owned parking spaces may be used to satisfy up to 20% of the requirements for off-street parking provided such spaces are no more than 1,000 feet from the use.
- B. **Parking Demand Analysis.** The number of off-street parking spaces required for any use may be adjusted with the completion of a parking demand analysis by the applicant. When parking will be shared with other functions, the parking demand analysis may be used to determine the sharing factor. Such analysis shall include, at a minimum:
  - 1. An estimate of the number of spaces needed to accommodate the proposed use;
  - 2. A summary and map of the proposed location and/or configuration of spaces (on site, public lots, on street, etc.);
  - 3. A market study and/or other supporting information and rationale behind the requested number of parking spaces; and
  - 4. An analysis of existing parking conditions in the surrounding area, to include a radius of at least 500 feet.
- C. **Joint & Shared Parking Facilities.**
  - 1. **Benefit.** Joint and shared off-street parking areas that extend across property lines are encouraged as parking can be more efficiently organized between uses in larger areas, resulting in more parking capacity with less land devoted to parking.
  - 2. **Joint Parking.** Joint off-street parking areas by two or more buildings or uses located on the same lot or adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately. The land upon which the joint parking spaces are located shall be owned or leased by one or more of the collective users.

3. **Shared Parking.** Shared off-street parking areas for two or more uses that are located on the same lot or adjacent lots is permitted, provided they have differing peak parking demands or operating hours. Shared parking areas shall conform to the following:
  - a) The minimum number of spaces provided is at least that of the use with the greatest parking requirement.
  - b) The parking area is located within 1,000 feet of the building(s) or use(s) it is intended to serve.
  - c) The applicant demonstrates that the uses have different peak hour parking demands or that the total parking demand at one time would be adequately served by the total number of parking spaces proposed.
  - d) A Shared Parking Agreement is executed documenting the shared uses and property owners and must be reflected in a deed, lease, contract, easement or other appropriate legal document.
  - e) A Maintenance Agreement is executed documenting the responsibility of each user in the maintenance and upkeep of said shared parking facilities.

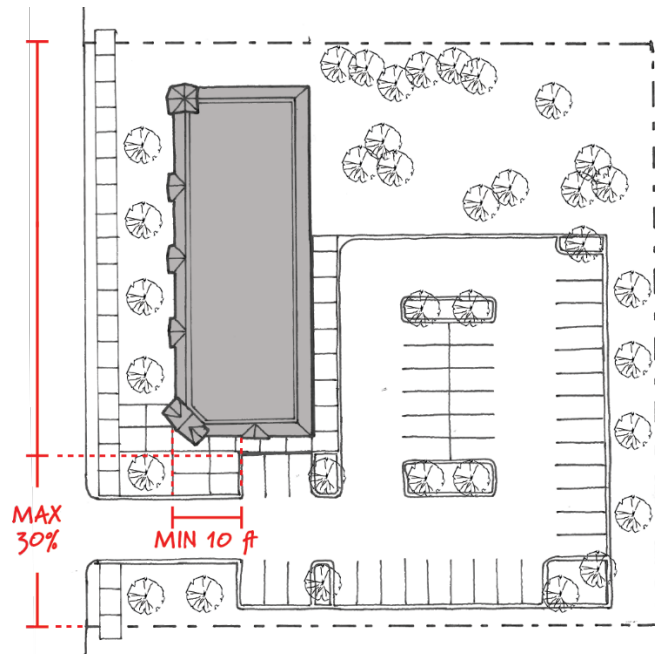
## § 30.6

### PARKING LOCATION REQUIREMENTS

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- A. **Location in All Districts.** Off-street parking and loading spaces are prohibited in the front yard in all districts. However, parking in front yard space shall be allowed for single-, two-, and multi-family dwellings up to four units on an approved, designated driveway.
- B. **Side Yard Parking.** Parking areas located in the side yard may be permitted in the N, C, L, and I Districts when in compliance with the following standards:
  1. The overall width of the parking area frontage does not exceed 30% of the lot width (see Figure 30.1).
  2. The paved parking area is at least 10 feet behind the front building line. Where no primary structure is provided on a lot, the parking area shall meet the minimum setback requirements or be located at least 10 feet behind the front building line of an adjacent property, whichever is greater (see Figure 30.1).
  3. The parking area is screened from the public right-of-way with landscaping or other visual buffer measuring at least three, but no more than five feet in height.

FIGURE 30.1 SIDE/REAR YARD PARKING



- C. **Special Restrictions.** Parking and loading spaces shall never be located at the corner of any street, in front of any building, or between a building and the public right-of-way.
- D. **Same Lot Requirement.** All off-street parking and loading spaces shall be on the same lot as the use they are intended to serve unless otherwise specified in this Article.

## § 30.7 PARKING DESIGN REQUIREMENTS

- A. **Materials and Markings.**
  1. All spaces shall be hard surfaced with dustless material and shall be maintained in smooth and well-graded condition. Such surface shall be permanent and capable of being kept free of snow, dust, and dirt.
  2. The use of pervious pavement material is highly encouraged. Areas comprised of permeable pavement shall be excluded from the calculation of maximum lot coverage.
- B. **Landscaping and Screening.** All off-street parking and loading areas shall be landscaped and screened in accordance with Section 30.11 of this Article.
- C. **Lighting.** All off-street parking and loading areas shall be illuminated in accordance with the requirements of Article 34.
- D. **Grading and Stormwater.** All spaces and their access driveways shall be graded so as to provide for the proper mitigation of stormwater and runoff.

**E. ADA Conformance.** All new or reconstructed off-street parking areas must conform to Americans with Disabilities Act standards.

**F. Snow Removal.** All off-street parking areas must include a dedicated area independent of required parking and loading spaces for the placing and storage of snow.

**G. Dimensions.**

1. Off-street parking space and aisle dimensions shall be in conformance with the table below:

ANGLE OF PARKING SPACE	WIDTH (FEET)	LENGTH (FEET)
90 Degree	<b>9 MIN</b>	<b>18 MIN</b>
60 Degree	<b>9 MIN</b>	<b>18 MIN</b>
45 Degree	<b>8 MIN</b>	<b>18 MIN</b>
180 Degree (Parallel)	<b>8 MIN</b>	<b>22 MIN</b>

2. Aisles intended for the maneuvering of vehicles within parking areas shall be no more than 24 feet in width.

**H. Parking Garages.**

1. Parking garages that front Franklin Street shall have commercial space on the first floor along street frontages or a comparable design.

2. The materials and architectural detailing must be coordinated with surrounding buildings.

**§ 30.8**

**BICYCLE & PEDESTRIAN ACCOMODATIONS**

**A. Bicycle Parking.** The provision of bicycle parking is encouraged with all multi-family and nonresidential development at a rate of at least 10% of vehicle parking requirements.

**B. Pedestrian Connectivity.**

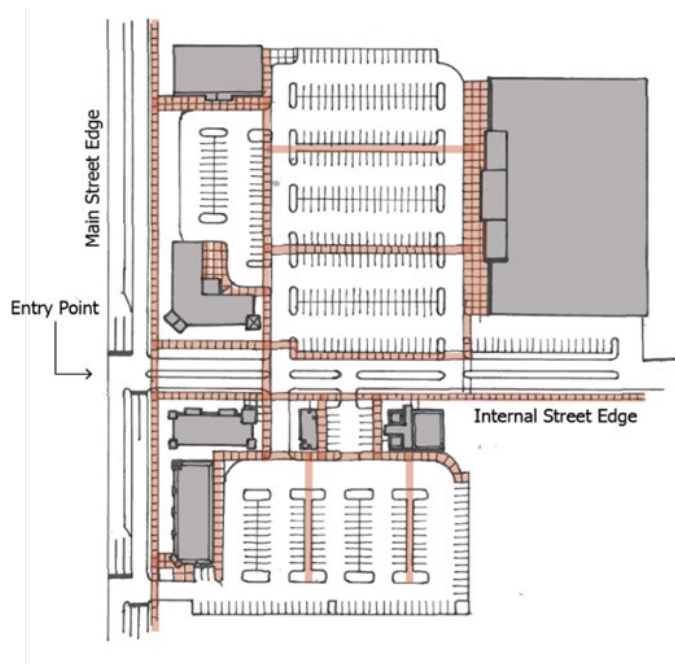
1. Off-street parking areas of five or more spaces shall include a clearly identified pedestrian network from the parking spaces to building entrances and uses on site. Pedestrian connections to the public sidewalk shall also be required, where applicable (see Figure 30.2).

2. Sidewalks shall be provided for the full length of all street frontages on a lot.

3. Applicants should cooperate with adjoining properties in creating a pedestrian network with mid-block connections, public courtyards and small plazas.

4. Crosswalks should highlight points of potential conflict between vehicles, pedestrians and bicyclist with signs, changes in texture or color, pavement materials, etc.

FIGURE 30.2 ON & OFF-SITE PEDESTRIAN CONNECTIVITY



## § 30.9 ACCESS MANAGEMENT & DRIVEWAYS

### A. General Requirements.

1. No person, firm or corporation shall construct or locate any driveway entrance into or exit from a road in the Village of Watkins Glen without having first met the provisions of this Section.
2. Access from streets to parking areas shall be clearly defined. In order to minimize the number of curb cuts, shared access drives and the development of rear service lanes for access to parking and loading areas are required.
3. All parking spaces, except those required for single-, two-, or multi-family dwellings up to four units, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
4. Shared access roads and driveways may be required where vehicular ingress and egress can be more efficiently organized and result in fewer potential pedestrian and vehicle traffic conflicts.

### B. Location Requirements.

1. Direct vehicular access driveways and curb cuts to public streets shall be minimized to the greatest extent practicable. Curb cuts and driveways to nonresidential uses shall be spaced a minimum of 50 feet apart. Minimum spacing is to be measured from the closest edge of the driveway to the closest edge of the nearest driveway on the same side of the street.

2. No access road or driveway shall be located closer than 40 feet to the intersection of public streets.
3. All driveways, access roads, and buildings shall have designated pedestrian walking paths providing connections between entrances and existing sidewalks.
4. Access from side streets rather than arterials should be obtained when possible to maintain mobility and minimize conflict points. The development of secondary access roads behind developments is encouraged, where feasible.

**C. Design Requirements.**

1. The minimum and maximum width of an access driveway shall be determined by the table below:

LAND USE	REQUIRED WIDTH (FEET)	
<i>Single- or Two-Family Dwelling</i>	<b>10 MIN</b>	<b>16 MAX</b>
<i>Other – One Way Access</i>	<b>10 MIN</b>	<b>16 MAX</b>
<i>Other – Two Way Access</i>	<b>20 MIN</b>	<b>24 MAX</b>

2. No driveway shall have an average grade that exceeds 10%.
3. The slope of the driveway shall not exceed two percent within 25 feet of the intersecting public street
4. No more than two driveways shall be permitted to a single lot entering/exiting on one street.
5. No driveway shall be approved with a sight distance of less than 150 feet in any direction.
6. All driveways shall be constructed with a suitable crown so as to lessen the erosion effect of surface runoff as approved by the Superintendent of Public Works and CEO. In addition, as specified by the appropriate Superintendent of Public Works, a catch basin at a point near the intersection of the driveway and the street may be required. This will prevent surface water and debris from being discharged onto the street.
7. A traffic study or analysis may be required to support design considerations and/or to validate the mitigation of any traffic impacts associated with the development of a street or driveway.

**D. Construction.**

1. The developer shall furnish all materials and bear the costs of all construction, and shall pay the cost of all work done and materials furnished as required to meet the conditions set by the Superintendent of Public Works, and the County and State Highway Departments.
2. No new driveway, or alteration, or relocation made to an existing driveway, shall be made without first securing permission from the Superintendent of Public Works.



3. All drives shall be constructed in accordance with the Village of Watkins Glen Sidewalk Law; Local Law #1, of 2006 as may be amended.

**§ 30.10**      **LOADING SPACE REQUIREMENTS**

- A. Loading Spaces Required.** In all districts, except the VC District, any lot or structure thereon which is to be occupied by a nonresidential use exceeding 3,000 square feet in gross floor area and requiring the receipt and/or distribution of materials or merchandise by vehicles shall provide off-street loading spaces in accordance with this Section.
- B. Minimum Space Requirements.** Loading spaces shall be provided for uses in accordance with the table below:

GROSS FLOOR AREA (SF)	MIN #	MIN AREA	MIN CLEARANCE HEIGHT
<i>Less than 3,000</i>	<b>0</b>	-	-
<i>3,000 to 10,000</i>	<b>1</b>	<b>12 x 25 ft</b>	<b>14 ft</b>
<i>10,000 to 30,000</i>	<b>1</b>	<b>12 x 25 ft</b>	<b>14 ft</b>
<i>Each additional 15,000</i>	<b>+1</b>	<b>12 x 25 ft</b>	<b>14 ft</b>

- C.** Loading spaces shall be located in the side or rear yard only.
- D.** No loading areas may be located along or front Franklin Street.
- E.** Off-street loading spaces shall be located on the same lot or parcel as the structure or use for which it is provided.
- F.** Loading spaces and maneuvering areas shall be designed so that loading operations:
  1. Do not encroach upon any sidewalk, street, public right-of-way, or fire lane; and
  2. Do not occupy any required off-street parking spaces or access driveways.
- G.** No loading space shall be located closer than 10 feet from a lot line abutting any residential zoning district.
- H.** All loading areas shall comply with the landscaping and screening standards in Article 31 of this Zoning Law.
- I.** All exterior lighting intended to illuminate loading areas shall be in conformance with the requirements of Article 34 of this Zoning Law.

**§ 30.11**      **OFF-STREET PARKING SCREENING & LANDSCAPING**

- A. Screening.**
  1. Parking shall not be located within 10 feet of any residential district or use, except where a solid screening wall or fence at least six feet in height is placed on the lot line with vehicle stops or a bumper to ensure the integrity of

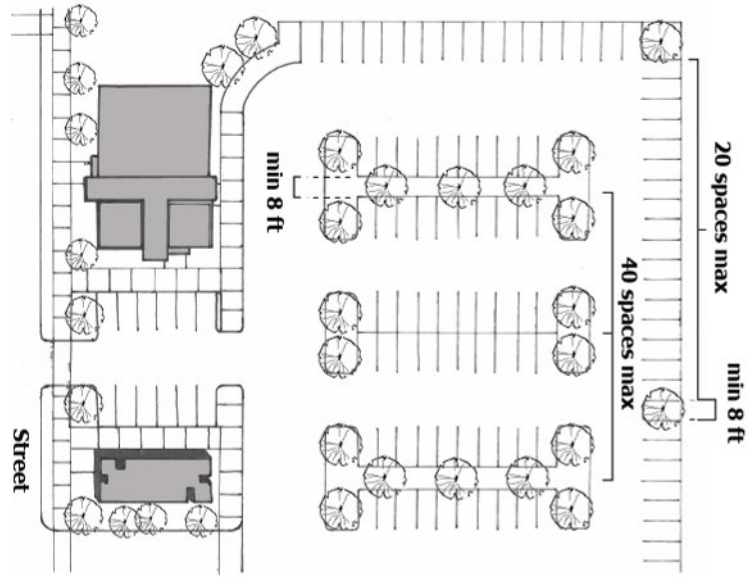
the fence, in which case no setback shall be required. Parking lot stops shall consist of durable material, such as concrete, masonry, metal or rubber. Wooden stops are prohibited.

2. Where parking is located 10 feet from a residential district or use, the perimeter shall be landscaped with ground cover, low shrubs or flowering plants, and shade trees shall be planted at intervals of not more than 25 feet.
3. Parking areas must also be screened along lot lines bordering institutional or residential uses. Such screening shall consist of a landscaped area at least six feet wide, densely planted with a mixture of trees and shrubs to create an effective visual barrier. All trees shall be a minimum of 1.5-inch caliper (trunk diameter) when planted.

**B. Landscaping (See Figure 30.3)**

1. Landscaping within parking areas shall provide visual and climatic relief from broad expanses of pavement and shall be designed to define logical areas for pedestrian and vehicular circulation and to channel such movement on and off the site.
2. Parking lots containing 10 or more spaces shall be planted with at least one tree per eight spaces, no smaller than 1.5 inch caliper (trunk diameter at four foot height). Each tree should be located within a landscaped island or median. Large and medium shade trees (no less than eight feet in height at maturity) are recommended.
3. Due to heat and drought stress and vision clearances, ornamental and evergreen trees are not recommended in parking areas.
4. Landscaped islands should be utilized in parking areas to separate parking stalls into groupings of not more than 20 spaces between islands.
5. Parking lots should be broken up into "rooms" of no more than 40 spaces, separated by landscaped islands or pedestrian accessways or sidewalks.
6. The dimensions of all islands and medians proposed should be a minimum of eight feet wide at the shortest side to protect plant materials and ensure proper growth. Landscaped islands should be protected with concrete curbing.
7. Each median or island should include at least one tree. Low shrubs and ground covers will be required in the remainder of the landscaped area. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
8. In instances where healthy plant material exists on a site prior to its development, the above-mentioned standards may be modified to allow credit for such plant material, provided it is determined through site plan review that such an adjustment is in keeping with and will preserve the intent of these standards.

FIGURE 30.3 PARKING LOT LANDSCAPING



# ARTICLE 31. LANDSCAPING & SCREENING

## § 31.1 PURPOSE

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The landscaping, buffering, and screening regulations for non-residential development contained within this Article are intended to:

- A. Preserve and promote the existing Village character and property value through protection from visual intrusion by inconsistent forms of development;
- B. Ensure greater compatibility between land uses with different characters;
- C. Minimize the impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on, or created by, an adjoining or nearby use;
- D. Promote a healthy environment by providing shade, air purification, oxygen regeneration, groundwater recharge, stormwater runoff management, erosion control, and reductions in noise, glare and heat island effects;
- E. Facilitate the implementation of sustainable design practices and development of green infrastructure to protect natural resources and improve the Village's resiliency in the face of climate change; and
- F. Encourage the preservation of existing trees and vegetation that offer environmental, aesthetic, habitat, sustainability, and economic benefits to the Village and its citizens.

## § 31.2 APPLICABILITY

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All nonresidential, mixed-use, and multi-family development that is otherwise subject to site plan review shall meet the requirements of this Article.

## § 31.3 LANDSCAPE PLAN REQUIREMENTS

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- A. Whenever landscaping is required to be provided, a landscape plan shall be submitted and approved as a part of the site plan review process.
- B. The Planning Board may require that the Landscape Plan shall be prepared and stamped by a New York State Licensed Landscape Architect, authorized to practice landscape architecture in accordance with New York State Law.
- C. **Plan Requirements.** The landscape plan(s) shall include:
  - 1. A legend, plant list, key, a scale drawn to a minimum of one inch to 40 feet, north arrow;

2. Existing and proposed site grading;
3. Existing and proposed structures and uses;
4. Parking areas, drives, and access aisles;
5. Refuse disposal areas/dumpsters;
6. Outdoor storage areas;
7. Drainage patterns;
8. Provisions for visual and noise screening;
9. Street tree branching for any shade trees placed within street ROW's, parking lots, or within fifteen (15') feet of a publicly maintained roadway, parking area or walkway;
10. The name of the project, the address of the property, the owner and the developer of the property; and
11. The plan preparer's appropriate professional stamp and signature.

**D. Planting Specifications.** The landscape plan shall delineate the location and description of all existing and proposed trees, shrubs and plantings. To insure proper protection of plantings and planted areas, landscape materials to be used on the site shall be identified in a planting schedule to be included on the landscape plan or submitted as separate document with the following information:

1. Type;
2. Common and botanical names;
3. Size;
4. Quantity; and
5. Pit or bed treatment.

**E.** All landscaping plans shall conform to the Clear Vision Zone Requirements (Section 24.10) of these regulations.

**F.** The landscape plan shall include all existing plant materials that are to be removed from the site and such other information as may be required by the Planning Board.

**G.** Landscape plans should include a variety of trees, shrubs, and ornamental planting (annuals and perennials) as part of the site design. The mixing of trees and shrubs helps to avoid a uniform, unnatural appearance, and to protect against extreme loss due to disease or infestation.

**H.** Upon approval of the landscape plan by the Village, the property owner agrees to install and perpetually maintain the approved landscape design and materials for the duration of the approved use.

- I. All landscaped areas approved by the Village shall be preserved according to the landscape plan, or as amended. Flora that dies shall be replaced within the next planting season with materials of a similar nature.

## **§ 31.4 PLANTING REQUIREMENTS**

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- A. All planting will be done at an appropriate time of the year (no planting will be allowed if the ground is frozen) and will comply with good horticultural practice.
- B. Planting in an irregular line with random spacing is generally preferred, although more formal plantings may be used if they are a part of an overall planting scheme or site design.
- C. Plant beds must provide a minimum depth of six inches high-quality planting soil for annuals and groundcovers and 12 inches for perennials and shrubs.
- D. **Appropriate Plant Materials.**
  - 1. Plant and landscape materials shall be compatible with soil conditions on site and the regional climate. Native plant species are encouraged.
  - 2. All grasses, trees, and plant material shall be in accordance with those appropriate for the Plant Hardiness Zone of the Village of Watkins Glen as defined by the United States Department of Agriculture.
  - 3. Under no circumstance shall any site include plant material that is considered by the NYSDEC to be a prohibited and regulated invasive species per NYS Law 6 CRR-NY V C 575.
  - 4. The size and character of all trees and shrubs shall be in accordance with the provisions of the American Standard for Nursery Stock, (ASNS) latest edition.
  - 5. Plants for Planting Plans adjacent to roads and/or within parking areas shall be those recommended in the handbook Urban Trees Site Assessment Selection for Stress Tolerance Planting, published by Urban Horticulture Institute, Cornell University, Ithaca, NY.
  - 6. No shade or evergreen trees shall be planted closer than five feet to a property line.
  - 7. Mature trees shall be protected and preserved wherever possible.
  - 8. Shade Trees must be a minimum of 1.5 inches in caliper when planted.
- E. Bare root stock may be allowed as a portion of the required planting upon review of the Planting Plan and a determination that the landscaping meets the intent of this Section.
- F. Dwarf plants, vines, and ground covers may be used as part of an overall planting plan but will not be counted as part of screening requirements required in Section 31.7.

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

## **§ 31.5** GENERAL STANDARDS & CRITERIA

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- A.** A minimum ground cover of not less than 25% of the total lot area shall be landscaped with an appropriate balance of trees, conifers, shrubs, ornamental plantings and lawn area to create a naturalized appearance on the site.
- B.** The arrangement and spatial location of landscaped areas shall be designed as an integral part of the site development and disbursed throughout the site, and not just located around the perimeter.
- C.** Existing vegetation and trees (of all sizes and stages of maturity) shall be maintained, wherever possible.
- D.** Plastic or other artificial plantings or vegetation are not permitted.
- E.** Landscape plantings should be designed to stage blooms and have color throughout the growing season.
- F.** Provisions for snow removal and snow storage must not adversely impact landscaped areas. Any area damaged as the result of snow removal or storage activities must be fully restored in accordance with the approved landscaping plan within the next planting season.
- G.** Upon site plan review approval, ornamental lighting and street furnishings may be incorporated within approved landscaped areas.

## **§ 31.6** LANDSCAPING AREAS

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### **A. Lawn Area.**

1. Grass areas shall be planted in a species well adapted to localized growing conditions in Schuyler County, New York. Grass areas may be sodded, plugged, sprigged, hydro-mulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion.
2. In areas where other than solid sod or grass seed is used, over-seeding shall be sown for immediate effect and protection until coverage is otherwise achieved.
3. Grass areas should be procured from new of the year seed crops, free of foreign material or weed seeds.
4. Replacement or over-seeding mixes should match or compliment the original installation.

5. Grass areas shall also provide continuous, uniform, and consistent coverage.

**B. Building Foundation Landscaping.**

1. A mix of landscape plantings shall be installed around all building foundations.
2. Plant material shall be placed intermittently against long expanses of buildings walls, fences, and other barriers to soften the effect and to help break-up walls with little to no architectural detail.
3. Ornamental plant material, such as flowering trees and shrubs, perennials, and ground covers are encouraged.
4. Plantings should decrease in size and increase in detail, color, and variety near entryways into buildings.

**C. Off-Street Parking.** See §30.11.

**§ 31.7**

**SCREENING REQUIREMENTS BETWEEN ADJACENT USES**

**A. Purpose.** The purpose of screening shall be to provide a visual separation of space between uses of different characters and intensities. Screening shall be provided with appropriate landscaping pursuant to the requirements set forth in this Article and the approved site plan. Screening may be comprised of the following:

1. A visual setting, including natural ground-cover and/or other plant materials, specifically designed to stabilize a land form and provide a foreground setting consistent with natural surroundings;
2. A barrier including earth mounding, berm and screening designed to separate, obscure, or soften, the impacts associated with an incompatible use; and / or
3. A physical separation, including a combination of space, plant and man-made materials or features, designed to separate different land uses.

**B. Screening Types.** Where a lot, in any district except Mixed Use Village Center (VC), is proposed to contain one of the following use categories, and abuts a lot containing an existing or approved use, landscaping and screening shall be provided, based on the numbered categories presented in the table below:

USE CATEGORY		EXISTING OR APPROVED			
		Residential	Commercial	Industrial	Other
PROPOSED	Residential	1	2	3	2
	Commercial	2	1	2	2
	Industrial	3	2	1	2
	Other	2	2	2	1

1. **Type 1.** No landscaping or screening is required.
2. **Type 2.** Planting shall include shrubbery and/or small trees that at maturity will be a minimum of 6 feet or a height that will provide intervening vegetation to the full height of the proposed use structure as viewed from an eye level



elevation of five feet six inches (5'6") at any point on the abutting use setback line.

3. **Type 3.** Planting shall include hedges, shrubbery and/or small trees that at maturity will be a minimum of 10 feet or a height that will provide intervening vegetation to the full height of the proposed use structure as viewed from an eye level elevation of five feet six inches (5'6") at any point on the abutting use setback line.

**C. Alternative Designs.** Alternative designs to fulfill the intent of this Section may be utilized, pending Planning Board approval. Alternative designs may include, but are not specifically limited to:

1. Earthen Berm or combinations of berm and shrubs meeting the specified minimum height requirements. The amount of vegetation may be reduced by up to fifty percent if an earthen berm is provided.
2. Natural Buffers of a width and density that, during all seasons, insure the intent of the buffer screening as required herein.
3. Drainage Corridors with vegetated banks and adjacent areas, which meet the screening intents herein.
4. As long as the intent of the screening is met, one small tree may be substituted for four shrubs; or if more than eight feet is available, then one large tree may be substituted for four shrubs.
5. A decorative concrete or masonry wall.
6. A wood, wrought iron, tubular steel, or similar fence compatible with the character of the area in which the fence is to be placed. Fences or walls used to meet screening requirements shall display a finished face toward adjacent streets and properties.
7. Other alternative designs which, in the opinion of the Planning Board, meet the buffer screening intent of these requirements.

**§ 31.8**

**ADDITIONAL SCREENING REQUIREMENTS**

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**A. Residential Screening.**

1. Trees that mature to thirty (30) feet or more should be provided between commercial or multi-unit residential structures and adjoining residences.
2. Fencing must be provided to separate any residential use that is adjacent to commercial areas. Fencing must be constructed of wood, vinyl or masonry walls, and must be consistent with the character of the adjacent residential lot. Chain link fencing, with or without slats is not allowed. Any other materials for fencing shall be subject to approval by the Village Planning Board.
3. Fencing within parking areas must be constructed in a manner to block car lights from overspill into adjoining residential properties.

4. Grade changes and landscaping should be used in new commercial and residential developments to buffer residential interiors visually and acoustically.

**B. Dumpster Screening.**

1. This Section applies to all commercial dumpsters, trash containers, refuse receptacles, or garbage cans. This shall exclude temporary dumpsters necessary for any approved construction project.
2. All dumpsters shall be screened from public view in accordance with the following:
  - a) Dumpster screening shall include a combination of landscaping and fencing or similar enclosures.
  - b) Dumpsters shall be secured with gates. Gates shall be and kept closed when not in use.
  - c) Dumpster enclosures must be equal to or taller than the dumpster being screened.
  - d) Dumpsters shall be located behind the front building line within the rear or side yard of a lot on a paved surface.

**C. Mechanical Equipment Screening.**

1. This Section applies to all exterior mechanical equipment, including, but not limited to, electrical boxes or heating, ventilation, and air conditioning systems, associated with a commercial, industrial, or multi-family use over four units.
2. All mechanical equipment shall be located out of and/or screened from public view.
3. Mechanical equipment located at ground level must be effectively screened with vegetation, low berms, or others measures that are equal to or taller than the equipment being screened.
4. Mechanical equipment that is located on the rooftop shall be effectively screened with parapet walls, decorative fencing and/or gables to eliminate views.

**§ 31.9 MAINTENANCE**

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- A.** The owner of the property, or a designated agent, shall be responsible for the proper care and maintenance, and replacement if necessary, of all landscape materials in a healthy and growing condition.
- B.** Maintenance shall include but not be limited to watering, weeding, mowing, fertilizing, treating, mulching, trimming, removal or replacement of dead or diseased plants and removal of refuse and debris on a regular basis so as to continue a healthy growing condition and present a neat and well-kept appearance at all times.

- C.** All landscaping and plant material that is missing, dead, decaying, or injured shall be replaced by spring of the following year at the owner's expense. The replacement shall be of the same species and size unless otherwise approved by the Code Enforcement Officer.
- D.** Improper maintenance shall be determined through periodic inspection by the Code Enforcement Officer. The Code Enforcement Officer may require a review and status report of plantings by a professional landscaper, arborist, or engineer. All reasonable costs for review and determination shall be at the expense of the property owner.
- E.** The owner and occupant of property upon which a buffer strip is located shall maintain the buffer strip in such a manner as to preserve its intended appearance.
- F.** All fences shall be maintained by the property owner as to meet the original design specification.
- G.** Plantings required pursuant to this Section shall not be removed without the approval of a site plan amendment by the Planning Board.

# ARTICLE 32. NONRESIDENTIAL DESIGN GUIDELINES

## § 32.1 PURPOSE & INTENT

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- A. Purpose.** The purpose of this Article is to further define and enhance the community character, design, and identity of the Village of Watkins Glen. These standards are intended to ensure future investment includes high-quality building and site design treatments consistent with the preferred character and visual quality of the Village, as outlined in the Village's Comprehensive Plan. Furthermore, the provision of these standards and guidelines is intended to inspire innovation and distinctive design solutions when undertaking changes, modifications, or adaptive reuse of buildings and properties, as well as direct the style of new or infill development.
- B. Intent.** The application of these design standards and guidelines should seek to achieve the following objectives:
1. Preserve and enhance the Village of Watkins Glen's unique character and promote the Village as a place where people are attracted to live and recreate;
  2. Improve the visual quality of the primary streets leading through the Village to create attractive, vibrant activity centers for residents and visitors;
  3. Encourage economic development using sustainable development practices;
  4. Promote a sense of design continuity that appropriately relates development and redevelopment to the historic character of the community;
  5. Utilize elements, details, styles and architectural features for buildings, sites, and public spaces that complement the surrounding area and reflect the traditional development character and settlement pattern of the Village; and
  6. Give the community a chance to plan for development versus reacting to development pressure, and respond to retail franchises and chains.

## § 32.2 APPLICABILITY

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- A. Structures Subject to Regulation.** These design standards shall apply to all existing, altered, or newly constructed nonresidential, mixed-use, and multi-family structures within the Village of Watkins Glen.
- B. Site Plan Review.** All exterior, environmental changes proposed for nonresidential, mixed-use, or multi-family structures shall be subject to site plan review and approval as required by Article 43.
- C. Reviewing Board(s).** For the purposes of this Article, the terms "reviewing board" or "review board" shall mean the board, committee, commission, or other body with

the authority of review of a development application as duly designated by this Zoning Law.

- D. Historic Structures.** For this purpose of this Article, the term “historic structure” shall refer to all properties, local landmarks, and contributing structures recognized by the State and/or National Registers of Historic Places.
- E. New Construction.** These guidelines are not intended to promote any specific historic architectural style. However, new construction is required to follow these standards and should be compatible with existing contributing architectural features and historic structures.
- F. Property Owner Assistance.** Owners of existing buildings should consult with Village Staff and/or all applicable review boards for assistance in following these design guidelines prior to making exterior repairs, renovations, restorations, and alterations to their buildings or obtaining a building permit.

## **§ 32.3 BUILDING PLACEMENT & ORIENTATION**

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### **A. Context.**

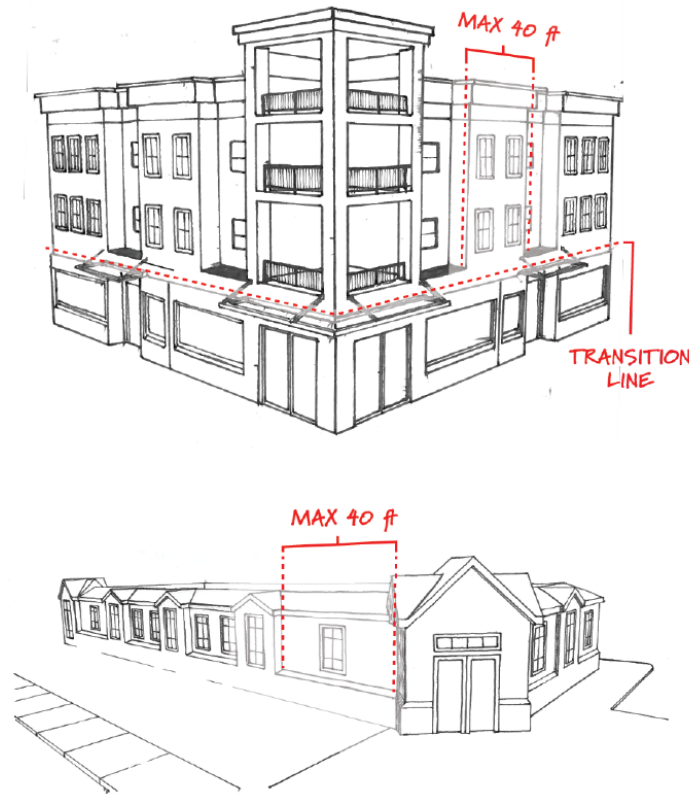
- 1. Placement and Orientation.** Placement refers to how a building is situated on the lot. Orientation refers to the location of a building's main axis, or primary façade. Building placement and orientation is a crucial part of the interface of private building facades with public thoroughfares, which either contribute to or detract from a compact, walkable public realm.
- 2. Massing and Form Context.** Massing and form refer to the volume and shape of a building. Buildings should provide visual interest that engages pedestrians and others to promote activity and business vitality. Wherever possible, new development should enhance the visual quality of the site on which it is located, as well as the character of the surrounding area. Buildings should relate to the street in a manner that positively contributes to the pedestrian realm. Buildings shall be oriented parallel with adjacent buildings and the street line.

### **B. General Design Requirements.**

- 1.** Buildings situated at street corners should “wrap” the corner by continuing certain facade design elements (such as the cornice or horizontal accent bands) on all street elevations (see Figure 32.1).
- 2.** All primary façades and main entrances should face the primary street and should be easily identifiable and pedestrian-scaled.
- 3.** The addition of landscaping and/or a low wall to restore the street setback line where existing buildings are set further back on the lot is required.
- 4.** Buildings should be taller than they are wide.
- 5.** The tallest and largest sections of new building should be located on the street frontage, away from adjoining residences.

6. A single, large, dominant building mass shall be avoided. No façade shall have a blank, uninterrupted length exceeding 40 feet without including architectural features such as columns, pilasters, piers, or changes in plane, in texture or masonry pattern, storefronts and entry treatments, or equivalent design element that subdivides the wall into pedestrian-scaled proportions (see Figure 32.1).

**FIGURE 32.1 BUILDING ORIENTATION & MASSING**



7. Buildings designed to advertise or promote a uniform corporate image in a manner that may render the building undesirable or unable to reasonably accommodate future uses shall be prohibited.
8. All buildings shall exhibit a clearly defined base, mid-section, and crown. This can be accomplished using a combination of architectural details, materials, textures, and colors (see Figure 32.2). Buildings which are "squat" in proportion or which have very strong horizontal elements that dominate the facade are discouraged.

FIGURE 32.2 TRIPARTITE (3-PART) FAÇADE DESIGN



## § 32.4 FAÇADE COMPOSITION & FENESTRATION

### A. Context.

#### 1. Façade Composition.

- a) A building façade serves as the interface between the public realm and the interior space of the building and shall be compatible with the character and context of the surrounding area. Proper façade composition creates visual interest and adds character to a façade; provides visibility into the building interior, particularly for retail uses; and contributes to the pedestrian, bicyclist, and motorist experience throughout the Village. The arrangement of facade elements shall be so designed to create a recognizable and consistent composition.
- b) The primary façade is considered side of a building that faces a public street. Buildings that are located on a street corner are considered to have two primary facades.

2. **Fenestration.** Fenestration refers to the area of the façade or building exterior covered with openings, in particular windows and doors; how transparent the enclosing glass in the openings is; and how the openings are arranged and/or relate to each other with respect to size, depth, location, etc.

### B. General Façade Design.

1. The rhythm of openings of a primary facade shall observe the size, location, and proportion of fenestration elements of adjacent historic structures, where applicable.
2. The depth shall be used to highlight facade openings such as windows to create a three-dimensional relief which produces shadows. Windows should not be mounted flush to the exterior of the facade.

**C. Windows and Doors.**

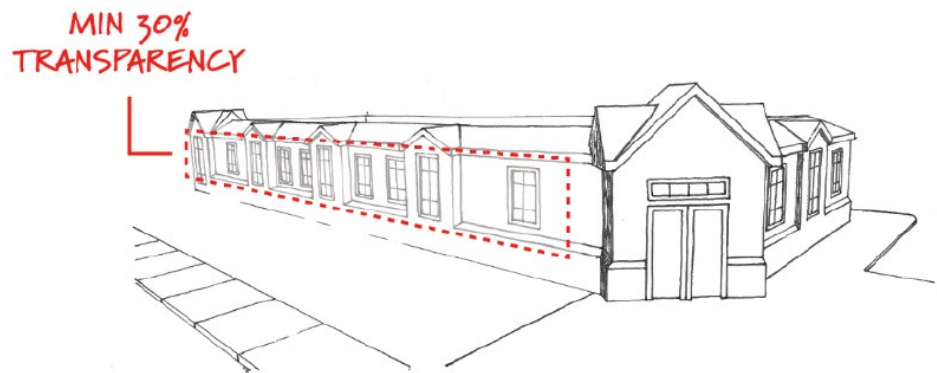
1. The first-floor levels of a facade shall provide the highest amount of façade openings and articulation.
2. All primary facades shall observe the minimum transparency requirements in the table below (see Figures 32.3 & 32.4).

BUILDING / USE	MINIMUM TRANSPARENCY
<b>FIRST FLOOR (Area between Two and Eight Feet above Ground Level)</b>	
<i>Commercial/Mixed Use Building</i>	<b>65% of wall area (VC District) 30% of wall area (Other Districts)</b>
<i>Industrial Building</i>	<b>20% of wall area</b>
<i>Public/Semi-Public Building</i>	<b>30% of wall area</b>
<i>Multi-Family Building</i>	<b>30% of wall area</b>
<b>UPPER FLOORS</b>	
<i>All Buildings/Uses (except industrial)</i>	<b>30% of wall area</b>

**FIGURE 32.3 COMMERCIAL/MIXED USE BUILDING (VC DISTRICT)**



**FIGURE 32.4 COMMERCIAL/MIXED USE BUILDING (OTHER DISTRICTS)**





3. Awning or transom windows are encouraged for new construction within the VC District.
4. The use of plexiglass, spandrel glass panels, opaque, mirrored, or tinted glass with less than 50% light transmittance is prohibited. If screening is necessary, interior blinds or curtains are encouraged. Translucent or colored glass may be used for design details.
5. Doors that are comprised of an area of at least 30% transparent glass shall be used for building entrances on the primary facade. Opaque doors may be used for doorways providing access to upper floors.
6. Windows may be grouped or spaced evenly and must correspond with window placement on the first floor.
7. Windows and doors must not be blocked or boarded.
8. Historic window and door arrangements must be maintained. Window replacements must match, to the greatest extent possible, original window size, style and configuration.
9. The size, extent and location of windows on upper floors of new buildings should be limited when directly overlooking private areas of adjacent residential properties.

**D. Storefronts and Entrances.**

1. Primary entrances shall face the street and be so located to afford direct access from the sidewalk, where applicable. Entrances for upper floors shall be distinguished from entrances for first floor uses.
2. Corner buildings may have two separate entry points or a single-entry point at the corner.
3. Storefront construction shall be recessed enough at the point of entry to allow the door to swing out without obstructing the sidewalk, where applicable.

**E. Awnings and Canopies.**

1. Awnings or canopies may be permitted over entrances, storefronts, large first-floor windows, and upper-floor windows.
2. Awnings and canopies shall be designed to fit the window, door, or storefront openings that they are intended to cover. Placement shall not conceal architectural features.
3. Awnings shall be made of low-sheen fabrics with a traditional appearance such as canvas or acrylic. The use of rigid, reflective, neon, and translucent materials or colors is prohibited. Wood, metal, plastic, fiberglass, aluminum, stock metal, rounded or dome-like awnings are prohibited.
4. Awnings and canopies shall not be backlit or internally illuminated.

5. Awnings may be retractable or fixed and shall be capable of withstanding both high winds and winter snow loads.
6. Street-level awnings shall be mounted so that its valance is no less than eight feet above grade.
7. Awnings and canopies shall not project more than seven feet from the building façade.
8. Awnings must not extend across multiple buildings.

**F. Air Conditioners and Satellite Dishes.**

1. Air Conditioners must not project beyond the building face. For permanently installed units, openings must be trimmed to provide a finished opening around the unit.
2. Satellite dishes and cable wiring must not be visible from across the street of the principle building facade.

**§ 32.5 ROOF STYLES & TREATMENTS**

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**A. Context.** A roofline is an architectural element, such as a cornice, parapet or change in material, which creates a distinction between the top of the building and the lower floors.

**B. Roof Design.**

1. All structures shall have a visible roofline.
2. Rooflines shall be designed in proportion to the overall height and width of the building and, where applicable, shall relate to nearby historic structures.
3. Rooflines shall include an ornamental cornice. The use of ornamental brackets is encouraged.
4. Eaves shall include design detail to add visual interest.
5. Mechanical equipment that is located on the rooftop shall be effectively screened with parapet walls, decorative fencing and/or gables to eliminate views.
6. Rooflines shall be designed to direct runoff from snow and rain away from pedestrians.

**C. Roof Treatments.**

1. Roofing materials that reflect sunlight (e.g. lighter colors) or incorporate vegetated roofing are encouraged. Lighter colors decrease heating and cooling needs, while green roofs reduce stormwater run-off.
2. The use of alternative energy materials and systems, such as solar panels or shingles, is encouraged. Their installation shall be incorporated into the design

of the building so as not to detract from the architectural style and detailing. Where feasible, alternative energy equipment shall be located so as not to be visible from the public right-of-way.

**§ 32.6**

**MATERIALS & COLOR**

---

**A. General Requirements.**

1. Building facades shall be constructed of durable materials such as brick, stone masonry, or fiber cement (panels, siding and trim boards) or finishing wood.
2. Changes in materials shall occur at inside corners. Material changes at the outside corners or in a plane shall be prohibited, unless otherwise approved by the reviewing board.
3. Building materials, textures, and colors should be compatible with adjacent historic structures, where applicable, so as not to detract from existing historic character.
4. No more than three building materials or colors should be used on any one facade of a building. A single material or color should be used as the dominant theme in the facade, with secondary materials and colors used to highlight and accent the design.
5. Muted and traditional paint and building material colors are required, with contrasting textures and tones used to add interest. Building colors must emphasize earth tones and colors common to traditional/natural building materials (shades of white, brown, green, blue, and gray are recommended).
6. The use of materials and textures that are associated with the region are encouraged to define the project as part of the Village and Schuyler County (stone, brick, and glass).

**B. Prohibited Materials.**

1. The use of stucco, vinyl, fiberglass, plastic panels, sheet metal, clear-coated aluminum, stainless steel, concrete block, or smooth concrete is prohibited in the VC District. The use of these materials may be permitted with approval by the reviewing board if the applicant can show that the selected material is of high-quality.
2. Finishes that are intended or designed to reflect light and glare are not permitted in any district.

**C. Modern Materials.** The use of other modern and non-traditional materials or textures within the VC District may be permitted with approval by the reviewing board.

**D. Historic Masonry Treatments.**

1. Masonry on existing historic structures that has not previously been painted shall not be painted unless deterioration has progressed so far that a

protective surface coating is needed. In such cases, a breathable masonry paint or stain shall be used.

2. Masonry that has previously been painted shall be repainted with a breathable masonry paint or restored to unpainted masonry.
3. If paint is to be removed from masonry surfaces, the gentlest effective paint removal method available shall be employed so as to avoid damage to historic masonry and mortar. Sandblasting and similar methods should never be employed.

## **§ 32.7** EXTERIOR LIGHTING

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### **A. Design of Fixtures.**

1. Fixtures shall be fully shielded, pointing downward, to minimize skyglow, glare, and light trespass. The use of lighting fixtures compliant with International Dark Sky Association standards is highly encouraged.
2. Pole-mounted fixtures shall not be mounted higher than 18 feet above grade.
3. Spotlights or other types of artificial lighting used to illuminate signs or building faces shall be top mounted fixtures which project downward only onto the surface itself.
4. Canopy lights shall be recessed within their housing so as to focus their illumination directly downward.

### **A. Intensity of Illumination.**

1. All lighting fixtures shall be shielded and directed so as not to cast an illumination of more than two foot-candles on adjacent nonresidential properties or more than one-tenth foot-candle on adjacent residential properties.
2. Exterior lighting shall be illuminated only when needed, such as during business hours or in areas requiring illumination for security purposes.
3. Fixtures shall be no brighter than necessary to illuminate the site and/or area intended. Bulb types shall be selected to reduce blue light emissions, which may be hazardous to human health and wildlife.
4. Lighting shall be white or amber in color. No lighting shall have a color temperature exceeding 4,000 Kelvins.
5. LED light bulbs should be used whenever possible.
6. Lighting fixtures should complement the style of the building and the existing street lights.
7. Pedestrian-scale lighting (14 feet or less in height) should be maintained on light poles where possible.

8. A greater number of lower intensity light should be used to achieve coverage rather than fewer, brighter lights.
9. The use of “wall packs” or other building-mounted high intensity fixtures is not permitted.
10. Where two sites share parking or pedestrian areas, lighting design and installation shall be coordinated so as to maintain consistent and uniform lighting levels.

## **§ 32.8**

### **REHABILITATION & REUSE OF HISTORIC STRUCTURES**

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The following additional regulations shall apply to the rehabilitation and reuse of existing historic structures, unless it is so determined by the reviewing board that the restoration of any such structure to its historic state would be inconsistent with the purpose and intent of this Article.

#### **A. Preservation of Character.**

1. Each property shall be recognized as a product of its own time. Alterations that seek to create a false sense of historical development are discouraged.
2. Changes to a building that have taken place over time are evidence of its history and development. Those changes that have acquired significance in their own right shall be recognized and preserved.
3. Where architectural or site features are determined to contribute to the character of the property or the district, proposed alterations or additions shall be designed to minimize the impact on those features.
4. New additions, exterior alterations, or new construction shall not destroy historic materials or general features that characterize the property. The new work shall be compatible with the massing, size, scale and architectural features of the property and the surrounding neighborhood, to protect the integrity of the property.
5. Additions or alterations to structures shall be constructed in such a manner that, if removed in the future, the essential form and integrity of the structure and the site would be unimpaired.
6. Design elements on historic structures shall not be altered or covered in a manner that would adversely impact the façade and architectural character of the structure.

#### **B. Preservation, Repair, and Replacement of Openings.**

1. Original window, storefront, and door openings shall not be reduced in size or covered. Transoms must be retained and uncovered during applicable building renovations.

2. Original window, storefront, and door openings that have been covered or filled in on a building façade shall be restored during applicable building renovations.
3. Replacement windows shall fill the original size of each opening and be of similar style (ex. double hung) and shall utilize true divided lights or simulated divided lights when matching the original mullion and/or muntin configuration. The use of interior-only grids or grids between the panes of glass is prohibited.
4. Lowered ceilings shall have a soffit at each window that allows retention of the full window height.

## § 32.9

### DESIGN TRANSITIONS BETWEEN NONRESIDENTIAL & RESIDENTIAL USES

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- A. **Applicability.** All nonresidential uses and multi-family dwellings shall employ similar building and site design standards to ensure compatibility with adjacent residential development. These requirements shall be in addition to the design standards and guidelines of this Article and requirements set forth by this Zoning Law for landscaping, screening, and buffering of uses.
- B. **Requirements.** To the maximum extent practicable, nonresidential and multi-family development shall use all of the following techniques when developed adjacent to a residential use.
  1. Similar building setback;
  2. Similar building height;
  3. Similar roof form; and
  4. Similar exterior materials.
- C. **Waiver of Requirements.** During site plan review, the reviewing board may waive the requirements of this Section if it is determined that the application of such criteria is not necessary to protect the character and quality of life of the neighborhood as well as public health, safety, and welfare.

## § 32.10

### GENERAL SITE DESIGN

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- A. **Site Layout.** The layout of all improvements must be designed to generally follow the existing topography of the site. The layout of roads, walkways and building footprints must be aligned with existing contours where practical, with limited connecting streets or walkways aligned perpendicular to existing slopes.
- B. **Landmarks and Gateways.**
  1. **Context.** A key element in defining an area as a special space is a gateway that creates a sense of entry, indicating to both drivers and pedestrians that they are entering a distinct space. Enhancing landmarks and gateways within the Village is a crucial component in strengthening the perception of the downtown and lakefront parks as destinations.

2. **Sense of Entry.** Intersections create natural opportunities for gateways, which can be enhanced through a combination of landscaping, welcome/identity signage, framed views, and focal points. Signage and focal points, if included, must be used in ways that complement rather than obstruct or detract from important views.
3. **Focal Points.** Focal points such as sculpture, fountains, and historic monuments can add interest to an area, making it a more attractive destination. A series of related focal points can also serve as interesting and effective wayfinding tools for connecting different areas. Too many focal points however can register as clutter and detract from the overall character of the village. Focal points must therefore be selected and located carefully in a way that maintains and supports the desired village aesthetic.
4. **Views.** Views to natural and cultural features play an especially large role in shaping the character of waterfront centers. Existing view corridors should be respected and protected. New construction and landscaping must take into account how views may be affected. Protecting and creating views experienced from points of entry to the Village and from designated viewing areas is important.

**C. Utilities.**

1. Electrical, telephone, cable and other utilities must be placed underground whenever possible.
2. Any mechanical equipment must be shielded from public view, preferably on the rear of the building.

# ARTICLE 33. STORMWATER REGULATIONS

## § 33.1 PURPOSE

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

## § 33.2 GENERAL REQUIREMENTS

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- A. Drainage systems shall be designed to have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed upland therefrom.
- B. There shall be no net increase in the post-development rate of storm water run-off.
- C. Interior drainage systems shall be designed to accommodate a minimum 10 year storm.
- D. The design of drainage systems shall be approved by the appropriate Village officials and/or a Village consultant.
- E. Utilizing the drainage guidelines outlined above, the Planning Board may require the developer to submit the following:
  - 1. A site plan shall show and detail design features for a storm water management system sufficient to document compliance with the NYSDEC Storm Water Management Design Manual, which may include plan profiles, and typical and special cross-sections of proposed storm water drainage facilities;
  - 2. Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities;
  - 3. A grading plan developed to a two foot contour interval and grading details to indicate proposed road grades and elevations and building site grades and elevations; and
  - 4. If the development is within, or adjacent to, any designated floodplain, a detailed analysis of the area with respect to the management of the floodplain shall be included in the drainage report.



- F.** Design criteria for storm water management in the Village shall be as generally specified in the NYSDEC, "Stormwater Management Design Manual" as may be amended from time-to-time.
- G.** All structures shall be set back a minimum of 100 feet from a stream bank, or more, as required by a floodway.
- H.** All stormwater systems should maintain and incorporate existing drainage patterns and watercourses in the overall storm water management design.

### **§ 33.3** SPECIAL SITE PLAN REQUIREMENT

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When an application for a building permit, a highway work permit, and/or a variance, includes a lot where, in the determination of the Code Enforcement Officer and Superintendent of Utilities, a significant impact associated with storm water management and/or erosion is likely to occur as a result of a development, the application shall be referred to the Planning Board as a site plan application under Article 43.

### **§ 33.4** EROSION CONTROL

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In order to insure that new development will occur with a minimum amount of soil erosion, the Planning Board shall require the developer to follow certain erosion control practices. These practices shall generally be as described in the most recent edition of the New York State Standards and Specifications for Erosion and Sediment Control (Blue Book), and shall include the following general practices:

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

# ARTICLE 34. OUTDOOR LIGHTING & NOISE

## § 34.1 OUTDOOR LIGHTING REQUIREMENTS

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- A. Purpose.** It is the purpose of this Section to require that outdoor lighting conserves energy, provide security and utility, and not adversely impact the night-time environment. Proposed outdoor lighting plans shall to the maximum degree possible show that they do not adversely impact the character of the community or cause excessive glare to traffic or pedestrians.
- B. General Requirements.**
1. A development plan shall show and detail design features for outdoor lighting sufficient to document compliance the purpose of this Article.
  2. A plan for outdoor lighting prepared by a design engineer may be required to fully support design considerations and/or to validate the mitigation of any lighting impacts associated with a development.
  3. Lighting must be adequate for safety, without glare and overspill. Overspill of light and glare of more than one foot-candle measure at side and rear property lines, and of more than two foot-candles measured at the curb line on site boundaries that abut a public right of way should be avoided.
- C. Special Site Plan Requirement.** When an application for building permit, variance and/or special permit, includes a lot where, in the determination of the Code Enforcement Officer, a significant impact associated with outdoor lighting is likely to occur as a result of a development the application shall be referred to the Planning Board as a site plan application under Article 43.
- D. Restrictions.** Other than for in an approved site plan, the following types of lighting are prohibited as outdoor lighting:
1. Mercury vapor lights.
  2. Any light source created by a laser or any similar high intensity light is prohibited for outdoor lighting, unless approved by the Planning Board as a tourist related use.
  3. Searchlights.

## § 34.2 OUTDOOR SOUND REQUIREMENTS

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Unless specifically authorized in an approved site plan, a use on a lot shall not produce a sound level that is not in compliance with the Village Noise Control Law (Local Law #1 of 2014).

# ARTICLE 35. SIGN REGULATIONS

## § 35.1 PURPOSE & APPLICABILITY

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**A. Purpose.** The purpose of this Article is to permit the use of signage within the Village of Watkins Glen, while also promoting and protecting the health, welfare, and safety of the public. The intent of this Article is to achieve the following objectives:

1. Ensure right to free speech as protected under the United States Constitution;
2. Establish a clear and impartial process for those seeking to install signs;
3. Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
4. Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
5. Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way; and
6. Reduce the adverse effects of signage on the desirable aesthetic of the Village and on the general environment of the community.

**B. Applicability.**

1. The regulations of this Article shall govern and control the erection, enlargement, expansion, renovation, operation, maintenance, relocation and removal of all signs within the Village visible from any street, sidewalk, public right-of-way, or public space.
2. The provisions of this Article shall not apply to safety signs, road signs, historical markers, highway directional signs, or signs erected by governmental agencies.
3. This Article shall in no event be construed or employed in any manner to prohibit the customary decoration of premises in any district during religious, patriotic or holiday seasons.

## § 35.2 SIGN PERMITS

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**A. Permit Required.** Except as hereinafter provided, no person shall erect, alter, construct, relocate or cause to be erected, altered, constructed or relocated any sign without first having obtained a sign permit.

**B. Permit Exceptions.** The following situations shall not require the issuance of a sign permit provided such maintenance, changes, or alterations do not in any way alter the physical size, design, or nature of the sign.

1. Repainting, repairing, changing of parts, or ordinary maintenance of signs, sign area, or sign supports.
  2. Changing the message of a sign.
- C. Alteration.** Any sign for which a permit has been issued shall not be modified, relocated, altered, or replaced, unless an amended or new sign permit is obtained from the CEO.
- D. Expiration.** A sign permit shall expire if the sign for which the permit has been issued is not fully constructed within 180 days from the date of issuance of the sign permit.
- E. Revocation.** The CEO or designee may, at any time for a violation of this regulation, issue a notice of violation. A written notice of the violation including all reasons for the violation shall be mailed to the property, building, and/or sign owner. Said violation must be corrected within 30 days of the date of notice, otherwise the sign permit shall be revoked and the sign in question shall be required to be removed.

### **§ 35.3**

## **APPLICATION REQUIREMENTS**

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### **A. Application Submittal.**

1. Sign applications shall not be processed until all required materials have been submitted to the CEO.
2. Incomplete applications will not be processed. The CEO shall provide written or electronic notice of application deficiencies to applicants. If such deficiencies are not corrected within 30 days of said notice, the application will be considered withdrawn.
3. Complete applications for signs that require Planning Board review shall be submitted to the CEO at least 10 business days prior to the Planning Board meeting at which such application is to be considered.
4. In the event a sign permit application is denied, the CEO shall issue a written notice to the applicant indicating the findings of the denial. If the application is not amended and resubmitted within 30 days of said written notice, it shall be considered withdrawn.

### **B. Application Requirements.** The following information shall be provided in all applications for a sign permit. The CEO may require application materials to be prepared by a licensed engineer or sign professional if deemed necessary for adequate review of the proposed sign.

1. Name, address, contact information, and signature of the applicant.
2. Name, address, and signature of the building and/or property owner (if not the applicant), and a statement of consent for the applicant to seek such sign permit.
3. All application fees as determined by the Village Board and maintained in the Village's Fee Schedule.

4. Site plan and elevations indicating the size, shape, construct, materials, layout, and proposed location of the proposed sign(s) drawn to scale.
5. Photos of the site or building upon which the sign is to be located.
6. Color illustrations and/or photos of the proposed sign and sign area.
7. Proposed illumination system, if any, and the type of lighting to be used.
8. Plan for removal of the sign(s) and restoration of the building façade, ground, or other feature to which the sign(s) is proposed to be attached.
9. Samples of sign materials shall be required for all applications under review by the Planning Board.
10. Any additional information as requested by the CEO or Planning Board that is deemed necessary for the adequate review of the proposed sign.

## **§ 35.4** REVIEW PROCEDURES

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### **A. Review by Sign Type.**

1. Any application containing proposed changes to an existing sign shall be subject to administrative review by the Code Enforcement Officer.
2. Applications for new signs shall require review and approval by the Planning Board.

### **B. Administrative Review Procedures.**

1. Applications proposing changes or alterations to existing signs shall be reviewed administratively by the CEO. The CEO may approve, approve with modifications, or deny such sign application. The CEO shall render their decision within 30 days of receipt of a complete application.
2. The CEO may, at their discretion, refer any sign application to the Planning Board. In the event of such referral, the Planning Board shall assume review and final decision authority.
3. A sign permit shall only be issued when it is determined that the sign complies with the requirements of this Zoning Law and all other applicable local, state, and federal laws and ordinances.

### **C. Planning Board Review.**

1. Applications for newly proposed signs shall be reviewed by the Planning Board in accordance with the site plan review procedures of this Zoning Law (Article 41). The Planning Board may approve, approve with modifications, or deny a sign permit application. The CEO shall issue a sign permit within 30 days of approval by the Planning Board.

2. Development applications subject to review and approval by the Planning Board may have proposed signage reviewed and approved as part of the site plan review process. In the event of such review, all required sign permit application materials shall be provided to the Planning Board as part of the site plan review application.

**D. Review Criteria.** The review of sign permit applications by the CEO and Planning Board shall be based upon the following criteria:

1. The scale, color, texture and materials of the sign will be compatible with the style, color, texture and materials of the building on which it is located as well as neighboring buildings;
2. The sign is neither confusing or distracting, nor will it create a traffic hazard or otherwise adversely impact public safety;
3. The sign will promote an attractive and walkable Village environment;
4. The sign follows the design guidelines outlined in Section 35.15 to the greatest extent practicable; and
5. The sign is otherwise compliant with this Zoning Law.

## § 35.5

### MEASUREMENT

#### A. Sign Area.

1. Single Sign Face. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or geometric combination thereof that will encompass the extreme limits of the writing, representation, emblem, graphic, and/or other display, together with any material, backdrop, or structure on which it is placed. See Figures 1 and 2.
2. Multi-Faced Signs. In the case of a multi-faced sign only one side of the sign is considered in determining sign area if the sides of the sign are back-to-back or diverge at an angle of 45 degrees or less.

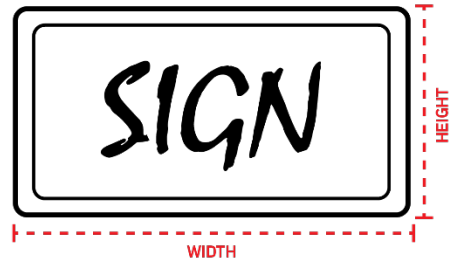


FIGURE 1: SINGLE SIGN FACE AREA



FIGURE 2: INDIVIDUAL LETTER SIGN

**B. Sign Height.**

1. Freestanding Sign. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign. See Figure 3.



**FIGURE 3: FREESTANDING SIGN HEIGHT**

2. Other Signs. The height of an awning, projecting, suspended, wall, or window sign shall be determined by measuring the vertical distance between the top part of the sign face or structure, whichever is highest, to the bottommost edge of the sign face.

**§ 35.6**

**SAFETY PROVISIONS FOR ALL SIGNS**

- A. No sign shall be erected in such a manner as to obstruct free egress from a window, door or fire escape or to become a menace to life, health or property.
- B. No sign shall be erected at or near any intersection of streets, alleys, or railways in a manner that obstructs free and clear vision for pedestrians, bicyclists, and motorists.
- C. No sign shall be of a shape or color that may be confused with any authorized traffic control device.
- D. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used with any sign display.
- E. The erection of any sign and its supports, including any wiring and/or electrical components utilized therein, shall be consistent with generally accepted standards and requirements of the NYS Building Code.
- F. The erection of any sign, its supports, wiring, or other structural and/or electrical elements may be subject to inspection and approval by the CEO.

**§ 35.7**

**CONSTRUCTION**

- A. All signs shall be constructed of permanent, weather resistant, and durable materials, except for banners, flags, temporary signs, and window signs otherwise in conformance with this Article.
- B. Where applicable, signs shall be supported by sign structures that are designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate provisions of the NYS Building Code. All sign supports shall be reviewed as part of the sign design.
- C. No sign may be constructed of untreated, unfinished, or unpainted wood, sandblasted metal, or other unfinished materials. All wood components of signs must be sealed and protected from the elements.

§ 35.8 ILLUMINATION

- A. In no event shall any illuminated sign or lighting device be placed so as to direct the beams and illumination therefrom upon a public street, highway, sidewalk or adjacent premises that would cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. All lighting fixtures shall be dark sky compliant and directed so as not to cast an illumination of more than two foot-candles on adjacent nonresidential properties or more than one-tenth (0.1) foot-candle on adjacent residential properties.
- C. All illumination shall be a steady, continuous burning of bulbs or lights. The flashing, blinking, oscillating, rotating or intermittent turning on and off of any illuminating device is prohibited.
- D. Overhead wires or exposed wires on a sign or its supporting members are prohibited.
- E. Permitted lighting fixtures include, but are not limited to, lanterns, goosenecks, and shielded spot lights. Single bar fluorescent tube fixtures are prohibited.
- F. Channel lettering and reverse channel lettering may be utilized in districts where illumination is permitted.

§ 35.9 LOCATION

- A. No sign shall be posted on public property or within a public right-of-way without express approval by the Village Board or any official designated by the Village Board for granting such approval.
- B. No sign shall obscure, alter, or cover the architectural features of any building.
- C. Off-premise signs are prohibited. All signs shall be located on the site of the use being promoted, identified, or advertised.
- D. All freestanding signs, unless otherwise noted within this Article, shall be no closer than five feet from the inner edge of the public sidewalk or 10 feet from the inner edge of the public roadway, whichever is greater.

§ 35.10 VISIBILITY AT INTERSECTIONS

No freestanding sign or any part thereof exceeding three feet in height, other than a supporting pole or brace no greater than 18 inches in width or diameter, shall be located within the designated clear sight triangle of any intersecting streets. The clear sight triangle shall be defined by the triangle formed by the curb lines of the intersecting streets measured 15 feet outward from the point of intersection of said curb lines along such curb lines. This shall only apply to intersections where a building does not occupy this space. See Figure 4.

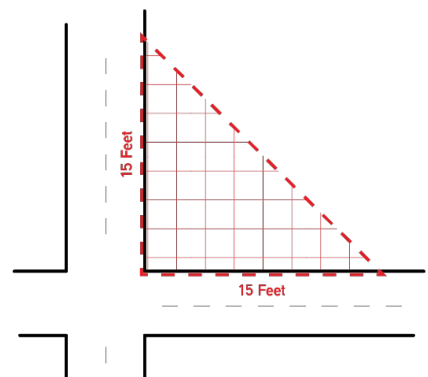


FIGURE 4: CLEAR SIGHT TRIANGLE



## § 35.11 MAINTENANCE & REPAIR

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All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Article at all times. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, replacement of copy, and other acts required for maintenance of such sign. If any sign does not comply with these standards, the CEO may require its removal.

## § 35.12 REMOVAL OF SIGNS

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- A. Any sign that becomes obsolete, meaning the business, product, service, event, or other such topic to which it relates ceases operation or is no longer applicable, must be removed within 30 days of such termination. An extension may be granted by the CEO upon written request by the sign owner.
- B. The removal of signs shall be the sole responsibility of the sign owner and/or sign permit holder. If said sign is not removed within 30 days of the date of written notice by the CEO, the CEO is authorized to effect its removal.
- C. The removal of signs shall include the removal of all sign elements and related structural supports, returning the building, site, or structure to its original state.
- D. The CEO may remove any sign that is found to be in violation of this Zoning Law. The property and/or sign owner shall subsequently be given written notice of such sign removal. If the sign is not claimed within 10 days of written notice, the CEO may dispose of said sign.
- E. Any costs incurred for the removal of a sign shall be fully reimbursed to the Village of Watkins Glen by the sign owner and/or sign permit holder upon written request of the CEO. All expenses incurred by the Village in removing such sign shall be a charge against the property and shall be added to the next taxes assessed against the property if not paid within 30 days after request of said charge is delivered to the owner by certified mail or equivalent means.

## § 35.13 SIGNS AUTHORIZED WITHOUT A PERMIT

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The following types of signs may be erected in the Village without obtaining a sign permit. Although permits are not required for these signs, they shall conform to all other requirements of this Zoning Law or may be subject to removal by the CEO in accordance with Section 35.12.

- A. **Directional Signs.** Non-illuminated direction signs do not require a permit provided the following conditions are met:
  - 1. Such signs are located entirely on the property to which they pertain.
  - 2. No sign exceeds three feet in height and six square feet in area, and the cumulative area of all signs on the lot does not exceed six square feet in a residential district or 12 square feet in a nonresidential district.

3. Such sign does not extend above the first floor of any given structure or project beyond property lines.
- B. Gasoline or Vehicle Charging Station Signs.** Signs attached to a gasoline pump or vehicle charging station shall not require a permit provided they do not exceed six square feet in area.
- C. Governmental Signs.** Any official sign, public notice, or warning sign authorized by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. (Example: NYS inspection station or authorized repair shop identification).
- D. House Numbers and Nameplates.** Address and name of occupant of premises for a residential structure, not including designations as to employment or home occupation, are to be limited in size to four square feet per dwelling unit.
- E. Incidental Signs.** Incidental signs shall conform to the following standards:
1. No sign may be illuminated.
  2. No sign may exceed three feet in height and four feet in area.
  3. The cumulative area of all incidental signs shall not exceed 12 square feet.
- F. Internal Signs.** Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is not legible beyond the property lines.
- G. Lawn Signs.** Lawn signs shall be in conformance with the regulations below.
1. No sign exceeds three feet in height and six square feet in area, and the cumulative area of all signs on the lot does not exceed 12 square feet.
  2. No sign is displayed for more than 60 days in a 120-day period.
  3. No sign is illuminated.
- H. Neon Signs.** Neon signs shall not require a sign permit provided they conform to the following:
1. Such sign is located within a nonresidential district and erected on the interior of the building's window area.
  2. There is no more than one sign per window, covering no more than 25% of the window area.
- I. Noncommercial Signs.** Any use is permitted one sign that does not contain a commercial message, provided such sign is in conformance with the following:
1. The sign does not exceed three feet in height and six feet in area.
  2. The sign is not illuminated.
  3. The sign is not located above the first-floor of any structure.

§ 35.14 PROHIBITED SIGNS

A. Certain sign types are prohibited in the Village, as indicated in the table below.

Prohibited Sign Types
<i>Roof Signs</i>
<i>Signs Mounted on Wheels</i>
<i>Banner, Poster, Pennant, Streamer, Spinner, or Balloon</i>
<i>Signs that emit audible sounds, odor, or visible matter.</i>
<i>Signs employing vertical louvered blinds, mechanically changing, or movable materials.</i>
<i>Digital or electronic signage which displays animated content.</i>
<i>Signs that contains words or pictures of an obscene or pornographic nature.</i>

B. In addition, the signs with the following characteristics are prohibited:

1. Any sign for which no sign permit was issued, for which a sign permit was revoked, or any other sign not explicitly authorized herein.
2. Any sign that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle or any sign which hides from public view any traffic or street sign, signal, or device.
3. Any sign that flashes, blinks, rotates, or revolves, or utilizes unshielded lighting devices, mirrors, or reflectors to outline or provide the background of a sign.
4. Any sign that is not properly maintained, considered structurally unsound, hazardous, or otherwise unsafe.
5. Any sign prohibited within a residential district that is located in an adjacent nonresidential district and is not set back at least 10 feet from the adjacent residential district property line.
6. Any sign that is located off-premise from the use and/or structure to which it serves, unless otherwise permitted by this Article.
7. Any sign that is obsolete or abandoned, advertising an activity, business, product or service no longer conducted or available on the premises on which the sign is located.
8. Any sign placed on a curb, sidewalk, hydrant, utility pole, tree or other object located on or over any public street unless otherwise permitted by this Article.

§ 35.15 SIGN DESIGN GUIDELINES

The following sign design guidelines are intended to provide applicants, the CEO, and the Planning Board with guidance for best practices in addressing issues related to sign compatibility, legibility, placement, and color.

**A. Compatibility.**

1. Signs should be constructed of high quality materials that are compatible with the building form and the desired character of the area in which they are located.
2. Signs should be appropriately scaled for the building or site upon which they are located, so as not to dominate the façade or streetscape.
3. Signs on buildings that have a monolithic or plain façade should be used to create visual interest through appropriate sign design features, scale, and proportions.
4. Signs should be designed to include relief in the lettering or sign face to create shadows and provide depth and visual interest.

**B. Legibility.**

1. Hard to read, intricate typefaces should be avoided.
2. Letters and words should not be spaced too closely together.
3. Large areas of blank spaces should be avoided. Generally, 50% or more blank area should be avoided for boxed sign areas or framed signs.
4. Strangely shaped or unnecessarily narrow signs should be avoided. If an unusual shape is not symbolic it is more likely to be confusing.

**C. Placement.**

1. Signs should be so located to respect and compliment a building's façade, utilizing logical signage areas created by existing architectural details or ornamentation.
2. Signs should be placed at or near the public entrance to a building to indicate the most direct access.
3. Signs located on a building façade should be located in the sign board area.

**D. Color.**

1. Signs should feature substantial contrast between the color and material of the background and text or symbols.
2. Sign colors should complement the materials and colors of adjacent buildings, including accent and trim colors, where applicable.
3. Use of color and color combinations utilized for signs should be limited. Generally, a sign should not utilize more than three colors, including accent colors.
4. Day-glo or fluorescent colors are prohibited.

§ 35.16 PERMITTED SIGNS BY ZONING DISTRICT

A. **Sign Types.** The following table indicates the sign types permitted by zoning district.

1. A "●" indicates that the sign type is permitted and may be illuminated.
2. A "○" indicates that the sign type is permitted but may not be illuminated.
3. A "-" indicates that the sign type is not permitted.

MAX # of SIGN TYPES	LDR, MDR	N	VC, C, L	I	OS
	1 per use	1 per use	2 per use	2 per use	1 per use
A-Frame <sup>1</sup>	-	○	○	○	○
Awning	-	○	○	○	-
Ground	○	●	●	●	●
Marquee	-	-	●	-	-
Pole	-	-	●	●	-
Projecting	-	●	●	●	-
Suspended	-	○	●	-	-
Temporary <sup>1</sup>	○	○	○	○	○
Wall	○	●	●	●	○
Window <sup>1</sup>	-	○	○	○	○

NOTE: (1) A-frame, temporary, and window signs shall not count towards the maximum number of signs per use.

B. **Additional Signage for Developments.** Due to the unique identification needs of residential and multi-tenant commercial developments, additional signage may be permitted in accordance with the table below. All signs must be in conformance with Section 35.17, where applicable.

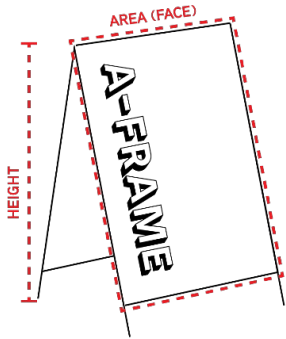
	NUMBER	TYPE
<i>Residential Development</i>	1 per entrance <sup>1</sup>	Ground Sign, max height 4 ft & max area 24 sf
<b>Multi-Tenant Commercial Development</b>		
<i>Per Tenant</i>	2	As permitted
<i>Per Lot</i>	1	Ground Sign, max height 10 ft & max area 32 sf
<b>Multi-Story, Multi-Tenant Commercial or Mixed-Use Building</b>		
<i>First-Floor</i>	1 per tenant	As permitted
<i>Upper-Floor</i>	1 shared	As permitted, located on sign board
<b>Corner Buildings</b>	1 additional	As permitted <sup>2</sup> , must be identical to signage on primary façade

NOTES: (1) Shall only apply to entrance points from public streets.  
 (2) Freestanding signs may not be duplicated. Additional signage must be located on façade.

§ 35.17 REGULATIONS BY SIGN TYPE

A. **A-Frame Sign.** A freestanding sign that is comprised of two sign faces diverging at an angle of no more than 45 degrees from their adjoining edge.

1. Requirements by District.



	LDR, MDR	N	VC, C, L	I	OS
Max Number	-	1 per use	1 per use	1 per use	1 per use
Max Area	-	8 sf	8 sf	8 sf	8 sf
Max Height	-	4 ft	4 ft	4 ft	4 ft
Illumination	-	-	-	-	-

- The sign must be brought in each day at the close of business or operation.
- An a-frame sign may be placed within the Village public right-of-way provided it does not impede pedestrian traffic and does not block snow storage areas in winter months.

B. **Awning Sign.** A sign that is part of or attached to an awning.

1. Requirements by District.

	LDR, MDR	N	VC, C, L	I	OS
Max Number	-	1 per awning	1 per awning	1 per awning	-
Max Area	-	4 sf	6 sf	6 sf	-
Max Height	-	2 ft	3 ft	3 ft	-
Min Clearance <sup>1</sup>	-	9 ft	9 ft	9 ft	-
Illumination	-	-	-	-	-

**NOTE:** (1) Measured from the elevation of the ground directly beneath the center of the awning to the bottommost edge of the awning.

- Awning signs shall be permitted on first-floor awnings only.
- A single use may utilize no more than two awnings for signage. Where a single use has more than one awning, each awning shall match in color and style.
- Where an awning relates to more than one use, each use shall be entitled to one sign on such awning provided the color and style of the signs are the same.



Awning Sign Example

- Awnings upon which a sign is to be placed shall be comprised of high-quality, weather-resistant materials designed for exterior use.

C. **Ground Sign.** A type of freestanding sign that is mounted on a base flush with the ground or supported by one or two columns or posts where the distance between the ground and bottommost edge of the sign is no greater than three feet.

1. Requirements by District.

	LDR, MDR	N	VC, C, L	I	OS
Max Number	1 per lot	1 per lot	1 per lot	1 per lot	1 per lot
Max Area	6 sf	16 sf	30 sf	30 sf	16 sf
Max Height	3 ft	4 ft	6 ft	6 ft	4 ft
Illumination	-	External	External	External	External

**NOTE:** For residential and multi-tenant commercial development ground sign requirements see §35.16(B).

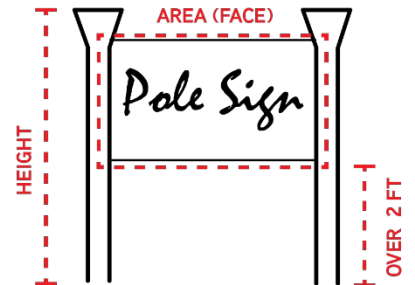
- 6. All ground signs shall have a landscaped area at the base of the sign. The landscaping shall fully surround the sign and utilize appropriate plantings so as not to obscure the visibility of the sign.



- 7. All plantings shall be properly manicured and maintained as the season may require. Dead or decaying plant material shall be replaced by the sign owner within 30 days of written notice by the CEO.
- 8. Segmental block and/or non-mortared stone is permitted for sign base materials only if like materials are in use throughout the principal structure. Landscape timbers are not permitted sign base materials.
- 9. External lighting fixtures may be mounted on the ground or on the sign. Lighting fixtures mounted on the ground shall be shielded and directed so as to illuminate only the sign face.
- 10. The use of neon tubes may be permitted with Planning Board review and approval.

**D. Marquee Sign.** All requirements for a marquee sign shall be determined by through site plan review.

**E. Pole Sign.** A type of freestanding sign that is supported by one or two columns or posts where the distance between the ground and bottommost edge of the sign is greater than three, but no more than six feet.



1. Requirements by District.

	LDR, MDR	N	VC, C, L	I	OS
Max Number	-	-	1 per use	1 per use	-
Max Area	-	-	30 sf	30 sf	-
Max Height <sup>1</sup>	-	-	11 ft	11 ft	-
Illumination	-	-	External	External	-

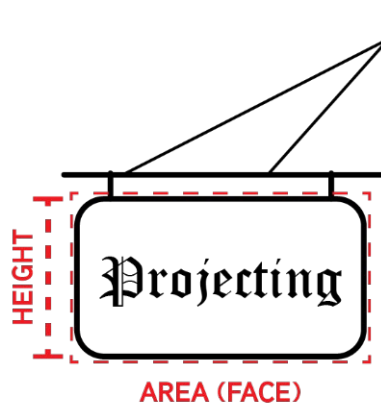
**NOTES:** (1) Measured from the elevation of the ground directly beneath the center of the sign to the Top-most edge of the sign structure.

**F. Projecting Sign.** A sign which is wholly dependent upon a building for support and which projects more than six inches from such building.

1. Requirements by District.

	LDR, MDR	N	VC, C, L	I	OS
Max Number	-	1 per use	1 per use	1 per use	-
Max Area	-	4 sf	6 sf	8 sf	-
Max Height	-	3 ft	3 ft	3 ft	-
Min Clearance <sup>1</sup>	-	9 ft	9 ft	9 ft	-
Illumination <sup>2</sup>	-	External	External	External	-

- NOTES:**
- (1) Measured from the elevation of the ground directly beneath the center of the sign to the bottommost edge of the sign.
  - (2) Internal illumination may be permitted up for up to 50% of a sign.

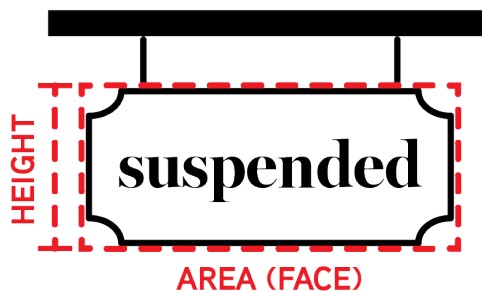


**G. Suspended Sign.** A sign attached to and supported by the underside of a horizontal plane.

1. Requirements by District.

	LDR, MDR	N	VC, C, L	I	OS
Max Number	-	1 per use	1 per use	1 per use	-
Max Area	-	6 sf	6 sf	8 sf	-
Max Height	-	2 ft	2 ft	3 ft	-
Min Clearance <sup>1</sup>	-	9 ft	9 ft	9 ft	-
Illumination	-	External	External	External	-

- NOTE:**
- (1) Measured from the elevation of the ground directly beneath the center of the sign to the bottommost edge of the sign.





**H. Temporary Sign.** A sign which is not intended to be used for a period of time exceeding 30 days and is not attached to a building, structure, or ground in a permanent manner.

1. Requirements by District.

	<b>LDR, MDR</b>	<b>N</b>	<b>VC, C, L</b>	<b>I</b>	<b>OS</b>
<i>Max Number</i>	<b>1 per use</b>	<b>1 per use</b>	<b>1 per use</b>	<b>1 per use</b>	<b>1 per use</b>
<i>Max Area</i>	<b>6 sf</b>	<b>12 sf</b>	<b>24 sf</b>	<b>24 sf</b>	<b>24 sf</b>
<i>Max Height</i>	<b>3 ft</b>	<b>3 ft</b>	<b>6 ft</b>	<b>6 ft</b>	<b>6 ft</b>
<i>Illumination</i>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**NOTE:** Temporary signs shall not be counted towards the total allotted signage for a use.

2. No sign shall be displayed for more than 60 days in a 120-day period.
3. The display of a sign may be extended for up to two additional 30-day periods upon written request to the CEO setting forth the special circumstances requiring such extension.
4. No sign shall project above the first floor of any given building or beyond property lines.
5. Banners, posters, pennants, ribbons, streamers, spinners, or balloons may be permitted as temporary signage, provided they are in conformance with this Section.

**I. Wall Sign.** A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project outward more than six inches from such building or structure.

1. Requirements by District.

	<b>LDR, MDR</b>	<b>N</b>	<b>VC, C, L</b>	<b>I</b>	<b>OS</b>
<i>Max Number</i>	<b>1 per structure</b>	<b>1 per structure</b>	<b>1 per façade<sup>1</sup></b>	<b>1 per façade<sup>1</sup></b>	<b>1 per structure</b>
<i>Max Area</i>	<b>4 sf</b>	<b>8 sf</b>	<b>20% of façade OR 50 sf<sup>2</sup></b>	<b>20% of façade OR 50 sf<sup>2</sup></b>	<b>12 sf</b>
<i>Max Height</i>	<b>2 ft</b>	<b>3 ft</b>	<b>4 ft</b>	<b>5 ft</b>	<b>4 ft</b>
<i>Illumination</i>	<b>-</b>	<b>External</b>	<b>External</b>	<b>External</b>	<b>-</b>

**NOTES:** (1) All wall signs on any given façade shall be considered as one collective sign provided the cumulative area of signage does not exceed the maximum area allowable.  
 (2) Whichever measure for minimum area is less.

**J. Window Sign.** A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within three feet of the window, but shall not include graphics in connection with customary window display of products.

1. Requirements by District.

	LDR, MDR	N	VC, C, L	I	OS
Max Number	-	N/A	N/A	N/A	N/A
Max Area	-	25% of window area <sup>2</sup>			
Illumination	-	-	-	-	-

- NOTES:**
- (1) Window signs shall not be counted towards the total allotted signage for a use.
  - (2) Window areas shall pertained to each singular, delineated windowpane. Segmentation of window panes by muntins shall be considered a single window area.

§ 35.18 DEFINITIONS

**A-FRAME SIGN** — A freestanding sign that is comprised of two sign faces diverging at an angle of no more than 45 degrees from their adjoined edge.

**AWNING** — An architectural fabric or canvas projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached, generally comprised of a lightweight frame structure over which a cover is attached.

**AWNING SIGN** — A sign that is part of or attached to an awning.

**BANNER** — A length of fabric or similar material, temporarily strung between two points.

**CHANNEL LETTER** — A fabricated or formed three-dimensional letter into which a light source, such as a neon tube, may be placed.

**CHANNEL LETTER, REVERSE** — A channel letter than has a face and sides, but no back, and is pinned out from a background surface so as to produce a halo effect around the letter when illuminated.

**COMMERCIAL MESSAGE** — Any message where the primary purpose of which is the commercial advertisement or promotion of a commercial product, event, or service (including content on an internet website operated for a commercial purpose).

**DIRECTIONAL SIGN** — A freestanding sign commonly associated with and limited to noncommercial information and directions necessary and convenient for persons coming on the property, including signs marking entrances, parking areas, one-way driveways, rest rooms, pickup and delivery areas, drive-through ATM machines, and hours of business.

**FREESTANDING SIGN** — A sign not attached to any building or structure, which may be supported by columns or posts.



A-Frame Sign Example



Directional Sign Example

**GOVERNMENTAL SIGN** — A sign erected and maintained pursuant to and in discharge of any governmental function or required by any general law, local law or governmental regulation.

**GROUND SIGN** — A type of freestanding sign that is mounted on a base flush with the ground or supported by one or two columns or posts where the distance between the ground and bottommost edge of the sign is no greater than three feet.



Ground Sign Example

**ILLUMINATION, INTERNAL** — Illumination by a light source contained within the sign structure or lettering.

**ILLUMINATION, EXTERNAL** — Illumination by a light source located outside of the sign structure or lettering that is directed at the sign face.

**INCIDENTAL SIGN** — A sign containing no commercial message and typically erected to identify addresses, entrances, exits, restrooms, hours and days of operation, public utility locations, emergency addresses and telephone numbers, etc. These examples are not given by way of limitation, an incidental sign can contain any noncommercial message in accordance with this Zoning Law.



Incidental Sign Example

**INTERNAL SIGN** — A sign that is not intended to be viewed from outside the property and located so as not to be legible from any public right-of-way or from any adjacent property, including any signs in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar structures of a recreational nature.

**LAWN SIGN** — A sign constructed of materials not intended for permanent installation that are attached to a single or multiple posts for support and stuck into the ground. The height of a lawn sign shall include any posts or supports. Political campaigns, garage sales, and charitable events, for example, are often advertised with lawn signs.



Lawn Sign Example

**MARQUEE SIGN** — A permanent structure attached to the front of a building and which incorporates a large message area. Typically illuminated and often ornate in design, a marquee sign projects over the entrance of the building and provides a canopy over at least a portion of the sidewalk or street. Marquee signs are often used by movie theaters and concert halls.

**NEON SIGN** — A sign that incorporates illumination through the use of neon type gas.

**PAINTED SIGN** — A type of sign in which a commercial message, logo, graphic, and/or other visual elements are painted directly upon a building façade. Painted signs shall be regulated as wall signs.

**PENNANT** — A length of fabric, or similar material, suspended from overhead.

**POLE SIGN** — A type of freestanding sign that is supported by one or two columns or posts where the distance between the ground and bottommost edge of the sign is greater than three, but no more than six feet.



**PROJECTING SIGN** — A sign which is wholly dependent upon a building for support and which projects more than six inches from such building.

**ROOF SIGN** — Any sign erected upon the roof of a building, or sign where any portion thereof extends above the roofline of the building.

**SIGN** — Any object, device, display or structure, or part thereof, situated outdoors or adhered to, or located within three feet of an exterior window that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination or project images. "Signs" shall also include all sign structures. A sign for the purposes of this Zoning Law does not include the following:

1. A flag of any nation, organization of nations, state or city, or any fraternal, religious, civic, or other community organization, team or institution;
2. Merchandise, pictures or models of products or services incorporated in a window display;
3. Official notices issued by any court or public office or officer in the performance of a public or official duty;
4. Traffic control signs as defined in the NYS Vehicle and Traffic Law; and
5. Works of art, including murals, that do not contain any commercial message, logo, graphic, or trademark.

**SIGN BOARD AREA** — A horizontal band extending the full width of the building facade and located between the highest first floor windows and the cornice, or if there is more than one story, the highest first floor windows and the bottom of the second-floor windows.

**SIGN TYPE** — The design and/or structure of a sign, including ground signs, wall signs, projecting signs, suspended signs, awning signs, and window signs.



**SUSPENDED SIGN** — A sign attached to and supported by the underside of a horizontal plane.

**TEMPORARY SIGN** — A sign which is not intended to be used for a period of time exceeding 30 days and is not attached to a building, structure, or ground in a permanent manner. Such signs usually being constructed of poster board, cardboard, masonite, plywood, or plastic material and mounted to wood, metal, wire or rope frames or supports.

**VALANCE** — A projection of fabric below the main frame of an awning to create a decorative edge.

**WALL SIGN** — A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project outward more than six inches from such building or structure.

**WINDOW SIGN** — A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within three feet of the window, but shall not include graphics in connection with customary window display of products.

# VILLAGE OF WATKINS GLEN ZONING LAW

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## PART 4 ADMINISTRATIVE & REVIEW PROCEDURES

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# ARTICLE 40. GENERAL APPLICATION PROCEDURES

## § 40.1 PURPOSE & APPLICABILITY

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- A. Review Required.** Any person seeking to erect, construct, enlarge, alter, improve, demolish a building or structure; or establish, operate, convert, or change the nature of the use or occupancy of any building or structure within the Village of Watkins Glen shall first be required to submit a development application and secure all necessary approvals and permits as required by this Zoning Law.
- B. Application Form.** Applications must be submitted in a form and in such numbers as outlined herein. Checklists of application submittal and review requirements may be made available within the Village Office.
- C. Review Body.** For the purposes of this Zoning Law the terms “reviewing body” or “review body,” shall refer to the Village board, commission, committee, official, or other designated decision-making body that is charged with review and/or approval authority as authorized under this Zoning Law and by NYS Law. This may include, but is not limited to the CEO, Village Board of Trustees, Planning Board, and Zoning Board of Appeals.
- D. Properties in Violation Prohibited.**
  - 1. No applications that include a building, structure, property, or use that is in violation of this Zoning Law, other laws of the Village of Watkins Glen, or NYS laws, rules, and/or regulations shall be accepted or processed.
  - 2. Applications which, in whole or in part, include a proposal to rectify violations on such property may be considered in accordance with this Zoning Law.

## § 40.2 PRE-APPLICATION MEETING

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- A. Purpose.** The purpose of a pre-application meeting is to provide the applicant with the opportunity to seek nonbinding, advisory direction from the Village in order to better prepare the applicant and project application for the development review process. This process is optional, and has no bearing on action on a formal application.
- B. Conference Recommended.** It is recommended that applicants request a pre-application meeting prior to entering the formal application review process to discuss the nature of the proposed application and to determine the best course of action for submittal. Meetings may be held with the CEO and/or the appropriate application review body during a scheduled public meeting.

- C. Advisory Opinion.** In no way shall any comments or feedback provided by the Village during a pre-application meeting be construed as an indication of decision or be legally binding in any way.
- D. Application Material.** Materials presented during the pre-application meeting may be incomplete and/or conceptual in design. A formal, complete application is required to be considered for approval prior to action.

**§ 40.3**

**APPLICATION SUBMITTAL PROCESS**

---

**A. Submittal.**

- 1. Applications shall be submitted to the CEO or other duly designated Village official.
- 2. Only the property owner or their agent, with legally binding and written permission of the owner, may file an application. Where there are multiple land owners, a written consent agreement among all land owners must be included.
- 3. At least 7 hard copies and one electronic copy of the application materials shall be provided.
- 4. In order to be considered, applications must be submitted within a specified time period prior to the meeting at which the applicant wishes to be considered, as determined by a schedule set by a duly adopted Village Board resolution.

**B. Acceptance and Processing.**

- 1. The Village designee shall indicate that an application is considered accepted and ready for processing only if it is submitted in the required number and form, includes all required materials, and is accompanied by the required fee.
- 2. The acceptance of an application by the Village designee shall in no way be interpreted as a determination of the completeness, adequacy, or accuracy of application materials, but rather serve as an acknowledgement to the receipt of required application materials. The Village designee may consult with other Village departments, officials, boards, committees, or consultants to confirm the relevant application materials required have been submitted.
- 3. If an application is determined to be inadequate, the Village designee will provide paper or electronic written notice to the applicant, along with an explanation of all known deficiencies that prevent competent review.
- 4. No further processing of inadequate applications will occur. When the deficiencies are corrected, the application will be placed in the next available processing cycle. If the deficiencies are not corrected within 62 days, the application will be considered withdrawn.



- C. **Application Fee.** All applications shall be accompanied by the required fee as provided by Section 45.4. Failure to submit said fee shall deem an application unacceptable, regardless of the status of submittal on all other required materials.
- D. **Applicant Responsibilities.** The applicant and/or their agent is expected to attend all meetings at which the application is to be discussed. In all cases, the burden is on the applicant to show that their application complies with the Village of Watkins Glen local laws and regulations, and any other applicable NYS laws, rules, and regulations.

## § 40.4 REVIEW BODY ACTION

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- A. **Public Hearing.** Where required by this Zoning Law, the reviewing body shall hold at least one public hearing for applications under their review prior to the issuance of a decision.
- B. **State Environmental Quality Review (SEQR).** Where required by NYS Law, the review body shall complete all required documentation and procedures in accordance with the State Environmental Quality Review Act (SEQRA).
- C. **Issuance of Decision.**
  - 1. Within 62 days following the close of the public hearing the reviewing body shall issue a decision to approve, approve with conditions or modifications, or deny the proposed application.
  - 2. Prior to issuing a decision on an accepted application, the reviewing body shall determine by resolution the application to be complete, noting any waived or additional application requirements.
  - 3. Where County referral is required, no decision shall be issued by the reviewing body until the referral process is complete and the Village has received the County's decision and recommendation.
- D. **Written Findings.** Decisions shall contain written findings explaining the rationale for the decisions considering the standards contained in this Zoning Law. A copy of the decision shall be promptly filed with the Code Enforcement Officer and sent to the applicant.
- E. **Waiving Application Requirements.** The reviewing body is authorized to waive or modify, in whole or in part, required application material if one or more of the following is determined by the review body chairperson that:
  - 1. Any such material, or part thereof, is found not to be requisite in the interest of the public health, safety, or general welfare;
  - 2. Any such material is inappropriate or unrelated to the application;
  - 3. Any such material is deemed unnecessary for an adequate, informed review.
- F. **Additional Application Requirements.** The reviewing body may require the applicant to provide additional material necessary for a complete, adequate, and

informed review. Such additional material shall be deemed necessary by a majority vote of the reviewing body.

## § 40.5 REFERRALS

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- A. Internal Referral.** The reviewing body may refer any application to another Village board, committee, department, or official for review, comment, and advisement. Within 30 days of referral the receiving body shall submit its recommendation in writing with a summary of findings to the reviewing body.
- B. Professional Referral.** The reviewing body may seek the opinion of any engineering, architectural, historical, planning, technical, environmental, legal consultant or attorney, or other expert or professional to aid in the review of an application. Reimbursement of any costs incurred by the Village may be required in accordance with Section 45.4 (C).
- C. County Referral.** The Village shall refer all required materials to Schuyler County pursuant to NYS GML 239-m; and in accordance with any planning referral agreements between the Village and County. A proposed action is subject to review if the real property is within 500 feet of the following:

  - 1. The boundary of any city, village or town.
  - 2. The boundary of any existing or proposed county or state park or any other recreation area.
  - 3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway.
  - 4. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.
  - 5. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated.
  - 6. The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of Agriculture & Markets Law (this shall not apply to the granting of area variances).

## § 40.6 EXPIRATION, REVOCATION OF APPROVAL OR PERMIT

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- A. Expiration.** With the exception of variance applications, the approval of an application shall expire if one of any of the following occur:

  - 1. The approved use(s) ceases operation for more than 12 consecutive months for any reason;
  - 2. The applicant fails to obtain necessary building permits within one year of the approval date;
  - 3. The applicant fails to comply with the conditions of approval within one year of the date of issuance or completion of construction, where applicable;

4. The applicant fails to initiate construction or operation of use within one year of the approval date;
  5. The applicant fails to complete construction within two years of the approval date; or
  6. The applicant fails to renew a time limited permit prior to the stated time period ending.
- B. Extensions.** The reviewing body may grant an extension for any condition in Subsection A upon written request by the applicant. The applicant shall include in such request the desired time period for the extension and the reasoning for requesting the extension. A fee may be required to process extension requests. The time period of such extension shall be determined by the reviewing body.
- C. Revocation.** The CEO may revoke approval and/or related permit(s) if the applicant violates the conditions of the approval or engages in any construction, alteration, or operation not authorized by the approval and/or related permit(s).

## **§ 40.7** PUBLIC HEARINGS & NOTICES

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### **A. Public Hearings.**

1. The reviewing body shall schedule, notice, and conduct a public hearing for applications as required by this Zoning Law and NYS Law.
2. The reviewing body may review multiple applications (e.g. special use permit and site plan review) for a single property or use concurrently and may conduct concurrent or joint public hearings, if desired.

### **B. Public Notices.**

1. All notices of public hearings shall be made at least 5 days prior to the set date of the public hearing.
2. Public notice shall include mailed notices, media notices and posted notices in accordance with this Zoning Law and NYS Law.

### **C. Media Notices.** The Village Clerk or designee shall cause publication of a notice in the Village's official newspaper and official website.

### **D. Mailed Notices.** Written notices, where required by NYS Law, shall be provided by mail to the following:

1. Owners of all real property, as shown on the current tax map, located within 300 feet of the property that is the subject of the hearing.
2. The Clerks of adjoining municipalities whose boundaries are located within 500 feet of the property that is the subject of the hearing.
3. The Schuyler County Clerk where the hearing concerns property adjacent to an existing county road or proposed road shown on the official county map,

adjoining other county land, or situated within 500 feet of a municipal boundary.

4. The State Commission of Transportation, where the hearing concerns property within 500 feet of a state highway.

**E. Posted Notices.**

1. For all public hearings, a notice shall be posted in a location plainly visible within the Village Office.
2. The applicant shall obtain a sign of public notice from the Village and ensure its placement on the property in question in a manner that is plainly visible to passersby.
3. It shall be the responsibility of the applicant to erect the notice in accordance with the time and place requirements defined in the Village of Watkins Glen Notice Schedule.
4. Up to two signs shall be provided to the applicant without charge, with each additional sign provided at such cost set in the Village of Watkins Glen Fee Schedule.
5. Upon close of the public hearing, all signs shall be returned. If an applicant fails to return the sign, the fee for replacement shall be added to the applicant's tax bill.

- F. Public Notice Expenses.** In the event that the cost of publication, mailing, and posting of public notices for an application exceeds that of what is covered in the standard application fee, the applicant may be required to reimburse the Village upon written request. If said excess fee is not received within 62 days of the request, the application shall be considered withdrawn and any decision rendered shall be null and void.

# ARTICLE 41. SITE PLAN REVIEW

## § 41.1 GENERAL PROVISIONS

- A. Intent.** The intent of the site plan review process is to preserve and enhance the physical form of the Village, achieve compatibility with adjacent development, mitigate potentially negative impacts on traffic, parking, drainage and similar environmental concerns, improve the overall visual and aesthetic quality of the Village, and increase the capability of the Zoning Law to adapt to a variety of unique circumstances.
- B. Conditions of Site Plan Approval.** The developer is required to comply with all conditions of Site Plan Approval. Any failure to do so shall be considered a violation of this Law.

## § 41.2 REVIEW REQUIRED

Prior to the issuance of a building permit, site plan approval shall be obtained as noted herein.

ACTION	EXEMPT	MINOR	MAJOR
<b>CONSTRUCTION/EXPANSION/ALTERATION</b>			
<b>Primary Use or Structure</b>			
Single- or Two-Family Dwelling	•		
Multi-Family Dwelling or Nonresidential Use, Up to 1,000 sf		•	
Multi-Family Dwelling or Nonresidential Use, Over 1,000 sf			•
<b>Accessory Use or Structure<sup>1,2</sup></b>			
Single- or Two-Family Use, Up to 250 sf	•		
Single- or Two-Family Use, Over 250 sf		•	
Multi-Family Dwelling or Nonresidential Use		•	
Accessory Dwelling Unit		•	
<b>Landscaping, Exterior Lighting, Mechanical Equipment, or Stormwater Infrastructure</b>			
Single- or Two-Family Dwelling	•		
Multi-Family Dwelling or Nonresidential Use		•	
<b>Off-Street Parking / Loading Area</b>			
10 Spaces or Less		•	
Over 10 Spaces			•
<b>Driveways</b>			
Joint, Shared, or U-Shaped Residential Driveway		•	
Within Existing Curbscut	•		
Required New or Altered Curbscut			•
<b>Other</b>			
Solar Energy System (Accessory Use or Structure)		•	
Parks or Playgrounds (Public Use)		•	
Pools or Playgrounds (Residential Use)	•		
Telecommunications Equipment			•

ACTION	EXEMPT	MINOR	MAJOR
<b>OTHER ACTIONS</b>			
Ordinary Repair, Maintenance, Or Replacement In-Kind	•		
Interior Alteration	•		
Change of Use	•		
Amendment to Approved Site Plan		•	
Planned Development District (Section 22.5 and Article 44)			•
Demolition of Structures (over 750 sf)			•
Action Involving Utility Infrastructure		•	

- NOTES:**
- (1) Accessory use or structure includes decks, patios, porches, garages, sheds, etc. For full list see Section 23.4.
  - (2) Fences and walls shall be exempt from site plan review, provided such fence or wall conforms to the requirements of Section 24.9.

### § 41.3 REVIEW PROCEDURES

- A. Authorized Review Body.** Minor and major site plan applications shall be reviewed and decided upon by the Planning Board.
- B. Coordinated Special Use Permit Review.** Where a special use permit is also required, the application requirements of Article 42 shall also apply. Where applicable, duplicate application materials may be combined to satisfy submittal requirements. In the event that the special use permit is denied, the site plan decision shall be null and void.
- C. Public Hearings.**
  - 1. A public hearing shall be required for all major site plan applications.
  - 2. The Planning Board may hold a public hearing on minor site plan applications, if deemed necessary.
- D. Referrals.** All referrals shall be made in accordance with §40.5.
- E. Action on Approval of Site Plan.** An approval endorsement shall be affixed by the Chairman of the Planning Board on a copy of the approved site plan. A copy of the endorsed site plan shall be filed with the CEO.

### § 41.4 APPLICATION REQUIREMENTS

- A. Minor Site Plan Application Material.** A minor site plan application shall include the following materials, as deemed applicable by the reviewing body. The reviewing body may require some or all application materials be prepared by competent, duly licensed professionals.
  - 1. Application form, including the name, address, and signature of the applicant, property owner, and developer.
  - 2. Description or narrative of all proposed uses and structures.
  - 3. A site plan showing the following:

- a) The location of all properties, their ownership, uses thereon, subdivisions, streets, easements, and adjacent buildings within 500 feet of the property in question.
  - b) The location and use of all existing and proposed structures on the property in question, including all building and lot dimensions.
  - c) The location and proposed impacts to environmental features, including, but not limited to, open spaces, woodlands, watercourses, steep slopes, wetlands, floodplains, and watersheds.
  - d) The location and dimensions of existing and proposed landscaping, screening, walls, and fences, including information regarding the type of materials.
  - e) The location and dimensions of existing and proposed public and private streets, off-street parking areas, access drives, driveways, sidewalks, ramps, curbs, and paths.
  - f) The location of all existing and proposed topography as revealed by contours or key elevations, including final site grading.
  - g) A waste and trash management plan including the type, size, location, appearance, and operation of permanent trash receptacles.
  - h) The type, size, location, appearance, and operation of all outdoor mechanical equipment.
  - i) The location, height, intensity, bulb type, and light color of all exterior lighting fixtures.
  - j) The location, height, size, material, and design of all existing and proposed signs.
  - k) The location all new or modified downspouts or stormwater systems, including the configuration of a system for stormwater drainage or green infrastructure.
  - l) The location of existing and proposed utility systems including sewage or septic, water supply, telephone, cable, electric, internet, and fiber.
4. Exterior building elevations (existing and proposed) for all sides showing the location and size of all windows, doors, trim, architectural details and indicating the type of all materials to be used.
  5. Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.
  6. Plans to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
  7. Identification of any state or county permits required for the project and record of application for and approval status of such permits.

8. A schedule for completion of each construction phase, where applicable.
9. All NYS SEQRA documentation as required by law.

**B. Major Site Plan Application Materials.** An application for major site plan review shall include the following materials, as applicable. Such materials shall be prepared by competent, duly licensed professionals duly, unless otherwise permitted by the reviewing body.

1. All required minor site plan application materials.
2. A site plan showing the location of all properties, their ownership, uses thereon, subdivisions, streets, easements, and adjacent buildings within 500 feet of the property in question.
3. A certified land survey.
4. Soil logs, test well, percolation test results, and/or stormwater runoff calculations.
5. A natural resource inventory and/or tree survey.
6. A detailed traffic study.

## **§ 41.5** REVIEW CRITERIA

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The Planning Board shall review the site plan and supporting data taking into consideration the following:

- A.** Conformance with the Village's Comprehensive Plan and other adopted plans and studies, where applicable, and conformance with the requirements of this Zoning Law.
- B.** Compatibility of proposed uses to adjacent uses, considering building and site orientation, design, and transitional and/or buffering treatments.
- C.** Quality of building design and materials, including facades, signs, and site layouts, and compatibility with the desired character of the district and/or neighborhood.
- D.** Adequacy of orientation of structures and the site design for energy efficiency, the extent to which the proposed plan conserves energy and energy resources in the community, and the protection of adequate sunlight for a Solar Energy System.
- E.** Adequacy and arrangement of vehicular traffic and circulation, including intersections, road widths, traffic controls, traffic-calming measures, and accessibility to fire and emergency vehicles.
- F.** Adequacy and arrangement of pedestrian and bicyclist access and circulation, including separation from vehicular traffic and connections provided internally and externally to the site.
- G.** Adequacy of off-street parking, loading, and vehicular access management provisions.



- H. Adequacy of landscaping and screening provisions.
- I. Adequacy of outdoor lighting while preventing light trespass onto adjacent properties.
- J. Preservation and protection of natural site features and areas, such as wildlife habitat, wetland, and woodland areas. Adequacy of open space areas for passive and/or active recreation.
- K. Adequacy of stormwater, drainage, and erosion management plans.
- L. Adequacy of flood damage prevention measures consistent with Article 33;
- M. Adequacy of municipal facilities to serve the proposal including, but not limited to, streets, electric service, water supply and wastewater treatment systems, storm water control systems, and fire protection.
- N. Adequacy of proposed waste and trash management plan.
- O. Adequacy of snow storage and/or proposed snow removal plan.
- P. Encouragement of the most appropriate use of land and utilization of the site.
- Q. Potential for adverse effects to the functioning, economic stability, prosperity, and health, safety, or general welfare of nearby property owners and the community.

## **§ 41.6** AMENDMENTS

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

## **§ 41.7** DEMOLITION PERMITS

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- A. **Permit Required.** A person, firm, or corporation shall not demolish an existing building or structure having a gross floor or base area of 750 square feet or more within the Village of Watkins Glen without first obtaining a demolition permit from the CEO or Village designee pursuant to this Zoning Law.
- B. **Application.** An application for a demolition permit shall be on forms supplied by the CEO, shall include an agreement to comply with this Zoning Law and all other laws, rules, and regulations that may be applicable, and shall be signed by the owner.
- C. **Review.** No demolition permit may be issued for within the Village without first obtaining site plan approval for a new development plan as required by this Article.

- D. Validity.** A demolition permit shall be valid for a period of 180 days from the date of issue. Failure to undertake demolition activity within this time shall require the issuance of a new demolition permit.
- E. Unsafe Structures.** In the event that a structure or series of structures is found to be structurally unsound and/or unsafe by the CEO, this Section shall not preclude any immediate demolition or repair action determined to be necessary under such finding.
- F. Extension.** The reviewing body may grant an extension upon written request by the applicant. The applicant shall include in such request the desired time period for the extension and the reasoning for requesting the extension. A fee may be required to process extension requests. The time period of such extension shall be determined by the reviewing body.

# ARTICLE 42. SPECIAL USE PERMITS

## § 42.1 PURPOSE

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- A. Special uses are generally considered to be uses that have a higher potential for incompatibility with adjacent uses. By requiring the individual review of special use permit applications, the Planning Board helps to determine the level of compatibility of a use in its proposed location.
- B. Uses requiring a special use permit are those which are compatible with the general spirit of the Zoning Law if certain standards and conditions are met. Each such use is listed in this Zoning Law as a use permitted within a zoning district upon the issuance of a special use permit.
- C. All provisions of this Zoning Law shall be followed and the Planning Board must find that the proposed implementation of such use is not inconsistent with the public welfare. A special use permit may be subject to conditions and safeguards imposed by the public welfare.
- D. The CEO may inspect the use of the property in question annually, or at any time, to insure compliance with conditions which have been imposed by the Planning Board in issuing such special use permit and other applicable provisions of this Zoning Law.
- E. The CEO may also inspect the property in question at any time due to any change in use or ownership.

## § 42.2 APPLICABILITY

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- A. **Permit Required.** Prior to the issuance of a building permit, a special use permit shall be obtained for all uses as noted in the district tables of Articles 20, 21, and 22.
- B. **Additional Use and Supplemental Regulations.** In addition to the general district and development requirements, specially permitted uses shall also conform to the requirements of Articles 23 and 24, where applicable.

## § 42.3 REVIEW PROCEDURE

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- A. **Authorized Review Body.** Special use permit applications shall be reviewed and decided upon by the Planning Board.
- B. **Coordinated Site Plan Review.** Where site plan review is also required, the application requirements of Article 41 shall also apply. Where applicable, duplicate application materials may be combined to satisfy submittal requirements. In the event that the special use permit is denied, the site plan decision shall be null and void.
- C. **Public Hearing.** A public hearing shall be held by the Planning Board for all special use permit applications.

- D. **Referrals.** All referrals shall be made in accordance with §40.5.

## § 42.4 APPLICATION REQUIREMENTS

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A special use permit application shall include the following, as applicable:

- A. An application form.
- B. A site plan denoting the location of the subject property and all structures thereon, as well as all property, uses, and structures within 300 feet of the proposed use.
- C. A description of the proposed use and nature of its operation, including:
  - 1. A business plan, vision, or model, and/or summary of products, goods, and services to be sold or provided;
  - 2. The proposed hours of operation;
  - 3. The number of employees at maximum shift;
  - 4. The maximum seat capacity;
  - 5. The timing and manner of any and all anticipated deliveries;
  - 6. A recycling and waste management plan; and
  - 7. The nature and type of all mechanical equipment provided and/or required.
- D. An interior floor plan, including, but not limited to, the arrangement of seats, kitchen and/or bar size and location, storage areas, bathroom facilities, and location of machines or other mechanical equipment.
- E. A narrative describing how the proposed use will satisfy the special use permit review criteria.
- F. All SEQR Documentation as required by NYS Law.

## § 42.5 REVIEW CRITERIA

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- A. **General Criteria.** In reaching a decision, the Planning Board shall consider and shall determine, either from its own knowledge and investigation or from testimony or other information submitted to it, written findings on whether or not the proposed use:
  - 1. Will be generally consistent with the goals of the Village Comprehensive Plan;
  - 2. Will meet all relevant standards, guidelines, and requirements set forth in this Zoning Law, including any applicable requirements of Articles 23 and 24 (Additional Use and Supplemental Regulations);
  - 3. Will be an economically viable use of the property and/or will not cause there to be any significant decrease in the future economic viability of the property;

4. Will be compatible with existing uses adjacent to and near the property;
  5. Will provide adequate measures (such as landscaping and screening) to mitigate potential adverse impacts on surrounding property and preserve or enhance the traditional character of the Village;
  6. Will not have an undue burden or effect on the orderly development and character of the neighborhood or upon the development and conduct of other lawful uses in the vicinity;
  7. Will not be a nuisance to adjacent residents and property in terms of the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, traffic, crowds, parking of automobiles, unsightliness, contamination or other similar conditions;
  8. Will not cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area or cause adverse environmental impacts such as significant erosion and/or sedimentation, slope destruction, flooding or ponding of water, or degradation of water quality;
  9. Will not destroy or adversely impact significant historic and/or cultural resource sites; and
  10. Will not otherwise be detrimental to the convenience and general health, safety, or welfare of the public.
- B. Standard for Review.** Failure to meet one or more of the above criteria may result in denial of an application.

# ARTICLE 43. VARIANCES, APPEALS, & AMENDMENTS

## § 43.1 ZONING AMENDMENTS (RE-ZONINGS)

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- A. Authority to File.** Amendments to the zoning text or zoning map (re-zonings) may be initiated by the Village Board, recommendation of the Planning Board, or petition presented to the Village Board in accordance with NYS Village Law.
- B. Planning Board Review and Recommendation.** The Planning Board shall conduct a review of amendment applications and provide a recommendation of decision to the Village Board.
- C. Village Board Review and Decision.** Upon receipt of a recommendation from the Planning Board, the Village Board shall review and decide upon the application. If the Village Board approves the amendment the text and/or map shall be amended after publication as required by NYS Law.
- D. Public Hearing.** A public hearing shall be held by The Village Board for all proposed amendments.
- E. Referrals.** All referrals shall be made in accordance with §40.5.
- F. Review Criteria.** In reviewing and making decisions on zoning amendments the Planning Board and Village Board must consider the following criteria:
  - 1. Whether the proposed amendment corrects an error or inconsistency in the zoning law or meets the challenge of a changing condition;
  - 2. Whether the proposed amendment is in substantial conformance with the adopted plans and policies of the municipality;
  - 3. Whether the proposed amendment is in the best interests of the municipality as a whole;
  - 4. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by any requested re-zoning;
  - 5. Whether any re-zoning will substantially harm the public health, safety or general welfare or the value of nearby properties;
  - 6. Whether any re-zoning is compatible with the zoning and use of adjacent property;
  - 7. Whether the property in question is suitable for the uses and development to which it has been restricted under the existing zoning regulations; and
  - 8. Whether the gain, if any, to the public health, safety and general welfare due to denial of the application outweighs that of the hardship imposed upon the landowner, if any, as a result of denial of the application.

## § 43.2 APPEALS & VARIANCES

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The rules, regulations, and procedures of NYS Village Law § 7-712, 7-712-a, and 7-712-b (Zoning Board of Appeals) shall apply to all applications for variances, appeals, and interpretations considered under this Zoning Law. The following requirements are provided for ease of reference. In the case of amendment(s) to §7-712, the state rule shall supersede the regulations of this Section.

- A. Authorized Review Body.** The Zoning Board of Appeals (ZBA) shall have the power to review and decide upon appeal, variance, and interpretation applications.
- B. Public Hearings.** A public hearing shall be held by the ZBA for all appeal and variance applications.
- C. Referrals.** All referrals shall be made in accordance with §40.5.
- D. Use Variance Criteria.** The ZBA shall not grant a use variance without the applicant having shown that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate that for each and every permitted use under the zoning regulations for the particular district where the property is located the following conditions exist:
  - 1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - 2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - 3. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - 4. That the alleged hardship has not been self-created.
- E. Area Variance Criteria.** In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the ZBA shall consider the following:
  - 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - 3. Whether the requested area variance is substantial in relation to the requirement;
  - 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the ZBA but shall not necessarily preclude the granting of the area variance.
- F. Minimum Variance Allowable.** The ZBA, in the granting of variances, shall grant the minimum variance that it shall deem necessary and adequate to address the hardship proved by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.



# ARTICLE 44. PLANNED DEVELOPMENT (PD) DISTRICTS

## § 44.1 PURPOSE

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- A. Purpose.** The preservation of the distinctive environmental, and aesthetic character of the Village of Watkins Glen is directly related to the economic vitality of the Village business districts, stability of property values, and the quality of life for Watkins Glen residents. Occasionally on larger projects, conventional use, space, dimensional, and bulk requirements contained in the underlying zoning may not be the best standards to ensure new development achieves the goals states above. It is the purpose of this Article to provide flexible performance standards for zoning districts identified as having the potential for redevelopment and new development, and which are identified in this Article.
- B. Intent.** The application of the PD District review process is intended to achieve more creative land use and a higher quality of planning and a higher quality of site planning and design than can be accomplished through conventional zoning regulations.

## § 44.2 APPLICABILITY

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- A. PD Approval Required.** Whenever any PD is proposed, before any building permits are granted and before any subdivision plat or any part thereof may be filed, the developer or his authorized agent shall apply for and secure approval of such PD in accordance with this Article.
- B. Eligibility.** To be eligible for the establishment of a PD District under this Article, applicants must demonstrate the proposed project meets or exceeds two or more of the following criteria:

  - 1. The minimum lot area required to qualify for a PD designation shall be 80,000 square feet.
  - 2. The project proposes an overall density and/or intensity of use which would not be permitted or required by the underlying zoning while also preserving more open land or providing more amenities to the community.
  - 3. The project proposes a use that is compatible with the surrounding context but is otherwise not permitted by the underlying zoning.
- C. Relief from Conventional Zoning.**

  - 1. For projects deemed eligible, the reviewing body may waive zoning regulations that would ordinarily apply to a property where the applicant

demonstrates relief from said regulations is necessary to meet the purposes described herein.

2. This Article is not intended to arbitrarily dispense with underlying zoning regulations, rather grant the minimum relief necessary to achieve the objectives of this Article.

### § 44.3 REVIEW PROCEDURES

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- A. **Planning Board Review and Recommendation.** The Planning Board shall conduct a review of the PD application, site plan, and related documents and provide a recommendation of decision to the Village Board.
- B. **Village Board Review and Decision.** Upon receipt of a recommendation from the Planning Board, the Village Board shall review and decide upon such application as an amendment, in accordance with Article 43. If the Village Board approves the PD application, the zoning map and text shall be amended and filed accordingly.
- C. **Public Hearings.** A public hearing shall be held by the Village Board for all PD applications.
- D. **Referrals.** All referrals shall be made in accordance with §40.5.

### § 44.4 APPLICATION REQUIREMENTS

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- A. **Site Plan.** All PD applications shall include the required site plan review application materials as noted in Article 41.
- B. **PD District.** PD applications shall also include:
  1. Documentation that the applicant's particular mix of land uses meets current community demands and the Village's Comprehensive Plan.
  2. Description of the manner in which any areas that are not to become publicly owned are to be maintained, including open space, streets, lighting and others, according to the proposals.
  3. A description of any covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.
  4. Profiles of proposed streets at suitable vertical scale showing finished grades in relation to existing ground elevation.

### § 44.5 REVIEW CRITERIA

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- A. **Site Plan Review.** The review of a PD site plan shall be based upon the site plan review criteria outline in Article 41.

- B. Zoning Amendment.** The Planning Board's review and Village Board's decision on PD applications shall be based upon the amendment review criteria outlined in Article 43.

**§ 44.6**

**APPROVAL NOT GUARANTEED**

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The fact that an application complies with all of the specific requirements set forth herein shall not be deemed to indicate the proposed development would result in a more efficient and desirable development than could be accomplished by the use of conventional zoning categories or than would result in compatibility with the surrounding development; nor shall such compliance, by itself, be sufficient to require the approval of the site plan or the granting of the zoning amendment to create a PD District.

# ARTICLE 45. NONCONFORMITIES, PENALTIES, & FEES

## § 45.1 NONCONFORMING STRUCTURES, USES & LOTS

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### A. Continuing Nonconformities.

1. Any nonconformity under the previous zoning law will also be nonconformity under this zoning law, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this zoning law, or any subsequent amendment to it, then the situation will no longer be considered a nonconformity.
2. A nonconforming structure or use is not expanded, enlarged/extended or increased other than provided for in Subsection 45.1(F).
3. All nonconforming signs shall be removed within 10 years of the effective date of this Local Law.

### B. Discontinuance.

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

### C. Necessary Maintenance and Repairs.

1. Except as specified in Subsection 45.1(F), a nonconforming structure, use or lot may be maintained, repaired or restored to a safe condition.
2. Nothing in this Law shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the CEO.
3. Any maintenance, repair or restoration of a nonconforming structure shall comply with the applicable provisions of the NYS Uniform Fire Prevention and Building Code.

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

- E. Existing Nonconforming Lots.** Any lot held in single and separate ownership and use from an adjoining lot prior to the adoption of this Law, and whose area is less than the specified minimum lot requirements in Part 2 of this Law may be considered as complying with such minimum lot requirements and no variance shall be required, provided that the following minimum conditions are met:
1. Such Lot does not adjoin any other Lot or Lots held by the same owner where the aggregate area of such adjoining lot is equal to or greater than the minimum lot area required in Part 1 of this Law.
  2. Adequate sewage disposal is approved by the appropriate agency for the nonconforming lot and a copy of such permit is provided to the Village prior to commencement of any construction thereon.
  3. For residential uses, such lot shall have a minimum area of at least three thousand five hundred (3,500) sq. ft. and minimum width of at thirty (30) feet at the required setback line and have the following minimum yard setbacks:
    - a) Side Yard: 3 feet
    - b) Rear Yard: 10 feet
    - c) Front Yard: 10 feet
  4. Accessory structures shall be located as follows:
    - a) A minimum of three (3) feet from any rear or side lot line,
    - b) Behind the rear line of a residential building.
    - c) In accordance with all other requirements specified in Section 23.4.
  5. In any District where residences are permitted, such undersized nonconforming lot may be used for not more than one (1) single-family dwelling unit.
- F. Extension, Alteration or Modification.** Any existing nonconforming structure, use and/or lot or any nonconforming structure, use and/or lot previously approved in a Site Plan shall comply with all applicable provisions of this law when such nonconforming structure, use and/or lot is proposed to be extended, altered, or modified in a manner that:
1. Increases the lot area being dedicated to or used for an existing or approved nonconforming structure, use and/or lot by more than fifty (50%) percent of that which is existing or approved in a previously approved Site Plan;
  2. Has a verified estimated cost of construction or installation for such extension, alteration or modification that exceeds fifty (50%) percent of the assessed value of the nonconforming structure use and/or lot at the time that such construction or installation is proposed; or
  3. A nonconforming building is renovated or structurally altered during its life to an extent exceeding, in aggregate, a value that is fifty (50) percent of the replacement cost of the building.

**G. Repair or Reconstruction of Damaged Nonconforming Structure.** A nonconforming structure damaged by fire, flood or other causes may be rebuilt to the prior nonconforming bulk or to a bulk that is more conforming.

**H. Reduction in Lot Area.** A building permit shall not be issued for any lot that is reduced in area so that it creates a Nonconforming Bulk or Density in Violation of this Law.

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**§ 45.2**                      **DAMAGED & UNSAFE BUILDINGS OR STRUCTURES**

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Refer to the Village of Watkins Glen Local Law #3 of 2021, Vacant Property Law.

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**§ 45.3**                      **PENALTIES**

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

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

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**§ 45.4**                      **FEES**

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

**B. Fee Remittance.**

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

**C. Consultant Fees.**

1. The Village Board, ZBA, Planning Board, CEO, and Village Clerk or designee, in the review of applications as provided for in this Zoning Law, may refer any such application presented to them to such engineering, architectural, historical, planning, technical, environmental, landscaping, or legal consultant, or attorney, as shall be reasonably necessary to enable them to review such application as required by law. The amount of the fee shall be determined by the respective board, in the case of the CEO such determination should be made by the Village Board, and the professional consultant at the time the application is made. Each of the consultants shall estimate their fees based on the services to be rendered on behalf of the Village from a review of the application, including such documents, maps, plans, specifications, drawings and the like as may be a part of the same.
2. The consultant will be retained pursuant to the procurement policy of the Village. The applicant shall make an escrow deposit with the Village, equal to the amount of the fees so determined. This escrow deposit shall be utilized to pay the cost of the special consultant's fees involved. The applicant's application shall not be deemed complete until such time as said escrow deposit has been made. If during the course of the review the need for further specialist consultation is deemed reasonably necessary by the Board, the same cost estimate and escrow deposit procedure shall be followed.
3. Upon completion of said review and within a period of 45 days thereafter, the Village Board shall adopt a resolution specifying whether the escrow deposit amount specified was sufficient, excessive or insufficient. In the event that the Board should determine that said amount is excessive, then the balance shall be returned to the applicant within 60 days. In the event that the Board should determine that the escrow deposit was insufficient, it shall so specify and the applicant shall be required to make payment of such additional amount within 60 days.

# ARTICLE 46. REVIEW BODIES

## § 46.1 VILLAGE BOARD OF TRUSTEES

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- A. **Authorization.** For the purpose of promoting the health, safety, morals, or the general welfare of the community, the Village of Watkins Glen Board of Trustees is hereby empowered by NYS Village Law to regulate and administer the provisions of this Zoning Law.
- B. **Staff Appointments and Confirmations.** A clerk, or other Village employee will be appointed by the Mayor. Such appointed persons shall also be confirmed by the Village Board.
- C. **Final Decision Authority.** Pursuant to this Zoning Law and NYS Village Law, the Village Board is hereby authorized and empowered with final decision authority for the following:
  - 1. Zoning Amendments; and
  - 2. Planned Development Districts.
- D. **Additional Powers.** The Village Board shall hold all additional powers and duties provided by the laws, rules, and regulations of New York State and the rules, regulations, and local laws of the Village of Watkins Glen.

## § 46.2 PLANNING BOARD

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- A. **Establishment.** The Planning Board is established under the provisions of NYS Village Law and by this Article.
- B. **Membership and Terms.**
  - 1. The Planning Board shall consist of five (5) members appointed and confirmed in accordance with NYS Village Law.
  - 2. Removal of members, alternates, and vacancies shall be addressed as provided for in the NYS Village Law.
- C. **Power and Duties.** Pursuant to this Zoning Law and NYS Village Law, the Planning Board is hereby authorized and empowered to perform the following:
  - 1. **Review Authority.** The Planning Board shall be responsible for reviewing and making recommendations regarding the following:
    - a) Zoning Amendments; and
    - b) Planned Development Districts.
  - 2. **Final Authority.** The Planning Board shall be responsible for final action regarding the following:



- a) Site Plan Review; and
  - b) Special Use Permits.
3. General Authority. The Planning Board may exercise additional powers as directed by the Village Board and as may be described elsewhere in this local and as permitted by NYS Village Law.

## **§ 46.3** ZONING BOARD OF APPEALS

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- A. Establishment.** The Zoning Board of Appeals (ZBA) is established under the provisions of NYS Village Law, and by this Article.
- B. Membership and Terms.**
- 1. The ZBA shall consist of five (5) regular members appointed and confirmed in accordance with NYS Village Law.
  - 2. Removal of members, alternates, and vacancies shall be addressed as provided for in the NYS Village Law.
- C. Powers and Duties.** The ZBA shall have all the powers and duties prescribed by NYS Village Law, and by this Article.
- 1. Final Authority. The ZBA shall be responsible for final action regarding the following:
    - a) Variances and Appeals; and
    - b) Interpretation of any provision of this Zoning Law.
  - 2. General Authority. The ZBA may exercise additional powers as directed by the Village Board and as may be described elsewhere in this local and as permitted by NYS Village Law.

# ARTICLE 47. CODE ENFORCEMENT

## § 47.1 CODE ENFORCEMENT OFFICIAL

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- A. Appointment.** The Code Enforcement Official (CEO) shall be appointed by the Village Board and receive compensation as the Village Board shall determine.
- B. Powers and Duties.** The duty of administering and enforcing the provisions of this Zoning Law is hereby conferred upon the CEO. The CEO shall have further duties as may be assigned by the Village Board pursuant to this Zoning Law or otherwise. Standard powers and duties of the CEO shall include:
1. Issuance of Permits. The CEO is hereby empowered to issue all permits and certificates as provided for by this Zoning Law.
  2. Violations and Written Orders. Where the CEO, in the course of his/her duties, determines that any plans, buildings or premises are in violation of the provisions of this Zoning Law, they shall order the responsible party in writing to remedy such conditions.
  3. Revocation. On the serving of notice and failure to comply with the time limits specified in such notice by the CEO to the owner in any violation of any of the provisions of this Zoning Law, any approval or permit previously issued for such buildings or use shall be held null and void. A new approval or permit shall be required for any further use of such building or premises.
  4. Inspection. It shall be the duty of the CEO, or their duly authorized assistants, to cause any plans, buildings or premises to be examined or inspected to determine that they are not in violation of the provisions of this Zoning Law.
  5. Records. The CEO shall maintain a permanent record of all matters considered and all action taken under this Zoning Law.

## § 47.2 BUILDING PERMITS

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- A. Building Permit Required.**
1. No person, firm or corporation shall commence the erection, enlargement, alteration, improvement, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, or perform any other work for which a building permit is required by the NYS Uniform Code without first obtaining a separate building permit from the CEO for each such building or structure, in accordance with Local Law #2 of 1986.
  2. No building permit shall be required for the performance of ordinary repairs which are not structural in nature or any other activity for which a building permit is not required by the NYS Uniform Code.

**B. Expiration of Permit.**

1. All work for which such a building permit has been issued shall be fully completed within one year from the date of the issuance of the permit therefor and each permit shall expire one year from the date of its issuance.
2. The CEO, in consultation with the Village Board, may extend the period within which the work may be completed and the duration of the permits therefore upon written request of the permit holder. The permit holder shall identify the requested time period of such extension, not to exceed one year, and the reasoning for the extension.

**C. Revocation.** The CEO may revoke a building permit theretofore issued and approved in the following instances:

1. Where the CEO finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.
2. Where the CEO finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.
3. Where the permittee fails or refuses to comply with the stop order issued by the CEO or other Village authority.

**D. Licensed Professional Review.**

1. In connection with the work for which a building permit is required for any structure, other than a residential structure as is permitted in a residential district, no building permit shall be issued unless there are the seal and signature of a duly licensed architect or professional engineer on the plans and specifications on file with the CEO, where required by the CEO.
2. During construction, it shall be the responsibility of said architect or professional engineer or his designated representative to make periodic visits to the construction site to familiarize himself with the progress and quality of the construction and to determine, in general, if the construction is proceeding in accordance with the drawings, specifications and plans which have been submitted to the Village and constitute a basis for the issuance of the building permit.
3. Said architect or professional engineer shall file reports with the CEO at regular intervals indicating the times of such visits and the status of the construction and shall, in particular, contain notice to the CEO of any defects or discrepancies affecting structural, fire, health or safety which said architect or professional engineer may observe. It is understood that any such defects or discrepancies shall be corrected by the permittee, and the architect or professional engineer shall advise the CEO when such discrepancies have been corrected.

**§ 47.3** NOTICE OF COMPLIANCE

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

**§ 47.4** STOP WORK ORDERS

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

**§ 47.5** RIGHT OF ENTRY

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- A.** In the course of performing the duties of the CEO, or other authorized Village official which requires access to a building or the premises thereof, the official shall show the proper credentials and request permission to enter said building or premises.
- B.** If allowed, the official shall conduct the required inspection.
- C.** If denied access, the official shall follow the legal procedure for obtaining a warrant to enter the building and/or premises. If the situation warrants, the official shall request law enforcement assistance in gaining the required access.