

Chapter 122

ZONING

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[HISTORY: Adopted by the Board of Trustees of the Village of Hammondsport 7-29-1986 as L.L. No. 1-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 42.

Abandoned and junked vehicles — See Ch. 112.

ARTICLE I

Definitions; General Provisions

§ 122-1. Definitions.

- A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary. The word "shall" is always mandatory. The word "may" is permissive, "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, a copartnership and any other agency of voluntary action. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING — A building detached from and subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts or existing facilities of such building or structure, or any enlargement thereof, whether by extension of any side or by any increase in height, or the moving of such building or structure from one location to another.

AREA, BUILDING — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of terraces and uncovered steps.

ATTIC — That space of a building which is immediately below and wholly or partly within the roof framing. An "attic" with a finished floor shall be counted as 1/2 story in determining the permissible number of stories.

AUTO JUNKYARD — Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old or secondhand motor vehicles no longer intended or in condition for legal use on the public highways are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, or for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles.

BASEMENT — A story partly below finished grade but having at least 1/2 of its height, measured from floor to ceiling, but not less than four feet, above average finished grade. A "basement" shall be counted as one story in determining the height of a building in stories.

BED-AND-BREAKFAST ESTABLISHMENT — An owner-occupied, one-family dwelling used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers, containing at least two but

not more than four bedrooms for such lodgers. **[Added 1-8-2002 by L.L. No. 1-2002]**

BILLBOARD — A sign or structure which directs attention to an idea, product, business activity, service or entertainment which is conducted, sold or offered elsewhere than upon the lot on which such sign is situated.

BOARDINGHOUSE — A building, other than a hotel, containing a general kitchen and dining room in which no more than four sleeping rooms are offered for rent for short-term accommodation with or without meals. A lodging house, tourist home or other short-term accommodation business, except a bed-and-breakfast accommodation, shall be termed a "boardinghouse." **[Amended 1-8-2002 by L.L. No. 1-2002]**

BUILDING — Any structure which is permanently affixed to the land, has one or more floors and a roof and is intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY — See "accessory building."

BUILDING, DETACHED — A building surrounded by open space on the same lot.

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

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

CAMP — Any parcel of land on which is located two or more cabins, tents, shelters or other accommodations of a design or character suitable for seasonal or other temporary living purposes.

CELLAR — Any space in a building the structural ceiling level of which is less than four feet above average finished

grade where such grade meets the exterior walls of the building. A "cellar" shall not be counted in determining the permissible number of stories.

CERTIFICATE OF ZONING COMPLIANCE — The official certificate, signed by the Zoning Officer, affirming that items included in the zoning permit have been complied with according to the zoning law.

CLUB, NONPROFIT — A local chapter holding a valid charter from an international, national or state organization or a bona fide local civil 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 fundraising activities only.

CONTRACTOR'S YARD — Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, vehicles or parts thereof which are in active use by a construction contractor.

COVERAGE, LOT — That lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

DAY NURSERY — Any place, however designated, operated for the purpose of providing daytime care for two or more children from two to five years of age, inclusive, and operated on a regular basis, including kindergartens and day-care centers.

DOCK — Any structure, whether affixed to land or floating, placed in or upon a lake, stream or brook where a boat is or may be moored or provides access for fishing or for any other use, recreational or otherwise. This term shall include piers, wharfs, crib docks, stake docks, floating

docks and all such similar structures. At no point shall any dock have a height greater than five feet above the mean high-water level. Excluded herein are handrails or other customary safety features as well as lighting apparatus, flagpoles and items of like nature. **[Added 6-9-1992 by L.L. No. 1-1992]**

DWELLING — A building containing one or more units designed and used for residential occupancy.

DWELLING, GROUP — A group of three or more, but not over nine, attached single- or two-family dwellings with party walls between.

DWELLING, MULTIFAMILY — A dwelling containing three or more dwelling units.

DWELLING, ONE-FAMILY — A building containing one dwelling unit only.

DWELLING, TWO-FAMILY — A building containing two dwelling units.

DWELLING UNIT — A building or portion thereof providing complete housekeeping facilities for one family.

FINISHED GRADE — The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the "finished grade" in computing height of buildings or other structures or for other purposes shall be the average elevation of all finished grade elevations around the periphery of the building.

FRONT YARD DEPTH — The distance from edge of street pavement to front foundation line.

GASOLINE FILLING STATION — An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor

vehicle fuel or oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding or painting.

HEIGHT OF BUILDING — The vertical distance measured from the average finished grade along the wall of the building (or adjacent to the side of the structure) to the highest point of such building or structure.

HOME OCCUPATIONS — In any district, nothing in this chapter shall prevent an individual from conducting his business, trade or profession in his home or residence, including accessory buildings, provided that no more than two persons are employed at the residence in addition to the owner or tenant of the property; that no other professional shall be permitted to share, let or sublet space for professional use; that there is no external evidence of such use except for one sign not exceeding two square feet in area; and that there shall not be any exterior storage of materials or equipment, and provided further that no article is sold or offered for sale except such as may be produced by members of the immediate family residing therein.

HOTEL — A building or any part thereof which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.

LOT — A platted lot which is part of a subdivision, or a lot or parcel described by metes and bounds, the description of which has been recorded in the office of the Steuben County Clerk.

LOT, AVERAGE DEPTH OF — The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, CORNER — A lot situated at the junction of and adjacent to two or more intersecting streets where the interior angle of the intersection does not exceed 135°. Lot frontage shall be determined by the official street address. Front depth setbacks shall apply from any adjoining street. Such setbacks shall be measured from curb(s), or the edge(s) of pavement where no curb(s) exist, to the principal building or any accessory building. **[Amended 7-17-2004 by L.L. No. 4-2004]**

LOT COVERAGE — See "coverage, lot."

LOT FRONTAGE — The lot line which is coincident with a street line.

LOT, THROUGH — A lot, other than a corner lot, which has frontage on more than one street.

LOT WIDTH — The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines, or the width of a lot measured along the rear line of the required front yard.

MAJOR RECREATIONAL EQUIPMENT — Any equipment used for transportation, including but not limited to boats, trailers, recreational vehicles, snowmobiles, unlicensed off-street vehicles and all-terrain vehicles, but not licensed, registered and inspected automobiles or trucks. Tent campers are also included.

MOBILE HOME — A dwelling unit that is manufactured as a relocatable living unit, which is designed to be transported on a permanent chassis and to be installed on a site with or without a permanent foundation when connected to utilities. This does not include Department of Motor Vehicles' registered recreation vehicles, travel trailers or dwelling units that are prebuilt in one or more parts and are transported to and assembled on a permanent foundation.

MOTEL — A building or group of buildings, detached or connecting units designed and used as sleeping units for rent by the day or week to transient clientele, with convenient automobile parking space and with or without restaurant and bar facilities.

NONCONFORMING USE — Any use of a building, other structure or tract of land which does not conform to the use regulations for the district in which such use is located either at the effective date of this chapter or as a result of subsequent amendments thereto.

NURSING OR CONVALESCENT HOME — A building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

PREMISES — Any lot, parcel or tract of land and any structure thereon.

RESIDENCE; RESIDENTIAL — A building or any part of a building which contains living and sleeping accommodations for permanent occupancy.

RESORT — Any area of land on which are located two or more cabins, cottages or a hotel or group of buildings containing living and sleeping accommodations hired out for compensation and which may contain one or more dining rooms and recreation facilities of a design and character suitable for seasonal or more or less temporary living purposes regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

SETBACK — The distance in feet from the fronting curb or the edge of pavement where no curb exists to the principal building on a lot.

SIGN — Any device designed to inform or attract the attention of persons to a specific message.

SIGN, ADVERTISING — A sign which directs attention to a business, commodity, service or entertainment

conducted, sold or offered elsewhere than on the premises and only incidentally on the premises, if at all.

SIGN AREA — The area within the shortest line that can be drawn around the outside perimeter of a sign, including all decoration and lights, but excluding the supports if they are not used for advertising purposes. All faces of the sign shall be mounted in computing the area. Any neon tube, string of lights or similar device shall be deemed to have minimum dimensions of one foot.

SIGN, BUSINESS — A sign which directs attention to a business or profession conducted on the premises. A "for sale" sign or a "to let" sign relating to the property on which it is displayed shall be deemed a "business sign."

SIGN, REPRESENTATIONAL — Any three-dimensional sign which is built so as to physically represent the object advertised.

SINGLE OWNERSHIP — Possession of land under single or unified control, whether by sole, joint, common or other ownership or by a lease having a term of not less than 30 years, regardless of any division of such land into parcels for the purpose of financing.

STORY — That part of a building comprised between a floor and the floor or roof next above it. See "attic," "basement" and "cellar."

STREET — An existing public or private way which affords principal means of access to abutting properties and is suitably improved or as laid out on the Official Map of the village, after there has been held a public hearing thereon, as well as the subsequent adoption thereof by the Village Board and the filing of a certificate of that fact in the Steuben County Clerk's office. This term "street" includes a highway, road, avenue, lane or alley which the public has a right to use. **[Amended 6-9-1992 by L.L. No. 1-1992]**

STREET LINE — The curbline or the edge of pavement where no curb exists.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including but not limited to buildings, mobile homes, walls, fences and billboards.

TOWNHOUSE — A building consisting of a series of one-family attached dwelling units having common party walls between each dwelling unit. See also "building, semidetached."

USE — This term is employed in referring to:

- (1) The purpose for which any buildings, other structures or land may be arranged, designed, intended, maintained or occupied.
- (2) Any occupation, business activity or operation conducted or intended to be conducted in a building or other structure or on land.

YARD, FRONT — A yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR — A yard extending along the full length of the rear lot line between the side lot lines.

YARD, REQUIRED — That portion of the open area of a lot extending open and unobstructed from the ground upward along a lot line for a depth or width as specified by the density control regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

YARD, SIDE — A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

ZONING PERMIT — Permit issued by the Zoning Officer under the laws of the Village of Hammondsport.

§ 122-2. Intent. [Amended 6-9-1992 by L.L. No. 1-1992]

This chapter regulates and restricts the location, construction, alteration, occupancy and use of buildings and the use of land in the Village of Hammondsport, New York, and for said purposes, divides the village into zoning districts. It does not replace or modify standards otherwise established for the construction, repair, alteration or use of the structure, the premises or the equipment or facilities contained therein, as are required by the New York State Uniform Fire Prevention and Building Code. In any case where a provision is found to be in conflict with any applicable building, plumbing, electrical, heating, ventilation, fire or safety code of the Village of Hammondsport or the County of Steuben or the State of New York or of the United States of America, the provision which establishes the higher standard, as determined by the Building Inspector or other duly authorized enforcement officer having jurisdiction thereof, shall prevail.

§ 122-3. Title.

This chapter shall be known and may be cited as the "Local Law No. 1-1986 of the Village of Hammondsport, New York."

§ 122-4. Purposes.

This chapter is enacted pursuant to the Village Law of the State of New York, § 7-700, as amended, and pursuant to § 7-708 of the Village Law, to promote the public health, safety, morals, comfort, convenience, economy, aesthetics and the general welfare and for the following additional purposes:

- A. To promote and effectuate the orderly physical development of the Village of Hammondsport.

- B. To encourage the most appropriate use of land in the community in order to conserve and enhance the value of property.
- C. To eliminate the spread of strip business developments and provide for more adequate and suitably located commercial facilities and consequently eliminate many roadside hazards and add to community attractiveness.
- D. To regulate building densities in order to assure access of light and circulation of air, in order to facilitate the prevention and fighting of fires and in order to prevent undue concentration of population.
- E. To improve transportation facilities and traffic circulation and to provide adequate off-street parking and loading facilities.
- F. To assure privacy for residences and freedom from nuisances and things harmful to the senses.
- G. To protect the community against unsightly, obtrusive and noisome land uses and operations.

ARTICLE II
Zoning Districts and Map

§ 122-5. Establishment of districts. [Amended 8-9-1994 by L.L. No. 1-1994; 9-27-1995 by L.L. No. 6-1995]

In order to fulfill the purpose of this chapter, the Village of Hammondsport is hereby divided into the following eight districts:

LDR	Low-Density Residential
MDR	Medium-Density Residential
LFRD	Lakefront Residential District
HDR	High-Density Residential
B-1	General Business

§ 122-5	ZONING	§ 122-7
B-2	Core Business	
I	Industrial	
MP	Municipal Parks and Playgrounds	

§ 122-6. Zoning Map.

The location and boundaries of said zoning districts are shown on a map of the Village of Hammondsport, certified by the Village Clerk. Said map, together with everything shown thereon and all amendments thereto, is hereby adopted and is declared to be a pertinent part of this chapter.¹

§ 122-7. Interpretation of boundaries; location of map.

- A. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:
- (1) Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets, highways, public utility easements or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a center line or right-of-way line of such street, highway, public utility easement or watercourse is moved a maximum of 50 feet.
 - (2) Where district boundaries are indicated as approximately following the village boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
 - (3) Where district boundaries are so indicated that they are approximately parallel to the village boundary line, property lines, lot lines, right-of-way lines or

1. Editor's Note: The current Zoning Map as adopted, and any amendments thereto, is on file in the Clerk's offices.

projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.

- (4) Where a district boundary line divides a lot in single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion.
- (5) In all other cases, where not dimensioned, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon, but in no instance will a district depth be less than the specified minimum lot depth shown for each district in the Density Control Schedule.²

B. The Official Map of zoning districts shall be located at the office of the Village Clerk, Hammondsport. (This map shows districts and lot lines.)

ARTICLE III Use Regulations

§ 122-8. Prohibited uses.

In each use district, all uses, except those already established at the time this chapter is passed, are prohibited unless specifically permitted.

§ 122-9. LDR District.

A. In the LDR District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

2. Editor's Note: The Density Control Schedule is included at the end of this chapter.

- (1) Permitted principal uses.
 - (a) Single-family dwellings.
 - (b) Agriculture, but not animals.
- (2) Accessory uses.
 - (a) Home occupation uses.
 - (b) Accessory uses customarily incidental to a permitted principal use, such as residential garages and storage structures, swimming pools, fireplaces, trellises, lampposts, carports and similar structures.
 - (c) Waterfront property. **[Added 6-9-1992 by L.L. No. 1-1992]**
 - [1] Any owner of noncommercial waterfront real property may locate thereon one boathouse which cannot exceed a height of 16 feet and one dock which cannot exceed more than 40 feet in length into the lake measured perpendicularly from the mean low-water mark.
 - [2] Any dock constructed or altered shall maintain a minimum setback of 10 feet from adjacent property lines as projected in a straight line from the mean high-water mark to the nearest point of change in direction of said line of more than 2°, plus or minus, in each such adjacent property line.
 - [3] No dock shall be constructed in any configuration other than straight, F-, L-, T- or U-shaped, and its total surface area shall not exceed 700 square feet of which no portion of the dock can exceed eight feet in width.

- (3) Special permit uses.
 - (a) Nursing home: convalescent home.
 - (b) Professional offices.
 - (c) Funeral homes.
 - (d) Churches.
 - (e) Schools.
 - (f) Day nurseries.
 - (g) Cultural facilities, e.g., libraries.
 - (h) Upon securing prior special permit approval, a waterfront property owner may engage in the commercial mooring of a reasonable number of boats or the rental of a reasonable number of boat slips. **[Added 6-9-1992 by L.L. No. 1-1992]**

B. Purpose. The purpose of the LDR District shall be to maintain light residential density in areas not suited for greater populations or commercial uses.

§ 122-10. MDR District.

- A. In the MDR District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:
- (1) Permitted principal uses.
 - (a) Single- and two-family dwellings.
 - (b) Agriculture, but not animals.
 - (c) Municipal parks and playgrounds.
 - (2) Accessory uses.

- (a) Home occupation uses.
 - (b) Accessory uses customarily incidental to a permitted principal use, such as residential garages and storage structures, swimming pools, fireplaces, trellises, lampposts, carports and similar structures.
- (3) Special permit uses.
- (a) Nursing home, convalescent home.
 - (b) Professional offices.
 - (c) Funeral homes.
 - (d) Schools.
 - (e) Churches.
 - (f) Day nurseries.
 - (g) Multiple-family dwellings.
 - (h) Cultural facilities.
 - (i) Boarding homes.
 - (j) Bed-and-breakfast establishments. **[Added 1-8-2002 by L.L. No. 1-2002]**

B. Purpose. This district is designed as the primary residential dwelling area of the village.

§ 122-10.1. LFRD Lakefront Residential District. [Added 8-9-1994 by L.L. No. 1-1994; amended 9-27-1995 by L.L. No. 6-1995]

The following terms shall have the meanings indicated:

A. Definitions. As used in this zoning classification:

CONDOMINIUM — An apartment house or houses, the apartments or dwelling units of which are individually owned, each owner receiving a deed enabling him/her to sell, mortgage or exchange his/her apartment independent of the owners of the other apartments in the building or buildings.

COOPERATIVE — A form of ownership in real property providing joint control over property in which each resident has an interest in the entity which owns the building and a lease or occupancy agreement entitling him/her to occupy a particular apartment within the building.

FRONT YARD DEPTH — The distance as measured from the mean low-water mark to the foundation of the building.

REAR YARD DEPTH — When said property line is located adjacent to a street, that distance as measured from the curb or edge of pavement located on the opposite side of said street to the foundation of the building. When said property line is located adjacent to a neighboring property line, said distance shall be measured from the property line to the foundation of the building.

TIME SHARE — The selling of shares to tenants where those tenants obtain the rights of use and occupancy in a dwelling unit on a transient basis.

B. In the LFRD District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

(1) Permitted principal uses.

(a) Single- and two-family dwellings.

(b) Multiple-family dwellings, including townhouses/townhomes, condominiums and

cooperatives but specifically restricting time share units.

- (c) Agriculture, but not animals.
 - (d) Municipal parks and playgrounds.
- (2) Accessory uses.
- (a) Home occupation uses.
 - (b) Accessory uses customarily incidental to a permitted principal use, such as residential garages and storage structures, swimming pools, fireplaces, trellises, lampposts, carports and similar structures.
 - (c) Waterfront property.
 - [1] Any owner of noncommercial waterfront property may locate thereon one boat slip per family dwelling unit with no dock exceeding more than 100 feet in length into the lake perpendicularly from the mean low-water mark.
 - [2] Any dock constructed or altered shall maintain a minimum setback of 10 feet from adjacent property lines as projected in a straight line from the mean high-water mark to the nearest point of change in direction of said line of more than two degrees, plus or minus, in each such adjacent property line.
- (3) Special permit uses.
- (a) Professional offices.
 - (b) Churches.
 - (c) Cultural facilities.

- (d) Upon securing prior special permit approval, a waterfront property owner may engage in the commercial mooring of a reasonable number of boats or the rental of a reasonable number of boat slips.
- C. Purpose. The purpose of the LFRD District is to provide a district that has lower density than an HDR District and is flexible enough to allow for development of unique property located on the lakefront.

§ 122-11. HDR District.

- A. In the HDR District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:
 - (1) Permitted principal uses.
 - (a) Single- and two-family dwellings.
 - (b) Multiple-family dwellings.
 - (c) Agriculture, but not animals.
 - (2) Accessory uses.
 - (a) Home occupation uses.
 - (b) Accessory uses customarily incidental to a permitted principal use, such as residential garages and storage structures, swimming pools, fireplaces, trellises, lampposts, carports and similar structures.
 - (3) Special permit uses.
 - (a) Camps, cottages, resorts.
 - (b) Churches.
 - (c) Day nurseries.

(d) Cultural facilities.

B. Purpose. This area is designed to accommodate a higher density of dwelling units per acre than other segments of the community.

§ 122-12. B-1 and B-2 Districts.

A. In the B-1 and B-2 Districts, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

- (1) Permitted principal uses.
 - (a) Nonprofit club or recreational use.
 - (b) Public utilities.
 - (c) Professional offices.
 - (d) Retail businesses.
 - (e) Laundromat.
 - (f) Hotel, restaurant.
 - (g) Bar, nightclubs.
 - (h) Dance halls, skating rinks.
 - (i) Funeral homes.
 - (j) Apartments. **[Amended 6-9-1992 by L.L. No. 1-1992]**
 - (k) Newspapers and printing shops.
 - (l) Motels, hotels, parking lots.
 - (m) Municipal parks and playgrounds.
 - (n) Radio and television studios.

- (2) Accessory uses.
 - (a) Accessory uses customarily incidental to a permitted principal use.
- (3) Special permit uses.
 - (a) Automobile storage and mechanical repairs in enclosed building.
 - (b) Gas stations.
 - (c) Equipment rentals or sales.
 - (d) Wholesale businesses in enclosed building.
 - (e) Churches.
 - (f) Schools.
 - (g) Cultural facilities.
 - (h) Libraries.
 - (i) (Reserved)³
 - (j) (Reserved)⁴
 - (k) Adult bookstores and businesses which sell or display adult movies may be permitted, but not within 2,000 feet of any school property, park, church or residence. **[Amended 3-8-2005 by L.L. No. 5-2004]**

B. Supplemental note on use regulations.

- (1) Business 1 provides for more vehicle parkings and, in general, building density shall be restricted.

3. Editor's Note: Former Subsection A(3)(i), regarding funeral homes, was repealed 2-13-2001 by L.L. No. 1-2001.

4. Editor's Note: Former Subsection A(3)(j), regarding apartments, amended 6-9-1992 by L.L. No. 1-1992, was repealed 2-13-2001 by L.L. No. 1-2001.

- (2) Business 2 shall be a Core Business District planned for heavy pedestrian traffic and restricted vehicular traffic.

§ 122-13. I District.

- A. The purpose of the I District shall be to permit manufacturing, processing and warehousing not requiring extensive facilities or generating heavy traffic nor requiring major access.
- B. In the I District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:
 - (1) Permitted principal uses. Any use of an industrial nature which involves only the processing, assembly or packaging of previously prepared or refined materials when conducted within an enclosed building. The following uses are indicative of the kinds of uses intended to be permitted:
 - (a) Machinery manufacturing, such as carburetor and small machine parts, cash registers, sewing machines, typewriters and other office machines.
 - (b) Fabrication of metal products, such as baby carriages, bicycles, metal foil, tin, aluminum, gold, metal furniture, musical instruments and sheet metal products.
 - (c) Fabrication of paper products, such as bags, book bindings, boxes, packaging material and office supplies, and processing of pharmaceutical and cosmetic products.
 - (d) Fabrication of wood products, such as boats, boxes, cabinets, toys, etc.

- (e) Food and associated industries, such as bakeries, bottling, food and cereal mixing, food packaging, ice cream manufacturing and research laboratories.
 - (f) Laundry and dry cleaning; warehousing and storage of goods and products, such as building materials and farm supplies.
 - (g) Automotive service, including sales, repairs, washing, service stations, garages and parking lots.
- (2) Accessory uses. Garage and storage buildings for vehicles, equipment or materials; parking signs.
- (3) Prohibited uses. Any use of any structure or premises which is obnoxious or offensive by reason of the emission of odor, dust, smoke, fly ash, toxic fumes, radiation, gas, noise, vibration or excessive light or any combination of the above, or which is dangerous and prejudicial to the public health, safety or general welfare or in any way detrimental to a wholesome living environment, shall be prohibited in all districts. The following uses are indicative of the kinds of uses prohibited:
- (a) The manufacturing of articles involving celluloid.
 - (b) The manufacturing of coke and the storage of coal or coke except for on-premises use.
 - (c) The storage or accumulation of garbage, dead animals or refuse except in amounts normally accumulated for scheduled pickup at least weekly.
 - (d) The storage of natural gas (except propane) in excess of 10,000 cubic feet, or the storage of gasoline in an amount in excess of that necessary for a retail gasoline station.

- (e) The storage or manufacture of gunpowder or explosives.
- (f) Junkyards or the storage of scrap metals, paper or rags.
- (g) The storage or processing of rawhide or skins.

§ 122-14. Parks and recreation. [Amended 3-12-1991 by L.L. No. 3-1991; 12-11-2001 by L.L. No. 2-2001]

- A. Use of Village parks for special events of three days or less is to be conditioned, coordinated and approved by the Village Board without application for either zoning, site plan review or special use permit.
- B. Permitted uses. Parks and recreation areas are to be used for only recreational purposes. Special events of three days or less, designated by the Village Board per Subsection A above, are also permitted uses. All parks and recreation areas, except for the existing boat launch facility, shall be limited to nonmotorized and pedestrian traffic, except on designated parking lots.
- C. Village parks include the following areas:
 - (1) Area 1: Pulteney Square (Tax Map ID No. 118.06-01-064.000). This area is bounded by Park Place on the west, by Pulteney Street on the north, by Mechanic Street on the east, and by Shethar Street on the south.
 - (2) Area 2: Liberty Park (Tax Map ID No. 118.06-02-052.000). This area is bounded by Liberty Park Street on the west, by Lake Street on the north, by Mechanic Street on the east and by Liberty Park Street on the south.
 - (3) Area 3: Head of the Lake (Tax Map ID No. 118.06-01-050.200). This area is bounded by Water Street on the west, by the Glen Brook Flume and

Glen Brook Creek on the north, by Keuka Lake on the east, and by private lands on the south.

(4) Area 4: Municipal Building Grounds (Tax Map ID No. 118.10-01-001.000). This area is bounded by Main Street on the west, by Lake Street on the north, by the lands of the Methodist Parsonage and private lands on the east, and by Liberty Street on the south.

(5) Area 5: Grape Street Park (Tax Map ID No. 118.09-01-048.000). This area is bounded by alley and private lands on the west, by private lands and Grape Street on the north, by private lands on the east, and by private lands on the south.

D. Any new proposed recreational use of Village parks shall be reviewed for authorization per applicable Hammondsport Village codes.

ARTICLE IV Density Control Standards

§ 122-15. Purpose of standards; compliance required.

- A. The purpose of these density control provisions is in order to provide adequate open spaces for access of light and circulation of air, to facilitate the prevention and fighting of fires, to prevent undue concentration of population and to lessen congestion on streets.
- B. No building or premises shall be erected, altered or used except in accordance with the standards set forth in this article.

§ 122-16. Side or rear yards adjacent to streets.

Wherever a side or rear yard is adjacent to a street, the standards for front yards shall apply.

§ 122-17. Projections into required yards.

- A. The following projections into required yards may be permitted:
- (1) Open fire escapes: four feet into side or rear yards.
 - (2) Awnings or movable canopies: six feet into any yard.
 - (3) Cornices, eaves and other similar architectural features: three feet into any yard.
- B. Any open or enclosed porch or carport shall be considered part of the building in the determination of size of the required yard or lot coverage.

§ 122-18. Accessory buildings; swimming pools and tennis courts.

- A. Buildings. Accessory buildings, to the principal building, shall be located in the rear yard and shall be located no closer than 12 feet or a distance equal to the height of such accessory building, whichever is greater, to any building on the adjoining lot and to the principal building on the same lot. **[Amended 6-9-1992 by L.L. No. 1-1992]**
- B. Pools and tennis courts. In a residential district, swimming pools and tennis courts shall be erected only on the same lot as the principal structure; may not be constructed in the side or front yards of such lot: shall be distant not less than 10 feet from any lot line nor less than 10 feet from the principal structure: and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.

§ 122-19. Exceptions to height regulations.

District building height regulations shall not apply to flagpoles, radio or television antennas, transmission towers, cables, spires or cupolas, chimneys, elevator or stair bulkheads, penthouses,

parapet or railings, water tanks or cooling towers or any similar structure which, in their aggregate coverage, occupy no more than 10% of the roof area of the building.

§ 122-20. Subdivision of lots for residential purpose.

- A. In all districts where residences are permitted, a large lot held in a single ownership may be improved and divided for residential use according to the minimum lot size per family and bulk regulations for each district as set forth in the Density Control Schedule,⁵ provided that there shall be no more than one principal building and use on each resulting lot. If two or more principal residential structures are located on the same large lot, the minimum average density requirement must be complied with.
- B. A residential lot of required or larger than required size as set forth in this chapter shall not be reduced in size for transfer of ownership if such lot so subdivided will form two or more lots any of which shall not be in compliance with the requirements for minimum average residential density for the district in which such lot or lots are situated.
- C. Each lot in a subdivision shall be required to have frontage on a public street. **[Added 2-13-1990 by L.L. No. 1-1990]**
- D. The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, including a resubdivision, shall be considered to be a subdivision. **[Added 2-13-1990 by L.L. No. 1-1990]**

§ 122-21. Side yards for semidetached houses and townhouses.

Side yards for semidetached houses or townhouses shall be required only at the end of the total structure.

5. Editor's Note: The Density Control Schedule is included at the end of this chapter.

§ 122-22. Buffer between business use and residential zone.

Where a business adjoins or faces a residential zone, minimum depth requirements (front, side or rear, as applicable) for residential uses shall be provided. Such space shall be landscaped and maintained as a permanent buffer.

**ARTICLE V
Performance Standards**

§ 122-23. Excavations.

- A. Any proposed excavation adversely affecting natural drainage or structural safety of adjoining buildings or lands shall be prohibited. Excavations shall not create objectionable dust or noise, contribute to soil erosion nor create any noxious or injurious substance or condition or cause public hazard. Excavations shall be for the purpose of subsequent construction only. Soil mining and/or extractive operations are specifically prohibited in Hammondsport.
- B. If, in any district, there exists an excavation relating to the construction on the same lot of a building or structure for which the building or structure is stopped prior to completion and the building permit is allowed to expire, then the premises shall immediately be cleared of any rubbish or building materials and any excavation shall immediately be filled in and the topsoil replaced or all such excavation shall be entirely surrounded by a substantial fence at least six feet high that will effectively block access to the area in which the excavation is located.

§ 122-24. General standards for activities.

In any district, the following standards for activities shall apply:

- A. No offensive or objectionable vibration, odor or glare shall be noticeable at or beyond the property line.
- B. No activity shall create a physical hazard by reason of fire, explosion, radiation or other such cause to persons or property in the same or adjacent district.
- C. There shall be no discharge into any stream or body of water or into the ground or any public or private disposal system of any liquid or solid waste or of any material incapable of treatment to prevent contamination of any water supply, including groundwater supply.
- D. There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin or endangers health in any way.
- E. The emission of smoke, fly ash or dust which can cause damage to the health of persons, animals, plant life or to other forms of property shall be prohibited.
- F. Any materials deposited for the purpose of filling or grading shall be leveled within 30 days.

§ 122-25. Off-street parking spaces and loading areas.

In all districts, off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main buildings or structures of such uses are constructed or altered, as follows:

- A. Required off-street automobile parking spaces. The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees and/or seats contained in such new buildings or structures or added by alteration of buildings or structures, and such minimum number of spaces shall be maintained by the owner of such buildings or structures as follows:

- (1) Office, business and commercial uses.
 - (a) For retail business or service, bank or post office: one space for each 200 square feet of customer floor space.
 - (b) For office, including professional, personal service, public utility or public: one space for each 300 square feet of gross office floor area.
 - (c) For restaurant, bar or nightclub: one space for each five seating capacity.
 - (d) For motels, hotels, boardinghouses, tourist homes, etc.: one space for each accommodation, plus one space for each employee and one for family in permanent residence.
 - (e) For any commercial use: one space for each company vehicle.
 - (f) For necessary business or commercial purposes: off-street loading areas adequate to meet loading needs.
- (2) Residential uses.
 - (a) For single-family, two-family and multifamily dwellings, including apartments: one space for each dwelling unit or family. **[Amended 6-9-1992 by L.L. No. 1-1992]**
- (3) Industrial uses.
 - (a) All types of manufacturing, storage and wholesale: one space for every two employees on the largest shift for which the building is designed, plus one for each motor vehicle used in the business.
- (4) Institutional uses.

- (a) Churches and places of religious assembly: one space for each five persons' capacity.
 - (b) Hospitals, sanatoriums, nursing homes, children's homes and similar uses: one space for each three beds, plus one for each employee per largest shift.
 - (c) Libraries, museums and other cultural facilities: one space for each 400 square feet of floor area.
- B. Off-street parking exception. In the Core Business District, there shall be no requirement for changed, new or expanded office, business or commercial uses as long as a property does not reduce its own existing parking to a point less than the general requirement of Subsection A.
- C. Off-street parking of vehicles in the area between the building's front foundation line and the street is prohibited. Attached garages are deemed to be excluded. Any exceptions from this prohibition shall require a special permit. **[Added 6-9-1992 by L.L. No. 1-1992]**

§ 122-26. Gasoline filling stations.

In any district where permitted, a gasoline filling station shall be subject to the following regulations:

- A. Filling stations shall be permitted only on lots of 10,000 square feet or more, with 100 feet of minimum frontage.
- B. The areas for use by motor vehicles, except access drives thereto, as well as any structures, shall not encroach on any required yard area.
- C. No fuel pump shall be located closer than 20 feet to any side lot line nor closer than 35 feet to any street line, measured from the outside edge of the fuel island.

- D. No access drive shall be within 200 feet of and on the same side of the street as a school, public library, theater, church or any other public gathering place, park, playground or fire station unless a street 50 feet or more wide lies between such service station and such building or use.
- E. All repair work and storage shall be within a completely enclosed building which has a maximum height of 15 feet. Such repair work shall not include any body repair work or spray painting or car washing which requires mechanical equipment.

§ 122-27. Signs.

No sign or other device for advertising purpose of any kind may be erected or established in the municipality except and provided as follows:

- A. Signs in residential districts. No sign or other device for advertising purposes of any kind may be erected or established in any residential district except and provided as follows:
 - (1) Permitted nonresidential uses, but not including home occupations or day nurseries, may display signs pertaining to the use of property, having an aggregate total face area of not more than 30 square feet and not projecting beyond the principal building of such use to which they are attached more than 24 inches, except that where such nonresidential uses are set back from property lines, one sign may be erected in the ground, provided that such sign does not exceed five feet in height, shall be parallel to the lot frontage and shall be no nearer than 10 feet to any property line. If such freestanding signs face substantially at right angles to the road and/or display in more than one direction, they shall have a face area of not more than eight square feet per side, with no more than two sides.

- (2) Dwellings for five or more families may display nonilluminated signs identifying the premises, having an aggregate total face area of not more than 12 square feet and not projecting beyond the principal building on the lot more than 24 inches.
 - (3) Any dwelling unit in a detached, attached or townhouse structure may display one nameplate or professional sign not exceeding two square feet in area.
 - (4) Any boardinghouse may display one sign not exceeding five square feet in area and not projecting more than 24 inches from the principal building on the lot.
- B. Signs in business districts. No more than two signs per business unit, having an aggregate total face area of not more than one square foot per linear foot of width of principal frontage of the lot, may be displayed but not to exceed a total area of 50 square feet. Such signs shall not project more than five feet beyond the principal building on the lot, and there shall be no more than one projecting sign per business unit, provided further that such signs shall not extend more than 20 feet above the ground level or exceed the highest part of the building or service advertised, whichever is less restrictive.
- C. Signs in Industrial District. Two signs having an aggregate total face area of not more than 100 square feet may be displayed for each establishment, provided that such signs shall be located no nearer than 10 feet to any property line, and provided further that such signs shall not extend more than 20 feet above ground level or more than five feet above the height of the roof of a building at the point of location of the sign, whichever is less restrictive.
- D. Representational signs. Representational signs shall be permitted in B-1 and B-2 Districts and Industrial Districts, except that such a sign shall not project more than five

feet beyond the principal structure to which it is attached and shall not have a face area of more than 15 square feet. Only one such sign per establishment shall be permitted.

- E. Projecting signs. No sign may project into any public right-of-way without written approval from the Zoning Officer. Signs projecting into a public right-of-way shall have a clearance of not less than 10 feet above the sidewalk or surrounding ground and not less than 15 feet above any public driveway or thoroughfare.
- F. Billboards. Notwithstanding any other provisions of this chapter, signs not pertaining to the use, sale, rent or lease of property on the same lot and signs not representing construction or subdivision activity as allowed are not permitted in any district, except that signs for the purpose of directing persons to a local business or community establishment may be erected in any district, provided that such signs shall not exceed four square feet in area per establishment, shall conform to applicable regulations of the district in which they are located, shall be grouped on community poles and shall be approved by the Zoning Officer.
- G. Subdivision signs. Any person offering lots for sale in a subdivision may erect nonilluminated directional signs within the limits of the subdivision or adjoining property in the same ownership, having an aggregate total face area of not more than 50 square feet. The permit for such signs shall be issued for a period of one year and may be renewed for successive periods of one year each following a determination by the Zoning Officer that the signs have been repainted or are in good condition in each case.
- H. Exemptions from the above sign regulations are as follows:
 - (1) Real estate signs which advertise the sale, rental or lease of the premises upon which said signs are located, having an aggregate total face area of not more than six square feet within any residential

district or business district and not more than 20 square feet within any Industrial District.

- (2) One professional or business nameplate not exceeding one square foot in area for any one professional or business establishment where such signs would not otherwise be a permitted use.
 - (3) One sign denoting the architect, engineer and/or contractor when placed upon work under construction and not exceeding 24 square feet in area.
 - (4) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material.
 - (5) Traffic or other municipal signs, legal notices and such temporary, emergency or nonadvertising signs as may be authorized by the Village Board.
- I. Illuminated signs. Illumination of signs shall not be of intermittent or varying intensity or produce direct glare beyond the limits of the side property line. Colored lights of such shape and hue that may be confused with official traffic lights and signals shall be prohibited. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view.
- J. Banners. Banners and similar devices are prohibited except nonpermanent ones displayed for the occasion of special events, which shall be displayed no longer than for a three-week period.
- K. Posters. Temporary, nonpermanent posters covering such things as political events, sporting events, shows and elections shall not be displayed until four weeks prior to the event and must be removed within one week after the event.

- L. Removal of certain signs. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product available for purchase by the public on the premises shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within 10 days after written notification from the Zoning Officer, and upon failure to comply with such notice within the time specified in such order, the Zoning Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

§ 122-28. Mobile homes.

All mobile homes in the Village of Hammondsport shall conform to the following:

- A. Code requirements. All new mobile home units installed shall meet the requirements of the New York State Code for the Construction and Installation of Mobile Homes, as promulgated by the State Building Code Council under Article 19 of the Executive Law.
- B. Mobile home placement, supports and tie-downs. Each mobile home shall be provided with supports and tie-downs and anchoring devices installed according to the mobile home manufacturer's instructions. Units not provided with such instructions shall be installed in compliance with Standards A119.3-1, published by the American National Standards Institute, and the following, unless the entire system shall be designed by a registered professional engineer:
 - (1) Placement.
 - (a) The mobile home shall be placed upon a stand consisting of appropriate material properly placed, graded and compacted so as to be

durable and adequate for the maximum load anticipated during all seasons.

- (b) The stand shall have a longitudinal gradient of 0% to 5% and adequate crown or cross gradient for surface drainage.
 - (c) The mobile home stand shall include provision for all utility connections at appropriate locations.
 - (d) The mobile home stand shall include provisions for supports and ground anchors prior to or at the time a mobile home is set in place.
- (2) Supports and tie-downs.
- (a) Supports shall be provided not more than 12 feet on centers, beginning from the front of the mobile home stand. End supports shall be no more than three feet from the ends of the mobile home.
 - (b) Tie-downs and anchors, as installed, shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50% overload without failure.
- (3) Tie-down hardware and system.
- (a) Tie-down hardware shall be resistant to weathering at least equivalent to that provided by a coating of zinc on steel strapping of not less than 0.30 ounce per square foot of surface coated.
 - (b) Tie-downs shall be placed as follows: not more than 24 feet on center, beginning from the front line of the mobile home stand. End anchors shall not be more than six feet from the ends of the mobile home frame. Over-the-top ties shall

be positioned at the stud and rafter locations near the ends of the mobile home.

- C. Skirting. Each mobile home shall be skirted around the bottom portion with uniform durable material, properly ventilated, within 60 days, weather permitting, from placement of the unit.
- D. Mobile home location. All mobile homes shall be restricted to existing mobile home parks (reference: Map Nos. 118.9-01-020.000 and Map Nos. 118.10-019.000).

§ 122-29. Fences, walls and hedges.

A. Residential districts.

- (1) In any residential district, fences, walls and hedges are permitted only as follows:
 - (a) In any required front yard, no fence, wall or hedge shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision across such yard between a height of 42 inches and eight feet nor in any manner that materially shuts out air, light or sun between such heights. All fences shall be erected so that the support posts are on the side closest to the owner's property and the finished or better side faces away from the property. **[Amended 6-9-1992 by L.L. No. 1-1992]**
 - (b) In side or rear yards, fences, walls or hedges which materially obscure vision or shut out light, sun or air may not be over six feet in height.
 - (c) Fences, walls and hedges existing at the date of enactment of these regulations will be required to be brought into full compliance with these

regulations within one year from the effective date hereof.

- (2) These restrictions shall not apply to retaining walls.
- B. In any commercial or industrial district, there shall be no restriction on fences or walls except on a residential district boundary line, where such fences or walls shall be limited to eight feet in height, and except where corner clearances are required.
- C. Trees are not to be included in this regulation. **[Added 6-9-1992 by L.L. No. 1-1992]**
- D. No fence intended to cause injury will be permitted in any district (e.g., barbed wire, razor edge, electric, glass, etc.). **[Added 6-9-1992 by L.L. No. 1-1992]**
- E. Permits will be required for all new fencing. Repair or replacement of old fencing, if of a similar type and in compliance with the Zoning Regulation, will not require a permit. **[Added 6-9-1992 by L.L. No. 1-1992]**

§ 122-30. Waste disposal.

No person shall undertake to construct any new building or structure in the Village of Hammondsport without first meeting the requirements for a system or facilities for the separate disposal of waterborne sewage, domestic or trade wastes in accordance with applicable regulations of the village, the State Department of Health or other governmental authorities.

§ 122-31. Clear-sight triangles.

On a corner lot in all districts, nothing shall be erected, placed, planted or grown in such a manner as to materially impede vision between a height of 2 1/2 feet and 10 feet above the center-line grades of the intersecting streets. This shall apply to the triangular area bounded by the street lines and a line

joining points along said street lines 50 feet from the point of their intersection.

§ 122-32. Recreational equipment.

No major recreational equipment shall be parked or stored on any lot in a residential district except in a garage or carport or behind the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for not more than 72 consecutive hours.

§ 122-33. Satellite antennas.

A. Satellite antenna size.

- (1) In all zones, satellite antennas shall not exceed six feet in diameter.
- (2) In residential and business zones, the total height of ground-mounted antennas shall not exceed nine feet above the ground.
- (3) In all districts, roof-mounted installations shall not exceed the height restrictions as set for the zoning district within which the installation is placed.

B. Satellite antenna location.

- (1) In a residential or commercial zone, subject to the provisions contained herein, such antenna shall be located only in the rear yard of any lot, provided that such antenna is located at least 20 feet from any principal building and lot line. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be located in the side yard of the property, subject to the approval of a special use permit. For purposes of this provision, a "usable satellite signal" is a satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local

commercial television stations or by way of cable television.

- (2) In the event that a usable satellite signal cannot be obtained by locating the antenna in the rear or side yard of the property, such antenna may be placed on the roof of the dwelling structure, provided that a special use permit is obtained prior to such installation. Such permit shall be issued upon a showing by the applicant that a usable satellite signal is not obtainable from any other location on the property, and provided further that the construction and erection otherwise is in compliance with the applicable Building Code and Electrical Code.⁶
- (3) Any satellite dish 30 inches in diameter or less may be installed, located or affixed to the primary or secondary structure. Any other proposed installation is subject to the provisions contained within this chapter. **[Added 2-13-1996 by L.L. No. 1-1996]**

C. General provisions.

- (1) Satellite television antennas shall be located and designed to reduce visual impacts from surrounding properties at street level and from public streets.
- (2) Not more than one satellite television antenna shall be allowed in any residential zone on any lot less than 1/2 acre in size.
- (3) All antennas and the construction and installation thereof shall conform to applicable Building and Electrical Code regulations and requirements.
- (4) Antennas shall meet all manufacturers' specifications, be on noncombustible and

6. Editor's Note: See Ch. 42, Building Construction.

corrosive-resistant material and be erected in a secure, wind-resistant manner.

- (5) Every antenna must be adequately grounded for protection against a direct strike by lightning.
- (6) This section shall not apply to the Hammondsport Central School properties.

ARTICLE VI

Nonconforming Buildings, Structures and Uses

§ 122-34. Continuation of nonconformity; signs.

Any lawful building, structure, structure and land in combination or use of such premises existing at the time of enactment of this chapter or any subsequent amendment thereof applying to such building, structure, structure and land in combination or use of such premises may be continued although such building, structure, structure and land in combination or use does not conform to the provisions hereof, except as follows: Any sign which becomes nonconforming upon the date of enactment of this chapter shall be removed or altered so as to conform within three years after such date of enactment.

§ 122-35. Reversion to nonconforming use.

Any structure or structures and land in combination in or on which a nonconforming use is superseded by a permitted use shall not thereafter be used for or occupied by a nonconforming use.

§ 122-36. Repair and restoration.

A building or structure of nonconforming use may be repaired or restored to a safe condition.

§ 122-37. Prior construction.

Any building or structure on which construction was begun prior to the effective date of this chapter or any subsequent amendment thereof applying thereto may be completed and used in accordance with the plans and specifications for such building or structure.

§ 122-38. Existing nonconforming lots.

- A. Any lot held in single or separate ownership prior to the adoption of this chapter and whose area and/or width and/or depth are less than the specified minimum lot requirements in this chapter for that district may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:
- (1) Such lot does not adjoin any other lot or lots held by the same owners whose aggregate area is equal to or greater than the minimum lot area required for that district.
 - (2) Yard requirements and other requirements except lot area and/or width shall conform to the requirements for the district in which said lot is located.
 - (3) All other building requirements for that district are complied with.
- B. In any district where residences are permitted, such undersized nonconforming lots may be used for not more than one single-family dwelling.
- C. A lot of nonconforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's or owners' property or properties.

§ 122-39. Reduction of lot size.

No lot shall be reduced in area so that it creates a nonconforming building or use in violation of any regulations contained in this chapter.

ARTICLE VII

Administration and Enforcement**§ 122-40. Zoning Officer.**

- A. Zoning officer. The duty of administering and enforcing this chapter is hereby conferred upon the Zoning Officer, who shall have such powers as are conferred upon him by this chapter and as may be reasonably implied. He shall be appointed by the Village Board and shall receive such compensation as said Board shall determine.
- B. Duties of zoning officer. For the purposes of this chapter, the Zoning Officer shall have the following duties:
- (1) Issue zoning permits in compliance with the provisions of these regulations.
 - (2) Upon finding that any provision of this chapter is being violated, notify in writing the person responsible for such violation and the action necessary to correct said violation.
 - (3) Order discontinuance of illegal uses of land, buildings or structures.
 - (4) Order removal of illegal buildings or structures or illegal additions or structural alterations.
 - (5) Order discontinuance of any illegal work being done.
 - (6) Submit a written monthly report to the Village Board describing and enumerating actions taken and permits issued under this chapter.

- (7) Take any other action authorized by this chapter to assure compliance with or prevent violations of this chapter.
- C. It shall further be the obligatory duty of the Zoning Officer to attend a zoning officer training session offered by New York State or Steuben County at the first available opportunity, not later than 12 months after his/her appointment.

§ 122-41. Zoning permits.

No building or structure shall be erected, moved, added to, enlarged or structurally altered (except for any use consisting primarily of tilling the soil or similar customary agricultural use) without a zoning permit therefor, issued by the Zoning Officer in compliance with this chapter.

- A. The Zoning Officer shall make or cause to have made an inspection of each building or lot for which a zoning permit has been applied for before issuing such permit.
- B. Expiration of permits.
- (1) If the work for which a zoning permit has been issued has not begun within six months from the date of issuance, the permit shall expire.
 - (2) If the work for which a zoning permit has been issued has not been substantially completed within two years of the date of the permit, the zoning permit shall expire. At that time, the building or land shall be restored to its approximate condition at the time of issuance of the permit. Such restoration shall be completed within 30 days following the lapse of the time for the zoning permit.
 - (3) If the restoration is not completed at the end of the thirty-day limit, the Village Board may take such action as is detailed on the application for the original permit.

§ 122-42. Certificates of zoning compliance.

- A. No land use shall be changed and no building or structure hereafter erected, altered or extended shall be used or changed in use until a certificate of zoning compliance shall have been issued by the Zoning Officer.
- B. All certificates of zoning compliance for new or altered buildings or structures shall be applied for coincident with the application for a building permit therefor. Such certificate of zoning compliance shall be issued within 10 days after the erection or alteration shall have been approved as complying with the provisions of this chapter.

§ 122-43. Applications for permits and certificates.

- A. Application procedures. Applications for zoning permits and certificates of zoning compliance shall be submitted to the Zoning Officer on forms provided by him. Such permits and certificates shall be issued only in conformance with all the provisions of this chapter.
- B. Application content. Each application shall set forth the purpose for which the building is intended and shall be accompanied by a plot plan, scale drawings and/or sketches and descriptions of the lot, building dimensions or required yards and such other information as may lawfully be required by the Zoning Officer, including the number of families, number of dwelling units and conditions existing on the lot. The original copy of such plans and/or illustrative and explanatory material shall be filed in the Village Clerk's office.

§ 122-44. Fees.

- A. The following schedule of fees shall be effective with the enactment of these regulations. Fees shall be paid at the office of the Village Clerk upon the filing of an application.

- B. The schedule of fees shall be posted in the Village Clerk's office and may be altered or amended by the Village Board. **[Amended 5-9-1989 by L.L. No. 2-1989]**

Type of Application or Appeal	Fee
Zoning permit or certificate of zoning compliance	\$10
Appeals for a variance	\$20
Application for special permit	\$20

- C. Fees are not refundable.
- D. No action will be taken on any application or appeal until applicable fees have been paid.

ARTICLE VIII
Board of Appeals

§ 122-45. Membership.

- A. The Board of Trustees shall provide for the appointment of a Board of Appeals consisting of five members, one of whom shall be appointed Chairman by the Board of Trustees for a period of five years. The first appointments of members thereto shall be for terms so fixed that at least one will expire at the end of each official year, commencing at the end of the current such year and continuing in succeeding years until the entire original appointments run out. At the expiration of each original appointment, the succeeding member shall be appointed for a five-year term. Vacancies shall be filled for the unexpired term of the member whose place has become vacant.
- B. No person who is a member of the Village Board of Trustees shall be eligible for membership on such Board of Appeals.

- C. The Board of Trustees shall have the power to remove any member of the Board of Appeals for cause and after public hearing.

§ 122-46. Meetings.

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine. Such Chairman, or in his absence, the Deputy Chairman, who shall also be appointed by the Board of Trustees, may administer oaths and compel the attendance of witnesses. All meetings of such Board shall be open to the public.

§ 122-47. Minutes.

- A. Such Board shall keep verbatim minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall be filed in the office of the Board and with the Village Clerk and shall be a public record.
- B. Verbatim minutes of its proceedings. Such verbatim minutes shall be sufficient as a cassette or reel-to-reel recording, and such shall be filed with the Clerk by the Chairman of the Board of Appeals within 24 hours following adjournment or recess of the meeting.

§ 122-48. Powers and duties.

The Board of Appeals shall have all the powers and duties as prescribed by the Village Law of the State of New York and by this chapter, which are more particularly specified as follows:

- A. Administrative review: to hear and decide appeals from and review of any order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter. The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter.
- B. Referrals: to hear and decide all matters referred to it upon which it is required to pass under this chapter.
- C. Interpretation: to decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any zoning district boundary in case of uncertainty with respect thereto.
- D. Special and temporary use permits: to authorize only such special or temporary permits as the Board of Appeals is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether such permits should be granted; and to authorize such permits with such conditions and safeguards as are appropriate under this chapter or to deny said permits when not in harmony with the purpose and intent of this chapter.
- E. Variances: to authorize upon appeal, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, according to standards specified herein.

§ 122-49. Employment of staff assistants.

The Board of Appeals may employ such staff assistants as may be necessary and prescribe their duties, provided that at no time shall expenses be incurred beyond the amount of the appropriations made by the Village Board for such use and then available for that purpose.

§ 122-50. Promulgation of rules and regulations.

- A. The Board of Appeals shall have the power to make and adopt such written rules of procedure, bylaws and forms as it may deem necessary for the proper execution of its duties and to secure the intent of these regulations.
- B. Such rules, by laws and forms shall not be in conflict with nor have the effect of waiving any provision of these regulations or any other regulation of the municipality.

§ 122-51. Office; maintenance of records.

The office of the Village Clerk shall be the office of the Board of Appeals and every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in said office.

§ 122-52. Effect of appeal.

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies that, by reason of facts, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or a court of record on application, on notice to the Zoning Officer and on due cause shown.

§ 122-53. Compliance with procedure; notice of hearing.

- A. The Board of Appeals shall act in strict accordance with the procedure specified by this chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board and available from the Zoning Officer. Every appeal or application shall refer to the specific provision of these regulations involved and shall exactly set forth the interpretation that is claimed, the use for which the special permit or variance is sought

or the details of the variance that is applied for and the grounds, as the case may be.

B. Notice of Board of Appeals hearing.

- (1) The Board shall fix a reasonable time for the hearing of appeals and shall give due notice of the time set for the hearing to the applicant. Appeals shall be decided within 62 days of the final hearing. Notice shall be by the publication of a notice in the official newspaper of the municipality and shall briefly describe the nature of the appeal and the time and place of the hearing.
- (2) Public hearing. Notice shall be given at least 10 days in advance of public hearing. The owner of the property for which special permit or variance is sought or his agent shall be notified by mail. Notice of such hearing shall be posted on the property for which special permit or variance is sought, at the Municipal Hall and in one other public place at least 10 days prior to the public hearing. Any party may appear in person or by agent or attorney.

§ 122-54. Variances.

A. Use variances. **[Amended 6-9-1998 by L.L. No. 1-1998]**

- (1) The Board of Appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances, as defined herein.
- (2) No such use variance shall be granted by a Board of Appeals without showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to provide such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that, for each and every permitted use under the zoning

regulations for the particular district where the property is located:

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
 - (b) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
 - (c) The requested use variance, if granted, will not alter the essential character of the neighborhood.
 - (d) The alleged hardship has not been self-created.
- (3) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

B. Area variances. [Amended 6-9-1998 by L.L. No. 1-1998]

- (1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law, to grant area variances as defined herein.
- (2) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

- (a) 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.
 - (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - (c) Whether the requested area variance is substantial.
 - (d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - (e) Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (3) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- C. Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the local Zoning Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. **[Amended 6-9-1998 by L.L. No. 1-1998]**

- D. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance.

§ 122-55. Expiration of variance.

Any variance authorized by the Board which is not exercised within one year from the date of issuance shall expire automatically without a further hearing by the Board.

§ 122-56. Special permits. [Amended 6-9-1992 by L.L. No. 1-1992]

- A. The Planning Board may grant approval by special permit for such uses as are specifically allowed by special permit in the several districts herein. A special permit shall be granted only in accordance with the procedures and the criteria enumerated in Chapter 96 of the Code of the Village of Hammondsport.
- B. Public hearings.
- (1) Public hearings shall be as provided for in Chapter 96, § 96-16 of the Code of the Village of Hammondsport.
 - (2) Decisions. The Planning Board shall file its written findings and decision with the Village Clerk within 60 days after the termination of the public hearing.
- C. Expiration of special permit. A special permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six months for any reason.
- D. Existing violations. No special use permit shall be issued for a property where there is an existing violation of these regulations.

§ 122-57. Referrals to County Planning Board.

As provided in Article 7, § 239-m, of the General Municipal Law, before final action on amendments, special permits or variances, referrals shall be made to the Steuben County Planning Board as follows:

- A. Any action which would affect the regulations applying to the property within 500 feet from the boundary of the Village of Hammondsport, from the boundary of any existing or proposed county or state park or other recreation area, or of the right-of-way of any existing or proposed county or state parkway, throughway, road or highway, or of 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, or of the existing or proposed boundary of any county- or state-owned land on which a public building or institution is located.
- B. Within 30 days after receipt of a full statement of such referred matter, the County Planning Board shall report its recommendations thereon to the municipal agency, accompanied by a full statement of the reasons for such recommendations. If the County Planning Board fails to report within 30 days or such longer period as may have been agreed upon, the municipal body having jurisdiction may act without such report.
- C. If the County Planning Board disapproves the proposal or recommends modification thereof, the municipal agency having jurisdiction shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.
- D. Within seven days after final action, the municipal agency having jurisdiction over the recommendations, modifications or disapproval of a referred matter shall file a report of the final action it has taken with the agency

which made the recommendation, modification or disapproval.

§ 122-58. Appeal of decision.

Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals may apply to the Supreme Court for relief by a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York. Such proceeding shall be governed by the provisions of Article 78 of the Civil Practice Law and Rules, except that it must be instituted as therein provided within 30 days after the filing of a decision in the office of the Village Clerk, that the Court may take evidence or appoint a referee to take such evidence as it may direct and report the same with its findings of fact and conclusions of law if it shall appear that testimony is necessary for the proper disposition of the matter, and that the Court at a special term shall itself dispose of the cause on the merits, determining all questions which may be presented for determination under the provisions of § 1296 of said Article. Costs shall not be allowed against the Board of Appeals unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

ARTICLE IX
Amendments

§ 122-59. Authority of Board of Trustees.

These regulations, restrictions and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed by the Board of Trustees of the Village of Hammondsport.

§ 122-60. Protest against amendment.

In case, however, of a protest against such change signed by the owners of 20% or more of the area of the land included in such proposed change or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of 3/4 of the members of the Board of Trustees.

§ 122-61. Public hearing required.

However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

§ 122-62. Written notice to other agencies.

A written notice of any proposed change or amendment affecting the property within the protectively zoned area of a housing project authorized under the Public Housing Law, as such area is shown on an approved zoning map filed with the village officer charged with enforcement of zoning regulations, shall be given to the housing authority erecting or owning the project and to the government providing financial aid or assistance thereto at least 10 days prior to the date of such public hearing. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any state park or parkway, town or county shall be given to the Clerk of the County Legislature or other person performing like duties, and in the case of any state park or parkway, to the Regional State Park Commission having jurisdiction over such state park or parkway, at least 10 days prior to the date of such public hearing. The town or county shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment, but shall not have the right of review by a court as hereinafter provided.

§ 122-63. Publication.

Every amendment of this chapter hereafter adopted shall be entered in the minutes of the Village Board, and a notice thereof, exclusive of any map incorporated therein, shall be published once in the official newspaper, and a copy of such chapter or amendment, together with a summary or abstract of any map incorporated therein, shall be posted conspicuously at or near the main entrance to the office of the Village Clerk, and affidavits of the publication and posting thereof and shall take effect upon filing with the Secretary of State.

ARTICLE X

Construal and Effect of Provisions; Penalties**§ 122-64. Provisions to be minimum requirements.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety and general welfare.

§ 122-65. Effect on other provisions and permits.

This chapter shall not interfere with, abrogate, annul or repeal any ordinance or any rule, regulation or permit previously or hereafter enacted, adopted or issued pursuant to law, provided that, unless specifically excepted, where this chapter imposes greater restrictions, its provisions shall control.

§ 122-66. Penalties for offenses.

An infraction of this chapter is a violation punishable by a fine not exceeding \$250 or by imprisonment for not more than 15 days, or both such fine and imprisonment. The infraction of this chapter shall be deemed a violation. Each week the violation continues shall be deemed to be a separate and distinct violation.

ARTICLE XI

Floodplains**[Added 11-11-1986 by L.L. No. 4-1986]****§ 122-67. Floodplain Overlay Zone.**

- A. Applicability. This section shall apply to all areas of special flood hazard within the jurisdiction of the Village of Hammondsport.
- B. Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled the "Flood Insurance Study for the Village of Hammondsport, County of Steuben, New York," dated October 19, 1977, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodways, dated April 17, 1978, and any revisions thereto is hereby adopted by reference and declared to be a part of this section. The Flood Insurance Study is on file in the office of the Village Clerk.
- C. Interpretation; conflict with other laws. In their interpretation and application, the provisions of this section shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.
- D. Validity. The invalidity of any subsection or provision of this section shall not invalidate any other subsection or provision thereof.
- E. Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this section and other applicable regulations. Violation of the provisions of this section by failure to comply with any of its requirements (including violations of conditions and

safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$250 for each violation and, in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Village of Hammondsport from taking such other lawful action as is necessary to prevent or remedy a violation.

- F. Warning and disclaimer of liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of the special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the Village of Hammondsport, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from the reliance on this section or any administrative decision lawfully made thereunder.
- G. Establishment of development permit. A development permit shall be obtained before construction or development begins within any areas of special flood hazard established in Subsection B. Application for a development permit shall be made on forms furnished by the Zoning Officer and may include, but shall not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.
- H. Designation of the Zoning Officer. The Zoning Officer is hereby appointed to administer and implement this section

by granting or denying development permit applications in accordance with its provisions.

- I. Duties and responsibilities of the Zoning Officer. Duties of the Zoning Officer shall include but not be limited to:
 - (1) Permit review. The Zoning Officer shall:
 - (a) Review all development permits to determine that the permit requirements of this section have been satisfied.
 - (b) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - (c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Subsection Q(1) are met.
 - (2) Use of other base flood data. When base flood elevation data has not been provided in accordance with Subsection B, Basis for establishing the areas of special flood hazard, the Zoning Officer shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer Subsection P(1), Residential construction, and P(2), Nonresidential construction.
 - (3) Information to be obtained and maintained. The Zoning Officer shall:
 - (a) Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement.

- (b) For all new or substantially improved floodproofed structures:
 - [1] Verify and record the actual elevation, in relation to mean sea level.
 - [2] Maintain the floodproofing certifications required in Subsection P(2)(c).
- (c) Maintain for the public inspection, all records pertaining to the provisions of this section.
- (4) Alterations of watercourses. The Zoning Officer shall:
 - (a) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Inspection of FIRM boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection J.

J. Appeal Board.

- (1) The Zoning Board of Appeals as established by the Village of Hammondsport shall hear and decide

appeals and requests for variances from the requirements of this section.

- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirements, decision or determination made by the Zoning Officer in the enforcement or administration of this section.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals or any taxpayer may appeal such decision to the County Court as provided in the New York State Constitution, Article 6, § 11.
- (4) In passing upon such application, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other subsections of this section and:
 - (a) The danger that materials may be swept onto other lands to the injury of others.
 - (b) The danger of life and property due to flooding or erosion damage.
 - (c) The susceptibility of the proposed facility and contents to flood damage and the effect of such damage on the individual owner.
 - (d) The importance of the services provided by a proposed facility to the community.
 - (e) The necessity to the facility of a waterfront location where applicable.
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - (g) The compatibility of the proposed use with existing and anticipated development.

- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area.
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effect of wave action, if applicable, expected at the site.
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

K. Conditions for variances.

- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (2) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause.
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Subsection J(4) or conflict with existing local laws or ordinances.

- L. General standards for flood hazard reduction. In all cases of special flood hazard, the following standards are required:
- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (2) All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:
 - (a) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, except that mobile homes less than 50 feet long shall require one additional tie per side.
 - (b) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side.
 - (c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - (d) Any additions to the mobile home shall be similarly anchored.
- M. Construction materials and methods.
- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

N. Utilities.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

O. Subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All development proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres, whichever is less.

P. Specific standards for flood hazard reduction. In all areas of special flood hazard where base flood elevation data have been provided as set forth in Subsection B, Basis for establishing the areas of special flood hazard, or in Subsection I(2), Use of other base flood data, the following standards are required:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation and shall be certified by a registered professional engineer or architect that such standard is satisfied. Such certifications shall be provided to the official as set forth in Subsection I.
- (2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
 - (a) Be floodproofed so that below the base flood level the structure is watertight, the walls substantially impermeable to the passage of water.
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Subsection I.
- (3) Mobile homes.
 - (a) Mobile homes shall be anchored in accordance with Subsection L(2).
 - (b) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home

subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision, require that:

- [1] Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
- [2] Adequate surface drainage and access for hauler are provided.
- [3] In the instance of elevation on pilings, that:
 - [a] Lots are large enough to permit steps.
 - [b] Piling foundations are placed in stable soil no more than 10 feet apart.
 - [c] Reinforcement is provided for pilings more than six feet above the ground level.
 - [d] No mobile home shall be placed in a floodway, except in an existing mobile home park or an existing mobile home subdivision.
 - [e] Certification by a registered professional engineer or architect that the standards of this subsection are satisfied shall be provided to the official as set forth in Subsection I.

- Q. Floodways. Located within areas of special flood hazard established in Subsection B are areas designated as "floodways." Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:
- (1) Encroachments, including fill, new construction, substantial improvements and other development are prohibited, unless a technical evaluation demonstrates that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (2) The placement of any mobile home is prohibited, except in an existing mobile home park or existing mobile home subdivision.
 - (3) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

ZONING

122 Attachment 1

Village of Hammondsport
DENSITY CONTROL SCHEDULE

District	Minimum Lot Size				Minimum Yard Dimensions			Maximum Lot Coverage Including All Accessory Buildings (percent)	Maximum Building Height	
	Residential		Nonresidential		Front Depth (feet)	Each Side Width (feet)	Rear Depth (feet)		(stories)	(feet)
	Area per Family (square feet)	Width at Building Line (feet)	Area (square feet)	Width at Building Line (feet)						
LDR	20,000	150	20,000	150	35	20	50	20%	2½	30
MDR	5,000	50	10,000	100	25	12.5	25	30%	2½	30
LFRD [Added 8-9-1994 by L.L. No. 1-1994; amended 9-27-1995 by L.L. No. 6-1995]	3,500	35	10,000	100	25	12.5	25	50%	3	52
HDR	1,250	25	10,000	100	25	12.5	25	60%	3	35
B-1	No dwellings		10,000	100	25	15	25	60%	3	35
B-2	No dwellings		2,500	25	*	*	*	60%	3	35
I	No dwellings		15,000	100	50	25	50	35%	3	35

*None required, but if provided, shall be at least twelve and five-tenths (12.5) feet.