

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:

- (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.

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- (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) **Short Term Rental (formerly known as a Boardinghouse). [Amended 4-9-2019 by L.L. No. 2-2019]**
  - (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.

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**§ 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]** § 122-10.1

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

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or minus, in each such adjacent property line.

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(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. [Amended 6-9-1992 by L.L. No. 1-1992; 2-13-2001 by L.L. No. 1-2001; 3-8-2005 by L.L. No. 5-2004; 5-11-2010 by L.L. No. 1-2010]**

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) Apartment/**Short Term Rental (formerly known as a boardinghouse)** will be permitted on the first floor, provided the area is not a storefront, currently or in the past, and is not, or has not, been utilized for any of the purposes allowed under the B-1 or B-2 zoning designations. Upper floors may be utilized as an apartment/**Short Term Rental (formerly known as a boardinghouse)**. **[Amended 3-10-2020 by L.L. No. 1-2020]**
  - (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)

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- (j) (Reserved)
- (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.

B. Supplemental notes on use regulations.

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

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- (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.