

# THE VILLAGE OF WATERVILLE

## ZONING ORDINANCE

ADOPTED December 9, 1957  
(As Amended)

AN ORDINANCE regulating and restricting the location, construction and use of buildings, structures and the use of land in the Village of Waterville, New York and for said purposes dividing the Village into Districts.

### SECTION I - TITLE

This ordinance shall be known and may be cited as "The Village of Waterville Zoning Ordinance."

### SECTION II - DEFINITIONS

For the purpose of this ordinance certain words or terms used herein shall be defined or interpreted as follows:

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes a corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel".

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

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

**ALLEY:** A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**AREA, BUILDING:** The maximum horizontal area of a building and its accessories at the ground level, except as hereinafter provided with respect to accessory garages in Residence Districts.

**AUTO COURT:** A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "auto court" includes buildings designated as tourist courts, motor lodges, motels and similar appellations.

**BASEMENT:** A story partly below curb level but having at least one-half (1/2) of its height (measured from floor to ceiling) above curb level.

**BED AND BREAKFAST HOME:** A private residence that provides one (1) or two (2) guest rooms for a nightly rent or rate. The home must be a residence occupied by the owner while providing bed and breakfast for a short stay, and have adequate off-street parking. (added 08/17/1992)

**BOARDING HOUSE:** A private dwelling in which at least three (3) but not more than six (6) rooms are offered for rent and table board is furnished only to roomers, and in which no transients are accommodated.

**BUILDING:** Any structure other than a boundary wall or fence.

**BUILDING ACCESSORY:** A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main principal building.

**DWELLING:** A building designed or used exclusively as the living quarters for one or more families.

**DWELLING-ONE FAMILY:** A detached building containing one dwelling unit only.

**DWELLING-TWO FAMILY:** A detached building containing two dwelling units.

**DWELLING-MULTIPLE:** A building or portion thereof containing three or more dwelling units.

**DWELLING UNIT:** A dwelling or portion thereof providing complete living facilities for one family.

**FAMILY:** One (1) or more persons who live together in one (1) dwelling unit and maintain a common household. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests.

**FILLING STATION: PUBLIC GASOLINE:** Any area of land including any structure or structures thereon that is or are used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purposes of this ordinance there also shall be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

**GARAGE-PRIVATE:** A garage used for storage purposes only and having a capacity of not more than three (3) automobiles or not more than one automobile per family housed in the building to which such garage is accessory, whichever is greater. Space therein may be used for not more than one commercial vehicle, and space may be rented for not more than two (2) vehicles of others than occupants of the building to which such garage is accessory.

**GARAGE-PUBLIC:** Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

**HOME OCCUPATION:** An occupation or a profession which:

- a. is customarily carried on in a dwelling unit or in a building structure accessory to a dwelling unit, and
- b. is carried on by a member of the family residing in the dwelling unit, and
- c. is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and
- d. which conforms to the following additional conditions:
  1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
  2. Not more than one person outside the family shall be employed in the Home Occupation.
  3. There shall be no exterior display, no exterior sign (except as permitted under Section VI (a8), no exterior storage of materials and no other exterior indication of the Home Occupation or variation from the residential character of the principal building.
  4. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

In particular, a Home Occupation includes but is not limited to the following:

- Art Studio
- Barber shops and beauty parlors within a dwelling occupied by the same (Amendment 7/2/62)
- Professional office of a physician, dentist, lawyer, engineer, architect or accountant, within the dwelling occupied by the same.
- Teaching, with musical instruction limited to a single pupil at a time.
- Bed and Breakfast Home (Added 08/17/1992 )

However, a Home Occupation shall not be interpreted to include the following:

- Commercial stables and kennels
- Restaurants

**HOSPITAL:** A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified.

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

**JUNK YARD:** The use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building or the use of any portion of that half of any lot that joins any street, for the storage keeping or abandonment of junk, including scrap metals or other scrap materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**LOT:** A parcel of land occupied or capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.

**LOT CORNER:** A lot which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

**LOT, DEPTH OF:** A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

**LOT LINES:** Any line dividing one lot from another.

**MOBILE HOME:** A factory finished mobile dwelling unit designed and built on a frame and wheels to be towed on its own chassis to its destination and providing housekeeping facilities for year round occupancy by one family including plumbing, heating, electrical, cooking and refrigeration systems and equipment. A unit may contain parts that may be folded, collapsed or telescoped when being towed, and expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components of repeated towing. Mobile homes shall mean units designed to be used exclusively for residential purposes, excluding travel trailers. For the purpose of this ordinance, a MOBILE HOME is differentiated from DWELLING, ONE-FAMILY and TRAVEL TRAILER.  
(Amended by Local Law No. 3 of 1984).

**MODULAR HOME:** A dwelling unit, partially prefabricated off-site, having a total wood frame structure, and designed only for erection or installation on a site-built permanent foundation; and not designed to be moved once erected on such foundation; and designed and manufactured in compliance with the New York State Uniform Fire Prevention and Building Code. For the purpose of this Ordinance, a MODULAR HOME is considered a DWELLING, ONE-FAMILY.  
(Added by Local Law No. 3 of 1984)

**MOBILE HOME PARK:** A Mobile Home Park is a plot of land designed and intend for residential use, where residence is in mobile homes exclusively.  
(Added by Amendment 10/4/1965).

**NON-CONFORMING USE:** A structure of land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

**PARKING SPACE:** The area required for parking one automobile which in this ordinance is held to an area 8 feet wide and 20 feet long, not including passageways.

**SIGN:** Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

An "advertising sign" is any "sign" designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection. A "flashing sign" is any "illuminated sign" on which the artificial light is not maintained stationary and constant in intensity and color, at all times when in use.

**YARD, FRONT:** An open unoccupied space on the same lot with a building situated between the street line and a line connecting the parts of the building setting back from and nearest to such street line, and extending to the side lines of the lot.

### **SECTION III - ESTABLISHMENT OF DISTRICTS**

For the purpose of promoting the public health, safety, morals, and general welfare of the community, the Village of Waterville is hereby divided into the following types of districts:

- R-1 Districts: One-family Residential Districts.**
- R-2 Districts: Two-family Residential Districts.**
- B-1 Districts: Retail Business and General Business Districts.**
- I-1 Districts: Industrial Districts.**
- M.H. Districts: Mobile Home Districts. (As Amended 10/4/65)**
- PD Districts: Planned Development Districts. (As Amended 06/20/1988)**

Said districts are bounded and defined as shown, or are potential districts to be established on a map entitled "Zoning Map of The Village of Waterville, adopted the 9<sup>th</sup> day of December 1957" and certified by the Village Clerk, which accompanies and which with all explanatory matter thereon, is hereby made part of this Ordinance. Said map to be amended to show M.H. Districts (As amended 10/9/65, 11/19/1973).

#### **SECTION IV – RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries 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 of streets or highways, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot side lines, such lot side lines shall be construed to be said boundaries.
3. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
4. Where the boundary of a district follows a stream, or other body of water said boundary line shall be deemed to be the center line of stream or body of water unless otherwise indicated.
5. Where the district boundary lines are indicated to be approximately parallel to a street or highway they will be considered to be two hundred (200) feet from the nearest street or highway line and parallel to it, or along the back line of properties of record fronting on said street or highway whichever line is closer to the street at the time this ordinance becomes effective, unless otherwise noted.

#### **SECTION V - APPLICATION OF REGULATIONS**

Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. **No building shall hereafter be erected or altered:**
  - a. **To exceed the height of 35 feet.**
  - b. **To accommodate or house a greater number of families.**
  - c. **To occupy a greater percentage of lot area, or**
  - d. **To have narrower or smaller rear yards, front yards, side yards, inner or outer courts, than is specified herein for the district in which such building is located.**
  
3. **No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building.**
  
4. **No Mobile Home can be used for housing or storage purposes anywhere in the Village except in M.H. Districts only. (As amended 10/4/65)**

## **SECTION VI – DISTRICT SPECIFICATIONS**

### **R-1 District: One – Family Residential Districts**

#### **A. Uses Permitted:**

1. **One-Family dwelling.**
2. **Churches or similar places of worship, parish homes, convents.**
3. **Elementary schools, high schools, and institutions for higher education.**
4. **Public parks and playgrounds and other municipal recreation uses.**
5. **Public libraries and museums.**
6. **Golf courses and country clubs, occupying an area of not less than 40 acres.**
7. **Customary agricultural operations, provided, however, that no odor or dust producing substance or use shall be permitted within one hundred feet (100) on any property line.**
8. **Customary home occupations, provided that such occupations shall be conducted in the principal building. There shall be no external evidence of such occupations except a small announcement or professional sign not exceeding one (1) square foot in area, provided that no such sign shall be illuminated.**
9. **Customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory building shall be located on the same lot with the principal building.**
10. **Existing one-family dwellings converted to two-family in accordance with Zoning Board of Appeals special permit provisions and procedures found in Section VII.**

**B. Building Height Limit:**

1. Two and one-half stories, but not exceeding thirty-five feet.

**C. Required Lot Area:**

1. Not less than eight thousand (8000) square feet and lot width of not less than eighty (80) feet.

**D. Dwelling Area:**

1. Each dwelling building shall comprise eight hundred (800) square feet of livable area on the ground floor level, excluding the accessory building area.

**E. Percentage of Lot Coverage:**

1. All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

**F. Yards Required:**

1. Each lot shall have front, side and rear yards not less than the depth or widths following:
  - a. Front yard depth - twenty-five (25) feet.
  - b. Side yard width - not less than eight (8) feet but sum of two side yards shall not be less than twenty (20) feet.
  - c. Rear yard depth:
    1. Twenty-five (25) feet, or as alternates
    2. 25-30 percent of the depth of the lot
    3. or not less than the height of the principal building.

**R-2 DISTRICT: Two-family Residential districts**

The following regulations shall apply in all R-2 Districts:

**A. Uses permitted:**

1. All uses permitted in the R-1 Districts, subject to all the restrictions specified therefore in said R-1 Districts.
2. Two-family dwellings.
3. Rooming and boarding houses, tourist homes.
4. Existing two-family dwellings converted to three-family in accordance with Zoning Board of Appeals special permit provisions and procedures found in Section VII.



**B. Building Height Limit:**

1. Two and one-half stories but not exceeding thirty-five (35) feet.

**C. Dwelling Area:**

1. Each dwelling building shall comprise eight hundred (800) square feet of livable area on the ground level, excluding the accessory building area.

**D. Required Lot Area:**

1. Each dwelling shall be located on a lot of the same area and width as required in R-1 Districts.

**E. Percentage of Lot Coverage:**

1. All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

**F. Yards Required:**

1. Each lot shall have front, side, and rear yards not less than those specified for R-1 Districts.

**B-1 DISTRICTS: General Business Districts**

**A. Uses permitted:**

1. All uses permitted in any residential district subject to all provisions specified for any such residential districts.
2. Stores and shops for the conducting of any retail business.
3. Personal service shops, hand laundries.
4. Banks, offices, studios
5. Shops for custom work, shops for making articles or products to be sold at retail on the premises.
6. Restaurants, cafes, tea rooms, and similar establishments.
7. Theaters, assembly halls, billiard or pool parlors, bowling alley, any public recreational use.
8. Lodging houses.
9. Motor Vehicle salesrooms.
10. Wholesale business.
11. Undertaking establishments.
12. Parkway or bus passenger station, telegraph office, electric substation, printing plant.
13. Storehouse or warehouse.
14. Accessory buildings and accessory uses.

**B. Uses permitted by Board of Appeals:**

1. Garage and filling stations.
2. Storage of materials hazardous in nature.

**C. Building Height Limit:**

1. No building shall be erected to a height in excess of fifty (50) feet.

**D. Required Lot Area:**

1. Any building used for residence purposes shall have a lot area and lot width equal to that required in the least restricted residence district for the same type of dwelling.

**E. Percentage of Lot Coverage:**

1. Any building used for residence purposes including accessory buildings shall not cover more than forty (40) percent of the area of the lot.

**F. Yards required:**

1. Front yard – none required.
2. Side yards – any building used for residence purposes shall have side yards as specified for such dwellings in the least restricted residence district.
3. Rear yard – not less than thirty (30) feet

**G. Required Dwelling Area:**

1. Any building used for residence purposes shall have a dwelling area equal to that required in the least restricted residence district for the same type of dwelling on the ground floor level, excluding the accessory building area.  
(As amended 10/2/61)

**I-1 DISTRICTS: General Industrial Districts:**

The following regulations shall apply in all I-1 Districts:

**A. Uses permitted:**

1. All uses not otherwise prohibited by law.

**B. Uses prohibited:**

1. Junk yards.

2. All uses of land, buildings, and structures or industrial processes that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions provided, however, that any uses may be permitted by the Board of Appeals and subject to the securing of a permit therefore and to such conditions, restrictions, and safeguards as may be deemed necessary by said Board for the purpose of protecting the health, safety, morals of the General Welfare of the community.

**C. Uses permitted by the Board of Appeals:**

1. Garages and filling stations.
2. Storage of materials hazardous in nature.

**D. Building Height Limit:**

1. No restrictions.

**E. Yards required:**

1. Each lot shall have a front yard not less than twenty-five (25) feet in depth.
2. There shall be a side yard along the side of every lot in an I-1 District of not less than ten (10) feet.
3. There shall be a rear yard on every lot in an I-1 District of not less than twenty-five (25) feet.
4. Every building or portion thereof which is designed, intended to be used or is used for dwelling purposes shall comply with the front, side and rear yard requirements of the least restricted residential district in which such dwellings are permitted.

**F. Lot Area and Percentage of Lot Coverage of Dwellings:**

1. All regulations as to required lot area and percentage of lot coverage which are prescribed for the least restricted residential district shall apply to all dwellings hereafter erected in any I-1 District.

**G. Required Dwelling Area:**

1. Any building used for residence purposes shall have a dwelling area equal to that required in the least restricted residence district for the same type of dwelling on the ground floor, level, excluding the accessory building area. (As amended 10/2/1961).

**M.H. DISTRICTS: Mobile Home Districts**

**The following regulations shall apply in all M.H. Districts:**

- A. Uses permitted. Use by mobile home or the establishment of Mobile Home Park.**
- B. Each plot of land to be used as a Mobile Home Park shall consist of not less than 8 acres of land, and not more than 6 mobile homes per acre shall be permitted.**
- C. Each mobile home shall be placed on a lot provided with a space consisting of a minimum of 4000 square feet, and which will have at least 25 feet between each mobile home and not less than 25 feet between any lot line or street line and a mobile home. All mobile homes shall be a minimum of 75 feet from the center of any Main Highway.**
- D. Streets of the Park must be large enough to accommodate emergency vehicles and the travel portions thereof shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy-five (75) degrees. Cul-de-sac streets shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet.**
- E. No lot can be used hereafter as a Mobile Home Park or for a mobile home until a license for said use has been issued by the Zoning Officer of the Village. Such license will be issued after proof has been given that this section has been complied with, a satisfactory septic system has been installed in compliance with the requirements of the State of New York Department of Public Health, and a plot plan showing the location of each mobile home space within said Park in compliance with the provisions of this ordinance, is submitted to the Zoning Officer.**
- F. The Zoning Officer shall collect a fee of three (\$3.00) for the issuance of each license.**
- G. Written notarized permission must be obtained from the adjacent lot owners within 500 feet from a Mobile Home Park. (As amended 10/05/1965).**

**SECTION VII – SUPPLEMENTARY REGULATIONS**

**The provisions of this ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations:**

**A. Uses:**

- 1. Accessory Uses, Garages: In residence districts, the number of motor vehicles for which space may be provided as accessory to an authorized use shall not exceed the following:**

- a. In an R-1 or R-2 District, two (2) motor vehicles; and for each 5,000 square feet by which the lot exceeds 8,000 square feet space for one additional motor vehicle may be provided.

**B. Uses Permitted Upon Special Permit:**

The following uses are prohibited, provided, however, that any use may be permitted if approved by the Board of Appeals and subject to such conditions, restrictions, and safeguards as may be deemed necessary by said Board and to the securing of a permit therefore:

1. In a B-1 Business District or in an I-1 Industrial District, a permit may be granted by the Board of Appeals for the erection or alteration of a garage for more than five (5) motor vehicles, of a filling station, or of a warehouse for the storage of hazardous material provided that the issuance of such a permit is in accordance with and does not conflict with the "purposes in view" as set forth in Article 6A of the Village Law. If the Board of Appeals grants a permit as aforesaid, it may require, as a condition, a change in relation to yards, location of buildings, pumps and other appurtenances, the type of construction and/or an agreement as to the operation of the premises so as to further insure the "purposes in view" as set forth in the Village Law. Any and all storage tanks installed or used in connection with the premises covered herein shall be installed at least four (4) feet beneath the surface of the ground.

2. Dwellings on Small Lots. Notwithstanding the limitations imposed by any other provisions of this ordinance, the Board of Appeals may permit erection of a dwelling on any lot (except a lot in an Industrial District), separately owned or under contract of sale and containing, at the time of the passage of this ordinance, an area or a width smaller than that required for a one-family dwelling.

3. Residential Dwelling Conversion that adds an apartment satisfactory compliance to all other applicable provisions of this ordinance is a prerequisite to applying for the special permit. In addition, the following shall apply:

- a. The building shall maintain the character and appearance of the existing residential unit, within the reasonable extent of all issued building permits.

- b. New access doors, porches, stairs, or ramps shall be fully specified in the application for special permit. The proposed configuration must show consideration has been provided for maintaining

harmonious neighborhood character and for maintaining good neighborly relations.

c. This special permit would allow the increase of one (1) apartment over that allowed within the zoning district.

d. There shall be a minimum of two (2) off-street parking spaces provided for each unit. The proposed parking locations must be shown on a dimensioned diagram of the dwelling unit lot and the adjacent neighbor's homes, to enable the Zoning Board of Appeals verification that consideration has been made for maintaining good neighbor relationships. (A vehicle parked too close to the property line could constitute basis for rejection of the special permit.)

e. The structure shall conform to the provisions of the New York State Uniform Fire Prevention and Building Code.

f. The owner of the building, or his legal designee, must apply for the Special Use Permit.

**C. Height:**

1. **Height exceptions:** The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulk heads, similar features, and necessary mechanical appurtenances, usually carried above the roof level. Such features, shall, however be erected only to such height as is necessary to accomplish the purpose they are to serve.

2. **Ornamental Features:** The provisions of this ordinance shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.

**D. Area:**

1. **Reduced Lot Area:** No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which said lot is located. Whenever such reduction in lot area occurs, any building located on said lot shall not thereafter be used until such building is altered, reconstructed or relocated so as to comply with the area and yard requirements applicable thereto.

2. **Visibility at Intersection:** On a corner lot in any residence district no fence, wall, hedge or other structure of planting more than three and one-half (3 ½) feet in height shall be erected, placed or maintained within the

triangular area formed by intersecting street lines and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection, measured along said street lines.

**E. Yards:**

- 1. Terraces:** A paved terrace shall not be considered in the determination of yard sizes or lot coverage provided, however, that such terrace is unroofed and without walls, parapets, other forms of enclosure. Such terrace, however, may have an open guard railing not over three (3) feet high and shall not project into any yard to a point closer than four (4) feet from any lot line.
- 2. Unenclosed Porches:** An unenclosed, one-story porch, erected on piers, even though roofed over, may project into a required front, side or rear yard area a distance not to exceed six (6) feet and shall not be considered in the determination of the size of the yards or lot coverage; provided, however, that such a porch shall not be closer than four (4) feet at any point to any lot line, and that no building shall have such porches projecting into more than one required side yard.
- 3. Enclosed porches:** Any two-story or any enclosed porch, or one having a solid foundation and capable of being enclosed, shall be considered a part of the building in the determination of the size of yard or lot coverage.
- 4. Projecting Architectural Features:** The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than two (2) feet into any required yard.
- 5. Bay Windows:** Bay windows including their cornices and eaves may project into any required yard not more than two (2) feet provided however, that the sum of such projections on any wall does not exceed one-third length of said wall.
- 6. Fire Escapes:** Open fire escapes may extend into any required yard not more than four (4) feet six (6) inches.
- 7. Front Yard Depth:** In any residence district, each dwelling hereafter erected within 100 feet of a dwelling in existence at the time of the passage of this ordinance shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than ten (10) feet, nor need any front yard have a greater depth than forty (40) feet.

**F. Elevators:** Elevator service shall be required in any structure of three stories or more converted to residential use, containing 30 or more living units, where any living units are located 20 feet or more above the first floor. (As amended 7/21/80)

**G. Signs:** In General Business Districts and General Industrial Districts, and where permitted, residential districts, any sign which directs attention to a business or profession conducted, or a commodity of service sold or offered upon the premises where such sign is located or to which it is affixed, shall be removed on the discontinuance of that service or business. (As amended 11/16/81)

#### **H. SATELLITE ANTENNA**

**1. Definition:** Satellite antenna, as used in this Section, is defined to include any parabolic dish antenna, or other device more than three (3) feet in diameter, the primary purpose of which is to receive or transmit electromagnetic signals above the UHF band.

**2. Prohibition:** No person shall cause, suffer or permit the erection and /or maintenance of any satellite antennae upon any lands owned by them within the Village of Waterville unless in conformity with the provisions set forth herein.

**3. Size:** No satellite antenna shall exceed fifteen (15) feet in diameter.

**4. Location:** Any satellite antenna shall substantially be screened by shrubbery, buildings, fencing or terrain from public streets or highways. No satellite antenna shall be installed within five (5) feet of property line.

**5. Installation:** Any satellite antenna shall be securely mounted and anchored so as not to be readily portable. All electrical and antenna wiring shall be placed underground or otherwise obscured from view.

**6. Permit:** No satellite antenna shall be installed until a special permit therefore has been issued by the Planning Board of the Village of Waterville. All applicants for permits to construct satellite antenna within the Village of Waterville shall make written application therefore to the Planning Board. The application shall include but not be limited to the following:

a. Specific site data placed on a map, acceptable in form and content to the Planning Board, which shall be prepared in sufficient detail and accuracy so as to accurately depict the placement of all component parts of the antenna (including any guy wires or enclosures ) in relation to:

- i. the location of property lines and permanent easements;
- ii. the location of all structures on the site;



iii. the location, nature and extent of any proposed fencing, buffering, plantings or other screening measures, in any proposed.

7. Non-conforming Uses: Any satellite antenna installed within 30 days of the effective date of this Section shall comply with all of the provisions of this Local Law within eighteen (18) months of the effective date of this Section. The Code Enforcement Officer shall survey the community to determine the existing non-conforming uses and shall notify the owners of such parcels of land, by certified mail addressed to such owner, of the enactment of this Section. The failure of such notification shall not excuse compliance with the provisions of this section. (Local Law No. 2 of 1985).

## SECTION VII A, PLANNED DEVELOPMENT DISTRICTS (Adopted 20 June 1988)

The regulations hereinafter set forth in this Section are intended to provide a means for the development of a large scale residential, business, commercial, manufacturing, recreational, solar energy systems, or mixed use areas in a manner which will foster flexible and imaginative design concepts. These regulations are also intended to provide the Village with adequate supervision and control over such projects, through the Planning Board and the Village Board, to insure that the spirit and intent of this Zoning Ordinance will be respected and preserved. No specific requirements are established with respect to minimum lot sizes within the district, lot coverage, building height, yard dimensions, off street parking or density of development. Rather, within the overall context of the planned development concept, the Planning Board and Village Board should be guided by the requirements established for neighboring districts in determining reasonable requirements for comparable uses within a planned development district.

### The General Planning Development Process

The planned development process consists of two basic steps. First is the change of zoning district designation. Second is review of the specific site plans for the area.

Any change to a Planned Development (PD) district shall be based on a specific development proposal. Although the designation for a planned development will be PD, each district will reflect the type of use which was the basis for the zone change.

### Procedure for the Establishment of a Planned Development District

#### 1. Pre-application Conference

Before submission of a preliminary application for approval of a Planned Development District, the developer shall meet with the Village Planning Board to

determine the feasibility and suitability of the application prior to entering into binding commitments or incurring substantial expenses of site and plan preparation.

## 2. Application Procedure

Application for the establishment of the planned development districts shall be made to the Village Board. Each application shall be accompanied by a fee of fifty dollars (\$50.00). The Village Board shall refer the application and all application materials to the Village Planning Board within fifteen (15) days of receipt of the application.

## 3. Planning Board Review

Within forty-five (45) days of the receipt of the application the Planning Board shall recommend approval, approval with modification or disapproval of the application to the Village Board. Failure of the Planning Board to act within 45 days or such longer period as may be consented to, shall be deemed to be a grant of approval of the plan as submitted. Prior to issuing its recommendation to the Village Board, the Planning Board shall hold a public hearing on the proposal. Notice of the time and place of the public hearing shall be published and posted as required by law. In the event that approval subject to modifications is granted, the applicant may, within ten (10) days after receiving a copy of the Planning Board's decision notify the Village Board in writing of his refusal to accept all such modifications, in which case the Planning Board shall be deemed to have denied approval of the application. In the event that the applicant does not notify the Village Board within said period of his refusal to accept all said modifications, approval of the application, subject to such modifications, shall stand as granted.

### a. Submission Requirements

Application to the Village Board must include a petition for the zone change. The applicant must provide proof of full legal and beneficial ownership of the property, or proof of an option or contractual right to purchase the property. Two complete copies of the preliminary plan shall be submitted, including:

- A completed Environment Assessment Form (EAF) to comply with the provisions of the State Environmental Quality Review process (SEQR)
- Preliminary Plan – for consideration of the creation of a Planned Development District:

Site Plan – To be prepared at a minimum scale of 1" = 100' (preferred scale of 1" = 40'), unless otherwise approved by the Planning Board to include:

- 1) Title, scale, north arrow and date.

2) Location map showing location of proposed development or project in the Village, boundaries of the tract, contiguous properties and any zoning districts and easements.

3) Topographic data based on USGS or equivalent and other site characteristics including soils, drainage and tree cover.

4) Existing land use on and immediately adjacent to the parcel.

5) Proposed lot and/or building layout, including adequate means to identify each lot and block or group of buildings, and minimum set-back or building line.

6) Street layout, including right-of-way and improved surface widths and typical cross sections of proposed roadways.

7) Location and description of utilities on and adjacent to the tract and proposed connection thereto, or alternative means of water supply, sewage disposal, electric, telephone and other service facilities.

8) Location, dimension and purpose of any easement.

9) Existing drainage ways and provision for collecting and discharging surface drainage and storm water run-off.

10) Location, dimension and description of land or facilities to be dedicated or reserved for public use.

- A written description of the proposal including the major planning assumptions and objectives, the probable effect on adjoining properties and the effect of the proposal on the overall Village development plan.
- A written description of the probable impacts on the natural systems of the Village.
- A written description of the probable fiscal impacts including a summary of new costs and revenues to the Village as a result of the project.
- Description of any solar energy systems to be incorporated as part of the proposal.

#### b. Review Criteria

In considering the application for the creation of a planned development district, the Planning Board may require such changes in the preliminary plans and specify such additional requirements as are deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote and protect the orderly growth and sound development of the community. In reaching its decision on the proposed development and changes, if any, in the preliminary plans, the Planning Board shall consider, among other things, the following:

- The need for proposed land use in the proposed location.

- The existing character of the neighborhood or area.
- The location of principal and accessory buildings on the site in relation to one another and in relation to buildings and uses on properties adjoining the proposed district.
- The general circulation and open space pattern relative to the structures.
- The traffic circulation features within the site, and the amount, location, and access to automobile parking areas.
- The environmental factors on the Environmental Assessment Form (EAF).
- The quantity and quality of available solar energy at the site if solar equipment is being proposed.
- The impacts of this development on the solar access of adjacent properties.

#### **4. Planning Board Action**

Establishment of a planned development district is a rezoning action and may be subject to the State Environment Quality Review process (SEQR). Therefore, the planning board should make a two-part recommendation to the Village Board as part of this process.

First, the planning board should identify the type of action the zone change is according to the SEQR regulations. Depending on a number of factors the zone change itself may be a TYPE I or an UNLISTED action. In making this determination the planning board should consult Part 617 of Article 8 of the Environmental Assessment Form (EAF). The planning board should review the Environmental Assessment Form (EAF) submitted by the applicant and make a preliminary determination of environmental significance.

If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement has been filed. An application is not complete, and therefore the review clock does not start, until a determination of no significance has been made or until a draft environmental impact statement has been completed. When the draft environmental impact statement is completed, the time frame for the planning board review begins (45 days). If another agency has determined that the proposal in question may have a significant effect on the environment, the planning board shall not issue a decision until a final environmental impact statement has been filed.

The second part of the recommendation is a decision on the zone change request itself. The decision of the Planning Board shall be in the form of a written resolution which shall include findings of fact and shall set forth the reasons for granting or denying tentative approval specifying with particularity in what respects the proposal contained in the application would or would not be in the

**public interest including but not limited to findings of fact and conclusions on the following:**

**a. In what respects the plan is or is not consistent with the statement of purpose set forth in this section.**

**b. The extent to which the proposal departs from rezoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are not deemed to be in the public interest.**

**c. The nature and extent of the common open space in the planned development district, the reliability of the proposals for maintenance and conversion of such open space and the adequacy or inadequacy of the amount and function of the open space in terms of the densities of residential uses and the types thereof where residential uses are proposed.**

**d. The plat of the proposal and the manner in which such plat does or does not make adequate provision for public services, control over vehicular traffic and the amenities of light and air, and visual amenities.**

**e. The relationship, beneficial or adverse of the proposed planned development district upon the neighborhood in which it is proposed.**

**f. In case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect the interests of the public and the residents of the district in the integrity of the plan.**

**5. The resolution required by this section shall be filed with the Village Clerk and shall be available during regular office hours for inspection by any person.**

**6. Upon the filing of such resolution with the Village Clerk, the Village Board shall within thirty (30) days hold a public hearing on said proposal after giving the public notice required by law.**

**7. The Village Board may thereafter amend this Ordinance so as to establish the proposed planned development district and define the boundaries thereof. Such action shall have the effect only of establishing a planned development district for the use proposed by the applicant. Such amendment of this Ordinance shall not constitute or imply a permit for construction or final approval of plans.**

**8. In the event that construction has not commenced within two (2) years from the date that the zoning map amendment establishing the Planned Development District became effective, the Planning Board may so notify the Village Board and the Village Board may, on its own motion, institute a zoning map amendment to return**

the Planned Development District to its former classification pursuant to Section XII of this Ordinance.

### **Final Development Plan Review**

Completion of the preliminary plan review and adoption of the zoning map amendment establishing the Planned Development District in no way implies approval to proceed with actual development of the project. Upon approval of the rezoning request the applicant is required to follow the procedure outlined hereinafter.

#### **1. Concept Review**

Before proceeding with the final design for the area in question, the developer shall meet with the Planning Board and the Village Board to clarify any conditions that either Board has requested. This should promote an understanding by all parties before the preliminary concepts are changed to detailed designs and before the developer spends large amounts of money.

#### **2. Planning Board Review**

Upon arrival of the zone change, the applicant has one year in which to submit a final plan to the Planning Board for review and recommendation to the Village Board. Within sixty (60) days of the receipt of the application, the Planning Board shall grant approval, approval with conditions or disapproval of the application.

##### **a. Submission Requirements**

Before final approval of the plan, the applicant must show evidence of full legal and beneficial ownership interest in the land.

The final plan shall include, but not be limited to, the following:

- A completed Environmental Assessment Form (EAF) to comply with the provisions of the State Environmental Quality Review process (SEQR)
- A mapped final development plan of the property in question. Such a plan shall be certified survey showing all existing and proposed grades, existing and proposed structures, existing and proposed vegetation, the layout of all roadways, walkways, and parking areas. Construction details for such areas described above shall also be submitted.

- **A separate map showing all existing and proposed water lines, sewer lines, electric lines, natural gas lines and other utility and service lines, refuse storage and disposal and fuel storage facilities, and rights-of-way.**
- **If the project will involve construction of new water supply and the infra-structure, new sewage treatment system, and/or new or alternative power systems the design and details of such proposal must be included.**
- **A plan showing the treatment of storm water runoff.**
- **The total number of acres in the site, the number and type of housing units, the gross and net residential densities, the approximate selling and/or rental prices of the units, the phasing plan, the approximate completion date of the entire project.**
- **The Planning Board may require any additional materials it deems necessary to adequately evaluate the proposed project.**

**b. Review Criteria**

**The Planning Board may not in all cases have the expertise to review the detailed design and construction drawings. If they do not, the Planning Board may confer with an Engineer, the Department of Environmental Conservation (DEC), the County Health Department, the County Planning Department and other agencies to insure that review of those areas outside the board's scope is being attended. Any and all cost incurred by the Planning Board in the course of its review may be charged to the applicant. Within its own capabilities the Board may use the following criteria as general guidelines:**

- **The height and bulk of buildings and their relation to other structures in the vicinity.**
- **The proposed location, type, and size of signs, vehicular and pedestrian circulation, loading zones and landscaping.**
- **The safeguards provided to prevent possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.**
- **Storm drainage and sanitary waste disposal in and adjacent to the area.**
- **The compatibility of uses proposed for such districts where a combination of uses are proposed.**

- The provisions of adequate and sufficient public utilities.
- The criteria cited for review of the planned development district rezoning process.
- The environmental factors on the Environmental Assessment Form (EAF).

**NOTE:** The Planning Board may require as a condition to final approval the posting of a bond to assure the completion of all requirements of the Board including the dedication, maintenance and completion of all streets, easements and open space or recreational areas, creation or extension of special districts or improvement areas, construction of storm and sanitary sewers, landscaping and such other improvements.

### **3. Planning Board Action**

First, the Planning Board should identify the type of action the proposed development is according to the State Environmental Quality Review regulations (SEQR). Depending on the size, location and other factors it may be a Type I or an UNLISTED action. To make a decision, the Planning Board should consult Part 617 of Article 8 of the Environmental Conservation Law (New York). The Planning Board should also review the Environmental Assessment Form (EAF) submitted as part of the application. The action type and related procedure will dictate the next steps, if any, to be taken to comply with the SEQR regulations.

If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement is filed. An application is not complete, and therefore the review clock does not start, until a determination of no significance has been made or until a draft environmental impact statement has been completed. When the draft environmental impact statement is completed, the time frame for planning board review begins (60 days). If another agency has determined that the proposal in question may have a significant effect on the environment, the Planning Board shall NOT issue a decision until a final environmental impact statement has been filed.

When compliance with SEQR is complete and within the established sixty (60) day review period the Planning Board shall either grant such approval subject to specified conditions or deny final approval and forthwith file its decision with the Village Clerk and notify the Applicant thereof. Thereupon within 90 days the applicant shall file with the County Clerk the final plat of any subdivision proposed and shall make application for a building permit or permits in accordance with the proposal as finally approved.



4. No building permit shall be granted for the construction of any building or structure other than as approved by the Planning Board and no improvement shall be constructed at variance with the proposal as finally approved except upon resubmission and approval of the Planning Board.

5. The applicant may appeal to the Village Board a decision of the Planning Board denying final approval or granting final approval subject to conditions with which the applicant is unwilling to comply. Such action shall be taken within thirty (30) days of the filing with the Village Clerk of the decision of the Planning Board.

## SECTION VIII NONCONFORMING USES

The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this ordinance.

1. **Unsafe Structures:** Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

2. **Alterations:** A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding an aggregate cost 50 percent of the assessed value of the building unless said building is changed to a conforming use.

3. **Extension:** A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such nonconforming use.

4. **Construction approved prior to ordinance:** Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three months of the date of such permit.

5. **Restoration:** No building damaged by fire or other causes to the extent of more than 75 percent of its assessed value shall be rebuilt except in conformity with the regulation of this ordinance.

6. **Abandonment:** Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provision of this ordinance.

**7. Changes:** Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or higher classification, and when so changed to higher classification, such use thereafter shall not be changed to a lower classification.

**8. Displacement:** No nonconforming use shall be extended to displace a conforming use.

**9. District Changes:** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses therein.

## **SECTION IX ENFORCEMENT PROVISIONS** (Local Law 4, 1982)

This ordinance shall be enforced by the Code Enforcement Office designated by the Village Board. The Code Enforcement Officer shall in no case approve any building permit for any building on premises where the proposed erections, alterations, relocation, or use thereof would be in violation of any provision of this ordinance. The Code Enforcement Officer shall make inspections of buildings or premises necessary to carry out his duties. No permit nor certificate of occupancy required hereunder shall be approved by the Code Enforcement Officer except in compliance with the provisions of this ordinance, or as directed by the Board of Appeals under the provisions of Article XI.

### **Building Permits**

**1. No building shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change in its use and no excavation for any building shall be begun unless and until a permit therefore has been approved by the Code Enforcement Officer or by the Board of Appeals wherever it is provided in this ordinance that the approval of the Board of Appeals is required and issued by the Village Clerk.**

**2. No such permit shall be issued until there has been filed with the Code Enforcement Officer a sketch or plot plan in duplicate showing the actual dimensions and angles of the lot to be built upon, the exact size and location on the lot of the building or accessory buildings to be erected, relocated or altered and such other information as maybe necessary to determine and provide for the enforcement of this ordinance. Each application shall state the purpose for which the structure or land is to be used and a general description of the type of construction.**

3. The Code Enforcement Officer shall act upon all applications for building permits within 30 days. He shall approve or refuse to approve such permits. Upon approval of any building permit, the Code Enforcement Officer shall refer the approved application to the Village Clerk, who shall issue said permit to the applicant upon payment of the necessary fees. Notice of refusal to approve any permit shall be given to the owner or to his authorized representative in writing and shall state the reasons for said refusal. The fee for any such permit shall be determined by the Village Board from time to time.

4. The building permit shall be posted conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any kind unless a building permit covering such operation has been displayed as required by this ordinance, nor shall they perform building operations of any kind after notification of the revocation of said building permit. A failure to so post a building permit shall be deemed a violation of this ordinance by the owner of the premises and any contractor, workman or other person performing such operations, subject to the penalties set forth in Section XIV.

#### **Certificate of Occupancy**

No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Code Enforcement Officer. Under such rules as may be established by the Board of Appeals, a temporary certificate of occupancy for not more than 30 days for a part of the building may be issued by the Code Enforcement Officer. For previously existing construction, the Code Enforcement Officer may, on request issue such a certificate if he determines that the use of the building in question meets requirements of the ordinance.

### **SECTION X INTERPRETATION**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standards shall govern.

### **SECTION XI BOARD OF APPEALS**

#### **A. Creation, Appointment and Organization**

**A Board of Appeals is hereby created. Said Board shall consist of three members appointed by the Village Board. The Board shall elect a chairman from its membership, shall appoint a secretary and shall prescribe rules for the conduct of its affairs.**

**B. Power and Duties**

**The Board of Appeals shall have all the power and duties prescribed by law and by this ordinance, which are more particularly specified as follows:**

**1. Interpretation: Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.**

**2. Special Permits: To issue special permits for any of the uses for which this ordinance requires the obtaining of such permits from the Board of Appeals; or for the extension of a building or use as such existed at the time of the passage of this ordinance into a contiguous more restricted district for a distance not exceeding 75 feet; but not for any other use of purpose.**

**No such special permit shall be granted by the Board of Appeals unless it finds that the use for which such permit is sought will not, in the circumstances of the particular case and under any conditions that the Board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.**

**3. Variances: To vary or adopt the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the applicant of the reasonable use of such land or building, but in no other case.**

**No variance in the strict application of any provision of this ordinance shall be granted by the Board of Appeals unless it finds:**

**a. That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and are such that strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.**

b. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.

c. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

### **C. Procedure**

The Board of Appeals shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provisions of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Village Clerk by case number under one or another of the following headings: Interpretations; Special Permits; Variances; together with all documents pertaining thereto. The Board of Appeals shall notify the Village Board of each special permit and each variance granted under the provisions of the ordinance.

## **SECTION XII AMENDMENTS**

The Village Board may from time to time on its own motion or on petition, amend, supplement, or repeal the regulation and provisions of this ordinance.

The Village Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:

- a. By publishing a notice in the official newspaper.

Whenever the owners of fifty (50) percent or more of the street frontage in any district or any specified part thereof, shall present to the Village Board a petition duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for the zoning maps including said district or specified part thereof, it shall be the duty of the Village Board to

hold a public hearing thereon and cause notice to be given in the manner prescribed above.

### **SECTION XIII VALIDITY**

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

### **SECTION XIV VIOLATIONS AND PENALTIES**

**Violations and penalties:** A violation of this ordinance is a misdemeanor punishable by a fine not exceeding fifty (50) dollars or by imprisonment for not exceeding sixty (60) days or by both such fine and imprisonment.

**Complaints of violations:** Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Village Clerk, who shall properly record such complaint and immediately investigate and report thereon.

### **SECTION XV EFFECTIVE DATE**

This ordinance shall take effect at noon, December 23, 1957.

### **OTHER AMENDMENTS TO THE ZONING ORDINANCE AND MAP**

**Amended August 15, 1961**

**Resolved – That the Village of Waterville Zoning Ordinance and Zoning Map adopted December 9, 1957 be amended as follows:**

**To change the classification from an R-1 District to an I-1 District the premises situated northerly of the northerly lines of the properties fronting on the northerly side of Putnam Street and situated westerly of Conger Avenue and being adjacent to the area on Conger Avenue presently zoned I-1 and consisting substantially of an extension of the last mentioned area now zoned I-1 for an additional 500 feet westerly for a total distance of approximately 700 feet westerly of Conger Avenue and being a portion of the premises now owned by William H. Cowen and Dorothy B. Cowen.**

**Amended April 16, 1962**

**Resolved – That the Village of Waterville Zoning Ordinance and Zoning Map adopted December 9, 1957 be amended as follows:**

To change the classification from R-2 District to a B-1 District the premises located on the westerly side of Sanger Avenue, owned by Dominick A. Paternoster and wife and described in a deed dated November 16, 1960 and recorded in the Oneida County Clerk's office in the Book of Deeds #1673 at page 301 – an area approximately 350' X 200'. There shall be no alcoholic beverages sold on this property for consumption on the premises.

Amended January 18, 1965

Resolved – That the Village of Waterville Zoning Ordinance and Zoning Map adopted December 9, 1957 be amended as follows:

To change the classification from R-1 District, One Family Residential District to I-1 District, General Industrial District the area bounded as follows:

On the north by Bacon Street East.

On the east by the village line.

On the south by creek and area designated as General Industrial District.

On the west by Conger Avenue.

Amended October 2, 1967

Resolved – That the Village of Waterville Zoning Ordinance and Zoning Map adopted December 9, 1957 be amended as follows:

To change the classification from R-1 District to a B-1 District the premises located at 243 Tower Street now owned and occupied by Edward R. Lewis and wife. (Repealed 8/28/78)

Amended November 20, 1978

Be it enacted that the Zoning Ordinance and Zoning Map of the Village of Waterville are hereby amended to change the zoning of the lot now owned by Ronald Foppes, on East Bacon Street, lying easterly of the Waterville Central School bus garage and northerly of and adjacent to a present light industrial district, more particularly described in a deed dated and recorded in Book of Deeds #2071 at page #925, from R-1 (one-family residential) to an I-1 (light industrial) district. (Local Law No. 3 of 1978)

Amended November 21, 1988

Resolved – That the property located at 318 Tower St., Parcel # 392.006-2-43 owned by David Sullivan be rezoned from an R-1 District to a PD Planned Development District.

Amended August 29, 1994

**WHEREAS AN APPLICATION HAS BEEN MADE BY David Sullivan for the rezoning of tax parcel 383.019-1-6 commonly known as the Hanna Warehouse property from an R-1 district to a planned development district for use as a business and commercial property; and**

**WHEREAS the Village of Waterville Planning Board by resolution passed at a regularly scheduled meeting has determined that there would be no significant environmental impact caused by the rezoning and that such rezoning is an unlisted action under the New York State Environmental Quality Review Act; and**

**WHEREAS the Oneida County Department of Planning recommended that a planned development district be created for the Sullivan proposal;**

**IT IS HEREBY ENACTED that the tax parcel 383.019-1-6, consisting of approximately 3.6 acres of land improved by a former warehouse structure, be rezoned from an R-1 designation to a planned development district for use a business and commercial property subject to those conditions and restrictions to be established by the Village of Waterville Planning Board. (Local Law #2 of 1994)**

Amended July 7, 1999

**WHEREAS an application has been made by Mohawk Valley Network for the rezoning of a tax parcel 392.010-1-39.4 commonly known as 358 Madison Street from a R-1 district to a Planned Development District for use as a medical related facility; and**

**WHEREAS the Village of Waterville Planning Board by resolution passed at a regularly scheduled meeting has determined that there would be no significant environmental impact caused by the rezoning and that such rezoning is an unlisted action under the New York State Environmental Quality Review Act; and**

**WHEREAS the Oneida County Department of Planning recommended that a planned development #4 be created for the Mohawk Valley Network proposal;**

**IT IS HEREBY ENACTED that the tax parcel 392.010-1-39.4 be rezoned from an R-1 designation to a Planned Development District for use as a medical related facility subject to those conditions and restrictions to be established by the Village Of Waterville Planning Board. (Local Law #2 of 1999)**



Amended August 21, 2000

**WHEREAS Local Law #2 of the year 1999 of the Village of Waterville rezoned tax parcel 392.010-1-39.4 of the Village as a Planned Development District for use as a medical related facility; and**

**WHEREAS proper application has been made for a re-designation of said Planned Development District as a district for a wide range of professional offices so that the development is more economically feasible; and**

**WHEREAS the Village of Waterville Planning Board by resolution passed at a regularly scheduled meeting has determined that there would be no significant environmental impact caused by the rezoning and that such rezoning is an unlisted action under the New York State Environmental Quality Review Act;**

**NOW THEREFORE, it is hereby enacted;**

- 1. That tax parcel 392.010-1-39.4 be designated as a planned development district for use for professional offices subject to those conditions and restrictions to be established by the Village of Waterville Planning Board.**
- 2. That for the purpose of this local law only, professional office shall include the following:**

- A. Medical**
- B. Dental**
- C. Legal**
- D. Accounting**
- E. Financial Service**
- F. Medical billing**
- G. Bank corporate (no banking)**
- H. Real estate, computer or appraisal**
- I. Insurance**
- J. Interior designers, architects, engineers, construction (no equipment or materials)**
- K. Advertising agency**
- L. Travel agency**
- M. Municipal office**
- N. Family services/counseling**
- O. Massage and physical therapy**
- P. Such other similar uses as may be determined by the Village Planning Board.**

**Q. A fitness facility and day care center shall also be considered as a permitted use within the planned development district even though perhaps not professional in nature.**

**3. To the extent that Local Law #2 of 1999 is inconsistent with this local law, it is hereby repealed.**

**4. This local law shall take effect immediately upon filing with the Secretary of State.**

**Amended September 17, 2000**

**Resolved – That the property located at 104 Terry Meadows Drive, Parcel # 392.010-1-38.2 owned by Norman Plourde be rezoned from an R-1 District to a PD Planned Development District.**

**Amended February 5, 2001**

#### **LOCAL LAW # 1 OF 2001 CHANGE OF ZONING**

**Rezoning of tax parcels 392.006-2-44, 392.010-1-2.2, 392.006-1-1.2 and 392.006-2-35 Planned Development for use as a residential health care facility, assisted living/enriched housing units, and offices.**

**WHEREAS an application has been made by Harding Nursing Home Realty for the rezoning of tax parcel 392.006-2-44, 392.010-1-2.2, 392.006-1-1.2 and 392.006-2-35 commonly known as 220 Tower St. from R-1 district to a Planned Development District for use as a residential health care facility, assisted living/enriched housing units, and offices and;**

**WHEREAS THE Village of Waterville Board of Trustees by resolution passed at a regular scheduled meeting has determined that there would be no significant environmental impact caused by the rezoning and that such rezoning is an unlisted action under the New York State Environmental Quality Review Act; and**

**WHEREAS the Oneida County Department of Planning has recommended that a planned development be created for the Harding Nursing Home Realty proposal;**

**IT IS HEREBY ENACTED that the tax parcels 392.006-2-44, 392.010-1-2.2, 392.006-1-1.2 and 392.006-2-35 be rezoned from a R-1 designation to a Planned Development District for use as a residential health care facility, assisted living/enriched housing units and offices subject to those conditions**

and restrictions to be established by the Village of Waterville Planning Board.

That for the purposes of this local law only, offices shall include the following:

- A. Medical
- B. Dental
- C. Legal
- D. Accounting
- E. Financial service
- F. Medical billing
- G. Bank corporate (no banking)
- H. Real estate, computer or appraisal
- I. Insurance
- J. Interior designers, architects, engineers, construction (no equipment or materials)

Amended November 6, 2006

#### LOCAL LAW # 2 OF 2006

Rezoning of 3.82 acres of tax parcel 392.010-1-39.1  
Planned Development District for apartment buildings.

WHEREAS Local Law #2 of the year 2006 of the Village of Waterville rezoned 3.82 acres of tax parcel 392.010-1-39.1 of the Village as a Planned Development District for use as apartment buildings; and

WHEREAS proper application has been made for a re-designation of said Planned Development District as a district for apartment buildings so that the development is more economically feasible; and

WHEREAS the Village of Waterville Planning Board by resolution passed at a regularly scheduled meeting has determined that there would be no significant environmental impact caused by the rezoning and that such rezoning is an unlisted action under the New York State Environmental Quality Review Act;

NOW THEREFORE, it is hereby enacted;

1. That 3.82 acres of parcel 392.010-1-39.1 be designated as a planned development district for the sole purpose of four (4) apartment buildings with eight (8), two (2) bedroom apartments in each unit subject to those conditions and restrictions to be established by the Village of Waterville Planning Board.

2. To the extent that Local Law #2 of 2006 is inconsistent with this local law, it is hereby repealed.

3. This local law shall take effect immediately upon filing with the Secretary of State.