Village of Fayetteville Zoning Code
November 2026

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Article I: General Provisions

Title.

This chapter shall be known and may be cited as the “Fayetteville Zoning Code.”

Authority; applicability.

A. Authority. The Village of Fayetteville is authorized to enact this chapter by the authority and power of the New York State Village Law, General Municipal Law, Municipal Home Rule Law, and the Statute of Local Governments.

B. Applicability. If an application is deemed complete, then it shall proceed within the current zoning.

Conflict.

A. Whenever any provision of this chapter imposes a greater requirement or a higher standard than is required in any state or federal statute, the provision of this chapter shall govern. Whenever any provision of any state or federal statute imposes a greater requirement or a higher standard than is required by this chapter, the provision of such state or federal statutes shall govern.

B. The Village Board hereby declares its legislative intent to supersede any provision of any local law, rule, regulation, or provision of the Village Law inconsistent with this chapter. The courts are hereby directed to take notice of this legislative intent and apply it in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this chapter and superseded such inconsistent provision had the need to do so been apparent.

Supersession.

The Village hereby declares its legislative intent to supersede provisions of the Village Law and General Municipal Law that are inconsistent with this chapter. The courts shall take notice of the legislative intent to supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York and apply it to any provision of law that may require supersession.

Minimum requirements.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for necessary promotion of the public health, safety, convenience, comfort, prosperity or general welfare. It is not the intent of this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use and dimensions of buildings or premises or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this chapter shall govern, except where expressly qualified by this chapter.

Purpose and intent.

A. This chapter is intended to promote the health, safety and general welfare of the public and to be a guide for the orderly development of the Village.

B. To accomplish these ends, this chapter is designed to:

(1) Encourage growth and development in accordance with the Village of Fayetteville's most recent Comprehensive Plan.

(2) Create and maintain conditions under which people and their environment can exist in productive and enjoyable harmony while fulfilling the social, economic and other requirements of present and future generations.

(3) Cultivate the creation of a convenient, attractive, and harmonious community.

(4) Provide for Village growth that is consonant with the efficient and economic use of public funds and environmental resources.

(5) Provide residential areas with healthy surroundings.

(6) Encourage economic development activities that provide desirable employment and a broad tax base.

(7) Promote housing of such type, size, and cost as will allow Village residents of every economic condition to reside in safe, sanitary dwelling units.

Periodic review of provisions.

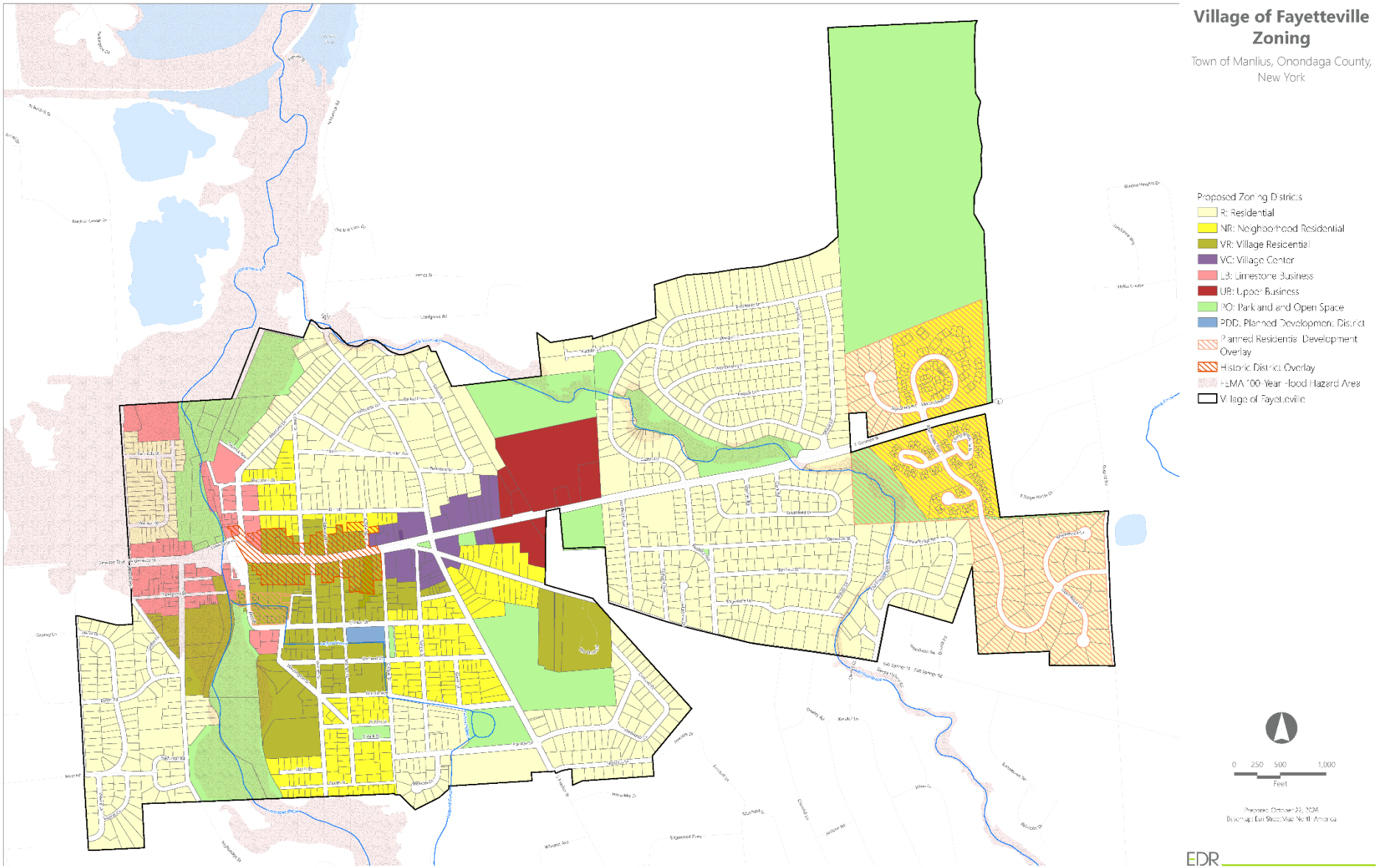
From time to time, the Planning Board shall reexamine the provisions of this chapter and the location of district boundary lines and shall submit a report to the Village Board recommending changes or amendments, if any, which may be desirable in the interest of public welfare, convenience, and necessity

Article II: Establishment of Districts

Adoption of Zoning Map.

The boundaries of the zoning districts hereby established are shown on a map entitled "Village of Fayetteville Zoning," dated October 26, 2026, as amended. The Zoning Map and all notations, references and other information shown thereon shall have the same force and effect as if fully set forth or described herein, and such map is hereby made part of this chapter

Village of Fayetteville Zoning - October 26, 2026



District boundaries.

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

A. Where the designation on the Zoning Map indicates a district boundary approximately upon a road, the center line of the road shall be construed to be the boundary;

B. Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary;

C. In other cases, the district boundary shall be determined by the use of the scale of the Zoning Map.

D. In other circumstances not covered by the rules above, the Planning Board shall interpret the district and zone boundaries, and this determination may be appealed to the Zoning Board of Appeals.

Classification of districts.

The Village of Fayetteville is hereby divided into the following districts:

Residential	R
Neighborhood Residential	NR
Village Residential	VR
Village Center	VC
Limestone Business	LB
Upper Business	UB
Parkland and Open Space	PO
Planned Development District	PDD

District purposes.

A. Residential (R): The Residential Neighborhood District allows single-unit detached dwellings. This district can be found on the outskirts of the Village and in most residential neighborhoods east of the Village Center. Residential uses should reflect the surrounding scenic and open space resources that Fayetteville residents strongly value.

B. Neighborhood Residential (NR): The Neighborhood Residential District is a residential district that buffers the Residential and Village Residential Districts, allowing single-unit attached and detached dwellings, townhouses, and community residential facilities. Neighborhood Residential is found along Salt Springs Road and South Manlius Street toward the Village Center, south of Lincoln Avenue, and encompasses portions of Elm and Center Streets north of Route 5.

C. Village Residential (VR): The Village Residential District allows all residential uses, including dwellings with two, three, and more than three units, while preserving Fayetteville's historic character. A mix of housing types will help to meet the changing needs across the Fayetteville community. This district encompasses dwellings in the area along and to the south of NYS Route

5, from the Village Venter to Brooklea Drive. A portion of this district falls within the Village's Historic Overlay.

D. Limestone Business (LB): In the Limestone Business District, a complementary mix of commercial and residential uses are encouraged to reflect the character of the Limestone Plaza Historic District. The design characteristics should accommodate a mix of mobility types and retain strong ties to the existing street network, utilizing setbacks that follow the precedent of the historic Limestone Plaza. The Limestone Business District applies to locations within the western half of the Village, primarily along NYS Route 5 and Brooklea Drive, where mixed-use development is strongly encouraged.

E. Village Center (VC): A complementary mix of commercial and residential uses is encouraged in the Village Center District to strengthen the existing character, walkability, and vibrancy of the Village Center. A successful district will support multimodal transportation through a safe and well-developed sidewalk and pedestrian network, bicycle infrastructure, and public transportation opportunities inclusive of complete streetscapes. Village Center encompasses locations along NYS Route 5, surrounding the intersection with NYS Route 257, where new, mixed-use development is strongly encouraged.

F. Upper Business (UB): The Upper Business District includes a mix of commercial, civic, and public uses. Small-scale residential uses are not recommended in the Upper Business District to allow for flexibility in uses. The Upper Business District is focused along NYS Route 5, and its uses are intended to service all Fayetteville residents and adjacent communities such as Manlius and Chittenango, while remaining generally separated from established neighborhoods and residential areas.

G. Parkland and Open Space (PO): This district is designed to enhance the health and general welfare of Fayetteville residents. Areas include existing active and passive recreational areas as well as natural resource areas.

H. Planned Development District (PDD): The Planned Development District is a floating district for exceptional settings and situations where the dimensional and use requirements of this chapter do not fit with the intended project.

Article III: District Uses

Compliance required.

No structure shall hereafter be erected and no existing structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged to be used for any purpose other than what is included among the uses listed in the following tables as permitted in the zoning district in which the structure or land is located, nor shall any land or structure be used in any manner contrary to any other requirements specified in this chapter.

Use Table.

A. The accompanying Use Table lists the permitted uses of land and buildings for the various zoning districts.

B. The Use Table lists one of the following for each use within each district:

(1) Permitted (P): Use requires review by the Village of Fayetteville Building & Codes Department.

(2) Site Plan (S) and Special Use Permit (SUP): Use requires Planning Board review.

(3) Blank: Use is not permitted.

(4) X: Use has additional regulations in the Supplemental Regulations article.

C. All uses allowed as a principal use are allowed as accessory uses.

a. RESIDENTIAL	Supplemental Regulations	R	NR	VR	VC	LB	UB	PO
Dwelling, One unit		P	P	P	P	P		
Dwelling, Two units	X			S	P	P		
Dwelling, Three units	X			S	S	S		
Dwelling, More than Three Units				S	S	S	S	
Townhouses, up to three	X		S	S	S	S	S	
Townhouses, more than three	X			S	S	S	S	
Home Occupation, Major	X			P	P	P	P	
Home Occupation, Minor	X	P	P	P	P	P		
Community Residential Facility A	X	S	S	S	S	S		
Community Residential Facility B	X		S	S				
b. LODGING	**Supplemental Regulations**	**R**	**NR**	**VR**	**VC**	**LB**	**UB**	**PO**
Bed and Breakfast	X			SUP	SUP	SUP	SUP	
Hotel/Motel						SUP	SUP	
Inn				SUP	SUP	SUP	SUP	
c. COMMERCIAL	**Supplemental Regulations**	**R**	**NR**	**VR**	**VC**	**LB**	**UB**	**PO**
Assisted Living	X			SUP	SUP	SUP	SUP	
Amusement / Recreation / Entertainment	X				SUP	SUP	SUP	
Skilled Nursing Facility						SUP	SUP	
Day Care Center				SUP	SUP	SUP	SUP	
Day Care, Family		SUP	SUP	SUP	SUP	SUP	SUP	
Day Care Center, Adult						SUP	SUP	
Day Care Center, Accessory						SUP		
Dispensary					SUP	SUP	SUP	
Fitness Center				SUP	S	S	S	
Funeral Home					S	S	S	
Healthcare Facility					S	S	S	
Makerspace/Co-Working Space					S	S	S	
Multi-story Mixed-Use (i.e., residential and commercial)					S	S	S	
Office				SUP	S	S	S	
Restaurant / Bar / Café / Brewpub					SUP	SUP	S	
Retail, General and Service					S	S	S	
Retail, Garden Center	X					SUP	S	
Theater					S	S	S	
Walk-up Window, Accessory					P	P	P	
d. AUTOMOTIVE	**Supplemental Regulations**	**R**	**NR**	**VR**	**VC**	**LB**	**UB**	**PO**
Drive-in service (Car wash, Oil Change, Tire Repair)	X						SUP	
Fuel/Convenience Station	X						SUP	
Motor Vehicle Repair	X						SUP	
Motor Vehicle Sales and Service	X						SUP	
e. MUNICIPAL/CIVIC	**Supplemental Regulations**	**R**	**NR**	**VR**	**VC**	**LB**	**UB**	**PO**
Cemetary							S	SUP
Communication Towers		SUP	SUP	SUP	SUP	SUP	SUP	SUP
Emergency Services					SUP	SUP	SUP	
Essential Services	X	P	P	P	P	P	P	
Museum/Gallery				SUP	S	S	S	
Parks and Open Spaces		P	P	P	P	P	P	P
Places of Worship/Religious Institution		SUP	SUP	SUP	SUP	SUP	SUP	
Public Library				S	S	S	S	
Public/Civic Uses					P	P	P	
School				S	S	S	S	
f. INDUSTRIAL	**Supplemental Regulations**	**R**	**NR**	**VR**	**VC**	**LB**	**UB**	**PO**
Advanced Technology/Research Facilities							SUP	
Warehousing Facilities							SUP	
Wholesale Distribution							SUP	

g. AGRICULTURE/OTHER	Supplemental Regulations	R	NR	VR	VC	LB	UB	PO
Animal Clinic/Veterinary Hospital						SUP	SUP	
Commercial Kennel, Pet/Dog Day Care						SUP	SUP	
Community Garden		S	S	S	S	S	S	S
Personal Agriculture	X	SUP	SUP	SUP				
h. ENERGY	**Supplemental Regulations**	**R**	**NR**	**VR**	**VC**	**LB**	**UB**	**PO**
Geothermal, Accessory	X	P	P	P	P	P	P	SUP
Solar, Accessory	X	S	S	S	S	S	S	SUP
Vehicle charging station (commercial), Accessory				S	P	P	P	P
Wind, Accessory	X	S	S	S	S	S	S	

Article IV: Dimensional Regulations

The following Dimensional Regulations describe the purpose, scale, and placement of buildings within each zoning district. The regulations for each district are presented across two pages. The first page specifies the required dimensions, and the second page illustrates an example building that meets those requirements. Each measurement is labeled and keyed in the illustrations for ease of reference.

Residential District

1. Purpose

The Residential District allows single-unit dwellings, two-unit dwellings, and Accessory Dwelling Units (ADUs). Residential uses should reflect the surrounding scenic and open space resources that Fayetteville residents strongly value.

2. Examples





3. Frontage Elements

Only the following frontage elements indicated in BOLD are allowed:

Stoop **Porch** Lightwell Awning

4. Lot Dimensions

A	Lot area (min)	**10,000 sf**
B	Lot width (min - max)	**30 ft - 100 ft**
C	Lot coverage (max)	**35%, 50% with ADU**
D	Accessory Structure max total footprint	**900 sf**

5. Building Setbacks

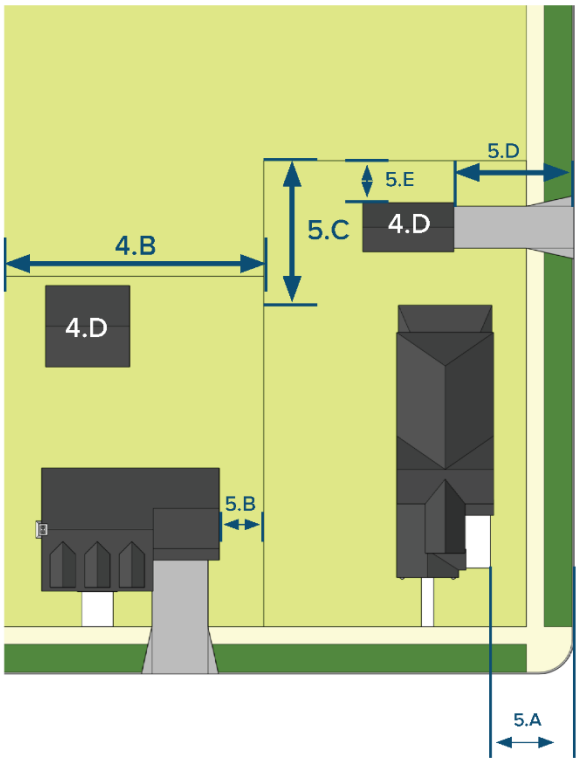
A	Front yard (min - max)	**10 ft - average of adjacent**
B	Side yards (min total)	**10 ft (5 ft min)**
C	Rear yard (min)	**50 ft**
D	Parking Setback*	**Greater than primary facade setback**
E	Accessory Structure (side/rear yard)	**5 ft**

*In R, NR, and VR Districts, parking is prohibited in all front yards except in the driveway which shall be limited to no more than two lanes with a maximum combined width of 20 ft.

6. Building Height

A	Primary Structure (max)	**2 stories, 35 ft**
B	Accessory Structure (max)	**Less than primary structure**

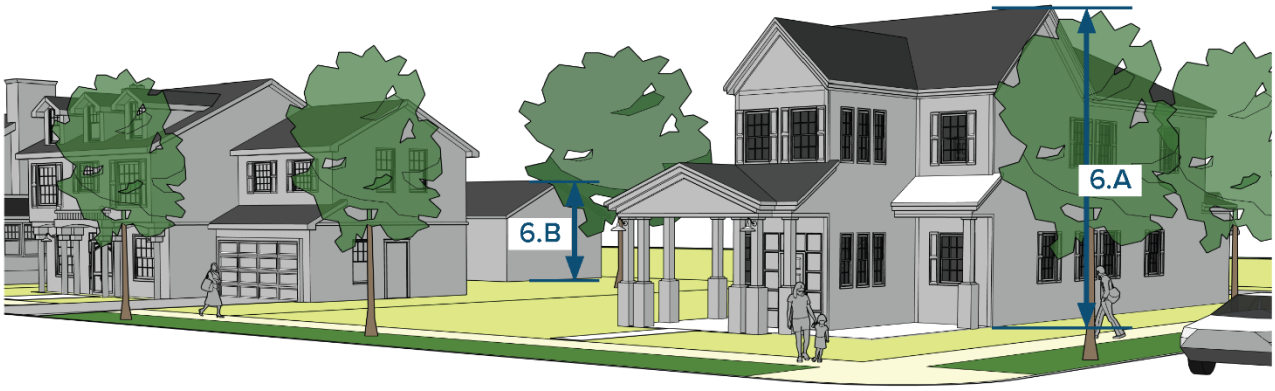
Example Plan



Example Axon



Example Perspective



Neighborhood Residential District

1. Purpose

The Neighborhood Residential District is a residential district that buffers the Residential and Village Residential Districts, allowing limited multi-unit living. This district supports single-unit attached and detached dwellings, as well as two- and three-unit dwellings, townhouses, community residential facilities, and accessory dwelling units (ADUs).

2. Examples





3. Frontage Elements

Only the following frontage elements indicated in BOLD are allowed:

Stoop **Porch** Lightwell Awning

4. Lot Dimensions

A	Lot area (min)	**7,500 sf**
B	Lot width (min - max)	**30 ft - 100 ft**
C	Lot coverage (max)	**35%, 50% with ADU**
D	Accessory Structure max total footprint	**900 sf**

5. Building Setbacks

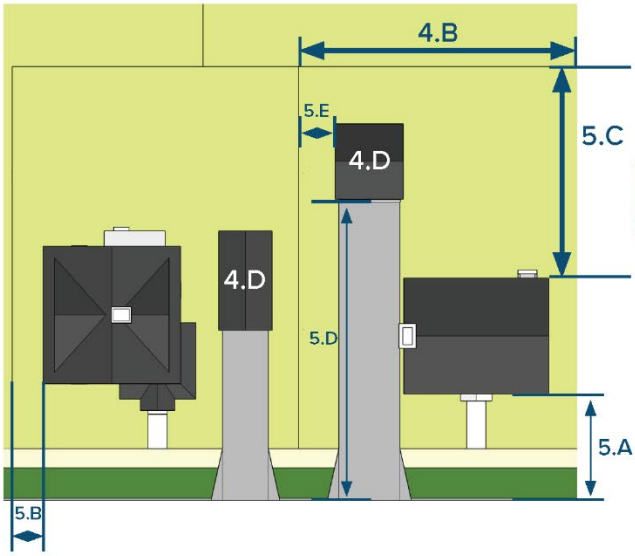
A	Front yard (min - max)	**10 ft - average of adjacent**
B	Side yards (min total)	**10 ft (2 ft min)**
C	Rear yard (min)	**50 ft**
D	Parking Setback*	**Greater than primary facade setback**
E	Accessory Structure (side/rear yard)	**5 ft**

*In R, NR, and VR Districts, parking is prohibited in all front yards except in the driveway which shall be limited to no more than two lanes with a maximum combined width of 20 ft.

6. Building Height

A	Primary Structure (max)	**2 stories, 35 ft**
B	Accessory Structure (max)	**Less than primary structure**

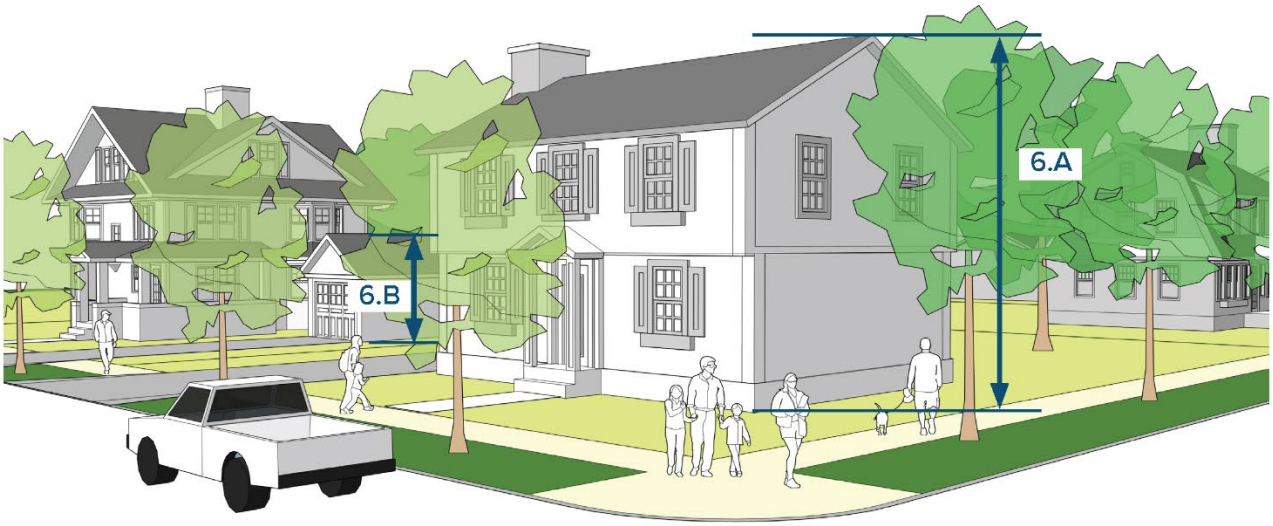
Example Plan



Example Axon



Example Perspective



Village Residential District

1. Purpose

The Village Residential District allows all residential uses, including dwellings with more than three units, while preserving Fayetteville's historic character. A mix of housing types will help to meet the changing needs across the Fayetteville community. A portion of this district falls within the Village's Historic Overlay.

2. Examples





3. Frontage Elements

Only the following frontage elements indicated in BOLD are allowed:

Stoop **Porch** Lightwell Awning

4. Lot Dimensions

A	Lot area (min)	**7,500 sf**
B	Lot width (min - max)	**30 ft - 100 ft**
C	Lot coverage (max)	**35%, 50% with ADU**
D	Accessory Structure max total footprint	**900 sf**

5. Building Setbacks

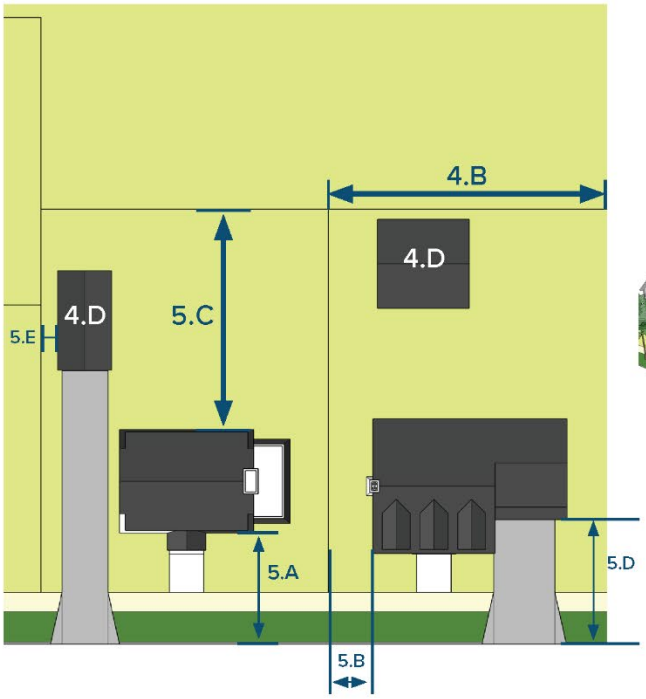
A	Front yard (min - max)	**10 ft - average of adjacent**
B	Side yards (min total)	**10 ft (2 ft min)**
C	Rear yard (min)	**50 ft**
D	Parking Setback*	**Greater than primary facade setback**
E	Accessory Structure (side/rear yard)	**5 ft**

*In R, NR, and VR Districts, parking is prohibited in all front yards except in the driveway which shall be limited to no more than two lanes with a maximum combined width of 20 ft.

6. Building Height

A	Primary Structure (max)	**2 stories, 35 ft**
B	Accessory Structure (max)	**Less than primary structure**

Example Plan



Example Axon



Example Perspective



Village Center District

1. Purpose

A complementary mix of commercial and residential uses is encouraged in the Village Center District to strengthen the existing character, walkability, and vibrancy of the Village Center. A successful district will support multimodal transportation through a safe and well-developed sidewalk and pedestrian network, bicycle infrastructure, and public transportation opportunities inclusive of complete streetscapes.

2. Examples





3. Frontage Elements

Only the following frontage elements indicated in BOLD are allowed:

Stoop **Porch** Lightwell **Awning**

4. Lot Dimensions

A	Lot area (min)	**10,000 sf**
B	Lot width (min - max)	**10 ft - 100 ft**
C	Lot coverage (max)	**90%**
D	Accessory Structure max total footprint	**900 sf**

5. Building Setbacks

A	Front yard (min - max)	**0 ft - 10 ft or average of adjacent**
B	Side yards (min total)	**0 ft**
C	Rear yard (min)	**10 ft**
D	Parking & Loading Setback*	**10 ft**
E	Accessory Structure (side/ rear yard)	**5 ft**

*Parking & Loading Setback applies to parcels in VC, LB, and UB Districts that abut R, NR, or VR Districts.

6. Building Height

A	Primary Structure (max)	**3 stories*, 45 ft**
B	Accessory Structure (max)	**Less than primary structure**

*3 stories may be permitted in the case of a peaked roof with the use of dormers or where the 3rd story is set back from the building facade.

7. Transparency

A	Ground floor transparency, front facade (min)	**50%**
B	Ground floor transparency, corner side facade (min)	**30%**
C	Upper floor transparency, front and corner side facades (min)	**30%**

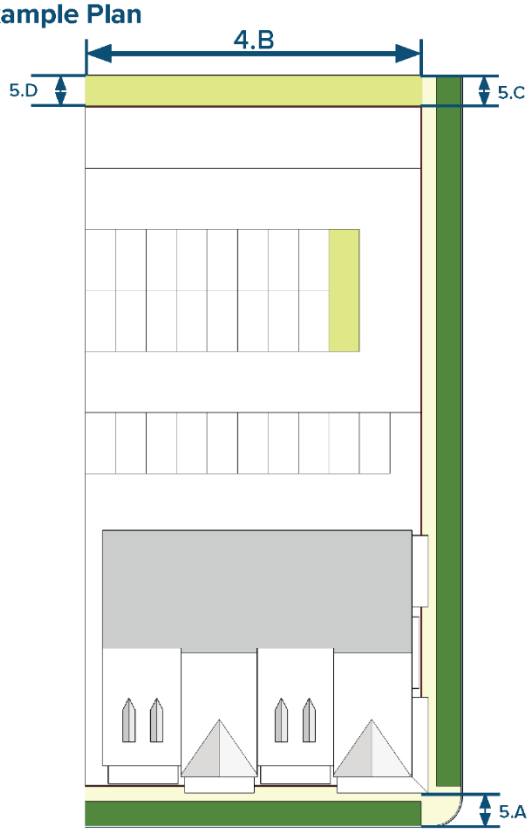
8. Pedestrian Access

A	Main entrance location (required)	**Facing Sidewalk**

9. Building Articulation

A	**Vertically oriented projection or recess no greater than 30 ft apart.**
B	**A horizontal projection is required between the first and third stories.**

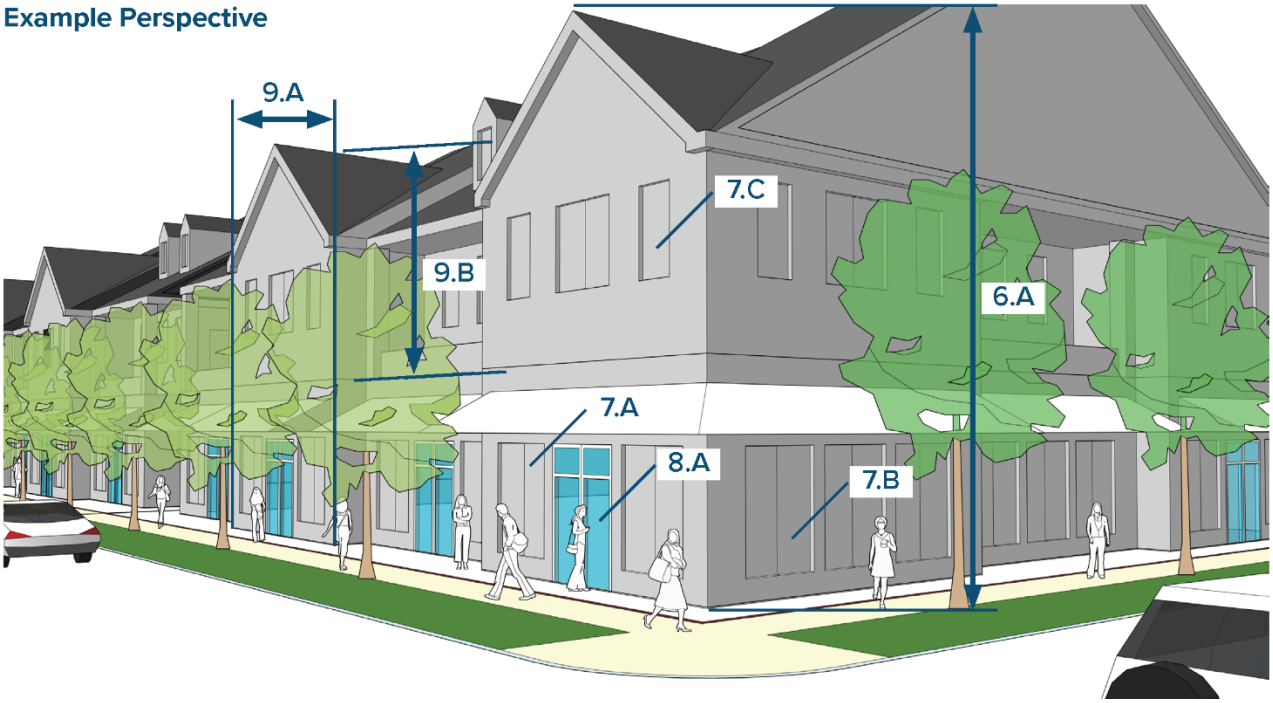
Example Plan



Example Axon



Example Perspective



Limestone Business District

1. Purpose

In the Limestone Business District, a complementary mix of commercial and residential uses are encouraged to reflect the character of the Limestone Plaza Historic District. The design characteristics should accommodate a mix of mobility types and retain strong ties to the existing street network, utilizing setbacks that follow the precedent of the historic Limestone Plaza.

2. Examples





3. Frontage Elements

Only the following frontage elements indicated in BOLD are allowed:

Stoop **Porch** Lightwell **Awning**

4. Lot Dimensions

A	Lot area (min)	**10,000 sf**
B	Lot width (min - max)	**10 ft - 100 ft**
C	Lot coverage (max)	**90%**
D	Accessory Structure max total footprint	**900 sf**

5. Building Setbacks

A	Front yard (min - max)	**0 ft - 10 ft or average of adjacent**
B	Side yards (min total)	**0 ft**
C	Rear yard (min)	**10 ft**
D	Parking & Loading Setback*	**10 ft**
E	Accessory Structure	**5 ft**

*Parking & Loading Setback applies to parcels in VC, LB, and UB Districts that abut R, NR, and VR Districts.

6. Building Height

A	Primary Structure (max)	**4 stories*, 55 ft**
B	Accessory Structure (max)	**Less than primary structure**

*4 stories may be permitted in the case of a peaked roof with the use of dormers or where the 4th story is set back from the building facade.

7. Transparency

A	Ground floor transparency, front facade (min)	**50%**
B	Ground floor transparency, corner side facade (min)	**30%**
C	Upper floor transparency, front and corner side facades (min)	**30%**

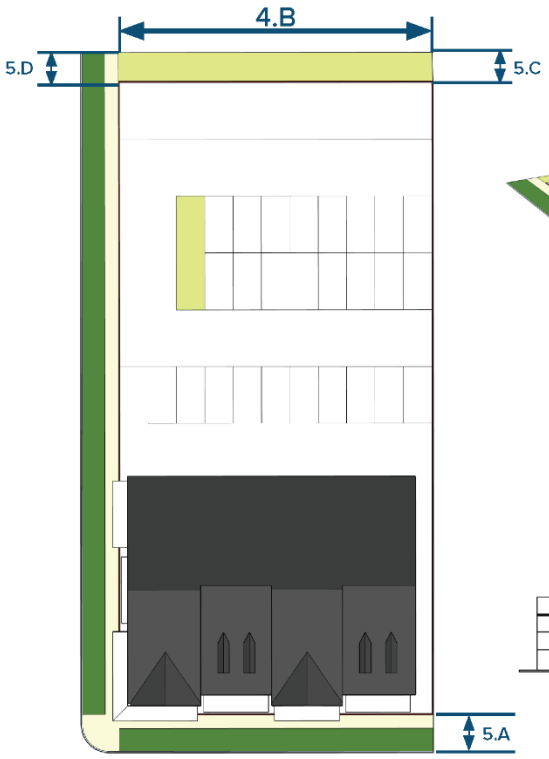
8. Pedestrian Access

A	Main entrance location (required)	**Facing Sidewalk**

9. Building Articulation

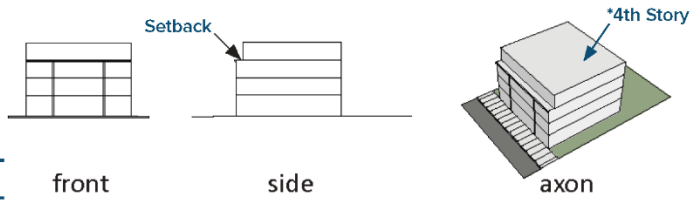
A	**Vertically oriented projection or recess no greater than 30 ft apart.**
B	**A horizontal projection is required between the first and third stories.**

Example Plan



Example Axon





Example Perspective



Upper Business District

1. Purpose

The Upper Business District includes a mix of commercial, civic, and public uses. Small-scale residential uses are not recommended in the Upper Business District to allow for flexibility in uses. The Upper Business District is focused along NYS Route 5, and its uses are intended to service all Fayetteville residents and adjacent communities such as Manlius and Chittenango, while remaining generally separated from established neighborhoods and residential areas.

2. Examples





3. Frontage Elements

Only the following frontage elements indicated in BOLD are allowed:

Stoop Porch **Lightwell** **Awning**

4. Lot Dimensions

A	Lot area (min)	**15,000 sf**
B	Lot width (min - max)	**50 ft - n/a**
C	Lot coverage (max)	**70%, 90% with housing**
D	Accessory Structure max total footprint	**n/a**

5. Building Setbacks

A	Front yard (min - max)	**10 ft - n/a**
B	Side yards (min total)	**5 ft**
C	Rear yard (min)	**10 ft**
D	Parking & Loading Setback*	**20 ft**
E	Accessory Structure	**n/a**

*Parking & Loading Setback applies to parcels in VC, LB, and UB Districts that abut R, NR, or VR Districts.

6. Building Height

A	Primary Structure (max)	**3 stories, 45 feet**
B	Accessory Structure	**n/a**

7. Transparency

A	Ground floor transparency, front facade (min)	**50%**
B	Ground floor transparency, corner side facade (min)	**30%**
C	Upper floor transparency, front and corner side facades (min)	**30%**

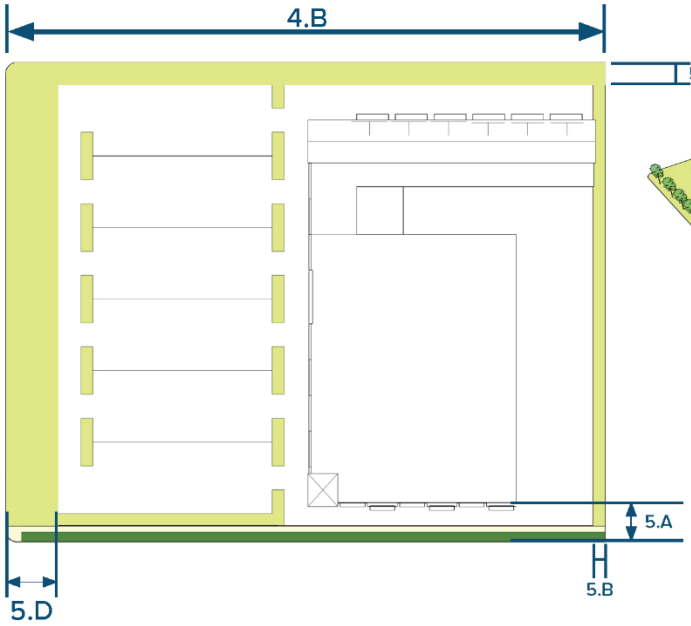
8. Pedestrian Access

A	Main entrance location (required)	**Facing Sidewalk**

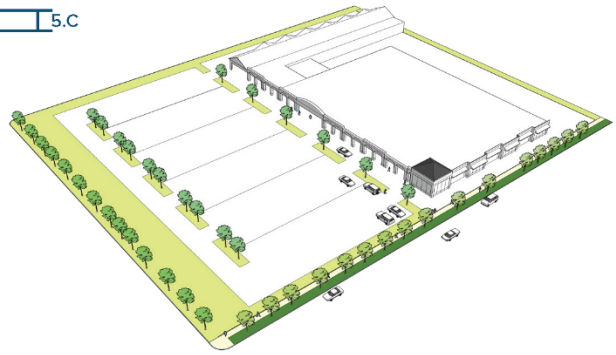
9. Building Articulation

A	**Vertically oriented projection or recess no greater than 30 ft apart.**
B	**A horizontal projection is required between the first and third stories.**

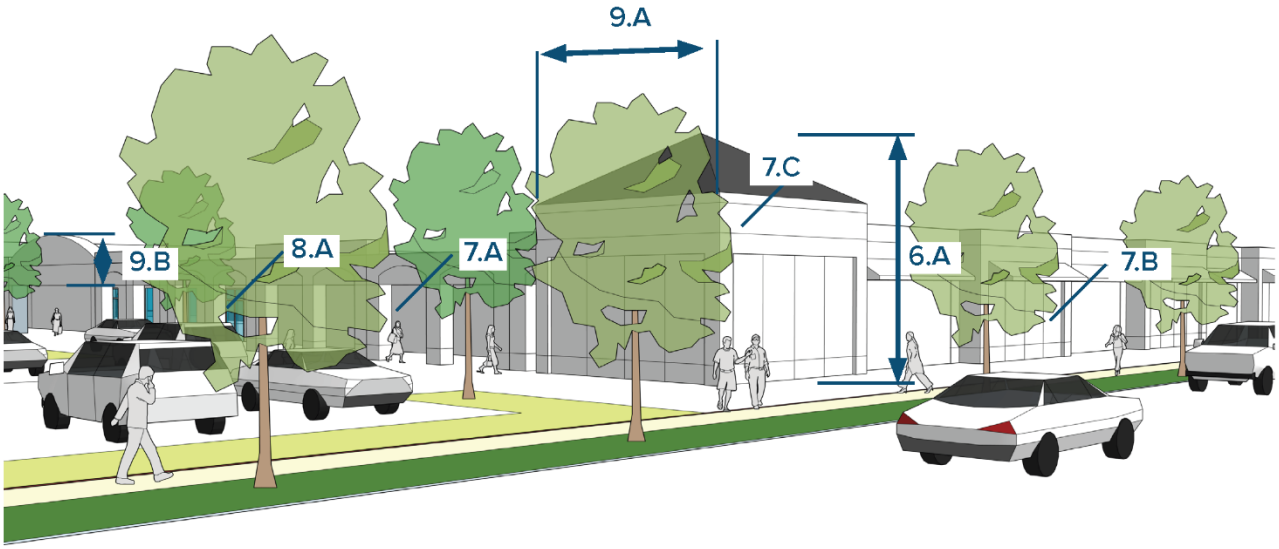
Example Plan



Example Axon



Example Perspective



Article V: Supplemental Regulations

Amusement, recreation or entertainment.

A. Outdoor recreational facilities shall be at least 25 feet from any property line except where greater distances are otherwise required in this chapter. This distance may be waived or modified by the Planning Board during site plan review or special use permit review.

B. Outdoor recreational facilities shall be at least 50 feet from the district boundary when adjacent to R, NR, VR Districts. This distance may be waived or modified by the Planning Board during site plan review or special permit review.

C. No public address system shall be permitted except where such system is inaudible at any property line.

D. In any district where permitted, there may be permitted retail sales which are clearly secondary to the principal use.

Animal Clinic/Veterinary hospital.

A. Animal boarding facilities must be located indoors.

B. Exterior exercise areas must be located to the rear or in an interior courtyard that is surrounded by the principal building on the lot.

C. Any exterior exercise areas must be designed to provide shelter against weather.

D. Fencing of exterior exercise areas is required. Fencing must be set at a height to prevent escape and must be buried a minimum of one foot to prevent escape by digging beneath the fence.

E. No dog kennel, runway or exercise pen/play area shall be located within 200 feet of any R, NR, or VR Districts.

F. No outdoor exercise or play area shall be used without an attendant present.

Automotive.

A. General.

(1) All storage of material, merchandise and equipment shall be within a building.

(2) During business hours, open-air outdoor storage of materials, merchandise and equipment shall be permitted. During nonbusiness hours, storage of materials, merchandise and equipment shall take place within the principal building or within closed, secure containers, such as outdoor storage cabinets.

(3) No automotive activity, and no building within which such operations are conducted, shall take place within 100 feet of the R, NR, or VR Districts. This distance may be waived or modified by the Planning Board during site plan review or special permit review.

(4) No partially dismantled or wrecked vehicle or any unregistered vehicle shall be stored for more

than 48 hours outside of an area unless not visible to public view.

(5) All entrance and exit lanes, parking areas and vehicle storage areas shall be surfaced with an all-weather, durable and dustless surface, and shall not have an entrance or exit for motor vehicles within 50 feet of a residential district.

(6) Stormwater shall be accounted for according to state, local and federal regulations.

B. Motor Vehicle Repair shall be subject to the following requirements:

(1) All repairs shall be performed within an enclosed building on the premises, and the doors of the repair building shall not face any R, NR, or VR Districts.

(2) Storage areas shall be provided for damaged vehicles awaiting repairs and for any vehicles requiring longer-term storage while awaiting repair and shall not be visible from the public right-of-way and neighboring properties in other districts. Such storage area shall be located to the side or rear of the principal building.

(3) Sales of vehicles shall only be accessory to the primary use, and the vehicles shall not occupy the required parking spaces.

C. Drive-in Service shall be subject to the following requirements:

(1) All washing and machine-dry operations shall be conducted within an enclosed building.

(2) Queuing lane(s) shall not interfere with on-site or off-site pedestrian and vehicular circulation.

(3) The building exit for automobiles that have completed the washing and machine-drying process shall be set back a minimum of 40 feet from the nearest point of any property line. This distance may be waived or modified by the Planning Board during site plan review or special permit review.

(4) No washing, vacuuming, steam cleaning, waxing, polishing or machine-drying operation, and no building within which such operations are conducted, shall be permitted within 100 feet of a R, NR, or VR or District.

(5) All lot lines abutting or adjacent to a R, NR, or VR Districts shall be screened on such side by a landscape buffer that may consist of evergreen trees and shrubs, a berm or a six-foot tight board fence or a combination thereof. Such buffer shall be adequate to shield headlights, noise, and uncontrolled access from adjoining properties. No such landscape buffer shall block the sight line distance for ingress and egress to the property.

(6) The applicant shall submit an analysis of the traffic impact of the proposed development that addresses the following:

(a) Projections of site-generated and off-site traffic to be expected on streets in the vicinity upon completion of the proposed development; and

(b) Recommendations for techniques or improvements to deal with any projected traffic congestion or friction.

D. Fuel/convenience stations shall be subject to the following requirements:

(1) All lot lines abutting or adjacent to R, NR, or VR Districts shall be screened on such side by a

landscaped buffer that may consist of evergreen trees and shrubs, a berm or a six- foot tight board fence or a combination thereof. Such buffer shall be adequate to shield headlights, noise, and uncontrolled access from adjoining properties. No such landscape buffer shall block the sight line distance for ingress and egress to the property.

(2) An accessory car wash shall be limited to a single bay, and conditions for such single bay must follow all conditions set forth in supplemental regulations for Drive-in Service.

E. Motor vehicle sales and service shall be subject to the following requirements:

(1) No such use shall be located within 100 feet of any R, NR, or VR District boundary line.

(2) Any sales and service shall be performed only within an enclosed building on the premises.

(3) The showroom shall be oriented toward the public street.

(4) Screened storage areas shall be provided for damaged vehicles awaiting repairs and for any vehicles requiring longer-term storage while awaiting repair. Such storage area shall be located to the side or rear of the principal building.

(5) Vehicle sales and service uses shall be considered parking lots; therefore parking regulations shall apply with regard to landscape requirements.

(a) Where a buffer is required along the front lot line, it can be configured so as not to obstruct the view the vehicles for sale or rent. Where vehicles are for sale, the interior lot vegetation requirements may be reconfigured to the edges of the parking area.

Assisted Living.

A. The minimum lot area is three acres.

B. Functional open space shall be required for on-site resident use.

Bed and Breakfast.

A. No provision is made for cooking in rooms.

B. Separate sanitary facilities may or may not be provided for each room.

C. One or more meals for each guest shall be included.

D. A restaurant open to the public is a permitted accessory use.

E. The owner shall be a resident of the bed and breakfast establishment.

Community Residential Facility.

A. The minimum lot area is one acre.

B. Functional open space shall be required for on-site resident use.

Commercial kennel; pet/dog day care.

A. The minimum lot area is one acre.

B. No dog kennel, runway, or exercise pen/play area shall be located within 100 feet of any R, NR, or VR District. The Planning Board may waive or modify this distance during site plan review or special permit review.

C. No outdoor exercise pen/play area shall be used without an attendant present.

D. For dog day care, all dogs must be licensed and vaccinated.

Dwelling, Two Units.

A. Each dwelling unit shall not be less than 800 square feet, and each unit shall contain provisions for cooking and bathing.

B. Nuisances and garbage. The adaptive reused building shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including, but not limited to: loud music and noises, excessive traffic, junk/debris accumulation in the yards, garbage removal, trespassing, or excess vehicles, boats or recreational vehicles parked in the streets in front of the rental.

Dwelling, Three Units.

A. A minimum of 2,100 square feet of gross floor area is required.

B. Each dwelling unit shall not be less than 700 square feet, and each unit shall contain provisions for cooking and bathing.

C. Appearance and identification. The exterior of the building shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road.

D. Nuisances and garbage. The adaptive reused building shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including, but not limited to: loud music and noises, excessive traffic, junk/debris accumulation in the yards, garbage removal, trespassing, or excess vehicles, boats or recreational vehicles parked in the streets in front of the rental.

Essential services.

Essential services shall be permitted in any District subject to the following regulations:

A. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.

B. Adequate fences, barriers and other safety devices shall be provided, and the facility shall be landscaped in accordance with the provisions of this chapter.

C. Any noise emitted from electric substations shall not be greater than permitted in accordance with the performance standards set forth in this chapter.

Garden center, Retail.

A. Composting and bulk storage areas shall not be located in the front, shall be enclosed and screened year-round from view and set back from side or rear lot lines by a minimum of 25 feet from the R, NR, or VR Districts.

B. Operation of machinery shall be limited to 9:00 a.m. to 5:00 p.m.

Geothermal, Accessory.

A. Geothermal energy system components shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).

B. All aboveground equipment shall comply with the setback requirements of the respective zoning district.

C. Visible equipment, piping, and all other devices shall not be located in any easement, right-of-way, or in front of any building.

Home occupations.

A. Where permitted, each principle dwelling unit may have one minor home occupation, one major home occupation, two minor home occupations, or a combination of one major and one minor home occupation. A dwelling unit may not have two major home occupations.

B. Minor home occupations are subject to the following conditions:

(1) May not serve customers in-person on-site.

(2) May not have visible exterior evidence of the conduct of the occupation.

(3) May not create need for off-street parking beyond normal dwelling needs.

(4) May not generate additional traffic above normal neighborhood levels.

(5) May not use equipment other than that which is normally used in household, domestic, or general office use.

(6) May not have any visible signage.

C. Minor and major home occupations are subject to the following conditions:

(1) May not store any materials outdoors on-site.

(2) May not generate noise above the normal levels of the neighborhood.

(3) May not have delivery or pickup services that would exceed the average volume for the residential neighborhood where the home occupation is located.

(4) On-site parking must be provided.

Personal agriculture.

A. In general.

(1) Animals, crops, plants, and composting shall only be kept in conditions that limit odors, noise, the attraction of insects, and rodents so as not to cause a nuisance or health hazard to occupants of nearby buildings or lots.

(2) Animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

(3) Animal or animal products may not be sold unless it is an approved use in the district in which it located.

(4) Composting areas shall not be located within the setback areas for the district in which it located.

B. Bees.

(1) The keeping of bees, and associated beehives, shall be governed by the following regulations.

(a) In R, NR, and VR Districts, the following regulations shall apply.

(b) Lot size. A minimum lot size of 2,400 square feet is required for beekeeping.

(2) Number. There may only be one beehive for each 2,400 square feet of lot area with a maximum of three beehives per parcel.

(3) Location and setbacks. Beehives may not be located in any of the required setbacks. The front of any beehive shall face away from the property line of the residential property closest to the beehive.

(4) Fences and shrubs. A solid fence or dense hedge, known as a "flyway barrier," at least six feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five feet of the hive and shall extend at least two feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least 25 feet from all lot lines and for beehives that are located on porches or balconies at least 10 feet above grade, except if such porch or balcony is located less than five feet from a lot line.

(5) Water supply. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

(6) Prohibitions. No Africanized bees may be kept on a lot in any district.

Solar, accessory.

A. Roof-mounted solar energy systems.

(1) Roof-mounted solar energy systems that use the electricity on-site or off-site are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

(2) Height. Solar energy systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

(3) Aesthetics. When feasible, panels facing the front must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.

(4) Residential roof-mounted solar energy systems that use the energy on-site or off-site shall be exempt from site plan review under this chapter.

B. Ground-mounted solar energy systems.

(1) Ground-mounted solar energy systems that use the electricity primarily on-site are

permitted as accessory structures in all districts.

(2) Height and setback. Ground-mounted solar energy systems shall adhere to the height and setback requirements of the underlying zoning district.

(3) Lot coverage. The surface area covered by ground-mounted solar panels shall be included in the total allowable lot coverage of the underlying district.

(4) All such systems in the R, NR, or VR Districts shall be installed in the side or rear setbacks.

Townhouse, dwelling.

In any district where townhouse dwelling units are permitted, the side setback between the units may be zero feet.

Wind, accessory.

A. Compliance with Federal Aviation Administration (FAA) regulations. Small wind energy systems must comply with applicable FAA regulations.

B. Turbines shall be mounted on building

C. Height shall be limited to no more than 10 feet higher than the highest building in the district and is defined as the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

D. Setbacks shall be a minimum of 50 feet from the center of the road plus the height of the unit (tower and rotor). Side and rear setbacks shall be a minimum of 10 feet plus the height of the unit (tower and rotor).

E. Sound. No wind energy system shall exceed 45 dBA, as measured at the closest neighboring dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms. When determining the level of sound, measurements shall be averaged over a twenty-four-hour period of time.

F. Safety. Wind turbine towers shall not be climbable up to 15 feet above ground level.

G. Wind turbines shall not be allowed within the Historic District.

Article VI: General Regulations

Accessory structures.

Accessory structures shall be prohibited in the front setback.

Intersection visibility.

On a corner lot in any residential district where streets intersect, no fence, wall, hedge, or other similar planting shall be erected, placed, or maintained that obstructs the view of pedestrians, bicycles, or vehicles.

Decks, terraces, and steps.

The provisions of this chapter, including setback requirements, shall not apply to unroofed decks, terraces, steps or other similar features at or below the level of the floor of the first story even if attached to a building except such features associated with outdoor drinking and eating establishments as stated herein.

Earthwork.

A. Stripping of topsoil. No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

B. Natural production uses. There shall not be permitted in any district the excavation for sale of sand, gravel, clay, shale or other natural mineral deposit or the quarrying of any kind of rock formation.

Fences.

A. No person, firm or corporation shall commence the erection, construction, or alteration of any fence without first applying for, and obtaining, a fence permit from the Code Enforcement Officer for each such fence.

B. Application for a fence permit shall be made to the Code Enforcement Officer and shall contain the information requested on such forms plus any additional information as may be determined as necessary.

C. All applications shall be signed by the owner of the property upon which such work is to be performed. Where such application is made by a person other than the owner, it shall be accompanied by written authorization of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

D. No fence shall be more than six feet in height, except as otherwise restricted below.

E. The height of a fence shall not include post finials extending above the fence.

F. Fences located less than 20 feet from a street line:

(1) Shall not be more than four feet in height.

(2) Shall be of an open design, such as ornamental iron, split rail or picket where the ratio between space and fence material is at least 1:1, except as otherwise restricted below.

(3) Shall not be located less than five feet from a neighbor's driveway or a shared driveway.

G. The side of the fence facing away from the fence owner's property shall have a finished quality.

H. Ornamental landscaping features, such as stone walls, retaining walls and planters, less than 36 inches in height, shall be considered decorative features and not fences.

Height.

A. Height exceptions. The height limitation of this chapter shall not apply to spires, belfries, cupolas not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, antennas, and necessary mechanical appurtenances which are less than 10 feet in height over the roofline.

Landscape and buffer requirements.

A. Applicability.

(1) A landscape plan is required as part of every site plan review application. Landscape plans must meet the Design Guidelines set forth in these regulations and are subject to approval by the Village of Fayetteville Planning Board, where Site Plan Review is required.

(2) Landscaping is required to minimize negative impacts from development by creating visual and noise buffers between adjoining property uses and promoting harmonious streetscapes. The intent of these standards is also to replace trees lost due to development and to establish incentives for the preservation of existing trees.

(3) These standards will also provide direction to the applicants where buffer zones are required.

B. General provisions.

(1) A tree planting schedule shall be included on each landscape plan. No one species of trees may take up more than 15% of the total amount of the proposed tree plantings.

(2) Trees from the list provided below shall be referenced in developing the landscape plan. Tree diameter shall be measured four feet from the base of the tree (diameter at breast height or DBH). The developer/owner shall make every effort to preserve and protect existing trees over 12 inches in diameter. These significant trees and areas shall be located during the site survey and considered in the site planning process.

(3) Tree removal or planting in the Village right-of-way shall be in accordance with Chapter 167 of the Code of the Village of Fayetteville.

(4) Landscaping must be maintained in a healthy growing condition at all times. The property owner is responsible for replacing any trees or landscaping approved as part of site plan or special use permit approval that dies after planting.

(5) The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing,

pruning, and other permanent maintenance of all plantings as needed.

C. Landscaped strips along street rights-of-way.

(1) A landscaped strip shall be provided adjacent to all public and private rights-of-way and streets in the Limestone Business (LB), Village Center (VC), and Upper Business (UB) Districts regardless of setback distance. Within the landscaped strip, one large deciduous tree (two inches DBH minimum) shall be provided every 35-40 linear feet. Planting beds with shrubs, perennials, annuals, native or ornamental grasses are recommended in between the trees.

(2) Maximizing the size of continuous soil volume should be a priority. Soil depth for large deciduous trees shall be 36". For two or more trees, a minimum soil volume of 750 cubic feet per tree. Tree plantings should be connected together with engineered soil, as approved by the Tree Commission. Suspended pavement systems may be considered with approval from the Tree Commission. For a single tree, a minimum soil volume of 1,000 square feet shall be provided.

(3) Where parking lots and/or driveways abut the landscaped strip along the street right-of-way, shrubs shall be used for screening in addition to the shade trees. The screening shall be a plant species that grows to a minimum of three feet high and extends along the entire street frontage of the parking lot, exclusive of driveways and visibility setbacks. A landscaped berm may also be utilized to screen the parking lots and driveways. If used, the berm shall be a minimum of 30 inches above the average grade of the street and parking lot curbs with a slope not to exceed 3:1. If a parking lot is located 50 feet or more from the street right-of-way, no screening shrubs or berm are required. Street-level landscaping shall not interfere with the visibility of drivers entering or exiting or driving by the property. All landscaping (trees, shrubs, and planted beds) shall not impede sight triangles.

D. Side and rear yard landscaping.

A side and rear yard landscaped strip shall be provided that is at least 10 feet wide. Within the landscaped strip, a minimum of one large deciduous tree (two inches DBH minimum) shall be provided every 40 linear feet or one small to medium deciduous tree (1.5 inches DBH minimum) should be provided every 20 linear feet. Planting beds with shrubs, perennials, and/or annuals or (native/ornamental) grass areas are recommended in between the trees. Where parking lots and driveways abut the landscaped strip, shrubs shall be considered for screening in addition to the shade trees. The screening shall be a plant species that grows to a minimum of three feet high and extends along the entire street frontage of the parking lot, exclusive of driveways and visibility setbacks. A landscaped berm may also be utilized to screen the parking lots and driveways. If used, the berm shall be a minimum of 30 inches above the average grade of the street and parking lot curbs with a slope not to exceed 3:1. If a parking lot is located 50 feet or more from the street right-of-way, no screening shrubs or berm will be required.

E. Interior parking lot landscaping.

(1) Interior parking lot trees and landscaping is required in addition to the landscaped strip. Trees shall be provided in each parking lot at a minimum average density of one large deciduous tree (two-inch DBH) for each 2.5 parking spaces, or any fraction thereof.

(2) The interior parking lot trees and landscaping shall be evenly distributed throughout the parking lot.

(3) Maximizing the size of continuous soil volume should be a priority. Soil depth for large

deciduous trees shall be 36". For two or more trees, a minimum soil volume of 750 cubic feet per tree. Tree plantings should be connected together with engineered soil, as approved by the Tree Commission. Suspended pavement systems may be considered with approval from the Tree Commission. For a single tree, a minimum soil volume of 1,000 square feet shall be provided.

(4) Adequate protection around each tree should be provided.

F. Exterior parking lot landscaping.

A landscaped strip shall be provided around the perimeter of any parking lot exclusive of driveways. The landscaped strip shall be a minimum of eight feet wide, except where other provisions apply. Within the perimeter landscaped strip, one large deciduous tree (two inches DBH minimum) shall be provided every 40 linear feet or one small to medium deciduous tree (1.5 inches DBH minimum) shall be provided every 20 linear feet or one large coniferous tree (six foot high minimum) shall be provided every 20 linear feet.

G. Buffer zone requirements between residential and nonresidential districts.

(1) A buffer zone between residential and nonresidential and districts is required. The purpose of the buffer zone(s) is to separate land uses and offer visual screening between uses that may not be compatible.

(2) The required buffer areas within each listed zoning district shall contain the following landscaping:

(a) Limestone Business, Village Center, and Upper Business Districts. A landscaped strip shall be provided to separate the LB, VC, and UP Districts from the Residential (R), Neighborhood Residential (NR), and Village Residential (VR) Districts. The landscaped strip shall be a minimum of 15 feet wide. Within the landscaped strip, one large deciduous tree (two inches DBH minimum) shall be provided every 40 linear feet, along with planting beds in between the trees containing assorted shrubs or one small to medium deciduous tree (1.5 inches DBH minimum) shall be provided every 20 linear feet, along with planting beds in between the trees containing assorted shrubs or one large coniferous tree (six foot high minimum), stagger planted, shall be provided every 15 linear feet. In addition to the required trees and shrubs, a six-foot-high opaque fence (stockade or equal) should be provided.

H. Special provisions for existing sites.

When an existing site is undergoing any external alteration or expansion of the site or building, the objective of these standards is to bring the existing site into compliance with the standards of this section in relation to the extent of expansion or change on a site.

I. Incentives to preserve existing trees.

The Planning Board encourages the preservation of quality and mature trees by providing credits toward the required landscaping. Trees intended to be preserved shall be indicated with a special symbol on the landscape plan and shall be protected during the construction through use of a fence around the dripline. To obtain credit, the preserved trees shall be of a high quality and at least 2 1/2 inches in diameter. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Board. The credit for preserved trees shall be as follows:

Diameter of Preserved Tree (in inches)	Number of Trees Credited
Over 12	5
8 to 11.9	4
2.5 to 7.9	2

Any preserved trees receiving credit which are lost within three years after construction completion shall be replaced by the landowner with trees otherwise required.

J. Recommended tree species.

Following is a list of recommended trees along with their general needs and tolerances. Individual selections should account for site-specific space, soil, line-of-sight, snow storage, and utility clearance needs. Applicants should coordinate with the Village's Tree Commission to review the proposed planting plan to determine appropriate species for the project.

1) Deciduous Trees

Scientific Name	Common Name	Soil Moisture	Salt Tolerant	Street Tree/ Parking Lot Appropriate	Mature Height	Mature Spread
Malus spp.	Crabapple	Medium	Moderate	Yes	15–25 ft	15–30 ft
Amelanchier spp.	Serviceberry varieties	Medium	Moderate	No	15-30 ft	15–20 ft
Syringa reticulata	Japanese tree lilac	Medium	Moderate	Yes	20–30 ft	15–20 ft
Maackia amurensis	Amur maackia	Medium	Moderate	No	20–30 ft	20–30 ft
Prunus sargentii	Sargent cherry	Medium	Moderate	No	20–30 ft	20–30 ft
Cercis canadensis	Eastern redbud	Medium	No	No	20–30 ft	25–35 ft
Carpinus caroliniana	American hornbeam	Medium	No	No	20–35 ft	20–30 ft
Crataegus phaenopyrum	Washington hawthorn	Medium	Moderate	Yes	25–30 ft	25–30 ft
Ostrya virginiana	Eastern hophornbeam (Ironwood)	Medium to Dry	No	No	25–40 ft	20–30 ft
Gleditsia triacanthos var. inermis	Imperial honeylocust	Medium	Yes	Yes	30–40 ft	25–35 ft
Aesculus carnea	Red horsechestnut	Medium	Moderate	No	30–40 ft	25–35 ft
Celtis occidentalis	Hackberry	Medium to Wet	No	Yes	40–60 ft	40–60 ft
Quercus muehlenbergii	Chinkapin oak	Dry to Medium	No	No	40–60 ft	50–70 ft
Betula nigra	River birch	Medium to Wet	Moderate	No	40–70 ft	40–60 ft

Quercus robur	English oak	Medium	Moderate	No	40–70 ft	40–70 ft
Corylus colurna	Turkish filbert	Medium	No	No	40–80 ft	30–50 ft
Quercus bicolor	Swamp white oak	Medium to Wet	Moderate	Yes	50–60 ft	50–60 ft
Tilia cordata	Littleleaf linden	Medium	No	No	50–70 ft	35–50 ft
Ginkgo biloba	Ginkgo	Medium	Yes	Yes	50–80 ft	30–40 ft
Quercus rubra	Northern red oak	Dry to Medium	Yes	Yes	60–75 ft	50–75 ft
Tilia americana	American linden	Medium	No	No	60–80 ft	30–50 ft
Gymnocladus dioicus	Kentucky coffeetree	Medium	Yes	Yes	60–80 ft	40–55 ft
Quercus macrocarpa	Bur oak	Dry to Medium	Yes	Yes	60–80 ft	60–80 ft
Platanus × acerifolia	London planetree	Medium to Wet	Moderate	Yes	70–100 ft	65–80 ft
Liriodendron tulipifera	Tulip tree	Medium to Wet	No	No	70–90 ft	35–50 ft

2) Coniferous Trees for screening

Scientific Name	Common Name	Soil Moisture	Salt Tolerant	Street Tree/ Parking Lot Appropriate	Mature Height	Mature Spread
Picea abies	Norway spruce	Medium to Dry	No	No	40–60 ft	25–30 ft
Thuja standishii x plicata	Green Giant Arborvitae	Medium	No	No	40–60 ft	12–18 ft

Lighting.

A. It is the intent of these lighting regulations to minimize glare and light pollution while providing the minimum amount of lighting on commercial sites necessary to ensure the safe use of the property.

B. For projects subject to site plan review, no replacement or installation of new lighting fixtures shall be permitted unless in conformance with this section and the Design Guidelines.

C. These standards may be waived or modified by the Planning Board during site plan review or special permit process when the following standards cannot be reasonably met.

(1) All lights and illuminated signs shall be DarkSky approved and designed in such manner as to prevent objectionable light at and across the property lines and prevent direct glare at any location on or off the property.

(2) The horizontal luminance levels described in the following table, *Maximum Horizontal Luminance,* shall be observed.

Table X: Maximum Horizontal Luminance

Use	Horizontal Luminance (footcandles)
Commercial Parking Lot	2.5
Industrial Parking Lot	1.0
Office Parking Lot	1.0
Recreation Parking Lot	2.5
Multi-unit Parking Lot	2.5
Churches/Education	1.0
Building Entrances	5.0
Building Exteriors	1.0
Loading/Unloading Areas	20.0
Gas Station Approach/Driveway	2.0
Gas Station Pump Island	10.0
Gas Station Service Areas	3.0
Seasonal Stands	25.0
Driveways and Road Approaches	2.0
Sidewalks and Bikeways	1.0

For uses not listed in the Maximum Horizontal Luminance table, the Planning Board may determine the appropriate level by referencing The IES Lighting Handbook, published by the Illumination Engineering Society of North America. The Planning Board may vary these standards to suit the Village's interests, especially regarding the brightness and use of the surrounding environment.

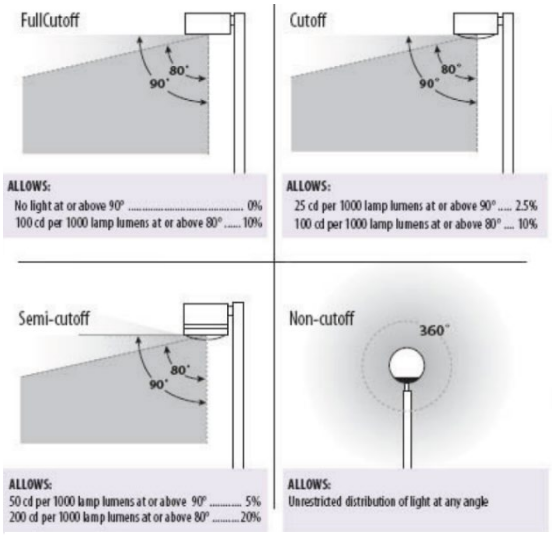


Figure 8 Acceptable and Prohibited Cutoff Angles
(Photo Credit: lithonia.com, Cutoff Classifications-Luminaire Classification for Controlling Stray Light

(3) All outdoor fixtures shall be fully shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture.

(4) All lighting shall also be shielded to prevent direct glare and/or light trespass, and shall be, as much as physically practical, contained to the property.

(5) Lighting shall not interfere or impair pedestrian or motorist vision.

(6) Light trespass shall not exceed 0.25 footcandle at the property line of properties with residential uses. Light trespass shall not exceed 0.5 footcandle at the property line for all other uses.

(7) All nonessential lighting shall be time controlled. "Nonessential" can apply to display, indoor lighting that is visible to the outside, aesthetic, parking and sign lighting.

(8) Internal lighting outside of operational hours - All internal lighting visible from the exterior of non-residential buildings shall be reduced to no more than 25% of full illumination levels between 10:00 PM and 6:00 AM, unless the building is in active use. Lighting shall be shielded or filtered to prevent glare and light trespass beyond the property line. Buildings with extensive glazing shall incorporate interior shading or automatic lighting controls to minimize nighttime light spill.

(9) Electrical feeds to lighting standards shall be run underground, not overhead.

(10) Prohibitions. With the exception of the lighting of the United States flag, the following is prohibited:

(a) Uplighting. Externally lit signs, displays, buildings, structures, streets, parking areas, recreational areas, landscaping, and other objects lit for aesthetic or other purposes must be lit at the top and shine downward.

(b) Unshielded wallpack-type fixtures.

(c) Lighting that changes in color, intensity, direction, etc., is prohibited.

Outdoor drinking and eating establishments.

A. In or adjacent to the Residential (R) District and Neighborhood Residential (NR) District, the following distance and hour restrictions apply and may be modified by the Planning Board during

site plan review or special permit review.

(1) If there is an outdoor space it shall be set back at least 30 feet.

(2) Outdoor spaces used for dining shall be closed to patrons by 11:00 p.m.

(3) Outdoor music, live or recorded, shall be closed to patrons by 8:00 p.m. on weeknights (Sunday to Thursday) and 11:00 p.m. on weekend nights (Friday and Saturday).

B. The fence regulations herein may be waived or modified for the purposes of screening the outdoor dining area from the adjacent residential use by the Planning Board during site plan review or special permit review.

Performance standards.

The following activity standards shall apply to all uses in all districts.

A. Vibration. No vibration discernible at the lot lines or beyond shall be permitted.

B. Smoke. No emission of visible gray smoke of a shade equal to or darker than No. 2 on the Ringelmann Chart, measured at the point of emission shall be permitted.

C. Odors. No obnoxious odor noticeable at the lot line or beyond shall be permitted.

D. Fly ash; dust. No emission which can cause any damage to human or animal health or vegetation or other forms of property or any excessive soiling shall be permitted.

E. Liquid or solid wastes. No discharge into any present or future disposal system, public or private, or streams or into the ground of any materials of such nature or temperature as to contaminate groundwater or surface water supply shall be permitted.

F. Radioactivity. No activities which emit dangerous radioactivity at any point, as covered by federal government standards, shall be permitted.

G. Fire and explosion hazard. No process or storage of material in such manner as to create undue hazard by reason of fire or explosion shall be permitted.

H. Electrical emissions. Electrical operations shall not create disturbances to other types of electrical transmissions in the vicinity.

I. Vermin. No material stored either indoors or outdoors in a manner which attracts vermin shall be permitted.

Recreational Vehicles (RVs).

A. A recreational vehicle intended for portable temporary housing of guests or occupants may be used for habitation, sleeping or housekeeping purposes when parked or stored on a residential lot for up to a total of 90 days within a twelve-month period. There shall be no fee charged for such occupancy.

B. A recreational vehicle may be used for temporary housing of the owner of the lot on which a residential dwelling is being constructed in conjunction with a valid building permit.

C. Recreational vehicles on undeveloped lots shall not be permitted.

D. Recreational vehicles shall:

(1) Not be allowed in front setback.

(2) Not operate a generator between the hours of 10:00 p.m. and 7:00 a.m.

(3) Have proof of adequate water, sewer, and electric provisions.

Setbacks.

A. Where two different districts abut, the setbacks for the more restrictive district shall apply.

B. Projections.

(1) Projecting architectural features. The space in any required setback shall be open and unobstructed except for the ordinary projections of windowsills, belt courses, cornices, eaves and other architectural features; provided, however, that such features shall not project more than two feet into any required setback.

(2) Bay windows. Bay windows, including their cornices and eaves, may project into any required setback not more than two feet; provided, however, that the sum of such projections on any wall does not exceed 1/3 the length of said wall.

(3) Fire escapes. Open fire escapes may extend into any required setback not more than four feet six inches.

C. Front setback depth. In any R, NR, or VR district, each dwelling hereafter erected shall have a front setback not more than the average depth of the front setbacks of the lots immediately adjacent thereto on either side.

Swimming pools.

A. All swimming pools must comply with the Village Code and New York State requirements.

B. All swimming pools shall be considered structures and meet the setback requirement provisions of this chapter.

C. Private pools are prohibited in all front setbacks.

D. All appurtenant structures, installations and equipment, such as showers, dressing rooms, equipment houses or other buildings and structures shall comply with all applicable requirements of this chapter.

Trash dumpsters and enclosures.

A. All trash dumpsters shall be located so as to have easy access for removal and not to interfere with internal vehicular and pedestrian circulation or with normal traffic patterns on adjoining streets.

B. All trash dumpsters shall be fully enclosed and screened by a combination of fence or wall and landscape materials. Screening that complements the project architecture is encouraged.

C. A solid screen of a minimum height equal to the height of the dumpster shall be erected around three sides of the dumpster, excluding the side for access.

D. Access to the dumpster shall be screened by a solid gate and shall remain closed and secured at all times, excluding loading and unloading of material within said dumpster.

E. Trash dumpsters shall not be located within any required setback area.

F. No trash dumpster/enclosure shall be located in the front setback or Village right-of-way of any property.

G. Trash dumpsters shall not be located in any setback adjacent to the Residential and Neighborhood Residential Districts.

Article VII: Signs

Purpose.

The purpose and intent of this chapter shall be to coordinate the type, placement, number, construction material, aesthetic character and physical dimensions of signs within the different land use zones and neighborhoods located within the Village; to recognize the commercial communication requirements of all sectors of the business community while promoting safety and preserving the character of the Village as a whole and its individual neighborhoods; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These purposes shall be accomplished by regulations of the design, display, location, erection, use and maintenance of signs.

Approval and permit required.

After the effective date of this article and except as otherwise provided, it shall be unlawful and a violation of this chapter for any person to erect, construct, paint, alter, display or maintain or cause to be erected, constructed, displayed or maintained within the Village of Fayetteville any sign or signs without first having obtained both written sign approval from the Village Planning Board, a written sign permit from the Village Codes Enforcement Officer and a certificate of sign compliance for such sign or signs (except where herein specifically exempted therefrom) and without having complied with the provisions of this chapter. A "sign" shall be defined in Terminology and Definitions. Any deviation in the size of the signs requires a use variance.

Permit not required.

The following signs are permitted in any use district without a sign permit or the payment of any fee:

A. Governmental Function

(1) Such sign(s) shall not exceed the minimum size and number required by the governmental unit;

(2) Any requirements of this article not inconsistent with said governmental unit regulations shall be adhered to;

(3) Such sign(s) shall not require a sign permit or a certificate of sign compliance from the Codes Enforcement Officer; and

(4) No fee shall be imposed by the Village therefor. Said sign(s) required by the governmental unit shall not diminish the signage which would otherwise be permitted by this article.

B. Political signs on private property.

C. Historic Building Markers

(1) Plaques or markers commemorating the historic significance of a building, site, or district shall be permitted subject to obtaining a certificate of appropriateness from the Fayetteville Historic Preservation Commission.

Application for sign approval and permit.

A. Application.

(1) Except as otherwise stated in this chapter, any person desiring to procure a permit for a sign or signs shall file a written application for sign approval with the Village Planning Board through the Code Enforcement Office. Each application will be approved or disapproved by the Village Planning Board. Upon approval by the Village Planning Board, a sign permit must be obtained from the Village Codes Enforcement Officer, which sign permit shall be granted upon a showing that the proposed sign complies with said approval, this chapter and the New York State Uniform Fire Prevention and Building Code.

(2) All applications for sign approval and/or sign permit shall include the following:

(a) Name, address and telephone number of applicant.

(b) Location and zoning district of the building, structure or land to which or upon which the sign is to be erected.

(c) A detailed drawing or blueprint showing description of the construction details, size and color of the sign and showing the lettering style and pictorial matter composing the sign, position of lighting or other devices, a location plan showing the position of the sign on any building or land and its position in relation to nearby buildings or structures, lot lines and to any private or public street or highway.

(d) Written consent of the owner of the building, structure or land to which or upon which the sign is to be erected.

(e) A copy of any required or necessary electrical permit issued for said sign or a copy of the application therefor.

B. Time limit. If a sign permit has not been obtained within 60 days from the date of issuance of said sign approval, said sign approval shall become null and void but may be renewed by the Planning Board for good cause after expiration of said date. In order to obtain a renewal, a written request for the same and explanation of the need for the renewal must be submitted to the Planning Board. If the sign authorized under any such sign permit has not been erected within six months from the date of the issuance of such permit, the permit shall become null and void but may be renewed by the Codes Enforcement Officer for one additional three-month period, for good cause shown, after the expiration date. In order to obtain a renewal, a written request for the same and explanation of the need for said renewal must be submitted to the Codes Enforcement Officer.

C. Criteria.

(1) The number, area and dimensions of permitted signage set forth in this Article shall be considered the maximum allowable, and the Planning Board shall grant lesser signage wherever necessary to comply with the standards set forth herein.

(2) The Planning Board shall grant sign approval for only that signage which complies with each of the following standards, and it shall be the applicant's responsibility to provide all documentation required by the Planning Board to establish compliance with this article:

(a) The signage shall be specifically compatible with the architectural features of the structures and improvements located on the site.

(b) The signage shall be generally compatible with the architectural style of the structures and improvements located on the adjacent properties in the surrounding neighborhood and the character thereof.

(c) The signage shall not impede vehicular or pedestrian safety on or surrounding the site and shall be constructed, located and maintained in a safe manner.

(d) The signage shall comply with the Code of the Village of Fayetteville.

(3) The Planning Board shall consider the following factors in determining whether the signage complies with the above standards:

(a) Sign type, number, size, material, color, location and design.

(b) The physical and aesthetic characteristics of all structures and improvements on the site; and the surrounding area and physical characteristics of the site.

(4) The Planning Board shall impose such conditions on the approval of any sign as, in its opinion, are necessary and reasonable to implement the provisions of this article.

Certificate of sign compliance.

A. New or modified signs.

B. Application for a certificate of sign compliance must be filed with the Codes Enforcement Officer immediately upon erection of any new or modified sign for which a sign permit is required.

(1) If a certificate of sign compliance is denied or if application has not been filed within two weeks of erection and/or modification of a sign, said sign must be removed immediately. The Codes Enforcement Officer may extend said time period, even after expiration thereof, for one additional two-week period upon a showing of just cause. In order to obtain an extension, a written request for extension and explanation of the need for the same must be submitted to the Codes Enforcement Officer.

C. Signs existing at the time of the adoption of this article.

(1) If written notice from the Codes Enforcement Officer is received, application for certificate of sign compliance for all existing signs shall be filed within two weeks.

(2) If a certificate of sign compliance is denied or if application is not filed within two weeks of receipt of said written notice, said sign must be removed immediately. The Codes Enforcement Officer may extend said time period, even after expiration thereof, for one additional two-week period upon a showing of just cause. In order to obtain an extension, a written request for extension and explanation of the need for the same must be submitted to the Codes Enforcement Officer.

D. Said certificate of sign compliance must be kept on the premises at all times and must be available for inspection during regular business hours.

E. If a sign for which a valid certificate of sign compliance has not been obtained pursuant to this section is not removed by the owner of the sign or the owner of the property on which it is located as set forth herein, the Codes Enforcement Officer may cause said sign to be removed and charge the costs thereof to the owner of the sign or the owner of the property on which said sign is located.

Said expense may be charged as a lien against the real property.

Bond.

When, in the opinion of the Codes Enforcement Officer, a hazard exists to the public health, welfare and safety, the Codes Enforcement Officer may require a bond and/or insurance policy for the protection of the Village in such amount(s) deemed to be sufficient at the time of application.

Measurements.

Signs shall be measured as follows:

A. Borders.

(1) Attached signs, including a border or frame, shall be measured along the exterior edge of said border or frame, and the interior area of such measurement shall be considered the area of the sign.

B. Signs of freestanding letters and/or symbols attached to a structure or canopy shall connect the exterior edge of said letters and/or symbols for purposes of measurement, and said connected area shall be deemed the border for measurement as set forth above.

C. Freestanding signs shall be measured along the exterior edge of the border or frame, and only one side of double-sided signs shall be counted as the sign area.

Prohibited signs.

Except as otherwise provided herein by this chapter or approved by the Historic Preservation Commission within the Historic Preservation Overlay District, the following are prohibited:

A. Notices, posters or other papers or devices calculated to attract the attention of the public affixed to any lamppost, public utility pole or shade tree or upon any public structure or building except as may be authorized by this article.

B. Billboards.

C. Any exposed (external to a building) neon or gas-filled tube-type signs visible from the public right- of-way. Any existing neon or gas-filled tube signs may not be replaced or repaired.

D. Signs projecting from buildings, except where attached flush or parallel to and within 12 inches of a permitted structure.

E. Roof signs (except aviation direction painted on roof surfaces).

F. Flashing, moving, fluttering, revolving or intermittent signs.

G. Banners, posters, ribbons, balloons, spinners or streamer devices.

H. Strings of lights for advertising or attracting attention.

I. Tethered, gas-filled, airborne advertising devices.

J. Signs or other lighting devices of excessive intensity beamed or directed upon a public right-of-way or adjacent premises so as to cause a traffic hazard or other nuisance.

K. Any sign(s) which constitute(s) a traffic hazard.

L. Electronic or electronically controlled message boards (or signs) where scrolling or moving copy or changing graphics of any kind are shown and are viewable from the public right-of-way; any sign which changes the text of its copy electronically or by electronic control. This prohibition also applies to static electronic message boards or signs.

M. Internally illuminated signs where the light is contained within the sign or device so as to become an integral part of the sign and/or intrinsic to the functioning of the sign or device. LED signs and the like fall within this category.

N. Backlit signs where the illumination of opaque or halo-lit letters is by a concealed light source in which the light projects away from the viewer.

O. Signs or devices that emit audible sound, odor, or visible matter.

P. Any replacement of existing internally illuminating window signs viewable from the public right-of-way.

Q. Any sign not specifically permitted by this Article.

Signs permitted in LB, UB, and VC Districts.

In districts zoned LB, UB, and VC, as established by this Chapter, signs shall be permitted in compliance with the following regulations upon issuance of Planning Board sign approval, a sign permit and a certificate of sign compliance. The Planning Board shall permit less than the maximum allowance where necessary to meet the criteria of this Article.

A. The maximum vertical dimension or height of such sign shall be 24 inches and the maximum horizontal dimension or length of sign shall not exceed 75% of the street frontage of the business establishment upon which such sign is erected or applied, and no lettering on such sign shall be more than 12 inches in height or width. In any case, however, the maximum horizontal dimension or length of such sign shall not exceed 25 feet on all street frontages for the business establishment. No sign shall extend beyond the top or ends of the building's surface upon which it is applied.

B. More than one attached sign for each business establishment may be permitted, provided that the combined signs do not exceed the maximum limitations for a single sign as herein prescribed.

C. One freestanding sign may be used in place of all permitted attached signage. Such freestanding sign shall not be larger than six square feet, nor exceed 60 inches in height, and must be located within the lot boundary and setback at least three feet behind any public right of way.

D. At the entrance of buildings with business establishments, nameplates of uniform design and appearance at each such building and not more than 18 inches long and nine inches in height may be mounted on the sides of such entrance, provided that they are placed flat against the exterior wall. No approval is required from the Planning Board but a sign permit from the Codes Enforcement Officer is required. No fee will be charged for signs as outlined in this subsection.

Signs permitted in all other districts.

A. In all other districts, the following signage shall be permitted upon issuance of Planning Board sign approval, a sign permit and certificate of sign compliance: one sign not to exceed two square feet either attached to the principal structure or, where the Planning Board deems it inappropriate

to attach said sign to the principal structure, the sign may be placed parallel to the front of the principal structure within three feet thereof, not to exceed 2 1/2 feet in height; the Planning Board shall permit less than the maximum allowance where necessary to meet the criteria of this Article.

B. The Planning Board shall be authorized to permit projecting signs upon a finding that the same would be more compatible with the criteria set forth herein than those otherwise permitted.

Gasoline stations and repair garages.

All gasoline stations and/or repair garages shall be entitled to the signage permitted upon compliance with all restrictions set forth therein. In addition, the following signage shall also be permitted upon issuance of Planning Board sign approval, a sign permit and certificate of sign compliance:

A. One auxiliary sign not to exceed six square feet, which may be either attached or freestanding, to be located within the lot boundary and at least three feet behind any sidewalk. The height of any freestanding sign shall not exceed four feet from grade.

B. One pump island price sign for each gasoline pump not to exceed one square foot in area each.

Temporary signs.

A. All temporary signs shall be permitted only in compliance with this subsection as either a temporary window sign or a temporary freestanding sign.

(1) All signs shall be kept clean, neatly painted and free from all hazards, such as, but not limited to, loose fittings or fixtures and shall be maintained at all times in such safe condition as not to be detrimental to the public health and safety.

(2) Temporary signs shall not be illuminated in any manner.

B. Temporary window sign. A temporary window sign is one that is painted or affixed in a nonpermanent manner to the interior or exterior of a window and visible from the exterior of the premises. Temporary window signs shall be in compliance with the following requirements:

(1) Temporary window signs shall be permitted without any sign approval, sign permit or certificate of sign compliance.

(2) Temporary window signs shall not exceed 25% of the area of the window(s) in which or to which they are affixed.

(3) Temporary window sign shall remain in place for not more than a total of 12 weeks per year.

(4) Temporary window signs shall not be placed in a position that will create a hazard or disturbance to the health and welfare of the general public.

C. Temporary freestanding sign. A temporary freestanding sign (including a portable A-frame, sandwich board sign) shall be in compliance with the following requirements:

(1) A temporary freestanding sign shall be permitted upon the following conditions:

(a) A temporary freestanding sign permit application shall be submitted to the Code Enforcement Officer.

(b) A temporary freestanding sign permit shall include the date the sign permit became effective and the date of its termination noted legibly on the face thereof.

(c) Sandwich board signs may only be displayed during business hours and must be removed at closing.

(d) Signs shall not obstruct pedestrian movements, vision, traffic, or create a hazard or disturbance to the health and welfare of the general public.

(2) Only one temporary freestanding sign shall be displayed for a period of time not to exceed 12 weeks each calendar year.

(a) The temporary freestanding sign's display period of time shall be measured in weekly increments, even if not used for a full week.

(b) The temporary freestanding sign shall not be placed in the public right-of-way.

(c) No such temporary freestanding sign shall be placed on the property other than that of the business or not-for-profit entity.

(d) The maximum permitted area for temporary free standing sign shall be six square feet.

(e) The maximum height for a freestanding temporary sign shall be four feet from grade.

(f) The temporary freestanding sign shall not advertise the telephone number or e-mail address.

(3) Such temporary freestanding signs shall not be:

(a) Posted or affixed to any lamppost, public utility pole or shade tree.

(b) Located in a public right-of-way or on New York State, Onondaga County or Village of Fayetteville owned property.

(c) Placed in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public.

(4) A banner sign may be displayed over a street, sidewalk or highway, or on a building face, for a period not to exceed 14 days, provided that it is securely fastened to buildings or anchored to other adequate devices, and a public liability bond or policy in the sum of at least $50,000 shall be furnished for each banner which extends across a street, sidewalk or highway.

D. Temporary signs advertising the sale or rental of the premises upon which the sign is located.

(1) Two such signs shall be allowed: one on the premises of the sale and one as a directional sign to the sale.

(2) Each such sign shall not exceed four square feet in area.

(3) Such signs shall not be:

(a) Posted or affixed to any lamppost, public utility pole or shade tree.

(b) Located in a public right-of-way or on New York State, Onondaga County or Village of Fayetteville owned property.

(c) Placed in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public.

(4) Such signs shall be removed within 24 hours after the premises is sold, leased or rented.

E. Signs denoting the architect, engineer or contractor, placed on premises where work (construction, repair, alteration, painting, siding, roofing, landscaping) is in progress.

(1) Such signs shall not exceed four square feet in area.

(2) Such signs shall not be:

(a) Posted or affixed to any lamppost, public utility pole or shade tree.

(b) Located in a public right-of-way or on New York State, Onondaga County or Village of Fayetteville owned property.

(c) Placed in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public.

(3) Such signs shall be removed within one week of the end of the work.

F. Signs advertising a garage, household items or lawn sale.

(1) Two such signs shall be allowed: one on the premises of the sale and one as a directional sign to the sale.

(2) Each such sign shall not exceed four square feet.

(3) If such directional sign is placed on property other than the holder of the sale, written permission from the property owner shall be submitted to the Codes Enforcement Officer showing such permission, along with a statement from the holder of the sale stating what day the sign(s) shall be erected and what day it shall be removed.

(4) Such signs shall not be:

(a) Posted or affixed to any lamppost, public utility pole or shade tree.

(b) Located in a public right-of-way or on New York State, Onondaga County or Village of Fayetteville owned property.

(c) Placed in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public.

(d) In no event shall the sign(s) be displayed for a period to exceed 72 hours.

(e) Such signs shall be removed within three hours after the garage, household or lawn sale ends.

Issuance and revocation of permits.

A. The Village Codes Enforcement Officer shall be vested with the authority to issue sign permits, certificates of sign compliance, temporary sign permits and sign permit stickers for signs which comply with this article and to supervise the erection, installation, application, alteration and removal of any sign, whether it be permanent or temporary.

B. All signs must be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring, loose fittings or fixtures, and must be maintained at all times in such safe condition as not to be detrimental to the public health and safety. In the event of a violation of any of the foregoing provisions, the Codes Enforcement Officer shall give written or personal notice specifying the violation to the named owner of the sign and the named owner of the land upon which the sign is erected, sent to the addresses as stated in the application for the sign permit, to conform or remove such sign. The sign shall thereupon be conformed by the owner of the sign and the owner of the land within 30 days from the date of said notice. In the event that such sign shall not be conformed within 30 days, the Codes Enforcement Officer shall thereupon revoke the permit, and such sign shall be removed by the named owner of the sign and/or the named owner of the land. The Codes Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice and shall charge all costs and expenses incurred in said removal against the owner of the sign or the owner of the property on which said sign is located. Said expenses may be charged as a lien against the real property.

Removal of certain signs.

A. Any sign existing on or after the effective date of this article which no longer advertises any existing business conducted or product sold on the premises in the Village of Fayetteville shall be removed by the business, not-for profit entity or owner of the premises upon which such sign is located.

B. Any sign that is in violation of this Article shall be removed by the owner of the business, director of the not-for-profit entity and/or owner of the property upon which such sign is located.

(1) The Codes Enforcement Officer is authorized to remove such sign upon 48 hours of a written or verbal notice to the business or not-for profit entity that is in violation of the Code of the Village of Fayetteville.

(2) The Codes Enforcement Officer is authorized to remove any sign without any notice that is:

(a) Attached to fences, trees, utility poles or the like.

(b) Located in a public right-of-way.

(c) Place in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public.

(3) If the owner of the business, director of the not-for-profit entity and/or owner of the property upon which such sign is located does not remove a sign upon 48 hours of a written or verbal notice, the Codes Enforcement Officer will issue an appearance ticket.

(4) If the owner of the business, director of the not-for-profit entity, owner of the property or party who attached a sign to a fence, tree, utility pole or the like; placed a sign in a public right-of-

way; and/or placed a sign in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public continues to do so after 48 hours of a written or verbal notice, the Codes Enforcement Officer will issue an appearance ticket.

(5) The Codes Enforcement Officer is authorized to charge all costs and expenses incurred in said removal of such sign against the owner of the business, director of the not-for-profit entity and/or owner of the property upon which such sign is located. Said expenses may be charged as a lien against the real property.

Nonconforming signs.

In the event that a sign erected prior to the effective date of this article does not conform to the provisions and standards of this chapter, the requisite permit as provided herein may be granted, upon application of the owner for every such sign or other advertising structure, by the Codes Enforcement Officer for a reasonable period of time, in any case not to exceed three years, to enable the owner to alter or remove the nonconforming sign. All nonconforming signs shall be removed or brought into conformance with this chapter, pursuant to a valid sign permit and certificate of sign compliance, within three years from the effective date of this article.

Article VIII: Parking

Purpose.

The purpose of the following parking regulations is to promote good urban design by limiting surface parking lots; provide appropriate site design standards to mitigate the impacts of surface parking lots on adjacent land uses and neighborhoods; protect groundwater resources; and encourage alternate modes of travel that will reduce dependence upon the single occupancy automobile.

Applicability.

No building permit or certificate of occupancy shall be issued for any a new building, the enlargement or increase in the gross floor area of an existing building, the development of a use not located in a building, or the change from one type of use to another, unless off-street surface parking spaces and bicycle parking are provided in accordance with this article.

Parking requirements for land use activities.

All land uses are subject to the following:

A. Parking spaces shall not be reduced below the minimum requirements in the parking table.

B. Modifications or conversions of existing uses shall require an addition or reduction in spaces as follows: If the use as modified or converted requires more spaces than the original use, spaces equal in number to the difference shall be provided; if such modification results in a reduction, existing spaces may be reduced but not below the number required for the modified use.

	Minimum Spaces	Maximum Spaces
a. RESIDENTIAL		
R District	2 per unit	6 per unit
All Other Districts	1 per unit	2.5 per unit
b. LODGING		
All Districts	3	12
LB and UB Districts (Hotel/Motel)	Per site plan review with a parking plan	
c. COMMERCIAL		
All Districts	2 per 1,000 GFA	5 per 1,000 GFA
d. AUTOMOTIVE		
UB District	.5 per 1,000 GFA	4 per 1,000 GFA
e. MUNICIPAL/CIVIC		
All Districts	1 per 1,000 GFA	4 per 1,000 GFA
f. INDUSTRIAL		
UB District	Per site plan review with a parking plan	

g. AGRICULTURE/OTHER		
LB and UB Districts	1 per 1,000 GFA	3 per 1,000 GFA

Increases From the Maximum.

If additional parking spaces are desired above the maximum, the following applies:

A. Up to 150% of the maximum shall require a parking plan.

B. Over 150% and up to 200% of the maximum shall require a transportation demand management plan (TDMP), unless the number of spaces is less than 20, then a parking plan shall be required.

C. Above 200% of the maximum shall require the preparation of a TDMP and a variance from the Zoning Board of Appeals.

Decrease from the Minimum.

Requests under the minimum shall require a variance from the Zoning Board of Appeals.

Parking Plan Requirements.

A statement regarding the anticipated parking demand for the project and how the anticipated parking demand will be met on-site or off-site shall be provided, as applicable:

A. Number of occupants anticipated at any given time period. The New York State Building Code Occupant Load table shall be used as a guide to determine the maximum occupants, and 25% of this number shall be used as the minimum.

B. Public or private off-site parking within 1,200 feet of the property for which it is being requested.

C. Off-site parking provided at off-site lots. (Note: Off-site parking spaces provided by a separate property owner shall be subject to a legally binding agreement.)

D. On-street parking spaces within 1,200 feet.

E. Access to public transit, including nearest bus stops.

F. Number of on-site short-term and long-term bicycle parking spaces and proximity to public bicycle parking.

G. Accommodations for pedestrians and the mobility impaired.

H. Number of motorcycle, scooter, or similar parking spaces.

I. Number of temporary loading spaces for taxis or similar on-demand transportation services.

Transportation demand management plan (TDMP) requirements.

A. A TDMP must be prepared by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field.

B. The TDMP shall, among other items described below, address the following review criteria:

(1) Demonstration that the need for parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses.

(2) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity.

C. A TDMP must include the following information:

(1) The anticipated travel and parking demand for the project based on Institute of Traffic Engineers (ITE) guidelines.

(2) A level of service (LOS) analysis may be required for projects proposed on-site parking spaces exceeding 75 spaces to ensure that the surrounding street network can accommodate the anticipated demand without suffering excessive congestion.

(3) How the anticipated travel demand for the project will be met on-site or off-site, including:

(a) Number of on-street vehicle parking spaces, off-street vehicle parking spaces, or shared vehicle parking arrangements.

(b) Access to public transit, including nearest bus stops and level of service provided including the number of routes, types of routes, and whether the bus stop includes a shelter.

(c) Number of on-site short-term and long-term bicycle parking spaces and proximity to public bicycle parking.

(d) Accommodations for pedestrians and the mobility impaired.

(e) The strategies that will be employed to reduce single-occupancy vehicle trips, such as carpooling or vanpooling, carshare, bikeshare, guaranteed ride home (GRH) programs, provision for alternative work schedules (i.e., flextime, compressed work week, staggered shifts, telecommuting), promotion of live-near-your-work programs.

D. TDMP performance standards. As part of site plan and/or special use permit review for a project, the Planning Commission shall determine if the project meets the following objectives:

(1) The project includes performance objectives to minimize single-occupancy vehicle trips and maximize the utilization of transportation alternatives to the extent practicable, taking into account the opportunities and constraints of the site and the nature of the development.

(2) The project must meet the anticipated transportation demand without placing an unreasonable burden on public infrastructure, such as Level of Service (LOS), and the surrounding neighborhood.

Parking Standards.

A. Front Yard Parking.

(1) In the R, NR, and VR Districts, parking is prohibited in all front yards except in the driveway which shall be limited to no more than two lanes with a maximum combined width of 20 feet.

B. Shared Parking. When shared parking is part of an application, the applicant shall provide analyses as part of Site Plan Review to demonstrate that proposed uses are either competing or non-competing.

C. Non-competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for non-competing uses. Up to 50% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demand hours for the uses do not overlap. An applicant may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Planning Board.

D. Competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 30%.

E. Provision of all off-street parking areas shall comply with the latest standards associated with the Americans with Disabilities Act (ADA).

F. Electric Vehicle (EV) Charging Stations. For new construction, two EV charging ports should be installed per 20 spaces.

G. Bicycle Parking Standards.

(1) Bicycle parking calculations shall be determined by the baseline number of off-street parking spaces required. Reductions to the baseline number of off-street parking spaces required shall not reduce the number of bicycle parking spaces as required by this article.

(2) When a baseline parking calculation requires ten (10) or more parking spaces, one bicycle parking space is required per every ten (10) parking spaces. Reductions to the baseline number of off-street parking spaces shall not result in a reduction in the minimum number of bicycle spaces required.

(3) Bicycle parking facilities should be designed according to the most recent edition of the New York State Department of Transportation's "Highway Design Manual."

(4) Any bicycle parking facilities shall be located in a well-lit location that is conveniently accessible to a primary entrance(s) to the development's principal buildings, does not interfere with pedestrian traffic, and is protected from conflicts with vehicular traffic.

H. Controlled access. Adequate controlled access shall be provided in all parking areas as may be determined by the Planning Board, except in Residential (R) and Neighborhood Residential (NR), which shall be determined by the Code Enforcement Officer.

Parking Lot Dimensional Standards.

A. Compact Cars

(1) Spaces for compact cars may be provided in accordance with the dimensions listed below.

(2) Compact car spaces shall be grouped together to the greatest possible extent in areas clearly designated for compact cars.

B. Parking Space and Travel Lane Dimensions

(1) For the purposes of this article, minimum parking space width shall be measured perpendicular to the center line of the parking space. For standard cars the minimum parking space width shall be nine (9) feet. For compact cars, the minimum parking space width shall be eight (8) feet. Parking for compact cars shall not exceed 50% of the spaces provided.

Parking Angle	Parking Stall Width*	
	Standard Space	Compact Car
Parallel	9’	8’
45 degrees	18’	16’
60 degrees	21’	17.5’
75 degrees	22’	19’
90 degrees	20’	17’

*Measured from the innermost point on the parking space centerline perpendicular to the edge of the Travel Lane

Low Impact Development Parking Lot Design Standards.

A. Designs for all new parking lots of more than 10 spaces shall follow a Low Impact Development (LID) approach with respect to stormwater management. Through the application of green infrastructure techniques, parking lot designs shall incorporate stormwater management systems that treat and reduce the Water Quality and Runoff Reduction Volumes to the maximum extent practicable. The required Water Quality and minimum Runoff Reduction Volumes shall be calculated in accordance with the methodology provided in the latest version of the New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual which shall serve as the basis of design for all stormwater calculations and proposed Best Management Practices (BMP) designs.

B. Any LID technique identified in the NYSDEC Stormwater Management Design Manual may be utilized in the stormwater management designs. Acceptable LID techniques may include impervious reduction, vegetated swales, rain gardens, bioretention facilities, permeable pavers, porous pavements, infiltration facilities or dry swales. Cisterns and grey water systems that recycle and reuse stormwater runoff may also be utilized in the design. Creative solutions that provide equivalent treatment and/or runoff reduction may be utilized if acceptable to the Planning Board.

C. LID Parking Area application requirements.

(1) The Planning Board shall require that all applicable design criteria are followed for LID Parking Area Design as defined in this article unless it determines, upon petition from the applicant, that the successful implementation of a LID Parking Area Design is infeasible or would impose an undue hardship on the applicant. Evidence that may be used by an applicant to demonstrate the infeasibility of implementing LID techniques on a site may include, without limitation:

(a) The presence of subsurface geologic conditions such as ledge or large quantities of poor fill, a high-water table, or soil conditions that do not allow for the percolation of stormwater;

(b) Applicant does not own existing lot to be used for off-site parking allowances;

(c) The presence of soil contamination; and/or

(d) Existing topography or site geometry.

(2) Applicants shall provide the following information prepared by a New York State registered Professional Engineer or Landscape Architect and shall comply with the design and implementation

guidelines provided in the latest version of the New York State Department of Environmental Conservation Stormwater Management Design Manual.

(a) Delineation of all drainage areas inclusive of areas outside of the parking envelope that will contribute stormwater runoff to the parking area;

(b) Proposed topography at two-foot contour intervals;

(c) Site Plan showing drainage pathways and locations of proposed BMPs;

(d) Sizing calculations for BMPs that demonstrate adequate conveyance and/or water quality treatment of water quality volume;

(e) Sizing calculations for BMPs that illustrate proposed management of runoff resulting from 1-year, 10-year, and 100- year event;

(f) List of plantings associated with vegetated BMPs;

(g) Location of areas reserved for snow storage;

(h) Location of test pits, depth to seasonal high ground water and soil infiltration rates for those areas designated for recharge;

(i) Schematic diagrams of any gray water or cistern systems proposed for the parking area;

(j) An Operation and Maintenance (O&M) Plan shall be submitted by the applicant to the Planning Board that conforms to the standards for O&M Plans detailed in the most recent version of the New York State Department of Environmental Conservation Stormwater Management Design Manual.

D. Parking Area Design Standards.

In addition to the Village of Fayetteville Design Guidelines, the landscaping requirements in this section are intended to provide a baseline set of standards toward reducing the visual impacts of large areas of pavement, improving the overall environment or parking areas by providing areas for shade and heat reduction, and enhancing the overall aesthetic appeal of parking areas. All parking lots, regardless of size, shall comply with Landscape and Buffer Requirements as set forth in this Code.

Off-Street Loading Requirements.

A. Loading areas.

(1) Off-street loading facilities shall be provided for each commercial or industrial use unless it is demonstrated that the use does not require a dedicated loading area.

(2) Off-street loading facilities shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway.

(3) Any required off-street loading berth shall have a clear area not less than 12 feet in width by 25 feet in length or a size adequate to accommodate the largest delivery truck.

(4) No loading or loading facilities shall be located in any front setback or within five feet of any side or rear lot line.

Article IX: Nonconforming Structures, Uses, and Lots

Purpose.

It is the purpose of this article to provide for the regulation of legally nonconforming structures, uses, and lots of record to specify those circumstances and conditions under which such nonconformities shall be permitted to continue.

Applicability.

Lots, structures and uses existing in compliance with all applicable laws immediately prior to the effective date of chapter or any amendments to this chapter, but which are not permitted as a matter of right by the terms of this chapter or any such amendments, are deemed to be lawfully nonconforming. Prior lawful nonconforming lots, structures, and uses are continued. Lawful nonconforming lots, structures, and uses may continue to be used, repaired, and maintained.

Nonconforming structures.

A. Lawful use of any structure that does not meet the dimensional requirements of this chapter may continue, provided that the structure was in legal existence prior to the adoption of this chapter.

B. Any building or structure, for which a valid building permit was lawfully issued prior to the adoption of this chapter may be completed and used in accordance with the plans and specifications for such building or structure.

C. Reestablishment of nonconforming structures.

(1) Replacement. A nonconforming structure damaged or destroyed by fire, flood, wind or other natural disaster may be rebuilt in the same footprint. Such rebuilding shall require site plan review and special use permit if required per the Use Table in this chapter for all uses except single- and two-unit dwellings. The restoration or rebuilding shall be commenced with a building permit within 12 calendar months of such damage or destruction and be completed within 24 calendar months.

(2) Modification. A nonconforming structure shall not be added to or enlarged or altered in any manner, in a way, which increases its nonconformity. All such modifications which increase the nonconformity shall require an area variance from the Zoning Board of Appeals. Additions, enlargements, or alterations that comply with the dimensional requirements are permitted.

Nonconforming uses.

A. Any nonconforming use that existed lawfully at the time of adoption of this chapter may be continued subject to the following provisions.

(1) Expansion.

(a) A nonconforming use that existed at the time of adoption of this chapter may be expanded within any portion of the existing structure in which it is located. It shall be prohibited to expand a nonconforming use beyond the area of the existing structure in which the use is located, unless granted a use variance from the Zoning Board of Appeals.

(b) A nonconforming use or activity conducted, or operated outside may not be expanded.

(2) Change of use. A nonconforming use shall not be changed to any other nonconforming use.

(3) Replacement. If a nonconforming use is replaced by another use, such use shall conform to the use regulations in the district in which it is located.

B. Destruction and restoration. If any structure in which a nonconforming use is conducted is hereafter damaged, removed, or destroyed by fire, wind, explosion, or other natural cause, to the extent of 75% or less of its fair market value at the time of such damage, application for any reconstruction or restoration of such structure for a building permit to resume the nonconforming use shall be made within one year and the structure for the nonconforming use shall be constructed within one additional year unless the permit is renewed. If the extent of the damage is greater than 75%, a use variance shall be required to reinstate the use.

C. Any preexisting legal use that is allowable by special use permit under this chapter, but has not been issued a special use permit, shall be considered a permitted use. The expansion of such a use, other than a single-unit or two-unit dwelling, shall require site plan approval or special use permit, unless such expansion has been permitted by a prior site plan approval or special use permit.

Nonconforming lots of record.

A. If an existing lot of record on or after the effective date of this chapter is nonconforming, an area variance to waive any lot dimensional requirements is not required in order for a building permit to be secured, provided that such lot does not adjoin other lots in the same ownership.

B. All such adjoining lots in the same ownership shall be treated together as one lot when a lot is nonconforming. Undeveloped lots shall be merged; one developed lot and one undeveloped lot shall be merged; two developed lots are not required to be merged.

C. New structures may be built on a nonconforming lot that was in legal existence prior to the adoption of this chapter so long as such new buildings or structures comply with all of the dimensional regulations of the district in which it is located.

D. Lawfully existing structures located on nonconforming lots may be moved, expanded, enlarged or replaced without an area variance, as long as such change complies with all of the dimensional regulations of the district in which it is located.

Discontinuance of nonconforming uses.

A. Whenever a nonconforming use has been discontinued for a period of 12 months, such use shall not thereafter be restarted except as provided in this article. Such use shall not be considered continuous unless there is proof, as provided by the property owner, of active use for at least 60 days within each and every twelve-month period.

B. A nonconforming use shall be deemed to have been discontinued if it is changed to a conforming use.

Maintenance of nonconforming uses and structures.

All nonconforming uses and structures shall be maintained and shall not constitute a danger to the health, safety or general welfare of the public.

Preexisting applications and previously approved plans.

A. Preexisting applications. All applications before the Planning Board, Village Board, or Zoning Board of Appeals that have been deemed complete prior to the adoption of this chapter by the respective boards may proceed in accordance with the rules as they existed prior to the adoption of this chapter.

B. Previously approved plans. Nothing in this chapter shall be deemed to require any change to the plans or buildings approved, but that do not have a certificate of occupancy and/or a certificate of completion, prior to the effective date of this chapter, unless plans were approved three or more years ago.

Certification of legal nonconformity.

The Zoning Board of Appeals may, upon request by a landowner, determine whether or not any lot, structure or use existing on the effective date of this chapter or any amendments to this chapter is lawfully nonconforming in accordance with Applicability above. The facts stated in any such determination shall be conclusive in all subsequent proceedings unless additional evidence is presented to the contrary. All such determinations shall be in writing and on a document, entitled "Certificate of Legal Nonconformity." Such certificates shall be transmitted to the property owner and kept on file in the office of the Village Clerk.

Article X: Site Plan Review

Applicability.

A. This article applies to all uses as indicated with an S in the Use Table unless exempt pursuant to this article.

B. Site plan approval shall not be required for a change of ownership or tenancy or lessee, or the replacement of an existing use with the same use as long as:

(1) Such change or replacement will result in no increase in intensity or principal site elements as discussed above.

(2) There is no need for a sign permit application.

C. All permitted uses requiring site plan approval shall have prior site plan review, approval and signed Final Site Plan before a building permit is issued for the alteration or construction of any building or a certificate of occupancy is granted for the conversion of any use of the premises. The site plan and related drawings shall be submitted by the owner to the Planning Board and shall be reviewed in accordance with the procedures and standards set forth by the Planning Board.

Steps in approval process.

A. The steps in the site plan approval process are as follows:

(1) Sketch plan conference.

(2) Submission of preliminary application.

(3) Submission of final application.

(4) Planning Board action.

(5) Final Site Plan Decision.

B. No permit shall be issued nor work undertaken prior to final site plan approval.

(1) The Planning Board, at its sole discretion, may waive or merge any of these steps in arriving at its decision regarding approval of the final detailed site plan. The detailed submission requirements and review factors for each of these steps are described in the following sections.

Sketch plan conference.

A sketch plan conference shall be held between the Planning Board and the applicant to review the basic site design concept and generally determine the information to be submitted by the applicant on or with the preliminary site plan application. At this conference, the applicant should provide a statement and rough sketch that fully describes the proposed project and intended use, as well as:

A. An area map showing the parcel under consideration for site plan review and all properties, structures, subdivisions, streets, and easements within 500 feet of the boundaries thereof.

B. A map of site topography at contour intervals of no more than five feet. If general site grades exceed

5% or portions of the site have susceptibility to erosion, flooding, or ponding, a soils overlay and a topographic map showing contour intervals at not more than two feet of elevation should also be provided.

C. If the development is to be staged, a general indication of how the staging is to proceed and the expected duration of development. Whether or not the development is to be staged, the sketch and statement shall describe the intended total project. The site plan application shall include either the total project or that staged portion for which approval is requested.

D. Confirmation that the Applicant has reviewed the Village's Comprehensive Plan and Design Guidelines and that the proposed project is in conformance with both.

Application for preliminary site plan approval.

An application for preliminary site plan approval shall be made to the Village, using a form to be supplied by the office of the Village Clerk. This application shall be accompanied by any or all of the following data as determined necessary by the Planning Board at the sketch plan conference, as well as any modifications to the material presented by the applicant at that conference:

A. The proposed use or uses and a general description of the proposed development.

B. A site plan drawn to a scale of not less than 50 feet to the inch on one or more sheets, illustrating the proposed development and use and including the following:

(1) The boundary lines and dimensions of the subject property; existing subdivision lots; available utilities; setbacks and easements, roadways, railroads, rail lines and public rights-of-way crossing and adjacent to the subject property.

(2) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic control.

(3) Potential for cross access agreements where feasible.

(4) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

(5) Location, arrangement, appearance and sufficiency of off-street parking and loading with compliance calculations shown. Design and adequacy of green infrastructure.

(6) Sign design and locations, including such signs which by nature are regulatory to control traffic on private property.

(7) Lighting plan with photometrics showing poles, wall packs & any other lighting visible from the road or adjacent property lines. Include design & model of fixture, element, temperature and shielding plan.

(8) Location, arrangement, size, design and general site compatibility of buildings.

(9) Adequacy of stormwater and drainage facilities, including green infrastructure.

(10) Adequacy of water and sewage disposal facilities.

(11) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation (subject to Tree Commission standards and Design Guidelines).

(12) Protection of adjacent or neighboring properties against noise, glare, odor, unsightliness, or other objectionable features.

(13) Adequate siting and analysis to avoid significant visual impacts.

(14) Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.

(15) Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

(16) Overall sensitivity to the environment. Where applicable, an environmental assessment form is required to conform to SEQR requirements for determining environmental impact.

(17) Elevation plan and rendering reflecting color schemes, designs & samples of day & night appearance from the road.

(18) Samples of all exterior building materials (i.e., paint chips).

(19) Any other criteria required by the Design Guidelines.

C. The Planning Board may require that any plans required as part of a site plan application be stamped by a licensed professional land surveyor, engineer, architect, landscape architect or other appropriate licensed professional as applicable.

Review criteria.

A. The Planning Board's review of a site plan shall include, but is not limited to, the following considerations:

(1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures, and traffic controls, cul-de-sacs, and turnarounds.

(2) Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrians from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian conveniences.

(3) Location, arrangement, appearance, and sufficiency of off-street parking and loading. Curbing or other more acceptable buffer shall be provided in all business and industrial site plans.

(4) Location, arrangement, size and design of buildings, lighting and signs.

(5) Relationship of the various uses to one another and their scale.

(6) Adequacy, type, and arrangement of trees, shrubs and other landscaping constituting a visual and/or a noise-deterring buffer between adjacent uses and adjoining lands.

(7) All setbacks shall be adequately landscaped.

(8) The adequacy of usable open space for playgrounds and informal recreation.

(9) Adequacy of stormwater and sanitary waste disposal facilities per local, state, and federal requirements.

(10) Adequacy of structures, roadways, gutters and landscaping in areas with moderate-to-high susceptibility to flooding and ponding and/or erosion.

(11) Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.

(12) Conformance with the Village Comprehensive Plan and Design Guidelines.

B. The Planning Board may require that plans and exterior design of all structures be made by or under the direction of a registered architect, whose seal shall be affixed to the plans. The Planning Board may also require such additional provisions and conditions as appear necessary for the public health, safety and general welfare.

C. Changes. An owner wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval before making an application for a building permit or certificate of occupancy.

Action on preliminary site plan application.

A. The Planning Board may determine that a public hearing on the preliminary site plan application is warranted.
B. After a public hearing is held, or if there is no public hearing, the Planning Board may waive preliminary site plan approval and move to grant final approval, with conditions, without any further process.
C. If the Planning Board determines that the final site plan approval process is required, the Planning Board shall make a statement containing the specific reasons for such determination.
D. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Village.

Application for final site plan approval.

A. After receiving preliminary approval from the Planning Board the applicant may prepare the final detailed site plan and submit it to the Planning Board for final approval; except that if more than six months have elapsed since the time of the Planning Board's decision on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

B. The final detailed site plan shall conform substantially to the preliminary site plan that has received preliminary site plan approval. It should incorporate any revisions or other features that may have been recommended by the Planning Board at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission. In addition, the application shall contain a record of application for and approval status of all necessary state and county permits.

C. As an alternative to the installation of required infrastructure and improvements, prior to

approval by the Planning Board, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Planning Board, shall be furnished to the village by the owner.

D. Final Site Plans must be signed by the Planning Board Chair.

Public Hearing.

A. The Planning Board may conduct a public hearing on the site plan. Such hearing shall ensure compliance with Application Procedures.

B. Upon determining that the application is complete, the Planning Board shall set a public hearing within 62 days.

Notification and decision.

Prior to approval, the Planning Board shall ensure compliance with Application Procedures.

A. Within 62 days of a public hearing, or a complete application without a public hearing, the Planning Board shall make a decision unless the period is extended by mutual agreement between the applicant and the Planning Board.

B. The decision of the authorized board shall be filed in the office of the village clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant. Nothing herein shall preclude the holding of a public hearing on any matter on which a public hearing is not so required.

C. If the Planning Board’s resolution includes a requirement that modifications be incorporated in the site plan, conformance with these modifications shall be considered a condition of approval. If the site plan is disapproved, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

D. A copy of the decision (resolution) shall be mailed to the applicant with a request for signature. No building permit shall be issued by the Code Enforcement Officer without the applicant's signature of acknowledgment on the site plan resolution.

Article XI: Special Use Permits

Purpose.

Special use permits are for uses which possess characteristics that may pose land use or nuisance concerns or other issues. Accordingly, such uses require special consideration and may include additional regulations for each such use to mitigate impacts on surrounding properties and uses. Each use warrants consideration as an individual case in the district and on the specific lot on which it is proposed to be located. Granting of a special use permit for a use in a zoning district shall be based on its own unique facts and circumstances and shall not establish any precedent for granting of a special use permit for the use or any other special permit use on any other lot in the district or in other districts.

Applicability.

All uses as indicated with an SUP in the Use Table shall be allowed upon issuance of a special use permit by the Village Planning Board.

Coordination with other permits and approvals.

Such site plan review shall be carried out in conjunction with these special use permit procedures. When a special use permit approval is granted, such approval includes site plan approval.

Procedures.

A. A request for special use permit shall be submitted on an application form available from the Village.

B. Each application shall be accompanied by a fee as established in the fee schedule by the Village.

C. Applications shall be submitted to the Village for transmission to the Planning Board.

Review criteria.

A. The Planning Board's review of a special use permit shall include, but is not limited to, the following criteria:

(1) The proposed use will be consistent with the purposes of this chapter and the requirements of the zoning district in which it is located.

(2) The proposed use's compatibility and consistency with the goals and recommendations of the Village of Fayetteville Comprehensive Plan and other approved Village plans and programs.

(3) The impact on the nature and character of the surrounding neighborhood or natural environment.

(4) The overall impact on the site and its surroundings, considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances.

(5) Restrictions and/or conditions on design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural resources of the Village.

(6) The adequacy and accessibility of essential public facilities and services, such as streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.

(7) The proposed use's impact on traffic congestion, impairment of pedestrian safety, or capacity challenges to level of service on existing streets, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.

(8) The impact on adjacent historic resources as formally recognized by the New York State and Federal Registers of Historic Places.

(9) If within the historic district, a certificate of appropriateness from the Village of Fayetteville Historic Preservation Commission is required.

B. In reviewing the adequacy of the supplemental or general regulations as they may relate, the Planning Board may impose more restrictive conditions.

Public Hearing.

A. The Planning Board shall conduct a public hearing on the special use permit. Such hearing shall ensure compliance with Application Procedures.
B. Upon determining that the application is complete, the Planning Board shall set a public hearing within 62 days.

Notification and decision.

A. Prior to approval, the Planning Board shall ensure compliance with Application Procedures.
B. The Planning Board shall not issue a special use permit unless it makes a written finding that the proposed use will meet the criteria set forth above. To support a positive finding for the special use permit, the Planning Board may require conditions of, and/or modifications to, the project. Such conditions must relate to the project's impact on the surrounding area based on the criteria outlined above. If the Planning Board does not make a positive finding in support of the special use permit, it shall deny the special use permit. In issuing such a denial, the record of the Planning Board must address the criteria outlined above and include the facts and reasons for the denial.
C. The Planning Board shall decide upon the application within sixty-two days after the hearing. The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the board.
D. The decision of the board shall be filed in the office of the village clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

Restrictions; expiration; revocation; enforcement.

A. A special use permit shall be limited to the specific property for which the application was made.

B. A special use permit shall be deemed to authorize only the particular special use or uses specified therein.

C. A conditional special use permit approval shall expire at the end of six months if the conditions have not been satisfied. The Planning Board may, however, consent to an extension of up to six additional months.

D. A special use permit shall expire one year from the date it was granted if the involved property has

not been used for the approved use.

E. A special use permit shall expire if the use is dormant for 12 continuous months.

F. A special use permit may be issued as:

(1) Permanent.

(2) Temporary, to cease on a specified date .

(3) Renewable within a specified period of time set by the Planning Board.

G. A special use permit may be revoked by Code Enforcement if the conditions of the special use permit are violated. Prior to a decision to revoke a special use permit, notification shall be provided to the permit holder and a public hearing shall be held using the decision and modification process described above.

H. Any violation of the conditions of a special use permit or a violation of any applicable performance criteria of this chapter shall be deemed a violation of this chapter and shall be subject to enforcement action as provided herein.

I. All special use permits shall run with the land and will be transferred to successive property owners, provided that the permit has not expired, been revoked and provided that the use has not ceased.

Article XII: Historic Preservation

Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts is necessary to promote the economic, cultural, educational and general welfare of the public. Inasmuch as the identity of a people is founded on its past, and inasmuch as the Village of Fayetteville has many significant historic, architectural and cultural resources which constitute its heritage, this article is intended to:

A. Protect and enhance the landmarks and historic districts which represent distinctive elements of the Village's historic, architectural and cultural heritage.

B. Foster civic pride in the accomplishments of the past.

C. Protect and enhance the Village's attractiveness to visitors and the support and stimulus to the economy thereby provided.

D. Ensure the harmonious, orderly and efficient growth and development of the Village.

Historic Preservation Commission.

The Village of Fayetteville Historic Review Commission shall hereafter be known as the Village of Fayetteville Historic Preservation Commission.

A. Members of the Historic Preservation Commission shall be appointed by the Mayor, subject to the approval of the Board of Trustees. The Historic Preservation Commission shall be composed of five members. All members shall have a known interest in historic preservation and architectural development within the Village.

B. Terms of office shall be five years. Those persons currently serving as members of the Village of Fayetteville Historic Preservation Commission shall continue to serve their three-year terms as previously appointed. The first appointments of members after expiration of each three-year term 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 hereunder, the succeeding appointments shall be for five-year terms. No term shall exceed five years.

C. Of the members of the Historic Preservation Commission, the Mayor shall appoint one as Chairperson and one as Vice Chairperson, subject to the approval of the Board of Trustees. Members of the Historic Preservation Commission shall continue their terms as appointed prior to adoption of this chapter.

D. The powers of the Commission shall include:

(1) Upon funding by the Board of Trustees, employment of staff and professional consultants as necessary to carry out the duties of the Commission.

(2) Promulgation of rules and regulations as necessary for the conduct of its business.

(3) Adoption of criteria for the identification of significant historic, architectural and cultural landmarks and for the delineation of historic districts.

(4) Conducting surveys of significant historic, architectural and cultural landmarks and historic districts within the Village.

(5) Recommending to the Board of Trustees designation of identified structures or resources as landmarks and historic districts.

(6) The making of recommendations to the Village government concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this article.

(7) Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.

(8) Making recommendations to Village government concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Village.

(9) Recommending acquisition of a landmark structure by the Village government where its preservation is essential to the purposes of this article and where private preservation is not feasible.

(10) Approval or disapproval of applications for certificates of appropriateness pursuant to this article.

E. The Commission shall meet at least once a month, but meetings may be held at any time on the written request of any two of the Commission members or on the call of the Chairman or the Mayor.

F. A quorum for the transaction of business shall consist of three of the Commission's members, but not less than a majority of the full authorized membership may grant or deny a certificate of appropriateness.

G. Associate members. In addition to its regular members, the Historic Preservation Commission may include up to two associate members who shall be appointed to one-year terms by the Mayor, subject to the approval of the Board of Trustees. Each associate member may attend meetings and may participate in deliberations including executive session deliberations unless excluded from such executive sessions by vote of the Commission. Each associate member shall have such additional powers and voting rights as are conferred upon them by § 187-43.1 (Voting rights of associate members of Zoning Board of Appeals, Planning Board, Historic Preservation Commission, Tree Commission and Parks Commission).

Designation of landmarks or historic districts.

A. The Commission may recommend to the Board of Trustees that an individual property be designated as a landmark if it:

(1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation;

(2) Is identified with historic personages;

(3) Embodies the distinguishing characteristics of an architectural style;

(4) Is the work of a designer whose work has significantly influenced an age; or

(5) Because of unique location or singular physical characteristic, represents an established and

familiar visual feature of the neighborhood.

B. The Commission may recommend to the Board of Trustees that a group of properties be designated as a historic preservation district if it:

(1) Contains properties which meet one or more of the criteria for designation of a landmark; and

(2) By reason of possessing such qualities, it constitutes a distinct section of the Village.

C. The Board of Trustees may act to include a proposed property or properties in the Historical Preservation Overlay District by local law to amend the Village of Fayetteville Zone District Map. In addition to the procedural requirements otherwise required, notice of a proposed designation by the Board of Trustees shall be sent by registered mail to the owners of the property or properties proposed for designation, describing the property or properties proposed and announcing a public hearing by the Board of Trustees to consider the designation. Use of the names and addresses for those persons shown on the current Village real property tax rolls for purposes of mailing Village tax invoices for each affected parcel shall be deemed to satisfy the requirements of this section for purposes of mailed notice.

D. The Board of Trustees shall hold a public hearing prior to designation of any landmark or historic district. The Historic Preservation Commission, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments or other evidence offered outside of the hearing.

E. Within 60 days after filing of a recommendation for designation made by the Commission pursuant to Designation of Landmarks or Historic Districts A or B above, the Board of Trustees must act to either reject the recommendation or schedule a public hearing.

F. Upon filing with the Village Clerk of a recommendation for designation by the Commission made pursuant to Designation of Landmarks or Historic Districts A or B above, no building permits shall be issued by the Codes Enforcement Officer until after the next regularly scheduled meeting of the Board of Trustees.

G. The Board of Trustees may, by resolution, make a finding that it is considering designation of a landmark or historic district and, upon such finding, prohibit the issuance of building permits by the Codes Enforcement Officer for properties within the proposed area for a period of 45 days. The Board of Trustees may, by resolution, extend such prohibition for two successive thirty-day periods upon a finding that substantial progress is being made toward completion of the designation.

Alteration, demolition or new construction.

No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within a historic district, nor shall any person make any material change in the appearance of such property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic district, without first obtaining a certificate of appropriateness from the Historic Preservation Commission.

Criteria for approval of certificate of appropriateness.

A. In passing upon an application for a certificate of appropriateness, the Historic Preservation Commission shall not consider changes to interior spaces.

B. The Commission's decision shall be based on the following principles:

(1) Properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible.

(2) Any alteration of existing properties shall be compatible with its historic character, as well as with the surrounding district.

(3) New construction shall be compatible with the district in which it is located.

C. In applying the principle of compatibility, the Commission shall consider the following factors:

(1) The general design, character and appropriateness to the property of the proposed alteration or new construction.

(2) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood.

(3) Texture, materials and color and their relation to similar features of other properties in the neighborhood.

(4) Visual compatibility with surrounding properties, including proportion of the property's front facade, roof shape and the rhythm of spacing of properties on streets, including setback.

(5) The importance of historic, architectural or other features to the significance of the property.

Certificate of appropriateness application procedure.

A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Historic Preservation Commission. The application shall contain:

(1) Name, address and telephone number of applicant.

(2) Location and photographs of property.

(3) Elevation drawings of proposed changes, if available.

(4) Perspective drawings, including relationship to adjacent properties, if available.

(5) Samples of color or materials to be used.

(6) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, method of illumination and a plan showing the sign's location on the property.

(7) Any other information which the Commission may deem necessary in order to visualize the proposed work.

B. No building permit shall be issued for such proposed work until a certificate of appropriateness

has first been issued by the Historic Preservation Commission. The certificate of appropriateness required by this article shall be in addition to and not in lieu of any building permit that may be required by any other local law or ordinance of the Village of Fayetteville.

C. The Commission shall approve, deny or approve the permit with modifications within 45 days from receipt of the completed application. The Commission may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.

D. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Village Clerk's office for public inspection. The Commission's decisions shall state the reasons for denying or modifying any application.

(Reserved)

Hardship criteria for demolition.

A. An applicant whose certificate of appropriateness for a proposed demolition has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that:

(1) The property is incapable of earning any reasonable return, regardless of whether that return represents the most profitable return possible.

(2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.

(3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

Hardship criteria for alterations.

A. An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

Hardship application procedure.

A. After receiving written notification from the Commission of the denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or authorization to proceed with demolition shall be issued unless the Commission makes a finding that a hardship exists.

B. The Commission may hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views.

C. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

D. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Village Clerk's office for public inspection. The

Commission's decision shall state the reasons for granting or denying the hardship application.

Enforcement.

All work performed pursuant to a certificate of appropriateness issued under this article shall conform to any requirements included therein. It shall be the duty of the Village of Fayetteville Building Code Enforcement Officer to inspect periodically any such work to assure compliance. In the event that work is found that is not being performed in accordance with the certificate of appropriateness or upon notification of such fact by the Historic Preservation Commission, the Building Code Enforcement Officer shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

Maintenance and repair required.

A. Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, color or outward appearance.

B. No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

C. Examples of such deterioration include:

(1) Deterioration of exterior walls or other vertical supports.

(2) Deterioration of roofs or other horizontal members.

(3) Deterioration of exterior chimneys.

(4) Deterioration or crumbling of exterior stucco or mortar.

(5) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.

(6) Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for the public safety.

Violations.

A. See Ch. 113, Penalties for Offenses.

B. Any person who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this article shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the Village Attorney. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

Appeals.

Any person aggrieved by a decision of the Historic Preservation Commission relating to hardship or a certificate of appropriateness may, within 15 days of the decision, file a written application with the Village Board for review of the decision. Reviews shall be conducted based on the same record that was before the Commission and using the same criteria.

Article XIII: Planned Development District

Purpose and intent.

A. Planned development districts (PDD) are for exceptional settings and situations where the dimensional and use requirements of this chapter do not fit with the intended project.

B. PDDs shall have unique characteristics and circumstances of geography, topography, surrounding development, special goals and objectives of the community, and special factors pertaining to public health and safety, permanence of buildings, aesthetics, and intrinsic as well as extrinsic values of property.

C. The PDD regulations and procedures may apply to parcels of relatively small size as well as large-scale development, depending upon the nature of the proposed uses and improvements and their relationship with other surrounding uses and the overall characteristics of the area's location.

D. PDDs are intended to encourage innovations in land development and renewal techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing community life.

E. Applications shall support sustainable land use and development practices, efficient use of land, public services, and utilities.

F. Projects intending to meet an underserved need in the community or benefit the community at large are encouraged.

Proposals.

A. PDDs shall comprise at least one acre of land, shall have more than one use as shown on the Use District Table and may not be used to create off-premises signs.

B. A PDD may be proposed by a private person or entity, the Planning Board, Village staff, the Village Board, or by any other public body, public benefit corporation, development agency or government, whether or not actual development of the proposal is to be carried out by the proponent or under sponsorship of the proponent.

C. Any person, corporation, partnership, or association having an ownership interest in a proposed district, or any group of owners united in interest, acting jointly and in pursuant to any agreement to carry out the proposal in separate ownership, may propose a PDD in accordance with the procedures hereinafter established.

D. A parcel, parcels, district or site proposed for a PDD need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners indicate their express intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the Village.

Criteria for consideration.

The following criteria shall be addressed by the applicant and considered by the Village Board, Village staff, and the Planning Board for all PDD proposals:

A. That the proposal cannot be achieved with the strict application of the dimensional and use requirements of this chapter.

B. That the proposal substantially conforms to the Village's Comprehensive Plan and other adopted plans, to regional comprehensive plans, and to other expressions of municipal development policy.

C. That the existing character of the neighborhood will not be adversely affected and that adequate safeguards are provided to limit possible detrimental effects of the proposed development on adjacent properties and on the neighborhood in general.

D. That there is ample provision for water, sewer, storm- and surface water drainage and other utilities.

E. That there is adequate availability of schools, police and fire protection, parks and recreational facilities and other community facilities and public services.

F. That natural areas are maintained and protected as part of the proposed development.

G. That the location, height and bulk of buildings and structures on the site are in proportion to each other and relate well to other structures and visual perspectives in the vicinity.

H. That careful attention has been given to the patterns of pedestrian and bicycle circulation and to the effective use and design of open spaces, landscaping, exterior facade and amenities.

I. That vehicular access is adequate to and within the site, that parking and loading spaces are adequate and well located relative to the uses and structures to be served, that there are no conflicts between vehicular traffic and the other uses and activities proposed.

J. That the proposed installation of driveways, lighting, signs, landscaping, fencing, screening, and other site details is generally in harmony with the proposed structures, with adjacent properties, with the rights and interests of the general public, and with the design qualities and objectives suggested by this chapter and the Planning Board.

Initial procedures.

A. PDD adoption requires an amendment to this chapter and map; chapter amendments are discretionary acts of the Village Board.

B. Before any subdivision approval, site plan approval or building permit is issued by the Village, the applicant or their authorized agent shall apply for and secure approval of such PDD in accordance with the procedures of this section.

C. PDD proposals may be made at the earliest planning stage practical to allow time for a complete evaluation and to allow for the consideration of alternative plans or methods, to assess the full impact and consequences of the proposal, to formulate modifications or conditions as may be needed. The Planning Board or the Village Board may, from time to time, promulgate such guidelines, rules and regulations as may be deemed necessary for the orderly presentation and processing of such proposal in addition to those contained in this article. Such guidelines may also

establish permanent or temporary priorities on the type, location, or scale of development proposals.

D. All proposals for PDDs shall be submitted directly to the Village Clerk .

E. Proposals shall include information regarding the proposed mix of uses, development density and scale, infrastructure improvements, community amenities and retained natural areas. A sketch plan drawn to scale is required. The Village Board may ask for additional information, including but not limited to:

(1) Delineation of the various residential areas, indicating for each such area:

(a) General extent, size, and composition in terms of total number of dwelling units.

(b) Approximate percentage allocation by dwelling unit type (i.e., single unit, two-unit, townhouse, multiunit).

(2) The location of any nonresidential uses and the approximate square footage of all nonresidential uses.

(3) The general outlines of the interior roadways, sidewalk systems, and open space.

(4) A location map showing existing uses and names of owners of abutting lands.

(5) If the development is to be phased, a general indication of how the phasing is to proceed.

F. Village staff, or its professional consultants, as the case may be, shall prepare a professional opinion regarding the verification of data shown in the proposal, the proposal's relationship with this chapter and with the Comprehensive Plan, the possible effects of the proposal upon the surrounding properties, the general harmony with the essential character of the area, the aesthetic and design qualities of the proposal, and such other factors or considerations as may be appropriate in considering the merits of the proposal.

G. After review by Village staff, the proposal shall be forwarded to the Village Board for its consideration. If accepted, the Village Board shall refer the proposal to the Planning Board who shall consider the proposal and make findings based on the criteria listed in this article.

Planning Board Procedures for the PDD

A. Upon the applicant's submission of plans and specifications for the development, the matter shall be placed on the agenda of the Planning Board at its next regular meeting.

B. In considering the plans and specifications for a development in a PDD, the requirements for lot area, lot width, building coverage, building heights and other bulk, density or parcel specifications of this chapter, or the other physical requirements of this chapter shall be observed as general guidelines, and may be more or less restrictive in accordance with the recommendations of the Planning Board or professional consultant(s). In its review, the Planning Board shall consider the following:

(1) A topographic map.

(2) A location map showing existing uses and names of owners of abutting lands.

(3) Delineation of the various residential areas, indicating for each such area general extent, size, and

composition in terms of total number of dwelling units.

(4) Approximate percentage allocation by dwelling unit type (i.e., single unit, two-unit, townhouse, multiunit).

(5) All development height and bulk standards; and calculation of percent of permeable area.

(6) The location of any nonresidential uses and the approximate square footage of all nonresidential uses.

(7) The general outlines of the interior roadways and sidewalk systems, intended road ownership, and all existing rights-of-way and easements, whether public or private.

(8) Delineation of open space, trails or recreational areas.

(9) A utility system, including sanitary sewers, stormwater sewers, and water, electric, gas and telephone lines, and any facilities required for stormwater treatment.

(10) A landscape plan showing the materials to be used and their treatment for private and common open space.

(11) Signage and lighting plans. Enough information on land areas adjacent to the proposed PDD to show the relationships between the proposed development and adjacent areas, including adjacent buildings, land uses, zoning classifications, densities and intensities, circulation systems, public facilities, and floodplains, wetlands, and other natural resource areas.

(12) The proposed treatment of the perimeter of the PDD, including land use restrictions, setbacks, landscaping, and other measures, such as screens, fences and walls. Evidence of how the applicant's proposed mix of land uses meets existing community demands.

(13) A general statement as to how common open space is to be owned and maintained.

(14) If the development is to be phased, a general indication of how the phasing is to proceed.

(15) Evidence of the applicant's financial competence to carry out the plan.

C. The Planning Board may seek public input from the community on the application by conducting a public hearing.

D. The Planning Board may adopt a resolution recommending to the Village Board that the parcel be rezoned to the designated PDD and shall transmit such resolution and the other supporting materials related to the proposal to the Village Board. The resolution may contain conditions, restrictions, or limitations that the Planning Board deems requisite to its recommendation.

E. If the Planning Board declines to recommend rezoning, or in the event that the Planning Board does not act upon the proposal within a period of 90 days after the date that the complete application has been submitted as determined by the Planning Board, the applicant may submit the proposal directly to the Village Board with a request that said Village Board consider the proposal upon its own motion. The applicant shall, in such instance, make full disclosure to the Village Board of the reasons for the Planning Board’s failure or refusal to approve. Before taking final action upon such proposals, the Village Board shall hear and consider any statements or opinions of the Planning Board as to the merits of the proposal or reasons for its failure or refusal to approve.

Final PDD Procedures before Village Board.

A. Upon receipt of a resolution of the Planning Board recommending an ordinance amendment to include a PDD, the Village Board shall proceed in accordance with the amendment provisions of this chapter.

B. Referral to the Planning Board of the proposed amendment shall be deemed waived unless a substantial change in the proposal shall occur after the date of the Planning Board recommendation.

C. The proposed zoning amendment shall include direction as to when further site plan review, subdivision review, or other approvals are required.

Expiration or abandonment.

A. If development authorized by the Planning Board in a PDD has not been commenced and diligently pursued within 24 months from the date when the final plans and specifications were approved by the Village Board, the Village Board may, upon its own motion, institute an amendment to rezone such PDD back to the underlying use district as provided on the Zoning Map pursuant to the amendment provisions of this chapter.

B. Parcels with an active PDD may choose to abandon a PDD and develop in accordance with the provisions of the underlying zoning.

Changes and amendments.

A. Any changes or minor amendments to an approved PDD may be reviewed and acted upon by the Planning Board through the site plan review processes.

B. Any major changes or amendments to an approved PDD that are determined by the Codes Enforcement Officer shall still be reviewed by the Planning Board, but such changes shall not become effective until approved by the Village Board in accordance with the amendment provisions of this chapter.

Existing planned districts.

Any planned district, existing at the time of the adoption of this chapter, and shown on the Zoning Map, may continue to be used for such purposes as delineated in the ordinance that established such district. Development must continue to occur based on the district plan that was approved as part of the planned district establishment. Any changes or amendments to the approved uses or district plan must follow the changes and amendments provisions of this article.

Article XIV: Administration and Enforcement

Authority.

The general administration and enforcement of this chapter shall be divided among the Code Enforcement Officer, Zoning Board of Appeals and Planning Board, who may adopt regulations to govern their procedures, including administrative forms and filing fees, with the approval of the Village Board of Trustees.

Codes Enforcement Officer.

A. The Codes Enforcement Officer shall be responsible for the issuance of certification that all development complies with the provisions of this chapter, including the terms and conditions of any special authorization. No development shall take place within the Village unless such certification has been issued. The form of certification shall read as follows: "The plans for the development of the subject property are in compliance with the Code of the Village of Fayetteville and with the terms and conditions of any special authorization issued pursuant to such Code."

B. This certification shall be endorsed upon all permits required to be issued.

C. The Codes Enforcement Officer is authorized to provide an interpretation of any of the provisions of this chapter, including by way of illustration and not limitation the precise location of the district boundary lines and the meaning of any term or provision of this chapter. Where there is disagreement with such determination, an application may be filed by either the Code Enforcement Officer or any other interested party with the Zoning Board of Appeals, as provided in this chapter, requesting a review of the Code Enforcement Officer's determination. In addition, if it is claimed that any proposed development of property is exempt from the provisions of this article because of any applicable local, county, state or federal law, an application shall be filed with the Code Enforcement Officer requesting a statement that there is such an exemption.

Temporary uses and structures.

A. The Code Enforcement Officer is authorized and may, at their discretion, issue permits for temporary structures and/or uses, on public or private property by private sponsors, except as may otherwise be regulated in this chapter, for a prescribed term, granting the minimum necessary but not to exceed six months.

B. Exception. Temporary uses and structures shall not include the use of recreational vehicles, travel trailers or other mobile dwellings, tents, or yurts except for housing related to a federal, state, or local emergency declaration.

C. Permit standards.

(1) The granting of the temporary permit shall be in writing and shall stipulate any conditions as to time, nature of use and or structures permitted, and arrangements for removal and restoration as necessary.

(2) If the operator of the temporary use is not the owner of the site where the temporary use will be located, written permission from the property owner is required.

(3) Temporary permits are subject to any reasonable conditions and safeguards to minimize any

injurious effect on the neighborhood or contiguous property.

(4) The granting of a temporary permit shall be accompanied by written stipulations regarding the following, as needed: setbacks, lot coverage, off-street parking signage and lighting to protect the public health, safety, peace, morals, comfort, convenience, and general welfare of the immediate vicinity.

(5) All temporary uses must meet any applicable federal, state, and local requirements, including, but not limited to, licensing, health, safety, and building and fire code requirements.

D. Granting of temporary uses. For periods longer than six months, the Zoning Board of Appeals may grant, after due notice and public hearing, the temporary occupancy and use of a structure or lot in any district, regardless if that use does or does not conform with the district requirements, provided that such occupancy and use is a temporary one and subject to any reasonable conditions and safeguards which the Board may impose to minimize any injurious effect on the neighborhood or contiguous property. The permit shall not be granted for a period of more than 12 months.

Zoning Board of Appeals.

A. The Zoning Board of Appeals shall consist of five regular members, who shall each be appointed to five year terms by the Mayor, subject to the approval of the Board of Trustees. Of such members, the Mayor shall appoint one as Chairman and one as Deputy Chairman, subject to the approval of the Board of Trustees. The Zoning Board of Appeals shall have the power to adopt rules for its procedure in government, not inconsistent with law or this chapter, subject to the approval of the Village Board of Trustees.

B. Alternate members. In addition to its regular members, the Zoning Board of Appeals may include up to two alternate members who shall be appointed to one-year terms by the Mayor, subject to the approval of the Board of Trustees. Each alternate member may attend meetings, and may participate in deliberations including executive session deliberations unless excluded by vote of the regular Zoning Board members. Each alternate member shall have such additional powers and voting rights as are conferred upon them in this chapter.

Planning Board.

A. The Planning Board shall consist of five regular members, who shall each be appointed to five year terms by the Mayor, subject to the approval of the Board of Trustees. Of such members, the Mayor shall appoint one as Chairman and one as Deputy Chairman, subject to approval of the Board of Trustees. The Planning Board shall have the power to adopt rules for its procedure in government, not inconsistent with law or this chapter, subject to the approval of the Village Board of Trustees.

B. Alternate members. In addition to its regular members, the Planning Board may include up to two alternate members who shall be appointed to one-year terms by the Mayor, subject to the approval of the Board of Trustees. Each alternate member may attend meetings, and may participate in deliberations including executive session deliberations unless excluded from such executive sessions by vote of the regular Planning Board members. Each alternate member shall have such additional powers and voting rights as are conferred upon them in this chapter.

C. The Planning Board is authorized to receive and make a decision on all applications for special permits and site plan approval as required by this chapter and to review and approve applications for subdivision in accordance with the applicable provisions of the Village Law and any

subdivision regulations adopted by the Village.

Minimum Training Requirements

A. All members of the Planning Board and Zoning Board of Appeals shall be required to attend a minimum of four hours of relevant training courses within each year from the year of their initial appointment to such board.

B. Suitable training in excess of four hours per year may be accumulated and carried over into the succeeding year for the purpose of satisfying the training requirements for the following calendar year. However, no more than four hours may be carried for more than one year. All members of the Planning Board and Zoning Board of Appeals must not go more than two calendar years without completing additional training hours.

C. Noncompliance with minimum requirements relating to training hours shall be deemed a proper cause for removal from position on either board.

Board of Trustees.

The Village Board of Trustees shall be responsible for the classification of all zoning districts and amendments to the text of this chapter.

Penalties for offenses.

Any person committing an offense against any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable for each offense by a fine or by imprisonment as set forth in Chapter 113 of this Code.

Fees and expenses.

A. Fee and expense schedule. The Village Board of Trustees shall establish by resolution and may periodically amend by resolution a schedule of fees and expenses to be paid by each applicant or appellant seeking a special permit, interpretation, variance, appeal or other response, decision, approval or other action of the Village or any of its boards, commissions or agencies pursuant to this chapter.

(1) Expenses may be calculated to include reasonable expenses incurred by the boards in reviewing and acting upon such applications for administrative, consulting and/or expert assistance.

(2) Any schedule of fees and expenses established pursuant to this section shall not apply to any properly completed application that is properly filed prior to adoption of such schedule by the Village Board.

(3) Within 10 calendar days after adoption of such schedule by the Village Board, any schedule of fees and expenses established pursuant to this section shall:

(a) Be posted conspicuously at or near the main entrance to the Village Clerk's office; and

(b) Be provided to the Village Codes Enforcement Office; and

(c) Be published once in the newspaper designated by the Village for such purpose or in a newspaper of general circulation within the Village.

(4) The applicable fee or expense shall be paid to the Village with the filing of the application or appeal to be considered.

B. Expert assistance. Upon any application for a special permit, site plan approval, interpretation, variance, appeal, decision, approval or other action pursuant to this chapter, the applicant shall be obligated to pay the reasonable costs for all consulting or expert technical assistance, including but not limited to scientific, engineering, or appraisal services, required by the reviewing board to properly analyze, review and act upon such application.

(1) The reviewing board shall obtain and provide a written estimate for the cost of such expert assistance to the applicant.

(2) The applicant shall deposit such estimated sum in an account with the Village Treasurer prior to performance of such services.

Any deficiency or surplus in such account existing prior to the issuance of the certificate of occupancy or certificate of completion shall be paid by or refunded to the applicant.

Voting rights of associate members of Zoning Board of Appeals, Planning Board, and Historic Preservation Commission.

Reference herein to a "Board" shall refer to the Zoning Board of Appeals, the Planning Board, or the Historic Preservation Commission as the case may be. Reference herein to "alternate members" shall refer to the alternate members duly appointed to the corresponding Board.

A. A village board of trustees may, by local law or as a part of the local law creating the zoning board of appeals, establish alternate zoning board of appeals member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the zoning board of appeals shall be appointed by the mayor, subject to the approval of the board of trustees, for terms established by the village board of trustees.

B. The chairperson of the zoning board of appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial zoning board of appeals meeting at which the substitution is made.

All provisions of this section relating to zoning board of appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.

Article XV. Variances and Appeals

Applications; standards for review; decisions; expiration.

Appeals.

A. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

B. All appeals and applications to the Board shall be in writing, on forms prescribed by the Board. Upon receipt of an application or appeal the Chairman of the Board or the Codes Enforcement Officer shall transmit to the Planning Board a copy of said application or appeal and shall request that the Planning Board submit to the Board of Appeals a report of its opinion on said application or appeal. Upon failure to submit such report, the Planning Board shall be deemed to support the application or appeal.

C. Time of appeal. All appeals to the Zoning Board of Appeals must be made within 30 days of notification of denial of an application or of the actual granting of a building permit. Every decision of the Zoning Board of Appeals shall be made by resolution, certified copies of which shall be filed with the Codes Enforcement Officer, the Village Clerk and the applicant.

D. Stay upon appeal. An appeal to the Zoning Board of Appeals shall stay the enforcement of the ordinance from which the appeal has been taken, unless the Code Enforcement Bureau determines that the stay of enforcement would pose imminent peril to life or property.

Applications.

The Zoning Board of Appeals shall not act upon any application for a variance or an interpretation until the required public hearing has been held. The Zoning Board of Appeals shall render a written decision on the application within 62 days of the close of the public hearing. This time period may be extended by mutual consent of the applicant and the Board.

Standards for area and use variances.

The Zoning Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall make a finding of fact based upon the evidence as presented to it in each specific case as specified below:

A. Area variance.

(1) 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; and

(e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(2) The Zoning 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.

(3) Imposition of conditions. The Zoning 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 zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

B. Use variances.

(1) No such use variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning 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 the 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; and

(d) The alleged hardship has not been self-created.

(2) The Zoning 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 proven 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.

Expiration of variances.

A. Whenever a variance is authorized by the Zoning Board of Appeals, the activity shall be completed within 12 months after the effective date of such variance, unless an extension is granted by the Zoning Board of Appeals.

B. If an extension is not granted, such variance shall automatically expire without notice.

Rehearing.

A motion for the zoning board of appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

Article XVI: Communication Towers

Purpose and goals.

A. The purpose of this article is to establish guidelines and procedures for the siting of wireless communications towers, antennas and related structures.

B. The goals of this article are to:

(1) Encourage users of towers and antennas to configure them in a way that minimizes the adverse aesthetic impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

(2) Encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(3) Avoid potential damage to person and property from tower failure through engineering and careful siting of tower and other structures; and

(4) Minimize the total number of towers throughout the community.

Review authority.

The Planning Board shall review and approve, approve with modifications or disapprove applications for special permits for antennas and/or towers requiring same under this chapter. Special permit applications shall be submitted to and reviewed by the Planning Board pursuant to the special permit procedures set forth elsewhere in this chapter as supplemented by the additional criteria and requirements of this article. The Planning Board may impose conditions and/or restrictions to such permits to accommodate the requirements of this chapter.

Exempt antennas or towers.

A. The Village Board of Trustees may establish and periodically amend by resolution a schedule describing certain types of towers or antennas that shall be exempted from any or all special permit requirements set forth in this article.

(1) Any schedule of exempt antennas and/or towers established pursuant to this section shall not apply to any antenna or towers referred to in this section until 45 business days, excluding legal holidays, after:

(a) Adoption of such schedule by the Village Board; and

(b) Completion of the notice requirements set forth in the following subsection.

(2) Within 10 business days, excluding legal holidays, after adoption of such schedule of exempts antenna and/or towers by the Village Board, such schedule shall:

(a) Be posted conspicuously at or near the main entrance to the Village Clerks office; and

(b) Be provided to the Village Codes Enforcement Office; and

(c) Be published once in the newspaper designated by the Village for such purpose or in a

newspaper of general circulation within the Village.

B. The following are exempt antennas and towers:

(1) Tower. Any tower extending no more than 10 feet above the highest building on the premises designed and used for no more than one of the types of exempt antennas referred to in this subsection.

(2) Antennas. Any antennas extending no more than 10 feet above the highest building on the premises designed and used only for noncommercial purposes and only for the reception of the following types of signals that are not retransmitted off of the premises upon which the antenna is located:

(a) VHF and UHF broadcast television.

(b) Citizens band radio.

(c) AM or FM radio.

Expenses.

Expert assistance. The Planning Board may require the assistance of a qualified professional engineer, electrical engineer and/or other expert to assess the issues and standards relevant to permits sought pursuant to this article. The cost for same shall be borne by the applicant pursuant to the procedures set forth in this chapter.

Factors considered in granting special use permits for towers.

In addition to the criteria and standards set forth in that section of this chapter pertaining to special permits generally, the Planning Board shall consider the following in determining whether or not a special permit shall issue:

A. General.

(1) Height of the proposed tower;

(2) Proximity of the tower to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and foliage;

(6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Adequate siting and analysis to avoid significant visual impacts; and

(8) Proposed ingress and egress.

B. Availability of suitable existing or approved towers or alternate tower structures.

C. Compliance with all other requirements of this chapter.

Inventory of existing sites.

Each applicant shall provide to the Codes Enforcement Officer an inventory of its existing or approved towers, antennas, or alternate tower structures that are either within the Village or within one mile of its borders, including specific information about the location, height and design of each tower.

Collocation requirements.

A. No new tower or structure shall be permitted unless the applicant demonstrates that no existing or approved tower, alternate tower structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. Evidence of this may consist of, but is not limited to, any of the following:

(1) Existing or approved towers or alternate tower structure are not of sufficient height to meet applicant's engineering requirements.

(2) Existing or approved towers or alternate tower structure do not have sufficient structural strength to support the proposed antenna and related equipment.

(3) The proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternate tower structures, or vice versa.

(4) Fees, costs, or contractual provisions required to share an existing tower or alternate tower structure or to adapt an existing tower or alternate tower structure are unreasonable.

(5) The applicant demonstrates that there are other limiting factors that render existing towers or alternate tower structures unsuitable.

(6) The applicant demonstrates that an alternative technology that does not require the use of towers or alternate tower structures is not reasonably attainable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

B. The applicant shall submit information requested by the Planning Board related to the availability of suitable existing or approved towers, alternate tower structures or alternative technology.

C. Any communications antenna permit issued pursuant to this chapter shall contain the following conditions which shall be binding upon the applicant and its successors in interest:

(1) The applicant shall negotiate in good faith for and allow shared use of the proposed tower by others for reasonable consideration and upon reasonable conditions.

(2) Upon request, the applicant shall timely provide technical information and leasing terms relevant to leasing space for mounting of an approved antenna to the Village or a potential shared-use tenant.

(3) The applicant shall impose no more than a reasonable charge for shared use, based upon generally accepted accounting principles. The charge may include but is not limited to a pro rata share of the cost of site selection, planning, project administration, land costs (including taxes), site design, construction and maintenance financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to reasonably accommodate a shared user over a reasonable lease term.

(4) The applicant shall remove the tower, antennas and associated facilities upon cessation of operations at the site and will provide a similar commitment as part of any lease agreement to the owner of the premises upon which the tower, antennas and associated facilities are located.

D. In order to keep neighboring municipalities informed and to facilitate the identification of suitable existing structures in a neighboring municipality:

(1) The applicant shall give notice to the Town of Manlius Code Enforcement Officer and the Syracuse Onondaga County Planning Agency. Such notice shall include a copy of the application and any accompanying drawings, the location of the proposed tower, a general description of the project, the height of the tower and its capacity for future shared use.

(2) Proof of such notice shall be submitted to the Planning Board with the application.

Maximum height.

The height of any tower, antenna or alternate tower structure shall not exceed the minimum required to achieve the objective, but in no event more than 110 feet above the ground on which the antenna is placed.

Setbacks from property lines.

A. Lot size. For purposes of determining whether the installation of a tower, antenna or alternate tower structure meets applicable requirements, the dimensions of the entire premises shall control even though the improvements may be located on leased parcels within such premises.

B. Setback requirements:

(1) Towers must be set back from all property lines a distance equal to at least 100% of the height of the tower.

(2) Accessory structures must satisfy the applicable minimum zoning district setback requirements.

(3) The Planning Board may reduce the setback requirements imposed by this section for structures other than towers to allow the integration of an antenna into an existing or proposed structure such as a steeple, light pole, power line or similar structure.

Aesthetics.

A. Towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

B. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

C. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

D. Security fencing. Towers and accessory structures shall be enclosed by locked security fencing not less than six feet in height and the tower shall also be equipped with appropriate anticlimbing devices.

E. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special permit is required.

(1) Towers and accessory structures shall be landscaped with a buffer of plant materials that effectively screens the view of the tower and accessory structures from residential properties. The standard buffer shall consist of a landscaped strip at least eight feet wide outside the perimeter of the towers and accessory structures.

(2) Existing tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

Accessory structures.

A. All accessory structures:

(1) Shall be located in a rear or side setback;

(2) Shall be no greater than eight feet in height or 120 square feet of gross floor area;

(3) Shall be located a minimum of 15 feet from all lot lines or in accord with applicable setback requirements, whichever is greater;

(4) Shall be screened by an evergreen hedge or other suitable visual screen with an ultimate height of at least eight feet.

B. Modification of building size requirements. The requirements for accessory structures set forth in this section may be modified by the Planning Board to encourage collocation.

C. Lighting. Towers and structure shall be artificially lighted only to the extent required by the Federal Aviation Administration or other applicable law or regulation. To the extent permissible such lighting shall be designed to cause the least disturbance to the surrounding views.

D. Signs. No signs shall be allowed on an antenna or tower, except as required by law.

Tower structural requirements.

A. No permanent platforms or other additions, other than antenna, that increase off-site visibility are permitted.

B. The base of the tower shall occupy no more than 500 square feet and the top of the tower shall be no larger than the base.

C. All utility connections to the tower shall be installed beneath the ground surface.

D. Any proposed structure shall be designed to accommodate the applicant's proposed antennas and comparable antennas for the maximum number of users feasible but in no case for less than one other user.

E. Where feasible, structures should be designed to allow for future rearrangement of antennas upon the structure and to accept antennas mounted at varying heights.

Performance standards.

A. Compliance with other laws. All towers and antenna must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of New York State or the federal government with the authority to regulate towers and antennas.

(1) The applicant shall submit evidence of compliance with applicable state, federal or other standards for tower or antenna construction prior to issuance of a certificate of occupancy. Certification to same by a licensed professional engineer shall be deemed sufficient.

(2) The operator of every antenna or tower shall submit to the Code Enforcement Officer copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna or tower and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.

B. Construction code and safety standards. All towers and antennas shall be constructed and maintained in compliance with applicable state and federal law and regulations as well as applicable sections of the National Electrical Code as amended from time to time.

(1) If a tower fails to comply with such standards and constitutes a danger to persons or property then, upon notice being provided by the Codes Enforcement Officer to the owner of the premises upon which the tower in situated, the owner of the premises shall bring such tower into compliance with such standards within 60 days from delivery of such notice to the owner.

(2) In the event the owner fails to bring such tower into compliance within said 60 days the Village may cause the removal of the tower or antenna at the expense of the owner of the premises.

C. The reasonable costs of verification of compliance with this section incurred by the Village or its agencies shall be borne by the owner of the premises upon which the tower is located.

Removal of abandoned antennas and towers.

A. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Village notifying the owner of such abandonment.

B. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower, antennas and associated facilities upon cessation of operations at the site shall be submitted at the time of the application.

C. In the event the owner fails to remove an abandoned antenna or tower within said 90 days the Village may cause the removal of the tower or antenna at the expense of the owner of the premises.

D. Bond. Prior to issuance of the special permit, the applicant shall cause to be issued to the Village a bond in an amount determined by the Planning Board to cover the estimated costs of removal of the proposed tower and/or antenna. Such bond shall be maintained continuously in effect as a condition of the special permit.

(1) The bond shall provide that the surety shall pay to the Village such amount, up to the face value of the bond, as the Village incurs in removing any tower or antenna pursuant to the terms of the article.

(2) Alternative arrangements employing cash deposits or letters of credit issued by a commercial bank may be employed if found to constitute equivalent security by the Planning Board.

(3) The amount of the bond may be reviewed and modified by the Planning Board, after three years from its last amendment, to reflect changes in the estimated costs of removal of the proposed tower and/or antenna.

Article XVII: Application Procedures

State Environmental Quality Review Act

The Village shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations.

County approval.

The procedural requirements set forth herein shall be in addition to the requirements of the provisions of sections two hundred thirty-nine-l, -m, and -nn of the general municipal law relating to review by a county planning board or agency or regional planning council.

Conduct of public hearings.

All public hearings as required by this chapter shall be conducted in accordance with the following provisions:

A. All hearings shall be open to the public. Any person may appear and testify at such hearing, either in person or by an authorized agent or attorney.

B. The hearing body shall by general rule prescribe procedures for the conduct of hearings (i.e., Robert's Rules of Order).

Required notice for public hearing.

Prior to holding a public hearing, evidence shall be presented that the following notice requirements have been satisfied:

A. Every such advertisement shall contain a reference to the place or places within the Village where copies of the subject of the public hearing may be examined.

B. Publication. Public notice of any hearing shall be published once in an official newspaper in circulation in the Village of Fayetteville. Such notice shall be published not less than five days nor more than 21 days before the date of the hearing and shall specify the time and place of the hearing and the nature of the matter before the hearing body. Such notice shall be the responsibility of the Board.

C. Additional notice. The hearing body may by resolution prescribe additional means and forms of notices in connection with any matter falling within its jurisdiction.

Article XVIII: Terminology and Definitions

Word usage and definitions.

A. Generally. The definitions contained in this section shall be interpreted as defined herein, except when the context clearly indicates otherwise. Any terms not defined herein shall have ascribed to them their ordinarily accepted meanings and/or such as the context herein may imply.

B. List of definitions. As used in this chapter, the following terms shall have the meanings indicated:

ADVANCED TECHNOLOGY/RESEARCH FACILITIES — A specialized center, often publicly funded or a public-private partnership, focused on developing cutting-edge or transformative technologies.

ALLEY — A dedicated public right-of-way affording a secondary means of vehicular or pedestrian access to adjacent property and not intended for general traffic circulation.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement, or the moving from one location or position to another.

ALTERNATE TOWER STRUCTURE — A mounting structure, other than a tower, that can reasonably serve as a mounting point for an antenna and otherwise meets the requirements of this chapter.

AMUSEMENT, RECREATION, OR ENTERTAINMENT — A building or outdoor area designed and equipped for the conduct of sports, exercise, leisure-time activities, amusement or other recreation activities; excludes gaming and gambling facilities. Examples include driving ranges, miniature golf, swimming pools, tennis courts, motorized cart and motorcycle tracks, water parks, amusement parks, batting cages, trampoline facilities, mountain bike parks, and paintball courses.

ANIMAL CLINIC/VETERINARY HOSPITAL — A facility for the medical or surgical care by a doctor of veterinary medicine licensed in the State of New York of small animals commonly kept as household pets and having no limitation on overnight accommodations for such animals. Crematory facilities shall not be allowed in a veterinary hospital.

ANTENNA — Any device, other than an exempt antenna, used to radiate into or capture from the air electromagnetic waves carrying any form of communication including, but not limited to, cellular phone antennas, PCS communications antennas, directional antennas, such as panels and microwave dishes and omnidirectional antennas, such as whip antennas.

AREA, SITE — When referring to the required area per dwelling unit, means "net site area," the area(s) exclusive of streets and other public open space and portions of the site not capable of being developed.

AREA, STRUCTURE — The total of areas taken on a horizontal plane at the main grade level of the principal structure and all accessory structures exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

ASSISTED LIVING — Assisted living residence facility which provides housing, on- site monitoring, and personal care services and/or home care services (either directly or indirectly) in a home-like setting for senior (over 55) residents.

AUTOMOTIVE USES — All uses listed under the automotive category of the Use Table.

BED AND BREAKFAST — A residential structure containing up to five sleeping rooms designed for occupancy by one or more guests for compensation.

BUILDING — Any structure having a roof supported by columns or walls. Structural connections, such as a covered walkway or canopy porch, roof, foundation walls, tunnel connections above or below ground, enclosed or otherwise, shall not be construed as creating a single building from two or more buildings. Where divided by party walls, each portion of a building shall be deemed a separate building except as otherwise provided herein.

BUILDING HEIGHT — The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deckline of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

CAR WASH — Any building or premises devoted to the business of washing automobiles for a fee.

CEMETERY — A place dedicated to the permanent interment of human remains, including cremated remains.

COMMERCIAL KENNEL — Any place where more than four dogs, cats, or other household domestic animals over four months of age are kept for sale, or on which more than two such animals are boarded for compensation.

COMMUNITY CENTER — A cultural, educational, or recreational facility designed for neighborhood-wide or Village-wide use and operated on a not-for-profit basis.

COMMUNITY GARDEN — Land used for the cultivation of plants by multiple users for personal or group consumption or for sale or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

COMMUNITY RESIDENTIAL FACILITY - A supportive living facility subject to licensure by the New York State Office of Mental Health or the New York State Office for People with Developmental Disabilities which provides housing for individuals, including residential treatment facilities for children and youth. Category "A" shall be composed of not more than four persons and Category "B" of five to eight persons, exclusive of required resident supervisory personnel.

CONVERSION — The changing of the use of a particular property or the occupancy of a dwelling by alteration or other reorganization so as to increase the number of families or dwelling units in a structure.

CORNICE — A horizontal molded projection which crowns or finishes the wall of a building.

DAY-CARE CENTER — A place, other than a personal residence, designed and/or operated to provide day care for children and operated on a regular basis for a fee. All state licensing requirements are to be met and all operation is to be in accordance with New York State Department of Social Services regulations.

(1) DAY-CARE, ACCESSORY — A day-care center that is an accessory use.

(2) DAY CARE, ADULT — A place that provides individuals with socialization, supervision, monitoring, personal care, or nutrition in a protective setting during any part of the day, but for

less than a twenty-four-hour period. Additional services may include and are not limited to maintenance and enhancement of daily living skills, transportation, caregiver assistance, case coordination and assistance, or relief of inclement weather to adults and minors where such condition is dangerous to human health.

(3) DAY CARE, FAMILY — A personal residence designed and/or operated to provide family or group day care for between three and 12 children and operated on a regular basis for a fee. All state licensing requirements are to be met, and all operation is to be in accordance with New York State Department of Social Services regulations.

DEVELOPED OPEN SPACE — Pedestrian ways and other areas for active and/or passive recreation, but not including parking areas. Additional school and recreation areas or any community property may be included as developed open space.

DESIGN GUIDELINES — A set of discretionary statements duly adopted by the Village and used to guide land development to achieve a desired level of quality for the physical environment.

DISPENSARY — A business that is registered to operate in the State of New York that sells or otherwise distributes marijuana.

DISTRICT — A portion of the incorporated territory of the Village within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DRIVE-IN SERVICE, AUTOMOTIVE — A facility where one can drive in with an automobile for service. Examples include services like oil change, tire repair, detailing, and car wash.

DRIVEWAY — The space specifically designated and reserved on a lot primarily for the movement of vehicles from one site to another or from a site to a public street.

DWELLING - A structure or part thereof used for human habitation or intended to be so used.

(1) DWELLING UNIT - One or more rooms designed for occupancy for cooking, living, and sleeping purposes.

(2) DWELLING, ONE UNIT - A dwelling designed for and occupied exclusively for one unit occupancy.

(3) DWELLING, TWO-UNIT - A dwelling designed for and occupied exclusively for two-unit occupancy.

(4) DWELLING, THREE-UNIT - A dwelling designed for and occupied exclusively for three-unit occupancy.

(5) DWELLING, MORE THAN THREE UNITS - A dwelling designed or used for occupancy of three or more units, living independently of each other.

EMERGENCY SERVICES — Facilities of the public organizations that respond to and deal with emergencies when they occur, especially those that provide police, ambulance, and firefighting services.

ENGINEERED SOIL — A human-made substrate mixing soil with crushed stone, sands, etc., to increase permeability and withstand compaction whilst retaining porosity.

ERECTED — Includes built, affixed, hung, placed, suspended, attached, constructed, altered,

reconstructed, moved upon or any physical operations on the premises which are required, and the like shall be considered a part of erection as will the painting of wall signs.

ESSENTIAL SERVICES — The erection or maintenance by public utilities or municipal departments of underground, surface or overhead energy, water, waste, communications systems, or cellular service. May include gas, electric, steam, fuel or water transmission or distribution system collection; or communication, supply, or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety and welfare. Does not include buildings.

EXCAVATION — Any breaking of ground, except common household gardening and ground care.

EXEMPT ANTENNA OR TOWER — An antenna or tower exempted from the requirements of the Telecommunications Towers Article of this chapter[1] pursuant to the provisions of that article.

FACADE — The entire area of a building exterior, extending from the roof or parapet to the ground, and from one corner of the building to another, but does not include any structure or nonstructural elements which extend beyond the roof.

FENCE — A constructed barrier of wood, masonry, stone, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas on a lot of land or portion thereof.

FITNESS CENTER — A facility equipped for physical exercise, instruction, or relaxation services.

FLOOR AREA, GROSS (GFA) — Total area of all floors of a building, measured from the outside face of the exterior walls, without deduction for mezzanines, stairways, closets, thickness of interior walls, columns, or other features.

FUEL/CONVENIENCE STATION — Any area of land, including structures thereon, that is used for the sale of gasoline, oil or other motor vehicle fuel, and may include a convenience store and/or restaurant, excluding towing and automobile service. Autobody repair, auto repair, vehicle sales/rental/storage shall not be deemed permissible accessory uses of a fuel/ convenience station.

FUNERAL HOME — A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. Funeral homes do not include crematories.

GEOTHERMAL ENERGY SYSTEM — Equipment for the collection of geothermal energy or its conversion to electrical energy.

GEOTHERMAL, ACCESSORY — Any geothermal energy system that is an accessory use or accessory structure.

HEALTHCARE FACILITY — Any establishment that provides preventative, diagnostic, therapeutic, or rehabilitative health services to individuals.

BUILDING HEIGHT -- The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

HEIGHT, TOWER OR ANTENNA — When referring to a tower or other antenna, the distance measured from the ground level grade on which the tower or structure is located to the highest point on the tower or structure, including the base pad and any antenna.

HOME OCCUPATION, MAJOR — A use which is clearly incidental to the use of the dwelling unit as a place of residence that is conducted primarily within a dwelling unit or its accessory building(s) or where office activities are conducted within the dwelling or accessory building. A major home occupation is distinguished by the ability to perform services on-site, serve customers on-site, and have up to one person other than the resident engaged in the occupation.

HOME OCCUPATION, MINOR — A use which is clearly incidental to the use of the dwelling unit as a place of residence that is conducted primarily within a dwelling unit or its accessory building(s) or where office activities are conducted within the dwelling or accessory building. A minor home occupation is distinguished by having no persons other than the resident of the property engaged in the occupation.

HOTEL/MOTEL— A commercial facility providing transient lodging containing more than 12 units and where the customary uses, such as restaurant facilities, meeting rooms, recreation facilities, playgrounds, game rooms, snack bars, shared kitchens, and leisure rooms, are provided for use by the lodger and/or the general public.

IMPERVIOUS SURFACE — Any hard-surface, man-made area that does not readily absorb or retain water.

INN — A commercial facility, resembling traditional residential character with common access, providing transient lodging and meals, which is characterized by common dining facilities and leisure rooms available for use by lodgers and limited general public with no more than 12 guest rooms.

LOT — A single tax parcel occupied or designed to be occupied by structures or uses together with such setbacks and open spaces as are required by this chapter.

(1) LOT AREA — The total horizontal area within the lot lines of the lot.

(2) LOT COVERAGE — The percent of the lot occupied by impervious surfaces.

(3) LOT DEPTH — The average horizontal distance between the front and rear lot lines.

(4) LOT WIDTH — The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.

LOT LINES — The lines bounding a lot as defined herein:

(1) FRONT LOT LINE — In the case of a lot adjacent to only one street, the line separating such lot from such street. In the case of a lot that is adjacent to more than one street, the owner may request any street lot line as the front lot line.

(2) REAR LOT LINE — The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line and wholly within the lot.

(3) SIDE LOT LINE — Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from the street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD — A platted lot, the dimensions of which are shown on a document or map on file with the Village Assessor and which parcel of land actually exists as so shown. In no case shall a portion of an original platted lot constitute a lot of record.

(1) LOT, CORNER — A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135°. A lot adjacent to a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or straight street line, extended, form an interior angle of less than 135°.

(2) LOT, INTERIOR — Any lot other than a corner lot.

(3) LOT, THROUGH — Any lot having frontage on two more or less parallel streets as distinguished from a corner lot.

MAKERSPACE/CO-WORKING SPACE — A building where multiple tenants (such as entrepreneurs, start-ups, or nonprofits) rent working space (such as desks or offices) and have the use of communal facilities to work on projects while sharing ideas, equipment, and knowledge.

MEMBERSHIP CLUB — A nonprofit association of persons who are bona fide members, which owns or leases a building or portion thereof, the use of such premises being restricted to members and their guests. Includes nonprofits registered as fraternal, social, civic, athletic, and trade clubs; excludes fraternities and sororities associated with academic institutions.

MULTI-STORY MIXED-USE — A building which contains a mix of commercial and residential uses.

MOTOR VEHICLE REPAIR — Any area of land, including structures thereon, that is used or designed to be used for the maintenance, servicing, repair or painting of vehicles, rebuilding engines or transmissions, bodywork, framework, welding, engine or motor repair, electrical work, EV battery replacement, tune-ups and all other passenger vehicle repair activities.

MOTOR VEHICLE SALES AND SERVICE — Commercial establishments primarily engaged in the retail sale, lease, or rental of new and used automobiles, trucks, motorcycles, and recreational vehicles, along with authorized maintenance and repair services. This category includes on-site servicing, such as repairs, detailing, or parts sales.

MUSEUM/GALLERY — An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

NONCONFORMING LOT — A lot of record in existence prior to the effective date of this chapter or amendments thereto which does not have the minimum area, lot width or lot depth for the district in which it is located.

NONCONFORMING STRUCTURE — A structure which was lawfully constructed, converted or enlarged pursuant to building permits issued by the Village prior to the effective date of this chapter, or amendments thereto, and that does not conform to the regulations of the district in which it is located.

NONCONFORMING USE — A use which was lawfully established, converted or enlarged prior to the effective date of this chapter, or amendments thereto, which does not conform to the regulations of the district in which it is located.

OBJECTIONABLE LIGHT — Artificial illumination that negatively impacts a person’s health, property, or enjoyment of their surroundings.

OCCUPANT — An entity residing or doing business on a lot. In the case of a single unit residential use, the entity is the household; for residential uses with more than one unit, the entity is the property owner; for a commercial or industrial use, the entity is the business whether it be a sole proprietorship, partnership or corporation; and in the case of a not-for- profit, the entity is the corporation.

OFFICE — A building or portion thereof used primarily for conducting the affairs of a business, profession, medical or health practitioner, service, industry, or government and generally furnished with desks, tables, files, and communication equipment. No manufacturing processes, retail sales, construction, or warehousing occurs on the premises.

PARKING LOT (OFF-STREET) — A lot devoted to the temporary parking of motor vehicles defined by a boundary, with parking spaces delineated.

PARKING SPACE — An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of passageways and driveways appurtenant thereto.

PARKS and OPEN SPACES — Land uses consisting of natural areas, outdoor recreation, community gardens, or other public spaces. Parks and open spaces tend to have few structures. Examples include playgrounds, cemeteries, public squares, plazas, recreational trails, botanical gardens, zoos, athletic fields, boat launching areas, and nature preserves.

PERSONAL AGRICULTURE — The small-scale production, keeping, or maintenance of plants and animals in urban or developed areas, which may or may not be for sale, where animals are limited to ducks, rabbits, honeybees, and female chickens (hens).

PET/DOG DAY CARE — A site, building, or place designated and/or operated to provide day care for small animals commonly kept as household pets on a daily basis for a fee without boarding.

PLACE OF WORSHIP/RELIGIOUS INSTITUTION — A place for public worship, including, but not limited to, a church, synagogue or mosque, including social and administrative rooms accessory thereto.

PLANNED DEVELOPMENT — A site planned and developed as an integrated unit upon which residential, commercial, industrial or other land uses or any combination thereof may be authorized in a flexible manner so as to achieve the goals of the Village's Comprehensive Plan.

PLANNING BOARD — The Planning Board of the Village of Fayetteville.

PORCH — Any veranda, gallery, terrace, piazza, portico or similar projection from a main wall of a principal building and covered by a roof. An unenclosed porch is a porch with no side enclosures that are more than 42 inches in height other than the side of the building to which the porch is attached. A porch shall extend no more than 12 feet out from the main wall of a building.

PREMISES — A lot the boundaries of which are defined by the applicable tax parcel set forth on the Tax Maps for the Town of Manlius and Village of Fayetteville.

PRINCIPAL BUILDING — A building in which is conducted the principal use of the zoning lot upon which it is situated.

PUBLIC/CIVIC USE — Land and structures dedicated to government, educational, religious, or non-profit community services.

PUBLIC LIBRARY — A nonprofit institution established to serve a community, district, or region, usually funded through local taxes and government, and open to the general public. It provides free access to materials, information, and educational services, including books, media, internet access, and programs for all ages.

PUBLIC UTILITY — A business or service having an appropriate franchise from the State of New York, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, transportation, or communications.

REDEVELOPMENT — A project that substantially renovates and reuses a previously vacant or nearly vacant building.

RESTAURANT / BAR / CAFÉ / BREWPUB — An establishment whose principal business is the selling of unpackaged food or beverages to the customer in a ready-to-consume state, where the customer usually consumes the food or beverage on the premises. Includes microbreweries/distilleries/wineries producing less than 5,000 barrels of beer, cider, wine, liquor, and/or mead annually.

RETAIL, GARDEN CENTER — A business whose principal activity is the retail sale of plants and/or supplies to the general public for use in gardens, personal agriculture, or landscaping. The business may have outside storage or display packaged in quantities not exceeding those intended for personal use.

RETAIL, GENERAL AND SERVICE — A business selling goods, services, instruction, or food; excludes amusement, recreation, or entertainment (indoor or outdoor); automotive uses; restaurant/bar/cafe/brewpubs; day-care facilities; healthcare facilities; and offices.

REVIEWING BOARD — The Village Board of Trustees, the Zoning Board of Appeals, the Planning Board, the Historic Review Commission, or any other board, commission or agency of the Village when acting upon an application made for a special permit, site plan approval, interpretation, variance, appeal, decision, approval or other action pursuant to this chapter.

SCHOOL — Any public or private elementary or secondary school, universal prekindergarten program, an approved provider of preschool special education, any other publicly funded prekindergarten program, a school serving children in a special act school district, an approved private school for the education of students with disabilities, a state-supported school, or a state-operated school, as each is defined by the New York State Department of Education.

SETBACK — An open space on the same lot with a building, unoccupied or unobstructed by a portion of a structure from the ground upward, except as otherwise provided in this chapter.

(1) SETBACK, FRONT — An open space between the front lot line and the front line of a building extended to the side lot lines; except that if the rear setback shall face the street, it shall be considered a "front setback."

(2) SETBACK, PARKING — An open space between parked cars and the front lot line.

(3) SETBACK, PARKING & LOADING — An open space between parking lots, driveways, and commercial loading berths and the closest lot line that is adjacent to a different zone.

(4) SETBACK, REAR — An open space extending across the full width of the lot and lying between the rear lot line and the principal building(s).

(5) SETBACK, SIDE — An open space between the principal building and a side lot line and extending through from the front yard to the rear setback.

SETBACK LINE, BUILDING — A line prescribed by the zoning district regulations delineating portions of a lot into which no building or structure shall project.

SIGHT TRIANGLE — A designated triangular area at street intersections or driveways where zoning regulations prohibit obstructions such as fences, landscaping, or structures to ensure drivers have a clear, unobstructed line of sight for safe turning movements and traffic visibility.

SIGN — Any representation used to identify, advertise or promote the interests of any person or business when such sign is placed in the view of the general public out of doors or on the exterior of any building or structure, including interior and exterior window surfaces. "Representation" shall include any pictorial matter, including letters, words, symbols, emblems and insignias, and the structure or device or part thereof which displays such representation. It does not include customary window display of actual products.

(1) FREESTANDING SIGN — Any sign not attached to any part of a building, but affixed by any other means in or upon the ground.

(2) NONCONFORMING SIGN — A sign existing before the effective date of this chapter which would otherwise not be allowed under the terms of this section.

(3) A-FRAME or SANDWICH BOARD SIGN — A portable sign constructed in such a way that two sign boards connected at the top and angled so that the boards are freestanding.

(4) TEMPORARY SIGN — A sign designed or intended to be displayed for a short period of time.

(5) WINDOW SIGN — A sign which is painted or affixed on glass or other window material or placed within 12 inches of the window, but not including graphics on products as part of a customary window display of products or services rendered on the premises.

SITE PLAN — A plan, to scale, showing uses and structures proposed for a lot of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, major landscape features, and the location of proposed utility lines.

SKILLED NURSING FACILITY — An institution (or a distinct part of an institution) which is primarily engaged in providing to residents skilled nursing care and related services for residents who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons, and is not primarily for the care and treatment of mental diseases.

SOLAR ENERGY SYSTEM — A solar collector or other device or structural design feature that relies upon sunshine as an energy source and is capable of collecting, distributing, and/ or storing the sun's radiant energy.

SOLAR, ACCESSORY — Any solar energy system that is an accessory use or structure.

SPECIAL EVENTS, OUTDOOR — A celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner, involving the gathering of individuals assembled for the common purpose of attending a special event. Uses that are accessory to a residential use, including private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner are not defined as a special event.

SPECIAL USE PERMIT — an authorization of a particular land use which is permitted in a zoning local law, subject to requirements imposed by such local law to assure that the proposed use is in harmony with such local law and will not adversely affect the neighborhood if such requirements are met.

STORAGE SHED, ACCESSORY - A single structure that: (1) Is not insulated; (2) Possesses no plumbing features except for necessary pool and sauna plumbing and one hose spigot; (3) Does not exceed 12 feet in height; and (4) Has a footprint of no more than 144 square feet.

STORY — That part of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

STREET — A strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, land, drive, avenue, highway, boulevard, or any other thoroughfare.

STRUCTURE — Any object constructed, installed or placed on the land or connected to a shoreline, such as an antenna, building, sign, tank, fence, pole, pool, wind turbine, and any fixtures, additions and alterations thereto. Construction must be more than six inches above grade or in excess of 100 square feet in gross floor area or over 10 feet in height to be considered a structure. Landscaping features, driveways, and parking areas shall not constitute structures.

(1) STRUCTURE, ACCESSORY — A structure that is associated with and incidental to the principal building or use on the same lot. Accessory structures are subordinate in area, extent, or purpose to the principal building or use. An accessory structure attached to or contained within a principal structure shall be considered part of the principal structure.

(2) STRUCTURE, FRONT LINE OF — The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

(3) STRUCTURE, HEIGHT OF — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deckline of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

(4) STRUCTURE, PRINCIPAL — A structure in which is conducted the principal use of the zoning lot upon which it is situated.

(5) STRUCTURE, SECONDARY — A structure generally associated with the use of property, other than principal structure, including but not limited to the following: radio tower, television antenna, flagpole, fireplace, signs and outdoor recreation facilities such as tennis courts, swimming pools and basketball courts.

SUBDIVISION — The dividing of a lot into two or more lots.

TECHNOLOGY/RESEARCH FACILITY — Buildings or portions of buildings used primarily for scientific, medical and/or high-tech research, development, and product or equipment design activities in a setting which combines offices and laboratories and may include light manufacturing. Includes laboratories serving the medical profession by the testing and analysis of specimens submitted by physicians.

TELECOMMUNICATIONS — The transmission or reception via wire, fiber optic cable or

electromagnetic emissions of information.

TELECOMMUNICATIONS INFRASTRUCTURE — All facilities and equipment at the site of and/or running to or from the site of, an antenna necessary to the operation of the antenna including, but not limited to, cables, switches, towers, accessory buildings and structures.

TEMPORARY STRUCTURE — A structure erected for a prescribed and limited duration.

TERRACE — An open porch without a permanent roof.

THEATER — A building designed for the enactment of dramatic performances, musical performances, and/or the showing of motion pictures.

TOWER — Any structure, other than an exempt tower, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and structures used to support the related equipment.

TOWNHOUSES – At least two attached, privately owned dwellings designed or used exclusively for occupancy, connected to but separated from adjacent similarly owned unit(s), one or two of whose walls are common party walls having no door, windows or other provisions for human passage or visibility.

USE — Any activity, occupation, business, or operation carried out on a lot of land or in a structure.

(1) USE, ACCESSORY — A use that is associated with, subordinate to, and which may not be carried on independently of a principal use. An accessory use may not be accessory to another accessory use.

(2) USE, PRINCIPAL — The primary use to which the premises is devoted.

(3) USE, TEMPORARY — A use conducted upon a premises for a prescribed and limited duration.

VARIANCE, AREA — The authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of this chapter.

VARIANCE, USE — The authorization by the Zoning Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by this chapter.

VEHICLE CHARGING STATION — A location that contains the equipment that supplies electric energy for the recharging of electric vehicles.

WALK-UP WINDOW, ACCESSORY — An accessory structure or use that permits customers to receive services, obtain goods, or be entertained while remaining outside on foot.

WAREHOUSING/WHOLESALE DISTRIBUTION — Facilities characterized by extensive indoor storage, frequent heavy trucking activity, open storage of material, or nuisances, such as dust, noise and odors, but not involved in manufacturing or production.

WIND ENERGY SYSTEM — A device or structural design feature that generates energy from wind and is capable of collecting, distributing, and/or storing energy.

WIND, ACCESSORY — Any wind energy system that is an accessory use or structure.

Article XIX: Amendments; Repealer; Severability

Initiation of amendments.

A. The Village Board may from time to time on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by this chapter.

B. The Planning Board may, by resolution, propose an amendment, supplement, change or repeal of the regulations to the Village Board. Within 90 days from the time such resolution is received by the Village Board it shall be the duty of the Board to vote on such proposed amendment, except for those resolutions regarding a planned development district. Planning Board resolutions related to a PDD may be taken up at the discretion of the Village Board.

Procedures.

A. All applications for an amendment to the text of this chapter or for an amendment to the Zoning Map shall be filed with the Building & Codes Department who shall forward a copy of the same to the Planning Board.

B. Referral to Planning Board. Every such proposed amendment of text or change in the Zoning Map shall be referred to the Planning Board for report thereon before the public hearing provided herein. In recommending the adoption of any such proposed amendment, the Planning Board shall state its reasons for such recommendation, describing any condition that it believes makes the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the Comprehensive Plan of land use for the Village and would be in furtherance of the purposes set forth in this chapter. In recommending the rejection or revision of any proposed amendment, the Planning Board shall similarly state its reasons.

Hearing on proposed amendment; notice thereof.

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing in accordance with the requirements herein.

Adoption of amendment.

After the public hearing and referral to and report by the Planning Board, a majority vote of the members of the Village Board shall be required to amend this chapter, except as described in the protest petition process.

Protest petition.

If a written protest against a proposed amendment, supplement or change is presented to the Village Board, 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 at least a super majority members of the Village Board.

Repealer.

Chapter 187 of the Fayetteville Code, entitled “Zoning”, and adopted December 9, 1985, as codified

by Local Law 5 of 1985 together with all changes and amendments thereto, is hereby repealed and declared to be of no effect.

Severability.

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