

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING**

Chapter 245, ZONING

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 4-1-2002 by L.L. No. 2-2000. (This local law also repealed former Ch. 245, Zoning, adopted 3-11-1970, as amended.) Amendments noted where applicable.]

GENERAL REFERENCES

- Building construction and fire prevention -- See Ch. 102.**
- Fair housing -- See Ch. 135.**
- Flood damage prevention -- See Ch. 146.**
- Planning procedures -- See Ch. 175.**
- Signs -- See Ch. 204.**

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE I, General
Provisions**

ARTICLE I, General Provisions

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE I, General
Provisions / § 245-1. Purpose.**

§ 245-1. Purpose.

- A. The objective of this chapter is to maintain the unique character of the Village of Horseheads as primarily residential with a supporting mix of business, professional, and commercial development in select areas. This chapter is intended to provide the regulatory framework governing development and redevelopment within the municipality.
- B. The purpose of this chapter is to promote the health, safety, morals or general welfare of the community; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The size of buildings and

other structures, the percentage of lot area that may be occupied, the size of yards, the density of population and the use of buildings, structures and land for trade, industry, residence or other purposes are hereby restricted and regulated as hereinafter provided.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE II,
Terminology**

ARTICLE II, Terminology

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE II,
Terminology / § 245-2. Definitions.**

§ 245-2. Definitions.

For the purpose of this chapter, certain words and terms shall have the following meanings. Unless defined below, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

ACCESSORY BUILDING OR STRUCTURE -- A subordinate building clearly incidental to the principal building or principal use on the same lot, or declared to be accessory to permitted uses by this chapter, and used for purposes customarily incidental to those of the principal building. Examples include, but are not limited to, temporary or portable vehicle shelters of any size and the following structures when over 120 square feet in size: garages, sheds, pole barns, greenhouses, gazebos, stick-built prefabricated storage buildings.

ACCESSORY USE -- A permitted land use activity which is subordinate, incidental, and secondary to the main use permitted on the same lot.

AUTOMOBILE SERVICE STATION -- A building, structure or tract of land used for the storage and sale of gasoline, motor fuel, lubricants, accessories, supplies and any other materials related to the maintenance or equipment of automobiles or in which repairs, adjustments, maintenance or the equipping of automobiles is conducted. The term shall include, without limitation, the rendering of the following services: fueling or changing oil, water, batteries or tires; replacing fan belts, air filters or oil filters; and installing windshield wiper blades or light bulbs. The term shall not include any such establishment which renders such services or stores such materials for a single commercial or industrial establishment rather than offering such

services and materials to the public.

BED-AND-BREAKFAST -- A dwelling in which no more than four guest rooms are rented to guests, with no more than one meal served daily, and the entire service, food and lodging, is to be included in one stated price. The proprietor must reside on the premises.

BOARD OF APPEALS -- The Zoning Board of Appeals for the Village of Horseheads.

BOARD OF TRUSTEES or VILLAGE BOARD -- The governing body of the Village of Horseheads.

BUILDING -- Any structure, permanent or temporary, where space is covered or enclosed.

CORNER LOT -- A lot which has an interior angle of less than 135° at the intersection of two street lot lines. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangents to the curve at its points beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135°.

COVERAGE -- That percentage of the lot, plot or land area covered by the building area.

COVERED ENTRYWAY -- See "porch." [Added 3-11-2004 by L.L. No. 4-2004]

DECK -- An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports, which shall not be enclosed except for required open guardrail and which is unroofed except for retractable awning or other similar temporary cover. [Added 3-11-2004 by L.L. No. 4-2004]

DRIVEWAY -- Every entrance or exit used by vehicular traffic to or from lands or buildings abutting a street.

DWELLING -- Any building or other shelter containing one or more rooms, with living, cooking, sanitary, and sleeping facilities arranged for the permanent occupancy of one family and used exclusively therefor, unless otherwise permitted.

DWELLING UNIT -- A structure or part of a structure containing a room or rooms designed for human occupancy by one family and including customary kitchen facilities.

ESSENTIAL SERVICES -- The erection, construction, alteration or maintenance by public utilities or Village or other governmental agencies of underground or overhead gas, electrical or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or Village or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

FAMILY -- One or more persons occupying a dwelling unit as a single, nonprofit housekeeping unit, who are living together as a bona fide, stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family.

FRONT LOT LINE -- In the case of a lot abutting upon only one street, the line separating such lot from such street. In the case of a lot that abuts more than one street, the "front lot line" will be determined as the street contained in the mailing address for the lot.

FRONT YARD -- A yard between the front lot line and the front line of a building, excluding entranceway, extended to the side lot lines of the lot.

GARAGE, PRIVATE -- An accessory building designed or used for the storage of private motor vehicles, or other personal property, owned and used by the occupants of the building to which it is accessory.

GASOLINE STATION AND CONVENIENCE STORE -- The structure and area of land that is used for the sale of gasoline and sale of food items and other salable items found in convenience stores.

GREEN SPACE -- An area on a developed site that includes plantings, flower beds, lawn and other landscaping; maintained open space.

HEIGHT -- The height of a building is the vertical distance measured from the average elevation of the proposed grade line of the ground about the building to the mean height between the eaves and ridge for pitched roofs and to the highest part of the roof for parapet roofs.

HOME OCCUPATION -- A business, profession, occupation or trade conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

- A. Home occupations shall include, but shall not be limited to, a hairdresser, barber, doctor, lawyer, insurance agent, financial consultant, accountant, tutor, artist, author, surveyor, engineer, architect, licensed massage therapist, computer consultant, home secretary, contractor's office, custom dressmaking or tailoring, cosmetologist and desktop publishing.
- B. The occupation must be conducted by the person or persons owning and residing in the dwelling unit and no more than one additional employee, whether employed on site or off site.
- C. There shall be no external evidence of the occupation other than one sign, not exceeding four square feet in area, which shall be attached to the dwelling.

- D. A home occupation shall generate no traffic which cannot be accommodated in the existing residential driveway serving the residence and shall produce no noise, smoke, dust, odor, heat, glare or electronic disturbances beyond the lot it occupies.
- E. The amount of the entire dwelling that may be used for the conduct of the home occupation shall be no more than 25% of the living space. For purposes of this section, living space shall not include the garage, attic or cellar, and such home occupation may not be conducted in such space.

HOSPITAL -- An institution providing health services primarily for inpatients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

HOTEL -- A dwelling where rooms for 10 or more persons are offered for hire, with or without meals.

JUNKED VEHICLE -- Any vehicle not possessing a current motor vehicle registration and parked in an unenclosed area on a lot.

JUNKYARD -- An area of land, with or without buildings, primarily used for the storage, outside of a completely enclosed building, of used and discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage of two or more wrecked, abandoned or broken motor vehicles, other than in a fully enclosed building, for a period of 30 days or longer, or the major parts of two or more such vehicles, shall be deemed to make the lot a "junkyard."

LANDSCAPING -- The planting and maintenance of live plants, including trees, shrubs, ground cover, vines, grapes, flowers and other plant materials.

LOT -- A parcel of land occupied or designed to be occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this chapter and such open spaces as are arranged and designed to be used in connection with such building.

LOT DEPTH -- The mean horizontal distance between the front and rear lot lines.

LOT WIDTH -- The distance between the two side lot lines, measured at the required setback line.

MOBILE HOME -- A transportable single-family dwelling, which may be towed on its own running gear and which may be temporarily or permanently affixed to real estate, used for nontransient residential purposes and which conforms to the Department of Housing and Urban

Development Manufactured Home Construction and Safety Standards, 24 CFR Part 3280, April 1, 1993.

MOTEL -- A hotel intended primarily for transient motorists.

MULTIFAMILY DWELLING UNIT -- A building intended or designed to be occupied by three or more families living independently of one another, each dwelling unit containing complete kitchen and sanitary facilities for each family.

NONCONFORMING USE -- Any use of a building, other structure or tract of land which was lawful prior to the adoption, revision or amendment of this Zoning Law but which fails to conform to the use regulations for the district in which such use is located by reason of such adoption, revision or amendment.

NURSING OR CONVALESCENT HOME -- Any dwelling with fewer than 15 sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

ONE-FAMILY DETACHED DWELLING -- A dwelling, designed and occupied by one family, with a minimum of 750 square feet of enclosed first-floor living area.

OVERLAY ZONE -- A zoning district providing for development and use standards alternative to those permitted by the primary zoning district.

PLANNED UNIT DEVELOPMENT -- An area of at least three acres in size in one ownership designed and built as a single unit providing a street system and water and sewer facilities as necessary and used for residential or commercial or industrial purposes or some combination thereof.

PLANNING BOARD -- The Planning Board of the Village of Horseheads.

PORCH -- A roofed, open structure projecting from the outside wall of a building, the sides of which shall not be enclosed except for required open guardrail. For the purposes of this definition, a retractable awning or other similar temporary cover shall not be considered a roof. [Added 3-11-2004 by L.L. No. 4-2004]

PRIMARY ZONING DISTRICT -- The following are primary zoning districts: R-1 Single-Family Residential District; R-1A Single-Family Residential District; R-2 Two-Family Residential District; R-3 Multifamily Residential District; C-1 Neighborhood Commercial District; C-2 Hanover Commercial District; C-3 Highway Commercial District; M-1 Industrial District; P-1 Planned Unit Development District.

PRINCIPAL BUILDING -- The building in which is conducted the main or principal use of the lot on which it is located. Any building which provides sleeping quarters shall be considered a "principal building."

PRIVATE GARAGE -- See "garage, private."

PROFESSIONAL OFFICE -- A commercial use or building where personal services, as distinguished from the practice of a trade, craft, or business, are rendered by a practitioner of a learned profession (an occupation requiring special education and advanced degrees, especially in the liberal arts or sciences, and generally requiring continuing education to maintain current licensure to so practice), such as an attorney (admitted to practice law in New York State), or a licensed physician, psychologist, chiropractor, dentist, optometrist, architect, landscape architect, engineer or public accountant (all as defined or regulated by the New York State Education Law), as well as an insurance broker or salesperson (licensed by the NYS Insurance Department), and a real estate broker or salesperson (licensed by the NYS Department of State). [Amended 8-12-2004 by L.L. No. 7-2004; 8-14-2005 by L.L. No. 5-2005]

REAR LOT LINE -- That lot line which is opposite and most distant from the front lot line.

REAR YARD -- A yard between the rear lot line and the rear line of the principal building extended to the side lot lines of the lot.

ROOMING HOUSE -- A dwelling where rooms for fewer than 10 people are offered for hire, with or without meals; sometimes termed a "boardinghouse."

ROW DWELLING -- A dwelling accommodating or designed to accommodate but a single family in a single dwelling unit, the walls on two sides of which may be common with the walls of adjoining dwellings and are party or lot line walls.

SIDE LOT LINE -- That lot line which is not a front lot line or a rear lot line.

SIDE YARD -- A yard between the principal building and a side lot line and extending through from the front yard to the rear yard.

SINGLE-FAMILY DWELLING UNIT -- A building intended or designed to be occupied for residential purposes by not more than one family.

SPECIAL PERMIT or SPECIAL USE PERMIT -- A permit which when issued authorizes the lawful establishment of a special use.

SPECIAL USE -- A use which, because of its unique characteristics, requires individual consideration in each case by the Planning Board and approval by the Board of Trustees before it may be permitted in the districts enumerated in this chapter.

STRUCTURE -- See "building."

TOURIST HOME -- A rooming house primarily offering overnight accommodations for fewer than 10 transients.

TWO-FAMILY DWELLING UNIT -- A building intended or designed to be occupied for residential purposes by two families living independently of one another, each dwelling unit containing separate and complete kitchen and sanitary facilities.

YARD -- The space on a lot not occupied by a building.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE II, Terminology / § 245-3. Word usage.

§ 245-3. Word usage.

Words in the present tense include the future; the singular number includes the plural, and the plural, the singular; the word "lot" includes the word "plot;" and the word "building" includes the word "structure."

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE III, Establishment of Districts and Map

ARTICLE III, Establishment of Districts and Map

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE III, Establishment of Districts and Map / § 245-4. Enumeration of districts.

§ 245-4. Enumeration of districts.

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

- R-1 One-Family Residential District
- R-1A Single-Family Residential District
- R-2 Two-Family Residential District

R-3	Multifamily Residential District
C-1	Neighborhood Commercial District
C-2	Hanover District
C-3	Highway Commercial District
M-1	Industrial District
P-1	Planned Unit Development District
OZ-1	Professional Office Overlay Zone

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE III,
Establishment of Districts and Map / § 245-5. Zoning Map.**

§ 245-5. Zoning Map.

The location and boundaries of these districts are established as shown on the Zoning Map of the Village of Horseheads. The Zoning Map is hereby made part of this chapter, together with all future notations, references, and amendments.^{EN(1)}

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE III,
Establishment of Districts and Map / § 245-6. Designation of district boundaries.**

§ 245-6. Designation of district boundaries.

The district boundary lines are intended generally to follow the boundary lines of streets, rear boundary lines of lots along railroad rights-of-way, existing lot lines, the mean water level of streams and other waterways or Village boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street center line or other boundary line as indicated.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE III,
Establishment of Districts and Map / § 245-7. Determination of locations of
boundaries.**

§ 245-7. Determination of locations of boundaries.

In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Board of Appeals shall render its determination with respect thereto, which shall be conclusive.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE IV, District
Regulations**

ARTICLE IV, District Regulations

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE IV, District
Regulations / § 245-8. General provisions.**

§ 245-8. General provisions.

The basic regulations governing the use of land, the size of lots, yards and buildings and the bulk and coverage of permitted uses within each zoning district are established in Articles V through XV. For certain specific uses or exceptional situations, these basic regulations are supplemented by Articles XVI, XVII, and XVIII and by other provisions of this chapter.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE V, R-1
One-Family Residential District**

ARTICLE V, R-1 One-Family Residential District

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE V, R-1
One-Family Residential District / § 245-9. Purpose.**

§ 245-9. Purpose.

The purpose of the R-1 One-Family Residential District is to delineate those areas where predominantly residential development has or will be likely to occur in accordance with the Comprehensive Plan for the Village of Horseheads.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE V, R-1
One-Family Residential District / § 245-10. Permitted principal uses.**

§ 245-10. Permitted principal uses.

In the R-1 District, no building or premises shall be used and no building shall be erected or altered for other than one or more of the following permitted principal uses:

- A. One-family detached dwellings.
- B. Planned unit developments (PUD).
- C. Essential services.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE V, R-1
One-Family Residential District / § 245-11. Permitted accessory uses.**

§ 245-11. Permitted accessory uses.

The following uses shall be permitted accessory uses in the R-1 District:

- A. Private garages.
- B. Home occupations.
- C. Signs as permitted by law.
- D. Aboveground and in-ground swimming pools.

E. Other accessory uses customarily incidental to the principal use.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE V, R-1
One-Family Residential District / § 245-12. Special uses.**

§ 245-12. Special uses.

The following special uses shall be permitted only upon authorization of the Board of Trustees, after review by the Planning Board, upon finding that the use complies with the requirements of § 245-119 of this chapter:

- A. Cemeteries.
- B. Community buildings, social halls, clubs, lodges and fraternal organizations.
- C. Golf courses and public swimming pools, excluding miniature golf courses operated on a commercial basis.
- D. Essential services.
- E. Hospitals.
- F. Fire stations other than municipally owned.
- G. Bed-and-breakfasts.
- H. Libraries.
- I. Museums.
- J. Public and private schools.
- K. Churches and schools located in R-1 Districts as of October 1, 2001.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE V, R-1
One-Family Residential District / § 245-13. Minimum lot requirements.**

§ 245-13. Minimum lot requirements.

The following shall be the minimum lot requirements for uses in the R-1 District:

- A. Lot area: 7,000 square feet.
- B. Lot area per dwelling unit: 7,000 square feet.
- C. Lot width: 50 feet.
- D. Lot depth: 100 feet.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE V, R-1
One-Family Residential District / § 245-14. Minimum yard requirements.**

§ 245-14. Minimum yard requirements.

The following shall be the minimum yard requirements for uses in the R-1 District:

- A. Front: 30 feet or an average of other front yards on the block, whichever is greater.
- B. Rear: 30 feet.
- C. Side:
 - (1) One: six feet.
 - (2) Both: 12 feet.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE V, R-1
One-Family Residential District / § 245-15. Height and area restrictions.**

§ 245-15. Height and area restrictions.

- A. In the R-1 District, no building or premises of any kind shall hereafter be erected or altered so that any part thereof shall be more than 35 feet or 2 1/2 stories above ground level.
- B. In the R-1 District, a single-family dwelling shall consist of enclosed first-floor living area of at least 750 square feet.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE V, R-1
One-Family Residential District / § 245-16. Maximum lot coverage.**

§ 245-16. Maximum lot coverage.

In the R-1 District, not more than 30% of the area of any lot shall contain buildings or structures of any kind.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VI, R-1A
Single-Family Residential District**

ARTICLE VI, R-1A Single-Family Residential District

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VI, R-1A
Single-Family Residential District / § 245-17. Purpose.**

§ 245-17. Purpose.

The purpose of the R-1A Single-Family Residential District is to delineate those areas where predominantly residential development should occur with minimum density.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VI, R-1A
Single-Family Residential District / § 245-18. Permitted principal uses.**

§ 245-18. Permitted principal uses.

In the R-1A District, no building or premises shall be used and no building shall be erected or altered for other than one or more of the following permitted principal uses:

A. One-family detached dwellings.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VI, R-1A
Single-Family Residential District / § 245-19. Permitted accessory uses.**

§ 245-19. Permitted accessory uses.

The following uses shall be permitted accessory uses in the R-1A District:

- A. Private garages.
- B. Aboveground and in-ground swimming pools.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VI, R-1A
Single-Family Residential District / § 245-20. Special uses.**

§ 245-20. Special uses.

The following special uses shall be permitted only upon authorization of the Board of Trustees, after review by the Planning Board, upon finding that the use complies with the requirements of § 245-119 of this chapter:

- A. Essential services.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VI, R-1A
Single-Family Residential District / § 245-21. Minimum lot requirements.**

§ 245-21. Minimum lot requirements.

The following shall be the minimum lot requirements for uses in the R-1A District:

- A. Lot area: 13,000 square feet.
- B. Lot area per dwelling unit: 13,000 square feet.
- C. Lot width: 90 feet.
- D. Lot depth: 130 feet.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VI, R-1A
Single-Family Residential District / § 245-22. Minimum yard requirements.**

§ 245-22. Minimum yard requirements.

The following shall be the minimum yard requirements for uses in the R-1A District:

- A. Front: 40 feet or an average of other front yards on the block, whichever is greater.
- B. Rear: 40 feet.
- C. Side:
 - (1) One: 10 feet.
 - (2) Both: 25 feet.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VI, R-1A
Single-Family Residential District / § 245-23. Height and area restrictions.**

§ 245-23. Height and area restrictions.

- A. In the R-1A District, no building or premises of any kind shall hereafter be erected or altered so that any part thereof shall be more than 35 feet or two and one-half (2 1/2) stories above ground level.
- B. In the R-1A District, a single-family dwelling shall consist of enclosed first-floor living space of at least 1,000 square feet.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VI, R-1A
Single-Family Residential District / § 245-24. Maximum lot coverage.**

§ 245-24. Maximum lot coverage.

In the R-1A District, not more than 20% of the area of any lot shall contain buildings or structures of any kind.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VII, R-2
Two-Family Residential District**

ARTICLE VII, R-2 Two-Family Residential District

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VII, R-2
Two-Family Residential District / § 245-25. Purpose.**

§ 245-25. Purpose.

The purpose of the R-2 Two-Family Residential District is to upgrade the character of all residential areas in the Village by requiring standards for land use and lot and building bulk and size and providing for building types which more accurately reflect existing development.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VII, R-2
Two-Family Residential District / § 245-26. Permitted principal uses.**

§ 245-26. Permitted principal uses.

In the R-2 District, no building or premises shall be used and no building shall be erected or altered for other than one or more of the following permitted principal uses:

- A. One-family detached dwellings.
- B. Two-family dwellings.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VII, R-2
Two-Family Residential District / § 245-27. Permitted accessory uses.**

§ 245-27. Permitted accessory uses.

The following uses shall be permitted accessory uses in the R-2 District:

- A. Private garages.
- B. Home occupations
- C. Aboveground and in-ground swimming pools.

D. Signs as permitted by law.

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PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VII, R-2
Two-Family Residential District / § 245-28. Special uses.**

§ 245-28. Special uses.

The following special uses shall be permitted only upon authorization of the Board of Trustees, after review by the Planning Board, upon finding that the use complies with the requirements of § 245-119 of this chapter:

- A. Cemeteries.
- B. Community buildings, social halls, clubs, lodges and fraternal organizations.
- C. Golf courses and public swimming pools, excluding miniature golf courses operated on a commercial basis.
- D. Essential services.
- E. Hospitals.
- F. Churches.
- G. Bed-and-breakfasts.
- H. Public and private schools.
- I. Public recreational facilities.
- J. Libraries.
- K. Planned unit developments (PUD).
- L. Funeral home. [Added 3-25-2004 by L.L. No. 5-2004]

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VII, R-2
Two-Family Residential District / § 245-29. Minimum lot requirements.**

§ 245-29. Minimum lot requirements.

The following shall be the minimum lot requirements for uses in the R-2 District:

A. Single-family uses:

- (1) Lot area: 6,000 square feet.
- (2) Lot area per dwelling unit: 6,000 square feet.
- (3) Lot width: 50 feet.
- (4) Lot depth: 90 feet.

B. Two-family uses:

- (1) Lot area: 8,000 square feet.
- (2) Lot area per dwelling unit: 4,000 square feet.
- (3) Lot width: 80 feet.
- (4) Lot depth: 90 feet.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VII, R-2
Two-Family Residential District / § 245-30. Minimum yard requirements.**

§ 245-30. Minimum yard requirements.

The following shall be the minimum yard requirements for uses in the R-2 District.

A. Single-family uses:

- (1) Front: 25 feet, or an average of other front yards on the block, whichever is greater.
- (2) Rear: 30 feet.
- (3) Side:
 - (a) One: six feet.
 - (b) Both: 12 feet.

B. Two-family uses:

- (1) Front: 25 feet, or an average of other front yards on the block, whichever is greater.

- (2) Rear: 30 feet.
- (3) Side:
 - (a) One: six feet.
 - (b) Both: 12 feet.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VII, R-2
Two-Family Residential District / § 245-31. Height and area restrictions.**

§ 245-31. Height and area restrictions.

In the R-2 District, no building or premises hereafter erected or altered shall exceed the following height restrictions:

- A. Single-family: 35 feet or 2 1/2 stories.
- B. Two-family: 35 feet or 2 1/2 stories.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VII, R-2
Two-Family Residential District / § 245-32. Maximum lot coverage.**

§ 245-32. Maximum lot coverage.

In the R-2 District, the area of any lot which may contain buildings or structures of any kind shall not exceed the following:

- A. Single-family: 30%.
- B. Two-family: 30%.
- C. In the R-2 District, a single-family dwelling shall consist of enclosed living area of at least 750 square feet, and each dwelling in a two-family dwelling shall consist of enclosed living area of at least 625 square feet.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VIII, R-3
Multifamily Residential District**

ARTICLE VIII, R-3 Multifamily Residential District

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VIII, R-3 Multifamily Residential District / § 245-33. Purpose.

§ 245-33. Purpose.

The purpose of the R-3 Multifamily Residential District is to protect the integrity of residential areas by prohibiting the incursion of incompatible nonresidential uses.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VIII, R-3 Multifamily Residential District / § 245-34. Permitted principal uses.

§ 245-34. Permitted principal uses.

In the R-3 District, no building or premises shall be used and no building shall be erected or altered for other than one or more of the following permitted principal uses:

- A. One-family detached dwellings.
- B. Two-family dwellings.
- C. Multifamily dwellings.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VIII, R-3 Multifamily Residential District / § 245-35. Permitted accessory uses.

§ 245-35. Permitted accessory uses.

The following uses shall be permitted accessory uses in the R-3 District:

- A. Private garages.
- B. Home occupations.

- C. Aboveground and in-ground swimming pools.
- D. Signs as permitted by law.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VIII, R-3
Multifamily Residential District / § 245-36. Special uses.**

§ 245-36. Special uses.

The following special uses shall be permitted only upon authorization of the Board of Trustees, after review by the Planning Board, upon finding that the use complies with the requirements of § 245-119 of this chapter:

- A. Cemeteries.
- B. Community buildings, social halls, clubs, lodges and fraternal organizations.
- C. Golf courses and public swimming pools, excluding miniature golf courses operated on a commercial basis.
- D. Essential services.
- E. Hospitals.
- F. Mobile home parks.
- G. Churches and private schools located in R-3 Districts as of October 1, 2001.
- H. Bed-and-breakfasts.
- I. Public and private schools.
- J. Public recreational facilities.
- K. Libraries.
- L. Museums.
- M. Planned unit developments (PUD).

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VIII, R-3
Multifamily Residential District / § 245-37. Minimum lot requirements.**

§ 245-37. Minimum lot requirements.

The following shall be the minimum lot requirements for uses in the R-3 District:

A. Single-family uses:

- (1) Lot area: 6,000 square feet.
- (2) Lot area per dwelling unit: 6,000 square feet.
- (3) Lot width: 50 feet.
- (4) Lot depth: 90 feet.

B. Two-family uses:

- (1) Lot area: 8,000 square feet.
- (2) Lot area per dwelling unit: 4,000 square feet.
- (3) Lot width: 80 feet.
- (4) Lot depth: 90 feet.

C. Row dwellings:

- (1) Lot area: 12,000 square feet.
- (2) Lot area per dwelling unit: 3,000 square feet for an internal unit; 4,000 square feet for an end unit.
- (3) Lot width: 100 feet.
- (4) Lot depth: 90 feet.

D. Garden apartments:

- (1) Lot area: 12,000 square feet.
- (2) Lot area per dwelling unit: 3,000 square feet, and 1,000 square feet for each dwelling unit in excess of three.
- (3) Lot width: 80 feet.
- (4) Lot depth: 90 feet.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VIII, R-3
Multifamily Residential District / § 245-38. Minimum yard requirements.**

§ 245-38. Minimum yard requirements.

The following shall be the minimum yard requirements for uses in the R-3 District:

A. Single-family uses:

- (1) Front: 25 feet, or an average of other front yards on the block, whichever is greater.
- (2) Rear: 30 feet.
- (3) Side:
 - (a) One: six feet.
 - (b) Both: 12 feet.

B. Two-family uses:

- (1) Front: 25 feet or an average of other front yards on the block, whichever is greater.
- (2) Rear: 30 feet.
- (3) Side:
 - (a) One: six feet.
 - (b) Both: 12 feet.

C. Row dwellings:

- (1) Front: 20 feet, or an average of other front yards on the block, whichever is greater.
- (2) Rear: 25 feet.

D. Garden apartments:

- (1) Front: 20 feet, or an average of other front yards on the block, whichever is greater.
- (2) Rear: 25 feet.
- (3) Side:

- (a) One: 10 feet.
- (b) Both: 15 feet.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VIII, R-3
Multifamily Residential District / § 245-39. Height and area restrictions.**

§ 245-39. Height and area restrictions.

In the R-3 District, no building or premises hereafter erected or altered shall exceed the following height restrictions:

- A. Single-family: 35 feet or 2 1/2 stories.
- B. Two-family: 35 feet or 2 1/2 stories.
- C. Row dwellings: 35 feet or 2 1/2 stories.
- D. Garden apartments: 45 feet or 3 1/2 stories.
- E. In the R-3 District, a single-family dwelling shall consist of enclosed living area of at least 750 square feet, each dwelling in a two-family dwelling unit shall consist of at least 625 square feet of enclosed living area, and each dwelling in a multifamily dwelling unit shall consist of at least 600 square feet of enclosed living area.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE VIII, R-3
Multifamily Residential District / § 245-40. Maximum lot coverage.**

§ 245-40. Maximum lot coverage.

In the R-3 District, the area of any lot which may contain buildings or structures of any kind shall not exceed the following:

- A. Single-family: 30%.
- B. Two-family: 30%.
- C. Row dwellings: 50%.
- D. Garden apartments: 30%.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE IX, C-1
Neighborhood Commercial District**

ARTICLE IX, C-1 Neighborhood Commercial District

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE IX, C-1
Neighborhood Commercial District / § 245-41. Purpose.**

§ 245-41. Purpose.

The purpose of the C-1 Neighborhood Commercial District is to delineate predominantly commercial areas to serve the daily needs of surrounding residential areas.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE IX, C-1
Neighborhood Commercial District / § 245-42. Permitted principal uses.**

§ 245-42. Permitted principal uses.

In the C-1 District, no building or premises shall be used and no building shall be erected or altered for other than one or more of the following permitted principal uses:

- A. Banks.
- B. Food stores.
- C. Drug Stores.
- D. Laundries.
- E. Dry cleaners.
- F. Essential services.
- G. Barbershop/beauty shop.
- H. Retail sales.

- I. Bed-and-breakfasts.
- J. Business/professional offices.
- K. Residential: single-family, two-family, and multifamily dwellings of the minimum area required in § 245-39.
- L. Day-care centers.
- M. Funeral homes.
- N. Car washes.
- O. Churches.
- P. Convenience stores with or without gasoline dispensing.
- Q. Restaurants.
- R. Libraries.
- S. Museums.
- T. Public and private schools.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE IX, C-1
Neighborhood Commercial District / § 245-43. Permitted accessory uses.**

§ 245-43. Permitted accessory uses.

The following uses shall be permitted accessory uses in the C-1 District:

- A. Off-street parking signs.
- B. Other accessory uses customarily incidental to the permitted principal use.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE IX, C-1
Neighborhood Commercial District / § 245-44. Special uses.**

§ 245-44. Special uses.

The following special uses shall be permitted only upon authorization of the Board of Trustees,

after review by the Planning Board, upon finding that the use complies with the requirements of § 245-119 of this chapter: any other use that is not a permitted principal use, excluding manufacturing, assembly, or other industrial uses.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE IX, C-1
Neighborhood Commercial District / § 245-45. Minimum lot requirements.**

§ 245-45. Minimum lot requirements.

The following shall be the minimum lot requirements for uses in the C-1 District:

- A. Lot area: 4,000 square feet.
- B. Lot width: 40 feet.
- C. Lot depth: 90 feet.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE IX, C-1
Neighborhood Commercial District / § 245-46. Minimum yard requirements.**

§ 245-46. Minimum yard requirements.

The following shall be the minimum yard requirements for uses in the C-1 District:

- A. Front: 10 feet, or an average of other front yards on the block, whichever is greater.
- B. Rear: 25 feet.
- C. Side: none; 10 feet if provided.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE IX, C-1
Neighborhood Commercial District / § 245-47. Height restrictions.**

§ 245-47. Height restrictions.

In the C-1 District, no building or premises of any kind shall hereafter be erected or altered so that any part thereof shall be more than 35 feet or three stories above ground level.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE IX, C-1
Neighborhood Commercial District / § 245-48. Maximum lot coverage.**

§ 245-48. Maximum lot coverage.

In the C-1 District, not more than 60% of the area of any lot shall contain buildings or structures of any kind, including all roofed structures and overhangs, and shall not have less than 20% green space immediately adjacent to any road.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003]**

ARTICLE X, C-2 Hanover District [Effective 1-1-2003]

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003] / § 245-49. Purpose.**

§ 245-49. Purpose.

The purpose of the C-2 Hanover District is to:

- A. Safeguard the heritage of the Village of Horseheads by preserving and enhancing the significant elements of Hanover Square and designated adjacent areas reflecting its cultural, social, economic and architectural history and features.
- B. Maintain and develop an appropriate and harmonious setting for the architecturally and historically significant landmarks within the Village of Horseheads.
- C. Stabilize and improve property values.
- D. Foster civic beauty.
- E. Protect and enhance the Village's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry.
- F. Promote the use of the Hanover District for the education, cultural and social welfare of the

citizens of the Village and its visitors.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003] / § 245-50. Boundaries.**

§ 245-50. Boundaries.

The Hanover District encompasses the properties located within the following boundaries:

- A. North Main Street from Hanover Square to Westlake Street, both sides of the street.
- B. South Main Street from Hanover Square to Orchard Street, both sides of the street.
- C. West Franklin Street from Hanover Square to the railroad tracks at the intersection of Curns Street, both sides.
- D. Curns Street from West Franklin Street to West Broad Street, both sides.
- E. John Street from Curns Street to South Main Street, both sides
- F. West Broad Street from Curns Street to Grand Central Avenue, north side only.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003] / § 245-51. Permitted principal uses.**

§ 245-51. Permitted principal uses.

In the C-2 Hanover District, no building or premises shall be used and no building shall be erected or altered for other than one or more of the following permitted principal uses:

- A. Any retail or personal or business service establishments, such as:
 - (1) Retail stores.
 - (2) Business and professional offices.
 - (3) Restaurants.
 - (4) Banks/financial institutions.
 - (5) Barbershop/beauty shop.

When used as a commercial establishment, no lot in the C-2 District is permitted outside storage of any kind, excluding refuse receptacles.

- B. Bed-and-breakfasts.
- C. Single-family, two-family, and multifamily dwellings, including apartments, of the minimum area required by § 245-39.
- D. Fraternal organizations.
- E. Performing arts and cultural activities.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003] / § 245-52. Permitted accessory uses.**

§ 245-52. Permitted accessory uses.

The following uses shall be permitted accessory uses in the C-2 Hanover District:

- A. Off-street parking and loading.
- B. Signs as permitted by law.
- C. Other accessory uses customarily incidental to the permitted principal use.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003] / § 245-53. Special uses.**

§ 245-53. Special uses.

The following special uses shall be permitted only upon authorization of the Board of Trustees, after review by the Planning Board, upon finding that the use complies with the requirements of § 245-119 of this chapter.

- A. Governmental buildings and any other governmental use of property located in the district.

- B. Essential services.
- C. Laser car wash. [Added 5-29-2003 by L.L. No. 1-2003]

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003] / § 245-54. Minimum lot requirements.**

§ 245-54. Minimum lot requirements.

The following shall be the minimum lot requirements for uses in the C-2 Hanover District:

- A. Lot area: 4,000 square feet.
- B. Lot width: 40 feet.
- C. Lot depth: 90 feet.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003] / § 245-55. Minimum yard requirements.**

§ 245-55. Minimum yard requirements.

- A. The following shall be the minimum yard requirements for uses in the C-2 Hanover District:
 - (1) Front: 10 feet, or an average of other front yards on the block, whichever is greater.
 - (2) Rear: 25 feet.
 - (3) Side: 10 feet if provided.
- B. Those structures located in the C-2 Hanover District included on the historical designation documents from the National Register of Historic Places, whose lot lines preclude compliance with the established minimum yard requirements, shall be exempted from the minimum standards in this section. Original lot lines and original building footprint shall govern restoration, repair, and renovation, and rebuilding projects.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003] / § 245-56. Height restrictions.**

§ 245-56. Height restrictions.

In the C-2 Hanover District, no building or premises of any kind shall hereafter be erected or altered so that any part thereof shall be more than 50 feet or four stories above ground level.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003] / § 245-57. Maximum lot coverage.**

§ 245-57. Maximum lot coverage.

In the C-2 Hanover District, not more than 85% of the area of any lot shall contain buildings or structures of any kind. Structures within the historical district, defined as inclusion on the list of buildings designated on the National Register of Historic Places, are exempted from compliance with this section.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003] / § 245-58. Compliance with architectural
preservation standards.**

§ 245-58. Compliance with architectural preservation standards.

Buildings within the C-2 District shall comply with any historic architectural preservation standards established by the Village Board of Trustees.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE X, C-2
Hanover District [Effective 1-1-2003] / § 245-59. Architectural preservation
standards.**

§ 245-59. Architectural preservation standards.

(Reserved)

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XI, C-3**

Highway Commercial District

ARTICLE XI, C-3 Highway Commercial District

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XI, C-3
Highway Commercial District / § 245-60. Purpose.**

§ 245-60. Purpose.

The purpose of the C-3 Highway Commercial District is to delineate commercial areas intended to serve the needs of motorists and highway users along the major traffic corridors located within the Village.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XI, C-3
Highway Commercial District / § 245-61. Permitted principal uses.**

§ 245-61. Permitted principal uses.

In the C-3 District, no building or premises shall be used and no building shall be erected or altered for other than one or more of the following permitted principal uses:

A. Retail and personal service establishments, such as:

- (1) Retail shopping, to include department stores, grocery stores, and drug stores.
- (2) Auto, boat or mobile home sales.
- (3) Motels/hotels.
- (4) Gasoline stations.
- (5) Convenience stores with or without gasoline stations.
- (6) Eating/drinking establishments.
- (7) Banks and financial institutions.
- (8) Auto repair shops.

- (9) Personal services, including barbershops, beauty shops, dry cleaners, and Laundromats.
- (10) Essential services.
- (11) Business and professional offices.
- (12) Single-family dwellings.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XI, C-3
Highway Commercial District / § 245-62. Permitted accessory uses.**

§ 245-62. Permitted accessory uses.

The following uses shall be permitted accessory uses in the C-3 District:

- A. Off-street parking signs.
- B. Other accessory uses customarily incidental to the principal use.
- C. Flagpoles not exceeding 30 feet in height.
- D. Signs as permitted by law.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XI, C-3
Highway Commercial District / § 245-63. Special uses.**

§ 245-63. Special uses.

The following special uses shall be permitted only upon authorization of the Board of Trustees, after review by the Planning Board, upon finding that the use complies with the requirements of § 245-119 of this chapter:

- A. Commercial amusements, such as drive-in theaters, amusement centers, golf driving ranges and miniature golf.
- B. Greenhouses and plant nurseries.
- C. Fast-food establishments with drive-up window service.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /

**PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XI, C-3
Highway Commercial District / § 245-64. Minimum lot requirements.**

§ 245-64. Minimum lot requirements.

The following shall be the minimum lot requirements for uses in the C-3 District:

- A. Lot area: 10,000 square feet.
- B. Lot width: 60 feet.
- C. Lot depth: 100 feet.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XI, C-3
Highway Commercial District / § 245-65. Minimum yard requirements.**

§ 245-65. Minimum yard requirements.

The following shall be the minimum yard requirements for uses in the C-3 District:

- A. Front: 30 feet, or an average of other front yards on the block, whichever is greater.
- B. Rear: 25 feet.
- C. Side:
 - (1) One: 10 feet.
 - (2) Both: 25 feet.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XI, C-3
Highway Commercial District / § 245-66. Height restrictions.**

§ 245-66. Height restrictions.

In the C-3 District, no building of any kind shall hereafter be erected or altered so that any part thereof shall be more than 50 feet or four stories above ground level.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XI, C-3**

Highway Commercial District / § 245-67. Maximum lot coverage.

§ 245-67. Maximum lot coverage.

In the C-3 District, not more than 85% of the area of any lot shall contain buildings or structures of any kind, to include all roofed structures and overhangs. No less than 15% of any lot located in a C-3 District shall be allocated for off-street parking, sidewalks, and green space.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XII, M-1
Industrial District**

ARTICLE XII, M-1 Industrial District

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XII, M-1
Industrial District / § 245-68. Purpose.**

§ 245-68. Purpose.

The purpose of the M-1 Industrial District is to delineate areas best suited for industrial development because of location, topography, existing facilities and relationship to other land uses. Uses incompatible with industry are not to be permitted.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XII, M-1
Industrial District / § 245-69. Permitted principal uses.**

§ 245-69. Permitted principal uses.

In the M-1 District, no building or premises shall be used and no building shall be erected or altered for other than one or more of the following permitted principal uses:

- A. Any manufacturing, assembly or other industrial or research operation meeting the requirements of the performance standards of this chapter.
- B. Warehouses for enclosed storage of goods and materials, distribution plants and wholesale businesses.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XII, M-1
Industrial District / § 245-70. Permitted accessory uses.**

§ 245-70. Permitted accessory uses.

The following uses shall be permitted accessory uses in the M-1 District:

- A. Off-street parking and loading.
- B. Signs as permitted by law.
- C. Other accessory uses customarily incidental to a principal use.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XII, M-1
Industrial District / § 245-71. Special uses.**

§ 245-71. Special uses.

The following special uses shall be permitted only upon authorization of the Board of Trustees, after review by the Planning Board, upon finding that the use complies with the requirements of § 245-119 of this chapter:

- A. Large-scale industrial park development.
- B. Automobile service and repair stations.
- C. Eating and drinking establishments, restaurants, lounges and diners.
- D. Gasoline stations and convenience stores.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XII, M-1
Industrial District / § 245-72. Minimum lot requirements.**

§ 245-72. Minimum lot requirements.

The following shall be the minimum lot requirements for uses in the M-1 District:

- A. Lot area: 10,000 square feet.

- B. Lot width: 80 feet.
- C. Lot depth: 100 feet.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XII, M-1
Industrial District / § 245-73. Minimum yard requirements.**

§ 245-73. Minimum yard requirements.

The following shall be the minimum yard requirements for uses in the M-1 District:

- A. Front: 25 feet, or an average of other front yards on the block, whichever is greater.
- B. Rear: 25 feet.
- C. Side:
 - (1) One: 10 feet.
 - (2) Both: 25 feet.
 - (3) Any side yard shall be 50 feet when adjoining any residential district.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XII, M-1
Industrial District / § 245-74. Height restrictions.**

§ 245-74. Height restrictions.

In the M-1 District, no building or premises of any kind shall hereafter be erected or altered so that any part thereof shall be more than 50 feet or four stories above ground level.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XII, M-1
Industrial District / § 245-75. Maximum lot coverage and performance standards.**

§ 245-75. Maximum lot coverage and performance standards.

- A. In the M-1 District, no more than 40% of the area of any lot shall contain buildings or structures of any kind.

B. Performance standards for the M-1 District are as prescribed in § 245-124.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIII, L-I Light Industrial District [As of the effective date of this chapter, the L-I Light Industrial District is eliminated as a zoning district within the Village of Horseheads. Lots located within the eliminated L-I District and being lawfully used for light manufacturing uses on such date are hereby granted a special use permit. The conditions of such permit are that the restrictions and limitations set forth in § 245-74, Permitted principal uses; § 245-75, Permitted accessory uses; § 245-76, Size requirements; § 245-77, Off-street parking and loading; § 245-78, Enclosure and outdoor storage; § 245-79, Surfacing; § 245-80, Performance standards; § 245-81, Sign regulations; § 245-82, Landscaping of yards; and § 245-83, Site plan approval, of the eliminated Light Industrial District shall continue to apply to such lots and use.EN]

ARTICLE XIII, L-I Light Industrial District [As of the effective date of this chapter, the L-I Light Industrial District is eliminated as a zoning district within the Village of Horseheads. Lots located within the eliminated L-I District and being lawfully used for light manufacturing uses on such date are hereby granted a special use permit. The conditions of such permit are that the restrictions and limitations set forth in § 245-74, Permitted principal uses; § 245-75, Permitted accessory uses; § 245-76, Size requirements; § 245-77, Off-street parking and loading; § 245-78, Enclosure and outdoor storage; § 245-79, Surfacing; § 245-80, Performance standards; § 245-81, Sign regulations; § 245-82, Landscaping of yards; and § 245-83, Site plan approval, of the eliminated Light Industrial District shall continue to apply to such lots and use.EN(2)]

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIV, P-1 Planned Unit Development

ARTICLE XIV, P-1 Planned Unit Development

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIV, P-1

Planned Unit Development / § 245-76. Purpose.

§ 245-76. Purpose.

The purpose of planned unit development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open areas. The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and convenience both in the use and occupancy of buildings and facilities in planned groups.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIV, P-1
Planned Unit Development / § 245-77. Approval.**

§ 245-77. Approval.

Planned unit developments shall be subject to the approval of the Board of Trustees based upon a review and report by the Planning Board and after a public hearing is held by the Board of Trustees in accordance with law.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIV, P-1
Planned Unit Development / § 245-78. Regulations governing planned unit
developments.**

§ 245-78. Regulations governing planned unit developments.

- A. Minimum area. A planned unit development shall include no less than three acres of contiguous land.
- B. Open space. A minimum of 25% of planned unit site area shall be developed as public open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.
- C. Residential density. Planned unit developments shall have densities no greater than those permitted in the R-1 District.
- D. Land use. Proposed land uses shall not adversely affect surrounding development and will

not conflict with objectives and principles of any Village Comprehensive Plan.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIV, P-1
Planned Unit Development / § 245-79. Standards for reviewing planned unit
developments.**

§ 245-79. Standards for reviewing planned unit developments.

The Planning Board shall recommend approval of the planned unit development only if it finds that the planned unit development satisfies all of the following standards:

A. General standards.

- (1) The planned unit development shall be consistent with the regulations governing planned unit developments.
- (2) The planned unit development group plan shall be consistent with any Village of Horseheads Comprehensive Plan.
- (3) The planned unit development shall provide for an effective and unified treatment of the development possibilities on the project site, making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.
- (4) The planned unit development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

B. Design standards.

- (1) All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and blocks.
- (2) Individual buildings shall be related to each other in design, masses, materials, placement and connections to provide a visually and physically integrated development.
- (3) Treatment of the sides and rear of all buildings within the planned development group shall be comparable in amenity and appearance to the treatment given to street frontage of these same buildings.
- (4) The design of buildings and the parking facilities shall take advantage of the topography of the project site, where appropriate, to provide separate levels of access.
- (5) All building walls shall be so oriented as to ensure adequate light and air exposures to

the rooms within.

- (6) All buildings shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
- (7) All buildings shall be arranged so as to be accessible to emergency vehicles.

C. Landscape design standards.

- (1) Landscape treatment for plazas, roads, paths and service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.
- (2) Primary landscape treatment shall consist of shrubs, ground cover, street trees, and lighting and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to local growing conditions.
- (3) Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.
- (4) All streets bordering the project area shall be planted at appropriate intervals with street trees.
- (5) Sidewalks along streets shall be integrated into the design of the planned unit development.

D. Circulation system design standards.

- (1) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways and off-street parking and loading space.
- (2) Roads, pedestrian walks and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped.
- (3) Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- (4) Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.
- (5) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance, easily maintained and indicative of their function.

E. Parking and loading design standards.

- (1) Parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars.
- (2) Pedestrian connections between parking areas and buildings shall be via special pedestrian walkways and/or elevators.
- (3) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping and ease of access and shall be developed as an integral part of an overall site design.
- (4) Any above-grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIV, P-1
Planned Unit Development / § 245-80. Permitted principal uses.**

§ 245-80. Permitted principal uses.

In the P-1 Planned Unit Development District, no building or premises shall be used and no building shall be erected or altered for other than one or more of the following permitted principal uses:

- A. Any use subject to the provisions of § 245-76.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XV, Overlay
Zone for Professional Offices**

ARTICLE XV, Overlay Zone for Professional Offices

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XV, Overlay
Zone for Professional Offices / § 245-81. Purpose.**

§ 245-81. Purpose.

The purpose of the Professional Office Overlay Zone is to designate specific areas in which professional offices are a permitted principal use, in addition to any commercial district providing for such use. The Professional Office Overlay Zone accommodates locating professional offices in areas located near main traffic corridors and is intended to preclude the encroachment of professional offices into residential districts.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XV, Overlay Zone for Professional Offices / § 245-82. Overlay Zone requirements.

§ 245-82. Overlay Zone requirements.

- A. Parking and green space. Professional offices shall comply with the off-street parking requirements in § 245-113A(2), and green space shall be provided in any area between the curb adjacent to a public road and the parking area. No less than 20% of any professional office use lot shall be landscaped; areas used for green space may be included in this requirement.
- B. Signs. Signs are as permitted by law.
- C. Performance standards. Professional offices located in the Overlay Zone will comply with the performance standards required by § 245-124 of this chapter.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XV, Overlay Zone for Professional Offices / § 245-83. Boundaries.

§ 245-83. Boundaries.

The boundaries for the Professional Office Overlay Zone shall be by Tax Map parcel number and as identified on the official municipal Zoning Map, as follows:

- A. Southwest corner of Watkins Road and Westinghouse Road -- three parcels facing Watkins Road:

49.13-1-1

49.13-1-2

49.13-1-3

B. Northerly parcel on Miller Street Extension:

48.20-5-3

C. Parcel immediately north of Village Plaza, on east side of Westinghouse Road:

48.20-5-7.1

D. Gardner Road, south side, between Wisteria Way and Westinghouse Road:

48.20-1-1

48.20-1-58.21

48.20-1-58.22

48.20-1-59

48.20-1-58.12

E. Westinghouse Road, east side, from the Lutheran Church to Winding Way, including southeast lot on the corner:

48.20-4-75

48.20-4-76

48.20-4-77

58.08-3-42

- F. Corner of Lee Avenue and Westinghouse Road -- the northwest parcel and the southwest parcel:

58.08-3-29

58.08-6-3

- G. Sections of Westinghouse Road Corridor, both sides, from Westlake Street south to Broad Street:

58.12-2-1.1

58.12-2-1.2

58.12-2-64

58.12-2-63

58.08-6-10

58.12-1-13

58.12-1-14

- H. Grand Central Avenue, east side, from Burns Street to Route 17:

59.14-2-65

59.14-2-64

59.14-2-63

59.14-2-62

59.14-2-61

59.14-2-60

59.14-2-59

I. Parcels south of Canal Street to Route 17, between South Main Street and South Avenue:

59.18-2-1

59.18-2-2

59.18-2-3

59.18-2-4

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVI,
Bed-and-Breakfasts**

ARTICLE XVI, Bed-and-Breakfasts

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVI,
Bed-and-Breakfasts / § 245-84. Purpose.**

§ 245-84. Purpose.

The purpose of this article is to authorize and regulate the establishment and operation of bed-and-breakfasts in the Village of Horseheads and to ensure the preservation of the character, integrity and property values of surrounding areas within which such facilities are located and maintained.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVI, Bed-and-Breakfasts / § 245-85. Compliance with other provisions; classification.

§ 245-85. Compliance with other provisions; classification.

All bed-and-breakfasts shall comply with the applicable provisions of the New York State Uniform Fire Prevention and Building Code and the rules and regulations promulgated thereunder.^{EN(3)} All bed-and-breakfasts are, for the purpose of such code and this article, classified as B-2 (transient occupancy) for the purpose of construction, conversion and alteration under said code, rules and regulations.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVI, Bed-and-Breakfasts / § 245-86. Prohibited zones.

§ 245-86. Prohibited zones.

Bed-and-breakfasts are a prohibited use in the R-1A Single-Family Residential District and the M-1 Industrial District.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVI, Bed-and-Breakfasts / § 245-87. Special use permit required.

§ 245-87. Special use permit required.

- A. No bed-and-breakfast shall be established or shall operate within a residential zone without first obtaining a special use permit in accordance with the terms and conditions of this article. The applicant will submit seven copies of each of the following: an application, site plan and other supporting documentation, along with a nonrefundable application fee as shall be set by resolution of the Board of Trustees from time to time. The power to approve, approve with conditions or deny the application and site plan as required by this article is vested in the Village of Horseheads Board of Trustees after review thereof by the Village Planning Board

and other planning agencies if required by the General Municipal Law.

- B. Upon receipt of the application, site plan and application fee, the Code Enforcement Officer shall examine and review the same to determine that it is complete, adequate in all respects, and complies with the conditions of this article. After he or she has reviewed the application, site plan and other supporting documentation and determined the same to be complete in all respects, he or she shall refer the same to the Planning Board for its review and action. Simultaneously he or she shall deliver the application fee to the Village Clerk-Treasurer. The application and site plan shall contain the following information:
- (1) The name, address, and telephone number of the owner(s) and applicant if the owner is not the applicant.
 - (2) The address of the proposed bed-and-breakfast, together with its tax parcel identification number.
 - (3) The zoning district classification of the site.
 - (4) A sketch, drawn to scale, showing the floor plan of the dwelling, together with any proposed changes, renovations and additions to the same.
 - (5) A site plan showing the applicant's entire land holdings, that portion of the applicant's property under consideration, as well as all parcels and streets within 200 feet of the applicant's property and the current uses thereof. The site plan shall be drawn to scale and shall include the following information:
 - (a) The title of the drawing.
 - (b) The North point, scale and date.
 - (c) The boundaries of the project (site).
 - (d) The location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking areas, streets, retaining walls, fences and hedges.
 - (e) The location of all existing and proposed access and egress drives.
 - (f) The location, design and size of all existing and proposed signs and outdoor lighting facilities.
 - (g) The location of existing and proposed buffer and screening areas, structures and vegetation.
- C. The Planning Board and Board of Trustees may require such additional or supportive information as it deems necessary for a complete assessment of the proposed

bed-and-breakfast so as to ensure its compatibility with existing and permitted building and land uses adjacent to the site and in close proximity thereto.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVI,
Bed-and-Breakfasts / § 245-88. Conditions for permit.**

§ 245-88. Conditions for permit.

- A. The owner(s) of the bed-and-breakfast must reside in and continue to reside in the dwelling as his/her/their principal residence. The owner will provide a sworn statement certifying to such residency upon request of the Code Enforcement Officer.
- B. The parcel improved by the bed-and-breakfast shall provide or establish off-street parking spaces for the members of the owner's family residing in the dwelling unit as well as at least one parking space per room or unit for let. Further, said parking spaces shall not be established or permitted in the front yard of the site and shall be located or screened from view so as to provide minimal visual variation from the residential character of the site.
- C. Each bed-and-breakfast shall be established, maintained and operated in such a manner as will preserve and compliment the residential character and integrity of the surrounding area when the facility is established in a residential district as provided for in this chapter.
- D. The number of paying guests accommodated per night shall not exceed eight. Further, no guest shall stay for a period of time in excess of 30 consecutive days. Finally, no more than four bedrooms of a dwelling shall be occupied by paying guests.
- E. Each bedroom occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be properly installed and functioning on or near the ceiling in the room or hallway from which each bedroom rented to paying guests exits.
- F. The Code Enforcement Officer shall be given such access to the dwelling as he or she deems necessary from time to time for the purpose of making inspections to ensure compliance with all federal, state and local codes, rules and regulations, including the New York State Uniform Fire Prevention and Building Code. Such inspections may be made with or without prior notice thereof.
- G. A single exterior sign or display may be established on the site of the bed-and-breakfast. Said sign or display shall not exceed four square feet in area and shall comply with the setback requirements established by this chapter for the particular district involved. Further, said sign or display shall be as unobtrusive as reasonably possible and may be illuminated by no more

than two seventy-five-watt lightbulbs, which shall be shielded so as to prevent glare, etc.

- H. There shall be no more than one full-time-equivalent employee in addition to the owner.
- I. The bed-and-breakfast shall be maintained and operated at all times so as to comply with the New York State Uniform Fire Prevention and Building Code and the rules and regulations promulgated thereunder, as amended.
- J. The driveway entrance or exit shall not exceed 15 feet in width.
- K. The Village of Horseheads Board of Trustees shall have the right to impose and include such other and additional conditions as it may deem necessary to effectuate the purpose of this chapter.
- L. The owner shall not make any change, deviation, modification or variation from the application and site plan once and if the same is approved by the Village of Horseheads Board of Trustees without the subsequent approval of the Board of Trustees.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVI,
Bed-and-Breakfasts / § 245-89. Review procedures.**

§ 245-89. Review procedures.

Review of the site plan and application shall be in accordance with Article XIX of this chapter.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations**

ARTICLE XVII, Supplementary Lot Regulations

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-90. Existing lots.**

§ 245-90. Existing lots.

Other provisions of this chapter notwithstanding, nothing shall prohibit the use of a lot of less

than the required area for a single-family residence in any district, provided that all other provisions of this chapter are complied with, when such lot, at the time of the passage of this chapter, was held under separate ownership or lesseeship from the adjoining lots.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-91. Front yard exceptions.**

§ 245-91. Front yard exceptions.

Other provisions of this chapter notwithstanding, no building in any district need have a front yard greater in depth than the average depth of the front yards of the lots next thereto on either side, a vacant lot or a lot with a front yard greater than the minimum required depth being counted as if it were the minimum front yard for the district in which it is located, but in no case shall the front yard in any residence district be less than 10 feet in depth.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-92. Side yard exceptions.**

§ 245-92. Side yard exceptions.

Other provisions of this chapter notwithstanding, in the case of a side yard abutting a street, this side yard need not be greater than the average depth of the front yard of the lots on the same side of the street, but in no case shall the side yard in any residence district be less than six feet in depth.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-93. Transition yard requirements.**

§ 245-93. Transition yard requirements.

- A. When a residence district abuts a nonresidence district on a street line, there shall be provided in the nonresidence district for a distance of 50 feet from the district boundary line a front yard at least equal in depth to that required in the residence district.
- B. Where the side or rear yard in a residence district abuts a side or rear yard in a nonresidence district, there shall be provided along such abutting line or lines a side or rear yard at least

equal in depth to that required in the residence district. In no case, however, shall the abutting rear yard be less than 20 feet.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII, Supplementary Lot Regulations / § 245-94. Yards abutting a street line.

§ 245-94. Yards abutting a street line.

In each case where a yard abuts a street line, such yard shall be considered to be a front yard for the purposes of this chapter and shall fulfill all of the requirements of a front yard in the zoning district in which it is situated.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII, Supplementary Lot Regulations / § 245-95. Porches, entryways and decks. [Amended 3-11-2004 by L.L. No. 4-2004]

§ 245-95. Porches, entryways and decks. [Amended 3-11-2004 by L.L. No. 4-2004]

- A. In determining the percentage of lot coverage, compliance with the minimum yard requirements, or the size of yards for the purposes of this chapter, porches and decks on the side of a residence shall be considered part of the building.
- B. Notwithstanding the above, in determining the percentage of lot coverage, compliance with the minimum yard requirements, or the size of yards for the purposes of this chapter, the following structures shall not be considered a part of the building if such structures comply with the following applicable requirements:
 - (1) Unenclosed, one-story covered entryways onto the front or rear door of a residence, and decks on the front of a residence.
 - (a) Height: Such structure shall not exceed three feet in height above the highest point of any connecting roofline (the ridge).
 - (b) Depth: Such covered entryway or deck shall not extend outward more than six feet from the affected entry.
 - (c) Length: Such entryway or deck shall not extend beyond the corners of the front or front line of the residence. [Amended 8-14-2005 by L.L. No. 5-2005]
 - (d) Such entryway or deck must be kept open on all sides, excepting sides attached to

the adjoining structure, and shall not be enclosed at any time, excepting only by railings or a gate.

- (e) Such an entryway or deck is permitted by this section only if the residence would have a front or rear yard depth of at least 20 feet when taking the entryway or deck into consideration as part of the building.
 - (f) Such entryway or deck shall require the issuance of a building permit prior to construction.
- (2) Decks on the rear of a residence.
- (a) Height: Such deck shall not be more than 36 inches above the finished grade of the lot, as measured to the finished deck top.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII, Supplementary Lot Regulations / § 245-96. Fences and walls.

§ 245-96. Fences and walls.

The provisions of this chapter shall apply to fences, hedges or walls not over six feet high above the natural grade, except that any fence, hedge or wall located within the front yard setback, as listed in the zoning district regulations of this chapter, shall not exceed three feet high above the natural grade. Fences shall be placed such that the unfinished or post-side of the fence faces to the interior of the property of the person(s) erecting the fence and the finished or smooth side faces outward toward adjoining properties.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII, Supplementary Lot Regulations / § 245-97. Corner visibility.

§ 245-97. Corner visibility.

In any residence district, no structure, fence or planting over three feet in height shall be maintained on any corner lot within the triangular area formed by the lot lines along the streets to the points on such lines a distance of 30 feet from their intersection and a line connecting such points.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /

**PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-98. Projections in yards.**

§ 245-98. Projections in yards.

Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for vegetation and the ordinary projections of sills, belt courses, pilasters, leaders, chimneys, cornices, eaves and ornamental features, provided that no such projection may extend more than two feet into any required yard. Bays, including their cornices and eaves, may extend not more than two feet into any required yard, provided that the sum of such projections on any wall shall not exceed 1/3 the length of such wall. An open fire balcony or fire escape may extend not more than four feet into any required yard.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-99. Changes of size and shape of lots.**

§ 245-99. Changes of size and shape of lots.

Whenever a lot upon which stands a building or structure is changed in size or shape so that the area or yard requirements of this chapter are no longer complied with, except when such change is the result of a taking of land for a public purpose, such building shall not thereafter be used until it is altered, reconstructed or relocated so as to comply with these requirements.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-100. Multiple buildings on one lot.**

§ 245-100. Multiple buildings on one lot.

When there is more than one principal building on a lot in any district, the space between such buildings shall be no less than the sum of the side yards required or the sum of the rear and front yards, as the case may be.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-101. Stripping of topsoil.**

§ 245-101. 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.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII, Supplementary Lot Regulations / § 245-102. Abandoned cellar holes.

§ 245-102. Abandoned cellar holes.

Within one year after work on an excavation for a building has begun or within one year after a building has been destroyed or demolished, such excavation or cellar hole remaining shall be covered over or filled to the normal grade by the owner.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII, Supplementary Lot Regulations / § 245-103. Access to business or manufacturing use.

§ 245-103. Access to business or manufacturing use.

No driveway or other means of access for vehicles, other than a public street, shall be maintained or used in any residence district for the servicing of a business or manufacturing use located in a business or manufacturing district.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII, Supplementary Lot Regulations / § 245-104. Parking in front yards.

§ 245-104. Parking in front yards.

Parking in front yards, or any yard equivalent for the purposes of this chapter, is prohibited, except in an established driveway.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-105. Height regulations.**

§ 245-105. Height regulations.

- A. General application. No building or structure shall have a greater number of stories nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except as noted elsewhere in this chapter.
- B. Permitted exceptions to height regulations. Chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, grain elevators, steeples, water towers, ornamental towers or spires, communications, radio or television towers or necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter-adopted ordinances of the Village of Horseheads, provided that no tower other than a church spire or tower of a public building shall exceed the height regulations by more than 40%. No tower shall be used as a place of habitation or for tenant purposes. No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the height limitations.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-106. Yard regulations for accessory
structures.**

§ 245-106. Yard regulations for accessory structures.

- A. Unattached accessory structure in R- Districts. Accessory structures which are not attached to a principal structure may be erected in accordance with the following requirements:
 - (1) An accessory building not exceeding 12 feet in height may occupy not more than 30% of a required rear yard.
 - (2) No accessory structure shall be located within six feet of side or rear lot lines.
 - (3) No accessory structure shall be located closer to the street than the front yard setback required for a principal structure in the district in which such accessory structure may be located.
 - (4) For corner lots, the setback from the side street shall be the same for accessory buildings

as for principal buildings.

- (5) No more than one accessory building, in addition to a detached private garage, shall be permitted on a lot in a residential district.
- B. Attached accessory structures in R Districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the yard requirements of this chapter applicable to the principal building.
- C. Accessory structures in other than R-Districts. Accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be no closer to any rear property line than 10 feet.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-107. Landscaping regulations.**

§ 245-107. Landscaping regulations.

A. Unenclosed uses.

- (1) Any approved unenclosed use as may be required by this chapter to be landscaped in accordance with this subsection shall provide a fence, screen or landscaping sufficient to obscure such use from view from abutting properties lying in residential districts or from a public right-of-way.
 - (2) Plans and site design for the installation of required fences or landscaping shall be reviewed by the Planning Board prior to the issuance of a building permit for such uses as are required by this chapter to be provided with such fences or landscaping.
- B. Maintenance. Any fencing or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or deceased landscaping shall be considered a violation of this chapter.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVII,
Supplementary Lot Regulations / § 245-108. Residential driveways.**

§ 245-108. Residential driveways.

A. No person, owner of real property situated in a residential district, or contractor shall install a

driveway without first applying for and obtaining a permit.

- B. No curb cuts or openings onto a roadway shall be made for any driveway opening without first being reviewed by the Code Enforcement Officer and approved by the Director of Public Works.
- C. The maximum number of driveway openings shall be one per single-family dwelling on a lot.
- D. No driveway opening shall be closer than fifty feet to the intersection of any public roads.
- E. The angle of a driveway opening with a public road shall be as close to 90° as is practicable.
- F. The maximum width of a driveway opening shall be 20 feet, and the minimum driveway opening width shall be 10 feet.
- G. The sizes and slopes of driveway storm drains and culverts within the street right-of-way shall be specified by the Director of Public Works. The owner shall bear all costs for pipe, grating, paving, drains, culverts, and other construction materials required within the Village right-of-way.
- H. No driveway opening shall be allowed where the sight distance, in feet, in both directions is less than ten times the posted speed limit, in miles per hour. In the event that road frontage of the property specified on the application is situated such that no driveway opening may be constructed with the full maximum sight distance in both directions as required herein, the Director of Public Works may require the driveway opening to be located to allow for maximum sight distances in both directions.
- I. The owner or occupant of real property shall trim brush and maintain the property in such a way as to maintain optimal sight distances.
- J. Parking shall be permitted only in approved driveway, carport, or garage areas.
- K. Driveways which cross sidewalk areas must provide for sidewalk sections that adjoin and are of matching material to those on either side of the driveway.
- L. Driveways shall be maintained in a manner that precludes deterioration or the creation of a safety hazard.
- M. Driveways may be constructed of gravel, concrete, blacktop, masonry pavers, or other similar materials intended for such use, as approved by the Director of Public Works.

ARTICLE XVIII, Supplementary Use Regulations

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVIII,
Supplementary Use Regulations / § 245-109. Multiple dwellings.**

§ 245-109. Multiple dwellings.

A. Site plan specifications.

- (1) Applications for building permits for multiple residential dwellings and residential planned unit developments, such as apartments and subdivisions, shall require the submission of a site development plan in accordance with Article XIX, Special Uses and Site Plan Review.
- (2) Before approving the site plan, the Planning Board shall make findings with respect to the following:
 - (a) Traffic access: that all proposed site traffic accessways are adequate but not excessive in number, adequate in grade, width, alignment and visibility and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.
 - (b) Circulation and parking: that the interior circulation system is adequate and that all required parking spaces are provided and are easily accessible.
 - (c) Allocation of usable open space: that, in accordance with the spirit and intent of this chapter, wherever possible, usable open space is allocated in such a way as to ensure the safety and welfare of residents.
 - (d) Arrangement of buildings: that adequate provision has been made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two exterior exposures. Laundry facilities, including washing machines and clothes dryers, shall be available on the premises for use by all occupants of the premises. Exterior clotheslines shall not be permitted.
 - (e) Proper landscaping: that the proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening and buffer zones may be required. No certificate of occupancy shall be issued for any such building or buildings unless the same

conforms in all respects to such site plan and unless all facilities included in the site plan have been in accordance therewith.

- B. Supplemental controls. In reviewing the proposed site plan for one or more multiple-family structures, the Planning Board will be guided by the following regulations:
- (1) Maximum length of rows. The maximum length of any group of attached structures shall not exceed 150 feet. A building group may not be so arranged as to be inaccessible by emergency vehicles.
 - (2) Distance between buildings.
 - (a) The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.
 - (b) The side of any building shall be no closer to the side, front or rear of any other building than 30 feet.
 - (3) Distance between buildings and driveways.
 - (a) No driveway or parking lot should be closer than 25 feet to the front of any building nor 10 feet to the side or rear of any building.
 - (b) In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.
 - (4) Recreation space. There shall be provided on the site of such development an area or areas devoted to the joint recreational use of the residents thereof. Such recreation space shall consist of not less than 400 square feet of space per dwelling unit. Each such recreation space shall be developed with passive and active recreation facilities.
 - (5) Off-street parking spaces. There shall be provided on the site of such development an area or areas devoted to the storage of automobiles. One and one-half parking spaces shall be provided for each dwelling unit on the site. Parking spaces shall contain a minimum of 180 square feet per space exclusive of access drives and aisles.
 - (6) Landscaping and sidewalks. Proper landscaping shall be provided along all walks and streets, around recreation areas and along the outer property line of the site. Sidewalks shall be included in all multiple dwelling projects and residential planned unit developments.

Supplementary Use Regulations / § 245-110. Amusement centers, bowling alleys and similar places of amusement.

§ 245-110. Amusement centers, bowling alleys and similar places of amusement.

- A. Amusement centers, bowling alleys and similar places of amusement shall be conducted entirely within an enclosed structure.
- B. Off-street parking areas shall be screened from adjoining residential properties in accordance with the provisions of this chapter.
- C. A principal structure shall be not less than 50 feet from any property line.
- D. No bowling alley or roller-skating rink shall be maintained or operated within 300 feet of an entrance or exit of a public or private school, public library, church, hospital, children's home or home for the elderly or other similar public or semipublic institution.
- E. Illuminated signs and other lights shall be directed away or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.
- F. No public address system shall be permitted except where such system is inaudible at any property line.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVIII, Supplementary Use Regulations / § 245-111. Essential services.

§ 245-111. Essential services.

- A. Essential services: enclosed or permanent structures. Such uses, when in R Districts, shall be subject to the following regulations:
 - (1) Such facility shall not be located on a residential street (unless no other site is available) and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
 - (2) The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
 - (3) Adequate fences, barriers and other safety devices shall be provided.
- B. Essential services: open. Such uses shall be limited to the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground

or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signs, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Where applicable, the landscaping regulations of this chapter shall apply.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVIII, Supplementary Use Regulations / § 245-112. Drive-in eating and drinking places.

§ 245-112. Drive-in eating and drinking places.

Such businesses where persons are served in automobiles shall be not closer than 300 feet to a residential district and shall provide ingress and egress so as to minimize traffic congestion. The number and location of proposed curb cuts shall be subject to the review and approval of the Planning Board.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVIII, Supplementary Use Regulations / § 245-113. Off-street parking and loading.

§ 245-113. Off-street parking and loading.

- A. In all districts and overlay zones, in connection with every manufacturing business or institutional, recreational, residential, professional office or any other use, there shall be provided, at the time any new building or structure is erected or a principal building's use is changed, off-street parking spaces open to the public at no charge for automobiles in accordance with the requirements set forth herein.
- (1) Size and access. Each off-street parking space shall have an area of not less than 180 square feet, exclusive of access drives or aisles, and shall be of usable shape and conditions. Except in the case of dwellings, no parking area provided hereunder shall be established for fewer than three spaces.
 - (2) Number of parking spaces required. The number of off-street parking spaces required shall be as set forth in the following off-street parking schedule. In the case of any building, structure or premises the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, as

determined by the Planning Board, shall apply.

Off-Street Parking Schedule

Uses	Required Parking Spaces
Churches, schools and colleges	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater
Community buildings and social halls	1 for each 200 square feet of floor area
Hotels, motels and boarding-and rooming houses	1 for each unit or room let for rent
Manufacturing plants and research or testing laboratories	1 for each 3 employees in the maximum working shift
Restaurants, bars and nightclubs	1 for each 100 square feet of floor space
Retail stores, store groups, shops, etc.	1 for each 300 square feet of floor space
Wholesale establishments or warehouses	1 for each 2 employees in the maximum shift; the total parking area shall not be less than 25% of the building floor area
Offices, general	No requirements for the first 2,000 square feet of floor area; when in excess of 2,000 square feet: 1 space for each 600 square feet of floor area above 2,000 square feet
Doctor's offices	5 for each doctor
Single-family dwellings	1.5 for each dwelling
Multifamily dwellings	1.5 for each family or dwelling unit

(3) Handicapped parking spaces. The requirements of off-street parking spaces for the

handicapped as provided in the Vehicle and Traffic Law of New York State shall be complied with.

B. Off-street loading.

- (1) In any district, in connection with every building or building group or part thereof hereafter erected and having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing or commercial uses or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:
 - (a) Four thousand to 50,000 square feet: one space.
 - (b) For each additional 100,000 square feet: one space.
- (2) The loading berth required in each instance shall be not less than 12 feet in width, 25 feet in length and 14 feet in height and may occupy all or any part of a side or rear yard.

C. C-2 District exception. Commercial uses located in the C-2 Hanover District may consider municipal parking lots located within 100 yards of the business as satisfying the requirement for off-street parking spaces.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVIII, Supplementary Use Regulations / § 245-114. Gasoline service stations.

§ 245-114. Gasoline service stations.

- A. Location of exits and entrances. No gasoline service station or automobile repair shop shall have an entrance or exit for vehicles within 300 feet, as measured along the street, of any public playground, church, chapel, convent, hospital, public library or any residential district. Such access shall be not closer to any intersection than 30 feet.
- B. Location of hydraulic lifts. All hydraulic lifts shall be located within an enclosed structure and shall be located no closer than 50 feet to any property line.
- C. Gasoline pumps. Gasoline service stations shall have their gasoline pumps, including other service facilities, set back at least 30 feet from any street line.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVIII,

Supplementary Use Regulations / § 245-115. Parking of recreational vehicles, commercial motor vehicles and trailers in residential districts. [Added 7-11-2002 by L.L. No. 4-2002]

§ 245-115. Parking of recreational vehicles, commercial motor vehicles and trailers in residential districts. [Added 7-11-2002 by L.L. No. 4-2002]

A. Definitions. For the purposes of this section, certain terms used herein are defined below. All other words and phrases shall be interpreted so as to give them the meaning they have in common usage and to give this section the most reasonable application.

- (1) The following words shall have the meanings ascribed to them by the Vehicle and Traffic Law of New York State as amended from time to time:
 - (a) Bus.
 - (b) House coach.
 - (c) Truck.
 - (d) Farm or agricultural truck or vehicle.
 - (e) Tractor.
 - (f) Trailer.
 - (g) Semitrailer.
 - (h) Omnibus.
 - (i) Tow truck.
 - (j) Park.
 - (k) Person.
 - (l) Vessel.
 - (m) Motor vehicle, except that the definition shall include snowmobiles, all-terrain vehicles, farm-type tractors, farm equipment, and self-propelled caterpillar or crawler-type equipment.
- (2) COMMERCIAL MOTOR VEHICLE -- Every motor vehicle or combination of motor vehicles designed, maintained and used in commerce primarily for the transportation of property and having a carrying capacity of greater than one ton as indicated on the

registration documents for said vehicle.

- (3) EMERGENCY AND MUNICIPAL VEHICLES -- Vehicles owned or operated by a government or municipality or exclusively used to provide a governmental function. This shall include but not be limited to the following municipal vehicles: fire vehicles, police vehicles, highway, sanitation and public works vehicles, emergency response vehicles, and vehicles of an agent of a municipality, provided that such agent's vehicles are then engaged in official municipal business.
- (4) ESTABLISHED DRIVEWAY -- A driveway which exists and is in use as of the date of enactment of this section, or a driveway thereafter established in accordance with Village Code § 245-108.
- (5) RESIDENTIAL DISTRICT -- Those zoning districts of Chapter 245 of the Village Code, Zoning, designated as R-1 One-Family Residential District, R-1A Single-Family Residential District; R-2 Two-Family Residential District; or R-3 Multifamily Residential District.

B. Parking prohibitions.

- (1) No person shall park or store, nor shall the owner of a lot permit the parking or storage of, a bus, house coach, trailer, farm or agricultural truck or vehicle, tractor, semitrailer, omnibus, tow truck, commercial motor vehicle or vessel in the front yard of a lot in a residential district unless same is parked or stored on an established driveway and further that same is parked or stored at least 15 feet from the intersection of said driveway with the improved public road surface.
- (2) No person shall park or store, nor shall the owner of a lot permit the parking or storage of, an automobile or truck having a maximum carrying capacity of one ton or less as indicated on the vehicle's registration documents in the front yard of a lot in a residential district excepting only on an established driveway.

C. Vehicles specifically exempted. Emergency and municipal vehicles are exempt from the prohibitions of this section.

D. Violation. Violation of this section shall be punishable by fine or imprisonment or both as prescribed by the General Penalty Chapter of the Village Code.^{EN(4)} Each separate violation shall constitute a separate additional offense.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVIII, Supplementary Use Regulations / § 245-116. Mobile homes.

§ 245-116. Mobile homes.

- A. Construction trailers may be permitted on construction sites upon approval of the Code Enforcement Officer.
- B. No mobile dwelling designated for year-round occupancy and designed for human habitation shall be stored or parked in the Village, except that such mobile dwelling may be located within mobile home parks, provided they meet all other state and local requirements.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVIII, Supplementary Use Regulations / § 245-117. Swimming pools.

§ 245-117. Swimming pools.

- A. Definition. A "swimming pool" is any body of water or receptacle for water having a depth at any point greater than six inches and a capacity of 1,000 gallons or more, used or intended to be used for human swimming, bathing or wading, and installed in, on or above the ground within the Village of Horseheads.
- B. Permit. No swimming pool shall be constructed, built, erected or maintained without a building permit having been issued therefor.
- C. Plot plan. Each application for a building permit to construct, erect, build or maintain a swimming pool shall be accompanied by a plot plan indicating the location and distance to lot lines and whether it is to be at ground level or above.
- D. Location. Any swimming pool in a residential district shall be located only in the rear yard and shall be installed or maintained not closer than three feet to any boundary line of the premises, except that, should such requirement prove to be a hardship to the owner thereof, application may be made to the Zoning Board of Appeals for a variance thereof, and the Zoning Board of Appeals is hereby vested with the authority to hear and determine such matter and to grant such variance as, in its discretion, shall be deemed necessary. Any swimming pool constructed, installed or maintained prior to February 16, 1965, is exempt from the provisions of this section; provided, however, that, should it be moved or reinstalled in another location, the same shall comply with the terms hereof.
- E. Lights. Lights, if any, at any swimming pool shall be so arranged as not to be a nuisance or an annoyance to neighbors.
- F. Water connections. There shall be no physical connection between a potable public or private

water supply system at a point below the maximum flow line of the pool, or to a recirculating or heating system of a pool, unless such physical connection is so installed and operated that no pool water can be discharged or siphoned into such water supply system.

- G. Permits and fees. All applications for a permit for water connection and filling of such swimming pool shall be made to the Village Clerk, who is hereby authorized to issue such permit in the name of the Board of Trustees, subject to the terms hereof, upon obtaining a fee for the same in an amount as set by resolution of the Board of Trustees from time to time. Such permit shall be issued upon receipt of notification from the Code Enforcement Officer that the erection or installation of the pool is complete and has been inspected.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XVIII, Supplementary Use Regulations / § 245-118. Miscellaneous uses.

§ 245-118. Miscellaneous uses.

- A. Extraction of stone, sand and gravel. Extractive operations shall not be permitted.
- B. Outdoor storage areas. Such uses shall not be located within 200 feet of the nearest residential district, and the operation thereof shall be governed by the following provisions and any other conditions as may be required by the Board of Trustees to protect the public health, safety, comfort, convenience and general welfare, and especially with regard to abutting properties and the occupants thereof.
- (1) Flammable and explosive liquids. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
 - (2) Fencing and setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property. Such walls and fences shall be distant not less than 10 feet from any property line and shall be distant not less than 25 feet from any public street.
 - (3) Deposit of wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
 - (4) Other hazardous materials. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to

rodents or insects shall be stored outdoors only in closed containers.

C. Junkyards and automobile wrecking shall not be permitted.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIX, Special
Uses and Site Plan Review**

ARTICLE XIX, Special Uses and Site Plan Review

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIX, Special
Uses and Site Plan Review / § 245-119. Special use and site plan approval.**

§ 245-119. Special use and site plan approval.

- A. Special uses as enumerated in this chapter shall be permitted only upon authorization of the Board of Trustees after review by the Planning Board, provided that such uses shall be found to comply with this article and other applicable requirements set forth in this chapter.
- B. The purpose of site plan review is to determine compliance with the objectives of this chapter in those zoning districts where inappropriate development may cause a conflict between uses in the same or adjoining zoning districts by creating unhealthful or unsafe conditions and thereby adversely affecting the public health, safety and general welfare.
- C. Authorization to grant or deny site plan approval. The power to approve, approve with conditions or deny site plans, as required by this chapter, is vested in the Village Board of Trustees after review by the Planning Board. Prior to issuing a building permit or special use permit, the Code Enforcement Officer shall refer the site plan and supporting documentation of such project to the Planning Board for its review and recommendation. All site plan information and building designs shall be prepared by a New York State licensed architect or engineer. All plans shall show the seal and signature of said architect or engineer. In addition, the architect or engineer shall submit to the Village a signed affidavit that the plans for the project were prepared by said architect or engineer, or his or her employees. No building permit under a special use permit shall be issued except in accordance with the standards and procedures set forth in this chapter.
- D. Copies. All submissions required under this article shall be provided in six copies.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIX, Special
Uses and Site Plan Review / § 245-120. Preliminary application and approval.**

§ 245-120. Preliminary application and approval.

A. Preliminary application. Application for preliminary site plan approval shall be made, in writing, to the Code Enforcement Officer, who shall refer the application, when complete in all respects, to the Planning Board for its review and recommendation.

(1) All applications shall be accompanied by the following information:

- (a) A certified or notarized economic analysis of the project indicating the profit and loss of the project and including, but not limited to, the following: income, costs, rentals, taxes, market area and utilities. In addition, the applicant shall provide a full disclosure statement concerning the project.
- (b) For proposed projects exceeding \$100,000 in construction costs, documented evidence shall be provided of the applicant's financial ability to undertake and successfully complete the proposed project within the specified project construction period. Such evidence may be in the form of bank deposits, financing commitments, or the like.
- (c) An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, their ownership and uses thereon, subdivisions, streets, zoning districts, easements and adjacent buildings within 500 feet of the applicant's property.
- (d) If grades exceed 3% or portions of the site have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than two feet of elevation, with an overlay outlining the above susceptible areas, if any.
- (e) A preliminary site plan, to include the following information:
 - [1] The title of the drawing, including the name and address of the applicant.
 - [2] The North point, scale and date.
 - [3] The boundaries of the project, plotted to scale.
 - [4] Existing watercourses.
 - [5] The location of proposed land uses and their area, in acres, and the location,

proposed use and height of all buildings.

- [6] The location of all existing or proposed site improvements, including streets, drains, culverts, retaining walls, fences and easements, whether public or private.
 - [7] The location of all parking and truck loading areas with access and egress drives thereto. There shall be adequate parking spaces for each professional and his or her clientele, plus staff. Adequate off-street parking (see § 245-113) will be of significant consideration for site plan approval.
 - [8] Description of the sewage disposal and water systems and the location of such facilities.
 - [9] The location, design and size of all signs and outdoor lighting facilities.
 - [10] The location and proposed development of buffer areas and other landscaping.
 - [11] Existing vegetation.
 - [12] Existing and proposed contours at intervals of not more than two feet of elevation.
 - [13] Delineation of the various residential areas, if applicable, indicating for each such area its general extent, size and composition in terms of total number of dwelling unit types, a general description of the intended structure and a calculation of the residential density, in dwelling units per gross acre, for each such area.
 - [14] When applicable, a general description of the provision of other community facilities, such as schools, fire protection services and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
- (2) In addition, the following documentation shall accompany the preliminary site plan:
- (a) Evidence of how the developer's particular proposal or mix of land uses meets existing community needs.
 - (b) Evidence that the proposal is compatible with the goals of the Comprehensive Plan of the Village.
 - (c) If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the preliminary plan shall show the intended total project. Any project that requires more than 24 months to complete shall be staged.

- (3) The Planning Board and/or Board of Trustees may require such additional information as appears necessary for a complete assessment of the project.

B. Preliminary approval.

- (1) Within 90 days of its receipt of a certified complete preliminary site plan application from the Code Enforcement Officer, the Planning Board shall act on it. If no decision is made within said ninety-day period, the preliminary site plan shall be considered conditionally recommended for approved. The Planning Board's action shall be in the form of a written statement to the Board of Trustees, with a copy to the applicant, stating clearly its approval, or its conditional approval with the conditions enumerated, or its denial with its reasons therefor. A copy of the appropriate minutes of the Planning Board will be considered a sufficient written statement.
- (2) The Planning Board's review of a preliminary site plan shall include but is not limited to the following considerations:
 - (a) Adequacy and arrangement of vehicular traffic access and circulation.
 - (b) Adequacy and arrangement of pedestrian traffic access and circulation.
 - (c) Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (d) Location, arrangement, size and design of buildings, lighting and signs.
 - (e) Relationship of the various uses to one another and their scale.
 - (f) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between adjacent uses and adjoining lands.
 - (g) Adequacy of stormwater and sanitary waste disposal.
 - (h) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
 - (i) Any other matter which may affect the health, welfare or safety of our community as a whole or the neighborhood affected in particular.
- (3) The Planning Board's statement may include recommendations as to desirable revisions to be incorporated in the final site plan, conformance with which shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's statement shall contain the reasons for such findings. In such case, the Planning Board may recommend further study of the site plan and resubmission of the preliminary site plan to the Planning Board after it has been revised or redesigned. No modification of existing stream channels, filling of lands with a moderate to high susceptibility to

flooding, grading or removal of vegetation in areas with moderate to high susceptibility to erosion or excavation for and construction of site improvements shall begin until the developer has received preliminary site plan approval. Failure to comply shall be construed as a violation of this chapter, and, where necessary, final site plan approval may require the modification or removal of unapproved site improvements.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIX, Special Uses and Site Plan Review / § 245-121. Final application and approval.

§ 245-121. Final application and approval.

- A. Final application. After receiving conditional recommendation from the Planning Board on a preliminary site plan and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare his or her final site plan and apply, in writing, to the Code Enforcement Officer, who shall refer the application for a building permit, when complete in all respects, to the Planning Board for its review and recommendation. If the Planning Board finds that conditions have changed significantly in the interim, the Planning 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. The final site plan and application for a building permit shall conform to the approved preliminary site plan and shall incorporate any revisions or other features that may have been required by the Planning Board at the preliminary review. All compliances shall be clearly indicated by the applicant.
- B. Within 62 days of the receipt of the certified complete final site plan application from the Planning Board, the Village Board of Trustees shall hold a public hearing thereon and, within 62 days, shall render a decision to the Code Enforcement Officer.
 - (1) Upon approval, the Village Board of Trustees shall endorse its approval on a copy of the final site plan and shall forward it to the Code Enforcement Officer, who shall then issue a building permit if the project conforms to all other applicable requirements.
 - (2) Upon disapproval, the Village Board of Trustees shall so inform the Code Enforcement Officer, and he or she shall deny a building permit. The Village Board of Trustees shall also notify the applicant, in writing, of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.
 - (3) Any person, firm, or corporation applying for a special use or site plan approval shall, at the time of applying, execute a guaranty to assume all the costs of advertising. The applicant shall pay all costs, charges, and expenses of advertising and readvertising in the event of adjournments or otherwise.

- (4) If a special use or site plan approval is requested, the applicant shall send notice of the same to all property owners within 200 feet of the boundaries of the lot or lots under construction. Such notice shall be by mail and shall state the time and day of the public hearing, the relief sought, the type of use contemplated, the applicant's name and the location of the property in question. Such notices shall be mailed so as to arrive at least five days prior to the public hearing date. An affidavit of mailing shall be submitted as proof in each case.
- (5) Whenever the Village Board of Trustees, after hearing all the evidence presented upon an application under the provisions of this chapter, denies the same, the Board of Trustees shall refuse to hold further hearings on said or a substantially similar application by the same applicant or his or her successor or assignee for a period of one year, except and unless the Board of Trustees shall find and determine from the information supplied by the request for a rehearing that changed conditions have occurred relating to the promotion of public health, safety, convenience, comfort, prosperity, and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Board of Trustees and adopted by the unanimous vote of the members present, but not less than a majority of all members.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIX, Special
Uses and Site Plan Review / § 245-122. Special provisions.**

§ 245-122. Special provisions.

- A. Adequate stormwater drainage shall be provided and shall be based on a one-hundred-year rainfall frequency for interior drainage design.
- B. The storage or accumulation of refuse shall not be permitted in any area outside of a building unless containerized.
- C. Any project involving more than 20 persons which is subject to fire hazards with only one access road shall have an alternate clear accessway available for the use of emergency vehicles.
- D. All projects shall be suitably landscaped, including all the provision of vegetation of suitable species and at appropriate levels of maturity in order to screen effectively dissimilar uses from one another, both visually and acoustically, and to protect and enhance the overall quality of the environment. A landscaping plan shall be prepared by a New York State licensed landscape architect or one authorized to practice such profession and shall show his

or her seal and signature.

- E. All projects shall have landscaping equal to a minimum expenditure of 1 1/2% of the total project cost. Landscaping shall be considered as any living plant but shall not include excavating, earth moving, fill, grading or paving associated with normal requirements of building. In addition, all projects shall contain on the site artwork of a minimum expenditure of 1/2 of 1% of the total project cost. Artwork may be sculptures, gardens, fountains, pools, or other artwork approved by the Planning Board.
- F. Buildings shall be located so that the privacy of individual units is protected and so that their arrangement creates usable open green spaces, avoids monotonous, undifferentiated silhouettes and produces a satisfactory microclimate. Sidewalks shall be provided and be integrally designed so as to provide safe and convenient access between buildings and internal recreation, parking and service areas.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XIX, Special
Uses and Site Plan Review / § 245-123. Public hearing; notice.**

§ 245-123. Public hearing; notice.

Before a final site plan is approved, the proposed final site plan shall be considered by the Village Board of Trustees at a public hearing. Notice of said hearing shall be given as provided in § 245-135.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XX,
Performance Standards**

ARTICLE XX, Performance Standards

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XX,
Performance Standards / § 245-124. Applicability.**

§ 245-124. Applicability.

The following performance standards shall apply to all permitted and accessory uses within the

M-1 District and any other use, existing or proposed, which the Zoning Board of Appeals, Planning Board, Board of Trustees, or the Code Enforcement Officer has reasonable grounds to believe is violating these standards.

- A. Sound. The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.
- B. Smoke and particulate matter. All uses shall meet all requirements of the county, Village, town, state and federal air pollution standards established, now or hereafter, in the district in which the use is located. No smoke shall be emitted in any such quantity as to become a nuisance.
- C. Noise. All noise shall be muffled so as not to be objectionable beyond the lot line due to intermittence, beat frequency, or shrillness, in accordance with accepted sound-pressure levels as established by the Occupational Safety and Health Administration or similar regulatory agencies of the local, state, or federal government or such governmental bodies themselves.
- D. Vibration. An operation which creates intense earthshaking vibration, i.e., heavy drop forges or heavy hydraulic surges, shall not be discernible beyond the property lines of the industry.
- E. Radioactivity. The emission of any radiation, be it either nuclear or radio frequencies in nature, is prohibited without the approval of the Village, town, state and federal governments or agencies thereof having jurisdiction and the Chemung County Board of Health or its successor, and in no event shall there be any radiation permitted beyond the lot lines in any district.
- F. Odor. No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without the use of instruments shall be permitted.
- G. Toxic or noxious matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business shall be permitted.
- H. Glare. No direct or reflected glare shall be detectable from any residence zone boundary.
- I. Heat. No direct or reflected heat shall be detectable from any residence zone boundary.
- J. Dust and fly ash. No solid or liquid particles shall be emitted in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.
- K. Light. Exterior lighting shall be controlled so as not to become a nuisance to adjacent lots.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XXI,
Administration and Enforcement**

ARTICLE XXI, Administration and Enforcement

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XXI,
Administration and Enforcement / § 245-125. General procedure.**

§ 245-125. General procedure.

All persons desiring to undertake any new construction, structural alteration or changes in the use of a building or lot shall apply to the Code Enforcement Officer for a building permit by filling out the appropriate application form and by submitting the required fee. The Code Enforcement Officer will then either issue or refuse the building permit or refer the application to the Zoning Board of Appeals. After the building permit has been received by the applicant, he or she may proceed to undertake the action permitted in the building permit and, upon completion of such action, shall apply to the Code Enforcement Officer for a certificate of occupancy. If the Code Enforcement Officer finds that the action of the applicant has been taken in accordance with the building permit, he or she will then issue a certificate of occupancy allowing the premises to be occupied.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XXI,
Administration and Enforcement / § 245-126. Building permit types.**

§ 245-126. Building permit types.

Under the terms of this chapter, the following classes of building permits may be issued:

- A. Permitted use. A building permit for a permitted use may be issued by the Code Enforcement Officer on his or her own authority.
- B. Special uses. A building permit for a special use may be issued by the Code Enforcement Officer after Planning Board review and approval by the Village Board of Trustees.
- C. Building permit after an appeal or a request for a variance. A building permit may be issued

by the Code Enforcement Officer upon the order of the Zoning Board of Appeals and after a public hearing held by the Zoning Board of Appeals for the purpose of deciding upon the appeal or a request for variance.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XXI,
Administration and Enforcement / § 245-127. Enforcement official.**

§ 245-127. Enforcement official.

This chapter shall be enforced by the Code Enforcement Officer, who shall report to the Village Manager. No building permit or certificate of occupancy shall be issued by him or her except where all of the provisions of this chapter have been complied with.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XXI,
Administration and Enforcement / § 245-128. Building permits.**

§ 245-128. Building permits.

- A. General. No building or structure shall be erected, added to, structurally altered, nor site preparation for such building, structure, addition, or alteration (including substantial excavation) be commenced, until a permit therefor has been issued by the Code Enforcement Officer. Except upon a written order of the Zoning Board of Appeals, no such building permit or certificate of occupancy shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this chapter.
- B. Information necessary for application. There shall be submitted with all applications for building permits two copies of a layout or plot plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this chapter.
- C. Public record. One copy of such layout or plot plan shall be returned, when approved by the Code Enforcement Officer, together with such permit, to the applicant upon the payment of a fee as indicated in this article. The second copy, with a copy of each application with the accompanying plan, shall become a public record after a permit is issued or denied.
- D. Water supply and sewage disposal. All water supply and sewage disposal installation shall

conform to the New York State Department of Health regulations. No plot plan shall be approved by the Code Enforcement Officer in any zone unless such conformity is certified on the plan. Drainage affecting adjacent properties shall be considered by the Code Enforcement Officer before issuing a building permit, including possible runoffs to said properties. A drainage design to contain and control storm water drainage and runoff based upon a fifty-year rainfall frequency shall be deemed adequate.

- E. Issuance of permits. It shall be the duty of the Code Enforcement Officer to issue a building permit, provided that he or she is satisfied that the structure, building, sign, parking area of the premises and the proposed use thereof conform to all requirements of this chapter and that all other reviews and actions, if any, called for in this chapter have been complied with and all necessary approvals have been secured therefor. All building permits shall be issued in duplicate, and one copy shall be kept conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. No owner, contractor, worker or other person shall perform any building operations of any kind unless a building permit covering such operation has been displayed as required by this chapter, nor shall they perform building operations of any kind after notification of the revocation of said building permit.
- F. Permit fees. Fees for the following, as set by resolution of the Board of Trustees from time to time, shall be paid at the office of the Code Enforcement Officer, upon the filing of an application, unless said action is initiated by the Village Board of Trustees. The Code Enforcement Officer shall promptly remit said fees to the Village Clerk-Treasurer.
 - (1) A building permit for uses not requiring action by any Board of the Village.
 - (2) A building permit for uses requiring action by any Board of the Village.
 - (3) An application for interpretation of this chapter, including boundaries.
 - (4) An occupancy permit.
 - (5) An appeal for variance.
 - (6) Rehearings on applications and appeals.
 - (7) A special use permit.
 - (8) A reclassification or an amendment to this chapter.
- G. Denial of permits. When the Code Enforcement Officer is not satisfied that the applicant's proposed development will meet the requirements of this chapter, he shall refuse to issue a building permit, and the applicant may appeal to the Zoning Board of Appeals for a reversal of the Code Enforcement Officer's decision.

- H. Expiration of building permit. A building permit shall expire after one year from the date of its issuance if the applicant fails to initiate construction of the permitted improvement within that period. Further, the permit shall expire two years from the date of its issuance if the applicant fails to complete the construction of the permitted improvement. The Code Enforcement Officer may, upon written request, extend the building permit up to an additional six months and may require the applicant to provide the Village Manager with an acceptable written corrective-action plan prior to approving said request.
- I. Revocation of permits. If it shall appear, at any time, to the Code Enforcement Officer that the application or accompanying plan is in any material respect false or misleading or that work is being done upon the premises differing materially from that called for in the application filed with him or her under existing laws or ordinances, he or she may forthwith revoke the building permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to said Code Enforcement Officer. After the building permit has been revoked, the Code Enforcement Officer, in his or her discretion, before issuing the new building permit, shall require the applicant to file an indemnity bond in the favor of the Village of Horseheads, with sufficient surety conditioned for compliance with this chapter and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.
- J. Special uses. All such applications shall be accompanied by plans and such other information as may be required in this chapter.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XXI,
Administration and Enforcement / § 245-129. Certificates of occupancy.**

§ 245-129. Certificates of occupancy.

- A. General. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Code Enforcement Officer, stating that the occupancy, building, or proposed use thereof complies with the provisions of this chapter.
- B. Maintenance, renewal, change or extension of a nonconforming use. No nonconforming use shall be maintained, renewed, changed or extended without a certificate of occupancy (certificate of existing use therefor) having first been issued by the Code Enforcement Officer. No existing building or structure devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered except as follows:
 - (1) Restoration. If any nonconforming building or structure, as a result of fire, explosion or

other casualty, has less than 50% of its then-existing floor area made unsafe and/or unusable, said nonconforming building or structure may be restored, reconstructed or used as before, provided that the bulk, height and area requirements shall not be in excess of that which existed prior to said damage. Such restoration must be completed within two years of such occurrence, or the use of such building, structure or land as a legal nonconforming use shall thereafter be terminated.

- (2) Extension and displacement. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this chapter shall not be deemed the extension of such nonconforming use. No nonconforming use shall be extended to displace a conforming use.
- (3) Unsafe structures. Any nonconforming building or structure or portion thereof declared unsafe by a proper authority may be restored to a proper condition.
- (4) Alterations and repairs.
 - (a) A nonconforming building or structure for other than residential purposes may not be reconstructed or structurally altered during its life to an extent that such alterations exceed in aggregate cost 25% of the full valuation of the building or structure, exclusive of the value of land, unless said building or structure is changed to a conforming use. A nonconforming building or structure containing residential use may be altered in any way to improve interior livability, provided that no structural alteration shall be made which would increase the nonconformity with regard to the number of housing units or the bulk of the building or structure.
 - (b) Normal maintenance repairs and incidental alteration of a building or structure containing a nonconforming use shall be permitted, provided that said repairs and alterations do not extend the volume or area of space occupied by the nonconforming use.
- (5) Change of use. A nonconforming use or structure may be changed to another nonconforming use of an equal or more restricted classification, provided that no structural change, enlargement, extension or reconstruction is made.
- (6) Abandonment. The discontinuance of a nonconforming use for a period of one year and/or the change of use to a more restrictive or conforming use for any period of time shall be considered an abandonment thereof, and such nonconforming use shall not thereafter be revived. Intent to resume active operations shall not constitute continuance of a nonconforming use.
- (7) Partial destruction. If any nonconforming building or structure, as a result of fire,

explosion or other casualty, has 50% or more of its then-existing floor area destroyed, the use of such building or structure as a nonconforming use shall thereafter be terminated, and any new construction shall be in accordance with the regulations of this chapter.

- C. Application for a certificate of occupancy. All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within 10 days after the erection or alteration shall have been approved as complying with the provisions of this chapter.
- D. Record. The Code Enforcement Officer shall maintain a record of all certificates, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
- E. Application mandatory. No permit for excavation for or the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 / PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XXI, Administration and Enforcement / § 245-130. Planning Board review of applications and appeals.

§ 245-130. Planning Board review of applications and appeals.

The Planning Board shall review applications and appeals.

- A. Referral from Boards. The Board of Trustees shall refer to the Planning Board all applications for special uses, and the Zoning Board of Appeals shall so refer to the Planning Board any other applications or appeals which, in its opinion, require review by the Planning Board.
- B. Criteria for review. The Planning Board shall review such applications in accordance with applicable criteria set forth in this chapter.
- C. Report to referring Board. The Planning Board may recommend approval, disapproval or approval subject to conditions or modifications and shall report its findings to the referring Board within 30 days of receipt thereof. Such report shall state all recommended conditions and modifications and the reasons for such recommendation regarding approval or disapproval.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XXI,
Administration and Enforcement / § 245-131. Violations; penalties for offenses.**

§ 245-131. Violations; penalties for offenses.

- A. Complaints of violations. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the governing body.
- B. Penalties for offenses. Any violation of or refusal to comply with any of the provisions of this chapter shall constitute a violation of the Village Code, punishable upon conviction by the penalty set forth in Chapter 1, General Provisions, Article II, General Penalty.
- C. Procedure for abatement of violations. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter, or of any ordinance or regulation made under authority conferred hereby, the governing body or, with its approval, the Code Enforcement Officer or other proper official, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v23 Updated 12-15-2007 /
PART II GENERAL LEGISLATION / Chapter 245, ZONING / ARTICLE XXII, Zoning
Board of Appeals**

Endnotes

1 (Popup - Popup)

Editor's Note: The current Zoning Map is on file in the Village offices.

2 (Popup - Popup)

Editor's Note: The sections cited are from former Ch. 245, adopted 3-11-1970. These sections are included for reference in an appendix at the end of this chapter.

3 (Popup - Popup)

Editor's Note: See Ch. 102, Building Construction and Fire Prevention.

4 (Popup - Popup)

Editor's Note: See Ch. 1, General Provisions, Art. II, General Penalty.